

Transparency and accountability of government actions during Covid-19 pandemic



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The Covid-19 pandemic will be recorded as one of the most consequential events in human history. A small part of that history will relate to how governments interacted with their populations in responding to the crisis.

A menace of such magnitude calls for a combined effort of people and their governments. As part of that effort, people need more detailed information on all government efforts to fight the menace. Even ordinary citizens, generally satisfied with the amount of information they receive from their governments in normal times, felt the need to know more about the way their governments dealt with the crisis and spent huge amounts of public funds. How well was the government prepared to fight the menace? Was public fund being spent accountably? Were all decisions based on proper reasoning? Did public interest override other factors in government decisions? What measures were taken to ensure that financial and other assistance for the affected population reached the rightful claimants and the economic stimulus packages were not pilfered?

In normal times, socially alert citizens would seek answers by using the Right to Information (RTI) or Freedom of Information (FOI) Acts to access government records. In the heightened atmosphere of the pandemic, even citizens who are not usually activists realised that critical information was sometimes lacking. It is the "information behind information"—the whys and hows—which are not normally disclosed, that contain the full picture. Covid-19 instilled a general awareness among ordinary people about the importance of such undisclosed information. This is evident from the many gripes, critical write-ups and comments posted/expressed in the media, including the burgeoning social media. The growing unease of governments about them is testimony to their impact.

Unfortunately, however, the lockdowns imposed by governments to contain the virus had also affected the operation of the information regime in many countries, including Bangladesh. RTI/FOI activities came to a stand-still in these countries in the early phases of the lockdowns, making it impossible for the public to access critical government information.

In some countries, as in India, a few die-hard RTI crusaders managed to keep the doors of RTI open, at least virtually. In other countries, many sought to link up online with the global RTI/FOI fraternity to devise strategies to meet the challenges. The pandemic helped them to unite both to safeguard the regimes and strengthen their cooperation with each other for the tasks ahead. The introduction of inconceivably large sums of public money, perhaps the highest ever allocated in the history of the affected nations, to meet the medical and economic exigencies, inevitably raised accountability concerns in the minds of many. For the more RTI-minded population, it was a responsibility they must take seriously.

Transparency regimes are an important tool to keep governments on a leash, particularly during critical times.

In a historic crisis like this, citizens can legitimately ask to see public records on various aspects of government response. Samples of concerns drawn from different countries show a common pattern. They include: copies of all coronavirus-related contingency plans of public entities concerned; data on stockpiles of medical equipment; records of response team meetings; communications among relevant agencies and officials; situation assessment reports at medical facilities; data on testing, infection rates, deaths, etc.; data on supplies of medical equipment; purchasing orders/contracts for equipment, such as ventilators; government agency interactions with private companies; inspection reports on private organisations, such as nursing homes;

information on processing of economic aid; public funds appropriated to help mitigate economic effects of the pandemic and much, much more.

Many Covid-19 related RTI/FOI requests were made on above and other concerns to national authorities. A few examples from neighbouring India may help the fledgling RTI community in Bangladesh know how the RTI Act was used to promote transparency and accountability in government work even during the lockdown. They may also be instructive for our Information Commission to appreciate that, with commitment, it is possible to find ways to help people exercise their fundamental right to access government information even in most difficult times.

One of the first Covid-related requests in India was from an RTI applicant questioning the fact that a single firm got a monopoly on the production of Covid-19 testing kits. The applicant asked for the minutes of agency meetings where the testing kit guidelines were developed, the names of companies who sought validation, the letter to the approved company, and a report on the 18 companies that sought validation. The response is not known, but the applicant's concern is clear.

In another case, an RTI applicant from Maharashtra asked for information on the amount of donation received by the Chief Minister's Covid-19 Relief Fund and how was it spent. The response revealed that during the reporting period the fund received Rs 342 crore of which Rs 23.82 crore had been spent on controlling the virus's spread and Rs 55.20 crore went towards facilitating the journey of migrant workers to their home states. The Information officer furnished details of the deposited and allocated amounts.

In a landmark case, one of India's most prolific RTI activists, Venkatesh Nayak, sought data from the Union Ministry of Labour and Employment on migrant workers who were stranded across the country due to government lockdowns. Not receiving the data, he complained to the Central Information Commission. In its legally binding advisory, the Commission asked the Chief Labour Commissioner to upload on its official website all data it had on migrant workers stranded across the country. This was done soon. The Central Information Commission had also reprimanded the office of the Chief Labour Commissioner for the "callous and non-serious attitude" of its Information Officer.

In a similar complaint by the same activists, the Central Information Commission issued an advisory to the Union Ministry of Health and Family Welfare, to provide the district-wise number of hospitals and healthcare facilities designated as Covid-19 treatment centres on their website. Notably, the Commission dealt with the complaint on an urgent basis, because the

applicant had invoked a specific section of the RTI Act 2005, which stipulated that in matters concerning the life and liberty of individuals, an RTI request must be responded to within 48 hours of its receipt. In Bangladesh that period is 24 hours, though it is hardly ever used.

The Covid-19 pandemic has highlighted the immense value of RTI/FOI laws to advance close government-people interaction in difficult times and underlined the importance of transparency and accountability in government work to earn peoples' trust during such times. Experience gained from world-wide government engagements to face the unparalleled challenges it threw up show how such trust, or the lack of it, can affect peoples' response to them. It also provides vital lessons for governments for the critical tasks that lie ahead both to stop further onslaughts of the deadly virus and recover from the terrible damage it caused.

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