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RTI Act: Learning how to use it



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Despite the political turmoil that engulfed much of the first two and a half decades of Bangladesh's entry into the 21st century, we have fared remarkably well in terms of development and economic growth. While serious governance issues persist, accompanied by socio-political unrest, there is a consensus that the country is going through fundamental changes. We are moving away from the image of a poverty-stricken, trouble-ridden third world country and surging towards becoming a middle-income country soon.

Important questions, however, remain on the future course of development. What kind of a nation is Bangladesh going to be? Will it move towards authoritarianism or become more democratic? Will economic progress be at the cost of good governance or will the two proceed in tandem? Will political and sectarian tensions affect future economic growth or will rule of law bring stability and co-existence among differing groups? In short, will Bangladesh abandon its troubled past and emerge as a stable developing nation?

There are, of course, no simple answers to these questions. Nor is there any inevitability in the likely course of development. The outcome could be a combination of factors. While the government's role is key to spur development and create conditions conducive to sustained growth, active participation by citizens is vital. Since in a democracy people are the final arbiters of state powers, they have the responsibility to ensure that the government exercises its authority responsibly. By keeping watch on its performance, citizens make the government accountable to them. Accountability is recognised as key to stability and good governance.

To talk about monitoring and controlling the work of government would be sacrilegious not very long ago. But the Right to Information Act 2009 (RTI) has now given citizens a legal right to do so in practice. A watchdog role for the people is envisaged in the law, which states: it is “expedient and necessary to make provisions for ensuring transparency and accountability in all public, autonomous and statutory organisations and in other private institutions constituted or run by government or foreign financing.”

Every authority which uses or benefits from public funds falls within the ambit of the law. Citizens can now seek and obtain information from public authorities that would shed light on their integrity and diligence. There can be no better tool to keep public authorities in check.

Despite such clarity, however, the law has remained underutilised. Misunderstanding about its objectives abound among all classes of citizens. Many still perceive it simply as a tool to obtain information they may need occasionally, not realising that information under the law is a tool for an end, which is to establish transparency and accountability of public offices. Because of such misperceptions, people who are traditionally afraid to approach government offices are reluctant to use the law.

It is important, therefore, that citizens, particularly the middle class, who have traditionally been at the forefront of all progressive movements in the country, fully understand the purpose and power of the law. They must realise that RTI provides them the possibility to make public authorities more responsive and law-abiding. At the very least, RTI queries make public servants aware that their work is under public scrutiny; occasionally, inquiries may unearth wrongdoings or irregularities in their work. Over time, this may lead to systemic change in bureaucratic culture.

In the seven years since the RTI Act came into force in Bangladesh, the law has been used mainly to seek information of relevance by individuals and groups. It has helped them obtain benefits from authorities under various laws, such as those relating to social safety net programmes. Their RTI queries often made authorities wary that their misdeeds might get exposed. Such results may be called first degree outcomes.

But other, more socially beneficial outcomes are also possible. Second-degree outcomes would be those which over time lead to transparency and accountability in the work of public offices. Third-degree outcomes are those that bring overall systemic change in governance.

How can such outcomes be brought about? The approaches may vary but there are some basic elements. The first task is to know the types of information, relevant for the RTI process, that are available with public authorities. Survey of RTI literature discloses several categories which formed the basis for most RTI applications globally. These range from institutional information about internal regulations and mechanisms of an authority to organisational information, indicating who does what in an organisation. They also include budget details and information on lists, registers, databases held by the authority, and operational information including strategies, plans, policies, activities, procedure, reports, evaluations and so on.

Armed with this knowledge, the next task is to identify issues that require probing. These generally include questions relating to health, drug standards, food adulteration, industrial emission, environmental pollution, education, tendering and procurement, construction of bridges, roads and highways, building permits, government assistance and subsidies, water supply and corruption issues.

After identification of the issue, the objective for RTI intervention must be determined. Most applications are aimed to find out if public policies, laws, rules and regulations are duly followed. Others seek to ensure transparent and corruption-free decision-making. In short, the important thing to remember is that the law has been framed to combat personal, political, class or group interests in the work of public offices and promote public interest in all state activities.

Once the issue and purpose have been determined, the drafting of the application would require some careful attention. It must be made in the prescribed format to be obtained from the website of the Information Commission. It is important to remember that some types of information are exempt from disclosure. These include matters relating to national security, foreign relations and individual privacy. Another useful point is that the RTI request must be specific and unambiguous. It must relate to existing information which is

available with the authorities in one form or another, as described above. The authorities are not required to answer “why” questions, provide explanations or concoct information.

It is time that all citizens take note that the RTI Act has given them a tremendous opportunity to play a critical role in state-building. We can help the government to ensure that public authorities abide by the law and arbitrary decision-making is replaced by transparent and accountable governance. We can do so without fear, as we are now legally empowered. This is a proven way to build our democracy and strengthen public institutions, while we move ahead as a confident nation.

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