

Daily Star, November 15, 2019

RTI law: Bridging the gap between promise and practice



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The euphoria accompanying the fall of the Berlin Wall and the end of the Cold War era late last century was followed by an upsurge of democracy in the new republics and a resurgence in nominal democracies. One manifestation of this was the global rush to adopt the Right to Information (RTI) or Freedom of Information (FOI) Act. Out of around 130 countries which have enacted the law so far, a large majority did so in the last three decades. Bangladesh adopted it in 2009.

The ostensive purpose of the law is to establish the right of citizens to access information about the functioning of their governments. By doing so, they are able to monitor the work of public authorities. It is based on the concept that since, in democracy, governments serve as representatives of the people, the latter have the right to obtain almost every information that their governments possess or create. The law is a potent tool for political accountability.

In recent days, however, a growing literature on the subject is progressively turning despondent about the prospects of the law. The growing gap between the promise of RTI/FOI law and its practice in many countries has led scholars to refer to it as “democratic window dressing”. They argue that a key reason for governments to adopt the law is to benefit from the image it provides of democratic governance, rather than a means to introduce more transparent governance.

As Bangladesh commemorates the tenth anniversary of RTI, we are hung up on counting the number of RTI applications rather than their impact.

The Preamble to the Act clearly states that the basic objective of the law is to ensure “peoples’ right to information.” It goes on to underline that through the exercise of this right, two goals are achieved: one, “empowerment of the people” as “owners of all powers of the republic”, and two, increased “transparency and accountability” of all public offices, leading to decreased corruption and increased “good governance”.

The “promise” of the law is thus very clear: if peoples’ right to information is duly exercised, good governance will follow. Just as the goal of vaccinating all children in the country is to reduce preventable infectious diseases, the goal of RTI is more democratic, law-based governance. Information, like vaccination, is only a means to an end.

In Bangladesh, we seem to be focused more on the objective of the law than its goals. Unless we turn it around, we will continue to rejoice over small individual gains here and there—such as obtaining a Vulnerable Group Feeding (VGF) card under the government’s safety-net programmes—and downplay the larger goal of the law, which is ending abuse of power by public officials for private gains. Additionally, our assessment of progress of RTI will remain focused more on numbers of requests made under the law than their impact on governance.

Of course, numbers are very important. Without a sustained flow of RTI requests to public offices, there can be no appreciable impact on governance. But larger numbers can be meaningful only if they lead to achieving the desired goals. For that to happen, RTI applications must have a clear objective of the change envisaged. Mundane, inconsequential RTI requests, which may be meaningful to an individual but are hardly of interest to the public at large, appear to dominate the RTI scene in the country. With such requests, there can be little hope for systemic change.

Everyone involved with the RTI regime in the country—from individuals applying for information, to public officials dealing with them, to the Information Commission mediating disputes between the two sides—must understand the perspective of the bigger picture. We must ask ourselves whether the main impediment to the progress of the law is lack of awareness about the law or lack of familiarity with its goals.

The answer must be both. There is, of course, a tremendous lack of awareness about the law, but there are also those who are aware of it but are reluctant to use it. This is largely because they are not familiar with the promise of the law. If one asked the members of the well-to-do, educated, socially aware and urban professional groups—who know that the law exists—as to why they don’t use it, they will most likely say that they feel no need to use it because they have other ways of obtaining the information. Obviously, they think that the law is meant to obtain information that people need for personal reasons. The larger public goal of the law is missed on them.

This group of knowledgeable people should be encouraged to use the law as part of their civic responsibility, to monitor the work of public authorities. They must realise that among the three main instruments of accountability available to citizens in a country, namely periodic elections, criminal law and the RTI law, the latter is most easily accessible and readily available to everybody.

We believe that large numbers of our socially and politically conscious compatriots, who are always prepared to stand up for political accountability of the powers that be, would begin using the law in larger numbers if they are familiarised about its inherent power to foster change, decrease abuse of power and contribute to accountable governance. It is not an easy task but not impossible either. We have already seen some of them resorting to the law in recent times with good results. Imagine the likely impact if more of our teachers, lawyers, doctors, engineers,

journalists and political workers were to use the law to address governance issues relating to their areas of concern!

To advance the goal, RTI workers in the country would need to change their tactics. Without abandoning their focus on helping ordinary people to use the law for their personal needs, they should also seek to draw in members of the groups mentioned above, including all other social and political elites, to promote the larger goals. They are people with the right background to understand the inner workings of public bodies, their responsibilities, the challenges they face and how best to overcome them. They would know better what sort of information would be useful to unearth anomalies. And if they approach the law in an objective manner, make use of it responsibly, not to rock the system but to change it slowly, they may be able to avoid ruffling feathers. But they must have faith in the system and not be sceptical. Their involvement will help both the demand and supply sides to be engaged in a constructive manner.

As they see more engagement of financially and socially powerful individuals, ordinary RTI applicants may feel more confident to apply for “sensitive” information which may upset public officials who are not used to responding to “audacious” requests from ordinary citizens.

We do not want to see RTI in Bangladesh becoming “democratic window dressing” as in some countries. We have made a good beginning by keeping the law alive for ten years, but we need to take it to greater heights, to take it from promise to practice.

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