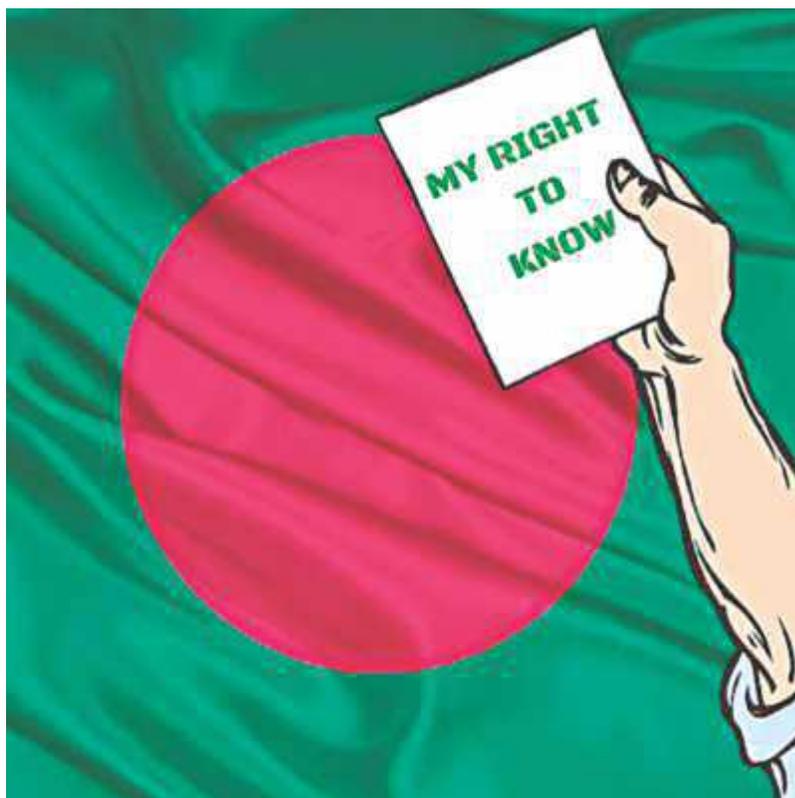


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RTI Act: Are users getting smarter?



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In July 2016, a man in Comilla asked the local UNO for some information about taxes and markets including the rules for tax collection from sellers in the local market and whether receipts are provided to taxpayers; whether permission was given to fill the canal adjoining the market, and whether it was leased and to whom; whether measures were undertaken to have the canal recovered from illegal occupiers, and documents on such measures; whether the eateries in the market area are regularly checked to ensure quality of food and, if so, copies of inspection reports.

As usual, the complainant received no response to his Right to Information (RTI) request nor to his appeal. As a result, he complained to the Bangladesh Information Commission (BIC). Shortly thereafter, the complainant was beaten up by assailants, made to sign a blank paper to withdraw his complaint, and threatened with dire consequences unless he apologised to the Union Council Chairman.

The Commission directed the Designated Officer (DO) of the office concerned to provide the requested information to the complainant within the next seven workdays. It further directed him to take necessary

legal measures with the help of the UNO and local police head against those found to have been involved in assaulting the complainant, and report back to the Commission. While it is doubtful that the last step took place, certainly the Commission sent a strong message through its directives: public authorities must respond to RTI requests. If only the Commission had imposed a fine on the DO, as has been prescribed in the law, the message would have been even stronger. [For further details, see: complaint no. 04/2017 on the website of BIC: [http://www.infocom.gov.bd/site/view/publications/\(2014-2016\)](http://www.infocom.gov.bd/site/view/publications/(2014-2016))]

The RTI Act is the only law in the country that allows citizens to monitor the work of the government and expose wrongdoings. By seeking appropriate information from the vast reservoir of records held by the government, citizens can reap two broad categories of benefits: those of a personal nature and those that benefit society at large. The latter is brought about by ensuring transparency and accountability in the work of public officials, leading to systemic change over time on how they perform their duties.

Personal benefits accrue largely to the most vulnerable and marginalised in our society. Many of them have submitted RTI requests, asking for information about distribution of benefits under the safety-net programmes of the government. Many received benefits, such as old-age and maternity benefits or vulnerable group feeding cards, simply by asking for details of the beneficiaries' list. These are often enough to alert authorities that even the most downtrodden are now aware of their rights and ready to fight for them. It is a shining example of how RTI can help the government to achieve its objectives and the citizens to obtain their legitimate entitlements from it.

The use of RTI to seek redress for personal grievances is equally popular. RTI has been used by students appearing in various public service examinations to find out if they were fairly treated by the examiners. Whether the desired information is received or not, the applications alone help alert the authorities that their performance is being watched by citizens.

On the broader societal good and ultimately changing the way government relates to the people, there are many examples, too. A student's application to see the relevant documents between a contractor and concerned city authorities led to the contractor undertaking fresh work to re-carpet a road in the applicant's neighbourhood. RTI requests for the list of medicines to be distributed freely by rural clinics led to such lists being put up on the walls of clinics. In many places, RTI has ended longstanding corrupt practices surrounding the programme.

Recent decisions of the Bangladesh Information Commission indicate how, despite the slow growth of RTI as a tool for social change, there is a growing maturity among users of the law.

In one case (complaint no. 02/2017), the complainant had asked the concerned district authorities whether permission was sought and given to set up markets for sacrificial animals in residential areas for the Eid festival. He asked if specific markets were established legally, and if not, what actions were taken against the persons involved and their outcome. He also wished to receive a copy of the related government policy and rules. He filed the complaint as he did not receive any response to his RTI request nor to his subsequent appeal.

At the BIC hearing, the respondent Designated Officer (DO) promised to provide the desired information. The BIC directed that this should be done within 14 workdays. As in all such RTI cases, it was up to the complainant to decide what to do with the information received. If irregularity or corruption is detected, it is for him or her to pursue the matter, since BIC has no authority in this regard. Whatever the action taken, it is safe to say the case has alerted the concerned authorities that such matters are now being closely observed by citizens. This, in turn, may have a beneficial impact on the administration.

Another recent complaint (no. 03/2017) involved a RTI request to the Prime Minister's Office for information on the number of people who had travelled as part of the PM's team to participate in annual UN General Assembly meetings from 2010 to 2015, the total costs involved and who bore the costs, the specific duties of the participants and all office orders in that regard.

The DO of the Prime Minister's Office duly provided the information relating to numbers but failed to do so on costs and duties of the participants. For the latter, the complainant had appealed, but after getting no response, he complained to the BIC.

At the complaint hearing, the DO explained the reasons for not providing the rest of the information but promised to do so by seeking them from the respective offices and the people concerned. The Commission directed him to do so within 20 working days.

This is a shining example of respect to the law from the highest level of the government and should be an example for other authorities to emulate.

The above cases also highlight the vast gaps that still exist between the promise of the law and the reality surrounding its implementation. However, they also evoke a glimmer of hope. Citizens are fast learning about the power of RTI to force public authorities to change their secretive mindset of the past and accept transparency and accountability as the new norms. The authorities, too, are slowly realising that the days of wanton disregard of citizen's wishes are numbered.

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