

## Is RTI bringing any real change?



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During the International Right to Information Week celebrations recently, a common question in people's mind was: Is the Right to Information Act 2009 (RTI) going in the right direction? Is it contributing to systemic change in the country? Because of its topicality, we decided to make it the focus of this month's RTI column.

A good way to begin with, we thought, would be to go over decisions of the Information Commission (IC) over the last one year to check if significant changes are taking place in the number and composition of information seekers and in the nature and type of information they are seeking; whether information seekers and providers are interacting with each other more professionally; and how the IC is handling the process. The answers would show how the three key sectors of the regime – demand and supply sides and dispute adjudication system – are doing. To round up the picture, we also decided to look into government efforts to help implementation of the law.

We consulted some 252 complaints dealt with by the IC between August 2014 to August 2015, on which decisions are available. We chose the dates because we wanted to begin with the latest available decisions and go back a year. [[http://www.infocom.gov.bd/Complaints & Decisions 2014 & 2015](http://www.infocom.gov.bd/Complaints%20&%20Decisions%202014%20&%202015)].

The exercise turned out to be extremely rewarding. Belying our earlier doubts, we ended up with a feeling that significant progress is taking place and there is reason for optimism. Of course, we were also disappointed by many shortfalls that prevail.

It is not within the scope of this column to go into details of our findings. Nor is this an assessment of the work of the IC. They would require a larger exercise. What we wish to do here is highlight the positive developments as well as those that are not so. We would throw in some statistics and a few examples to provide an overall perspective and a flavour of the developments. This, combined with a brief look at government efforts to promote RTI, would provide a reasonable picture of the state of affairs.

Among more encouraging developments, the following deserve special mention:

- 1) The number of complaints to the IC and the latter's ability to deal with them professionally has increased significantly. While 324 hearings took place between 2010 and July 2014, the number was 252 in a year since then, which is an increase of 80 percent.
- 2) The geographical spread of the applicants/complainants has grown. Complaints originated from 28 of 64 districts of the country. The majority are from Dhaka (92), Satkhira (33), Kishoreganj (15), Kushtia (15), Nilphamari (10), Dinajpur (9), Comilla (9). Some also came from very remote districts. [For more, see: [www.rib-rtibangladesh.org](http://www.rib-rtibangladesh.org)] Perhaps they reflect the efficacy of awareness building efforts by government/IC and support from NGOs.
- 3) The composition of applicants/complainants has changed appreciably. While earlier, marginalised communities were predominant, they have been surpassed by the emergence of middle and educated classes. There are more social activists, journalists, educationists and other professionals among the applicants. 13 percent are women.
- 4) As for nature of applications, while the earlier predominant focus on personal issues (mainly safety-net related) is still there (45 percent), transparency and accountability related public interest issues have surged (51 percent). They include malpractices in land record management, distribution of khas (govt.) land, banking sector, educational institutions, health clinics, implementation of public contracts, police work, government audits, work of Public Service Commission, Union Councils, district administration, city corporations, water and power development board, large public sector contracts, Bapex, Rajuk, the Prime Minister's office and so on. This is an amazing transformation from the more sedate and mundane issues of the past. The fact that citizens are asking for sensitive information even from the Prime Minister's office indicates growing confidence of citizens in the system.
- 5) Faced with increased and varied complaints, the IC too has gained in confidence and expertise. It is meeting more regularly and releasing decisions more promptly, contributing to more trust in the system. The IC has sought to justify its decisions, though

there is scope for much improvement. One may not agree with all the decisions, but IC's efforts to deal with complaints of such large and varied nature more professionally deserve recognition. A heartening development is its imposition of fines on four defaulting officials in a year compared to a total of three in the previous five years. It has also awarded compensation to five indigent complainants from an indigenous community (Bagdis) to defray their costs for travel and accommodation in Dhaka. It asked the respondents to compensate because of their failure to respond timely to the applications. It also recommended administrative action against defaulting officials. This will endear the IC to ordinary applicants.

6) The emergence of a sizable number of RTI activists who regularly submit complaints to the IC is also significant. Statistics show that 99 cases (40 percent) resulted from multiple applications, mainly from activists. In 41 cases (16.2 percent), complaints were renewed for non-disclosure of information even after IC directives. It may be recalled that activists played a critical role in advancement of RTI in India. Delhi Chief Minister, Arvind Kejriwal, was an activist before turning politician.

The discouraging developments include the following:

- 1) Out of 252 cases considered, in 205 cases (80 percent), the officials concerned provided or agreed to provide information only after being summoned and directed by the IC. It shows their continuing reluctance to provide information willingly.
- 2) In 75 cases (29 percent), concerned public officials got away by denying receipt of the applications, though they were mostly sent by registered mail. If this is not checked, it will continue to hinder progress and encourage recalcitrant officials to use this escape route.
- 3) The difficulty, sometimes the impossibility, of obtaining names and particulars of designated officers (DOs) and appeal authority continue to deter applicants. This is compounded by the fact that IC too tends to believe that mistakes in addressing applications/appeals to specifically designated officials would result in rejection. Consideration to allow addressing applications to posts, rather than to persons, is seriously called for.
- 4) The frequent postponement of dates for complaint hearings due to absence mostly of government officials causes serious financial hardship and frustration to indigent/ordinary complainants. Alternative complaint hearing arrangements thus deserve serious consideration.
- 5) In 19 percent of cases, the complainants were absent at hearings, claiming they were provided the information after summons were issued on parties. This may or may not be true in all cases. It would be good to find out if cost of travel/accommodation or intimidation played any role.

6) While the IC deserves commendation for having imposed fines on four public officials and awarding compensation to five indigent complainants during the period covered, in most cases (98.5 percent), the respondents got away without any penalty. It may be recalled that the High Court Division, in a 2011 writ petition [Writ Petition 8118 of 2011 cited in CLR (HCD) 2014], took the view that such penalties are to be considered mandatory under the law. The provision is there to chastise public servants for their disobedience of the law.

Turning to government efforts, the most promising is its project titled “Connecting Government with Citizens: Strategic Plan on Implementing Right to Information Act, Bangladesh”, commenced under the leadership of the Cabinet Division. An important initiative of the project is the establishment of District Advisory Committees (DAC), composed of 15 members representing all government offices and civil society in each district. It is under various stages of implementation. But activities already undertaken appear to have contributed to spreading greater awareness among officials, as perhaps reflected in increased disclosure of information, albeit at the goading of the IC. The Cabinet Division is also providing active support to the IC and promoting publication of annual reports and adoption of proactive disclosure measures by all government offices. Such overt government support to promote RTI is quite unique in South Asia.

For space constraints, we are postponing presentation of case studies to next month's column. We would conclude by saying that if positive trends depicted above continue and negative factors are contained, the future of RTI in Bangladesh appears promising. But to rid citizens' fear of bureaucracy and erase the traditional secretive nature of bureaucratic culture, there is still a long way to go.