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Seventh anniversary of RTI in Bangladesh: Time for introspection

Authorities have no incentive to publicise and market the Right to Information Act; but that is exactly what they have to do



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You idiot. You naive, foolish, irresponsible nincompoop. There is really no description of stupidity, no matter how vivid, that is adequate. I quake at the imbecility of it."

These are not the angry ramblings of any ordinary individual. They are in fact words of the former Prime Minister of the United Kingdom, Tony Blair, addressed to himself in his memoirs while reflecting on his government's introduction of the Freedom of Information (FOI) Act. The latter is the same as our Right to Information (RTI) Act. He was lamenting his "stupidity" for steering the passage of a law that came to hound him subsequently.

The "cash-for-honours-scandal" and the investigation that followed – enabled by the FOI Act – were considered among the most stressful, disruptive and damaging episodes in Blair's premiership. Blair said of the law, "For political leaders, it's like saying to someone who is

hitting you over the head with a stick, 'Hey, try this instead', and handing them a mallet." He saw the FOI Act as a blunt instrument for use by citizens against public officials.

And yet the same Mr. Blair thought very differently about FOI when he was the leader of the opposition: "The very fact of its introduction will signal a new relationship between government and people: a relationship which sees the public as legitimate stakeholders in the running of the country and sees election to serve the public as being given on trust."

He justified his government's implementation of FOI by saying: "If a government is genuine about wanting a partnership with the people who it is governing, then the act of government itself must be seen in some sense as a shared responsibility and the government has to empower the people and give them a say in how that politics is conducted."

It is remarkable that the same law gave rise to such opposing points of view. This may be attributed to the immense power of FOI/RTI laws to affect governance issues in different ways. Mr. Blair's laments reflect the frustrations most political leaders and public officials feel at the loss of their authority to hide facts from the public because of transparency provisions of the laws.

On the other hand, his justification of the need for FOI law for the UK demonstrates its importance in the contemporary world. The steady proliferation of transparency laws globally, since the end of the Cold War, testifies to that. No other law has received so much attention in such a short time from so many countries. Out of 108 countries which have adopted the law so far, about 80 did so in the last 25 years. The Sri Lankan Parliament passed the law only last month, fulfilling a commitment of the new President to adopt measures to strengthen democracy and heal war wounds.

The words of another former Prime Minister, Manmohan Singh of India, reflect similar dichotomous views about the law. "Even as we recognise and celebrate the efficacy and the effectiveness of the Right to Information Act", he said, "we must take a critical look at . . . concerns that need to be discussed and addressed honestly." Singh's successor, Narendra Modi, also made a strong statement, albeit indirectly, when he held up the replacement of the Chief Information Commissioner of India for 11 months.

The position of such powerful leaders on FOI/RTI leads us to ask how our own Prime Minister, Sheikh Hasina, the leader of another populous democratic nation, views its application in our country. It is more so because her government steered the adoption of the law in the very first session of the new Parliament in 2009. Has she, since then, followed the implementation of the Act very closely? Does she feel strongly about its success?

Alas, little is available on record on the subject. This is surprising, as she must be aware of the tremendous possibilities that have arisen in the country for promotion of good governance through proper use of the law. Moreover, her party had pledged the adoption of an RTI Act in the election manifesto of 2008 in recognition of its immense value to promote democratic governance. Equally importantly, as an astute politician, she must be aware of the tremendous value her support would have on the success of the law.

How to explain then her seeming silence on the subject? It is unlikely she is indifferent to the subject; more likely, she is not kept informed about critical issues of its implementation.

From all indications, the bulk of our citizens, whose empowerment is the key objective of the law, are not excited by it. So, the demands for information to government offices are few and far between.

Public authorities throughout Bangladesh receive around 10,000 RTI applications annually. The figure in India is almost six million per year. Our Information Commission receives fewer than 200 complaints a year. Its counterpart in India handles some 35,000 complaints/appeals annually (and many more if figures from individual states are added). The Bangladesh figures show that the law is not catching on here.

The paucity of RTI applications to public authorities lets these authorities off the hook. Public officials are neither burdened by a huge number of applications to respond to, nor are they worried about disclosing embarrassing or sensitive information. They have little to grumble about in terms of this law, and perhaps this is why her officials feel no compulsion to keep the Prime Minister informed of the ground realities of RTI.

If matters continue this way, there is a real risk that the RTI Act may fall into disuse. While we maybe encouraged by a few positive results from a handful of RTI interventions in the country, we cannot expect any systemic change from them. Of course, these examples give hope that all is not lost and that there are a few dedicated NGOs and activists, as well as some committed public officials, to keep the RTI flame alive; but they cannot ensure continuing progress.

In celebrating the seventh anniversary of the entry of the RTI Act into force in Bangladesh this month, we must, therefore, resolve to look back and identify the challenges and impediments we have encountered over the years and work together to find ways of overcoming them. While citizens must bear the bulk of the responsibility because of their pivotal role in making use of the law, the government and the Information Commission must also help, particularly to propagate and facilitate the use of the law by citizens.

In next month's column, we will focus on the role of the Information Commission in steering implementation of the RTI Act. We shall subsequently take a look at some promising recent initiatives of the Cabinet Division of the government in this regard.

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