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RIGHT TO INFORMATION

Welcoming the new CIC



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The government deserves credit for appointing a new Chief Information Commissioner (CIC) within a month after the retirement of his predecessor. India took more than nine months to appoint a new CIC last month, and that too after some public outcry. In Pakistan, Nepal and the Maldives, three other countries in South Asia where Right to Information (RTI) laws are in operation, citizens remain wary of government efforts to stifle the law at any opportunity, including through long delays in appointing or replacing retiring CICs or other commissioners.

Fortunately, the Bangladesh government has of late taken a more positive stance towards RTI. After a reluctant beginning, the government's position changed when promoting RTI was made an integral part of its National Integration Strategy (NIS). Related to this, the Cabinet Division has recently teamed up with the Information Commission of Bangladesh (ICB) and few NGOs to develop a plan to enhance government officials' preparedness to respond to RTI applications in a timely and systematic manner.

It is indeed very encouraging that the RTI triangle, namely the demand side (civil society), the supply side (the government) and the adjudicatory body (the ICB) is so closely knit in Bangladesh. This is unique in the region. It is for citizens now to test the will of the government and mettle of the ICB.

Unfortunately, citizens are yet to rise to the occasion and play a meaningful role to take the law forward. Demands for information are yet to pour into government offices in large numbers to test the system. While in neighbouring India, an estimated six million RTI applications are made annually to public authorities, in Bangladesh, the average figure is only a fraction of that, perhaps less than one percent. Despite population differences, the gap is enormous. The number is too small to contribute to systemic change.

This must be a matter of serious retrospection for all concerned citizens. While in most other countries, governments are generally reticent to promote the law for fear of its potential to expose their inefficiencies and wrong-doings, in Bangladesh, it is citizens who seem unexcited about it.

Why should it be so? Surely, there is no dearth of citizens' grievances against government institutions.

One might ask if the same people use RTI law to fight corruption in public offices. Surely they know that corruption thrives under conditions of secrecy and a transparency law like RTI can remove the veil of such secrecy. But, most probably they do not. If they did, we would know the results.

As we have said before, often it is not the information itself which is important in RTI. Applications alone can be potent enough to make government officials more circumspect. Let's consider, for example, that some citizens submit RTI applications to public hospitals seeking disclosure of records for procurement of medical items such as needles, bandages, surgical gloves etc. What would be the outcome? The authorities may vacillate for a while but eventually the law will catch up, forcing them to respond. In one country, such an effort led to 50 percent savings of medical costs of the government. The publications of contract bids revealed rampant corruption. Couldn't our citizens make similar efforts to unearth such malpractices?

It is our hope that the new CIC will make it his priority to promote greater use of the law by citizens. Without this, the trainings that public officials received over the years in implementing the law will be meaningless. Eventually the law may fall into disuse and pass into oblivion. That will indeed be a great disaster for the nation.

The fact that the new CIC comes with a non-bureaucratic background, unlike his three predecessors, could be an added advantage at this juncture. Not that beauracrats don't make good commissioners - there are many examples to the contrary. But there are also examples of commissioners, with bureaucratic pasts, who are uneasy to take a firm position against recalcitrant bureaucrats. Citizens expect an even-handed ICB.

Another added advantage for the new CIC is that he comes with vast academic credentials, including as Chairman of the Journalism Department at Dhaka University. This is likely to help him obtain greater

cooperation from the media to publicise the values and benefits of RTI more widely. It will also be easier for him to convince them about the tremendous value of RTI for their own profession.

To enhance greater use of the law by citizens, the creation of an image of ICB as a friendly body dedicated to the advancement of people's sovereignty over state power, as foreseen in the Constitution and the RTI Act, would help a great deal. As a scholar, the CIC will understand the need in this regard to further the concept of principal-agent relationship between citizens and the state. To make this happen, the ICB will have to ensure that its actions and pronouncements promote the notion that public offices exist primarily to serve public interest. Concomitantly, where conflict of interest exists between citizens and the state, citizens' interest should prevail, unless otherwise circumscribed by law.

To earn their confidence, ICB will also have to focus on removing deep-seated cynicism of citizens about the law. People's distrust of government's commitment to openness is so wide spread that it is unlikely to go away easily. A good approach will be to apply the law in such a citizen-friendly manner that they start believing in its relevance for them.

A good first step in this regard would be to remove all impediments citizens face in submitting RTI applications. It is time that the ICB makes it clear once and for all that there is no need for citizens to address their RTI applications to specifically named designated officials (DOs). This will help ordinary citizens avoid the unnecessary hassle to find the names of DOs, which is often an impossible task with discouraging results. Addressing the applications to unnamed DOs should be enough. Unnecessary confusion in this regard over the years have caused untold harm to the advancement of RTI in Bangladesh.

An equally important measure would be to apply the sanctions of the Act to callous and errant public officials who fail to respond to applications or intentionally provide false, incomplete or evasive responses. So far the ICB has penalised only nine such offenders in six years when hundreds had qualified. It will be good to remember that imposition of penalties not only chastises disobedient officials but also encourages citizens to use the law.

It is, therefore, gratifying that in his very first appearance at a complaint hearing of the commission, the new CIC presided over the imposition of a penalty on a police officer who had not only refused to respond to a RTI application but also defied ICB's summons to attend the complaint hearing. Together with a Tk. 5000 fine, the commission recommended administrative action against him.

We congratulate the ICB for this bold action, and wish the CIC success in his new job. We hope he will find it both interesting and rewarding. Citizens expect him to lead the ICB to new heights. He has a supportive government and many activists and NGOs to back him. If we succeed together in putting this most revolutionary law of the land on a firm footing, our dream for transparent and accountable governance in Bangladesh will certainly become a reality in the not too distant future.

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