

Daily Star, November 15, 2018

The many uses of RTI: Our imagination is the limit



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If liberty means anything at all, it means the right to tell people what they do not want to hear.” A slight tweak of this famous quotation from British writer George Orwell will make it equally appropriate for the right to information: “If the right to information means anything at all, it means the right to ask questions that the powerful may not want you to ask.”

Right to Information (RTI) or Freedom of Information (FOI) laws, which exist in close to 130 countries and territories around the world, cause much consternation among public officials. The law is often used by citizens to expose abuse and misuse of power, which the powerful normally get away with.

But RTI is more than causing unease to government servants, unearthing corruption and revealing government malpractices. The instrument is globally used for more positive goals, such as improving citizen-state relationship, protecting the environment and drawing attention to important national issues. In other words, the law is used for making governments do good things as much as, if not more, it is used for stopping them from doing bad things.

A quick look at RTI/FOI regimes worldwide shows multifarious use of the law. Most information requests go to local governments, and the largest user group is the general public—not journalists or other professionals—as many believe. The majority of people use the law for

individual or local-level issues, such as dealing with road/bridge repairs, awarding government contracts, local crime statistics and government services generally. They serve personal and/or public interest and help promote transparency and accountability in governance.

The law is also used to obtain information of a more general nature, which enrich citizens' knowledge-base and empower them to demand government attention to national issues. Such requests include information on government preparedness to deal with natural disasters, such as, earthquakes and cyclones; protection and utilisation of maritime resources; outbreak of infectious diseases and other health hazards in the country.

In India, a citizen's RTI requests revealed that 14,474 cases of HIV through blood transfusion were reported over a seven year period. The knowledge was used to urge the government to undertake preventive measures.

A more recent RTI intervention by an Indian activist exposed that in the last five years, 10 Indian workers died on average every day in the Gulf countries, many from unnatural causes, including suicides. It highlighted the need for government attention to unfortunate deaths affecting such a large population group who contribute so much to the Indian economy through remittances.

In Sri Lanka, an RTI request by a journalist unearthed that many fishing permits were issued by the government despite warnings by the European Union that the recipients were engaged in illegal fishing practices. The EU eventually banned Sri Lanka's fish imports in 2015, at a high cost to the country.

In Europe, access to environmental information is a major part of information access regimes as mandated by the Council of Europe's access to information convention.

In the UK, the efforts of a FOI campaigner, together with some journalists, to obtain detailed breakdown of travel and accommodation claims made by British MPs, led to scandalous disclosure of excessive claims, including by the then Prime Minister Gordon Brown and his predecessor Tony Blair. These revelations played a role in a subsequent change of law requiring all members of the House of Lords to pay taxes. They also led to the publication of detailed expenses of MP's and other matters of public interest on a regular basis.

In the US, civil rights groups have invoked FOIA to gain access to data on a number of prisoners wrongly convicted and awaiting to receive capital punishment.

In Mexico, the FOI law has been successfully invoked a number of times to open up records of human rights abuses.

There are also instances of the law being used to deal with private bodies that do not fall directly within its purview. In the UK, public concern about restaurant hygiene led to the release of government inspection reports under a FOI request. It showed that no fewer than 20 private restaurants, cafés and supermarkets across Islington failed to meet basic food safety requirements. Some of them were so filthy that inspectors had to order them to cease trading immediately; four faced prosecution after failing multiple tests and many others forced to make “major improvements” or face legal action. Public concern generated by the revelations led to the creation of www.scoresonthedoors.org.uk which provides citizens with information on food preparation at most of the listed eateries in the UK.

Other examples include RTI requests considered “silly” by the authorities. However, as an observer rightly pointed out: “It is a democratic right (of citizens) to ask and this may mean some silliness—just as voting may mean non-voting or “silly” voting. Like all parts of a democracy, it is messy and unpredictable and can occasionally go wrong. But in its messiness and unpredictability lies its power.”

Taken together, the examples demonstrate the formidable strength of RTI to “empower” citizens, vis-a-vis their governments, and to effect change for the public good. The law underscores the pre-eminence of citizens over the government. It gives meaning to the constitutional provision that all power of the state belongs to the people. Simply by asking for information from public authorities, citizens exercise that power. By accessing the vast reservoir of information available with the government, citizens enrich their own knowledge base, exercise their oversight role on government activities and help it to widen its vision.

On this angle, RTI entitles citizens to ask their government for any information they wish, without giving any reason. Their requests need not even relate to transparency or accountability, which is the ostensive objective of the law. The process itself contributes towards achieving that goal. They do not always have to be substantive or could even be “silly”. But good practice would require that they do take the law more seriously and use it for the multifarious purposes it is globally used for.

Unfortunately, in Bangladesh there is little understanding about the diverse use of the law. A deeply-entrenched belief has taken roots here that the law is meant to be used primarily to fight

corruption and abuse of government power. Such a blinkered view has contributed to the largely negative use of the law so far and the resultant mistrust between public officials and citizens. The former resent the motives of the latter and the latter fear possible retaliation by the former. Inevitably, it has impacted negatively on the evolution of the law. It is time we come out of the groove and allow the law to bloom fully. It can only happen when we recognise its immense scope for multifarious application. Our imagination should be the only limit.

In conclusion, it is worth reiterating that the proper use of RTI lie not only in preventing abuse of power and authority but, more importantly, in promoting a more positive use of the law which will contribute to a more knowledgeable and empowered citizenry and improved relationship between citizens and the government. A healthy interaction between the two is key to a robust democracy, good governance and enlightened citizenry.

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