

**Daily Star, 13 April, 2016**

## **Right to Information - Is it catching on in Bangladesh?**

Shamsul Bari and Ruhi Naz

There are different ways to measure how the Right to Information (RTI) regime is working in a country. A common measure is to see if citizens' demand for information to public officials is increasing steadily. This would indicate that they are becoming more aware of the law and its importance in exercising their democratic right to monitor the work of the government and its machinery. By doing so, they also seek to ensure that public officials are transparent in their work, abide by the laws and are accountable to citizens.

Another measure is to see if public officials are becoming more alert to their duties to citizens and responding to their demand for information in a timely and courteous manner. The idea is that improvements in this regard will eventually lead to systemic change in the way they serve people.

At a different level, the progress of RTI can also be assessed from the nature of information citizens seek from public officials. They resort to the law for various reasons. They may ask for information for personal needs or grievances, like the status of their application to a government office, say for a passport or a license or for electric or gas connections or benefits under a safety-net programme, such as VGF cards, old age or maternity benefits etc. By resorting to the law, they basically convey to public officials that the days are over when they could hide behind the shield of official secrecy to deny citizens their right to know how they go about their jobs.

Beyond personal interest or grievances, citizens may also ask for information that concern welfare of their neighborhood. They may ask, for example, for information relating to repair work on a road or a bridge - when will they be completed, who are the contractors, how were they chosen etc.? This they do to check if any unfair practices are involved.

Information may also be sought on matters that affect the well-being of all citizens. For example, issues concerning the construction of a nuclear power plant - whether the necessary safety measures are in place and compliance with relevant laws has been ensured.

At a higher level, citizens may also ask for information that relate to policy matters, governance issues, legislation, performance of people's representatives and the like. Experience has shown that as people become used to RTI and understand its potential to impact governance, they learn to scale-up their demand for information, going beyond personal matters to include those that are linked to the good of the society and nation as a whole.

On these counts, how does RTI fare in Bangladesh? To answer, let us consider the indicators identified earlier. To begin with, the quantum of the use of the law by citizens is still negligible.

That people's awareness of the law is very limited is obvious from the relatively small number of information requests made to public offices, though it is increasing.

Unfortunately, there is no dependable way to know exactly how much use is being made of the RTI Act by people from different walks of life. NGO experience shows that many RTI applications from marginalised communities do not get recorded as those who obtain benefits by simply using the law do not care about receiving a formal response. Officials concerned also do not wish to record applications and may even avoid reporting them to concerned offices, as they often resort to irregular practices to dispose them off. More importantly, no dependable mechanism has yet been found to collect information from all sources. So the numbers reported by the Information Commission may not be fully correct.

There is, however, a surer way to assess qualitative progress by checking the decisions of the Bangladesh Information Commission (BIC) and analysing categories/nature of information citizens seek, which lead to complaints for denial. In this month's column, therefore, we decided to check if RTI applicants are scaling up their demand for information from more mundane personal benefit/grievance-oriented subjects to larger transparency and accountability issues, affecting collective wellbeing of society as a whole.

We looked at over 80 decisions of BIC, covering the period from October 2015 to February 2016. Our objective was limited to assessing the subjects of applications rather than analysing the decisions themselves. We reserve that for a future column.

Readers may recall that in some earlier columns we had stated that in the initial phase, the RTI Act was largely used by underprivileged and marginalised communities, helped by NGOs, to access their claims under various safety-net programs of the government. However, in the past couple of years, more and more middle class applicants have come in and begun to seek information of a more varied and multifarious nature.

Following are a few examples of information sought by RTI applicants in recent months. They are presented as bullet-points due to space limitations. Applicants wanted to know from concerned authorities:

- percentage of railway tickets reserved for VIPs, railway officials and ordinary citizens.
- amount of money allotted to a MP for development work in his constituency, the amount spent on each project, including proof of expenditure.
- list of services provided by a Upazila Health Centre with names of doctors and list of medicine distributed free, including names of recipients.
- amount of money provided by a Upazila Council to a Union Council for development work, projects undertaken and statement of accounts.
- action taken against persons involved in leaking question papers of public exams. number of primary schools in a given Upazila, number of vacant teachers' posts and teachers on leave prior to retirement (LPR).
- amount of money spent by a Cantonment Board in past four years, how much of it was provided by the government and how much from own funds.

- membership of school management committees and resolutions of their meetings.

Majority of other applications were of a similar nature. They show that citizens are increasingly asking for information, which bear on transparency and accountability of public bodies and their adherence to the laws. This forebodes well for the future of the RTI regime. But more such applications are required for systemic impact.

Before concluding, a closer look at a case study may help readers understand the appalling disdain of government officials to citizens' demand for information. The case relates to an RTI application addressed to the Officer-in-Charge of a local police station asking if an order of the High Court on a writ petition filed by the applicant had reached the police station. As the latter refused to receive the hand-delivered application, the applicant re-submitted it by registered mail. When this too yielded no response, he filed a complaint to BIC. The latter had to fix a third date for the hearing, as the respondent police official failed to appear on the first two. On the third day too, he failed to appear, though served with summons by a more secure method. So, the hearing took place in his absence. After considering all factors, BIC decided that the police officer should not only provide the information sought by the complainant but also pay a fine of Tk. 5,000 and face disciplinary action for his brazen disregard of the law.

The case highlights the attitude of many public officials who continue to believe that they are above the law and can disregard it at will. In fact, in majority of cases considered by BIC over the years, the defaulting public officials agreed to provide information only after being summoned to complaint hearings. This is a sad state of affairs and calls for serious corrective measures, including more frequent use of penalty provisions of the law.

**The writers are Chairman, Research Initiatives, Bangladesh (RIB) and Project Coordinator (RTI Section) of RIB, respectively. Email: [rib@citech-bd.com](mailto:rib@citech-bd.com).**