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# **The right to ask for information and the obligation to provide it**

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Arunendu works for the Rangamati Hill District Council in the Chittagong Hill Tracts region of Bangladesh. He is known for his dedication and commitment to public service. So his office appointed him the designated official (DO) to deal with Right to Information (RTI) queries from the public.

On receiving RTI applications from journalists and the general public, Arunendu seeks the advice of his seniors in order to prepare the replies. In his own words: "As the Hill Council has to deal with many government departments, in preparing replies to people's RTI applications we need to seek information from several offices. Officials at such offices sometimes say there are objections from the authorities on sharing information." Arunendu, however, does not take 'no' for an answer. "I caution them that if I don't get the information from them and cannot satisfy the people who have asked for them, they would be in trouble too, not only me."

This level of dedication to the RTI act in a public servant is rare. And yet, in order for the RTI Act to succeed, citizens must believe that the law was enacted to promote open governance and public officials must realise that it is meant to be respected or else they may have to face its sanctions.

The two sides involved in implementing the law - citizens who seek information and public officials who provide it - both find it difficult to believe that the government is serious about opening up its vast reservoir of information to public scrutiny. Citizens, long used to secretive governance, are instinctively sceptical about the sincerity of government's intention to be transparent and accountable. Public officials are equally unconvinced that the government really wants them to disclose information to the people which was previously denied in the past and for which public servants took the oath to secrecy when joining service.

In other words, citizens must feel confident that they may ask public officials for most of the information held by the government without fear or justification. Public officials, on the other hand, must understand that citizens are entitled to obtain such information as of their right and not as of grace. More simply put, citizens are the rights-holders and public officials the service-providers.

There are encouraging signs that we have made a start towards this mindset. This was confirmed at a seminar in Dhaka last month, organised to discuss the findings of a research project on the prospects and challenges of the implementation of the RTI Act in the country.

What was most heart-warming about the seminar was that almost half of the large gathering was composed of government officials. They belonged mostly to the Cabinet Division of the Government, which spearheads the implementation of Government's National Integration Strategy (NIS). An integral part of this strategy is the promotion of people's right to information. In fact, the Cabinet Secretary to the Government, who was the chief guest at the seminar, endorsed many of the recommendations that were made.

As was expected, the research findings indicated that there was still a great deal of hesitation on the part of government officials to play their role under the Act in a robust manner. Many public servants are appalled by RTI applications from people who would tremble even to speak to them in the past.

Such findings were, of course, not very pleasant for many government participants at the seminar. Some claimed that the picture was perhaps not always so negative. They felt that some of their colleagues were slowly but surely opening up to their responsibilities under the law, though their numbers may still be very small. We very much hope that they are right.

We thought it useful, therefore, to focus in our column this month on two positive stories from the government side. They were reported to us by MRDI, an important NGO of the country, dedicated to the promotion of the RTI Act. Both our individual examples are cited from MRDI's report.

Arunendu, our public servant in the Hill Tracts, explains to reluctant officials that if they do not cooperate by providing the requested information under the RTI Act, people could exercise their right to appeal to higher officials or even complain to the Information Commission, which has quasi-judicial power even to penalise them. He thought that as a member of the public, he himself expected certain services from government offices like the one he was serving now: "So I like to create an environment in the District Council so that people can get access to all the information they require. As there was no provision for people to seek information through formal written procedure before, a culture of providing information has not developed. Now together with the filing of RTI applications, and subsequent appeals that may follow, one can seek legal redress if s/he is not furnished with the information. So for obvious reasons, officials holding the information are now bound to change their mindset and share information with the people. For example, in the past there were no conscious efforts to follow the government rules on recruitment for public jobs through a quota system. There were many instances of job quota violations. Not anymore. Now there is RTI fear. Officials in charge of recruitment can now afford to disregard undue lobbying from high-ups in favour of the candidates of their choices."

Iqbal is another public official who is engaged in promoting RTI. He worked for the Office of the Comptroller and Auditor General of Bangladesh. According to him: "We've assigned designated information officials in all of our subordinate offices. We uploaded RTI-related information on our website. And work is underway to draft a disclosure policy," says Iqbal. He further notes: "People have a tendency to get information from us

informally, verbally. However, one organisation and eight journalists sought information from us through RTI applications over the last one year. Not a single case of appeal was registered against us as we furnished them with the required information on time.”

Such stories give hope. It is important that they are made public as they will certainly help generate people's confidence in the law. Among suggestions made in this regard at the above seminar, one was to institute an award system by the government, whereby public officials displaying exemplary efforts to make the RTI Act work will be recognised annually and additionally considered for promotion. Another suggestion was to hold Annual RTI conventions, with the participation of all concerned, in which highest personalities of the government would reiterate their support and commitment to the law.

Together with such efforts on the part of the government, if citizens were to wake up to the immense possibilities that the law offers for their empowerment vis a vis the government, the RTI Act may indeed prove to be one of the most powerful laws of the land for change, good governance and progress.

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