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International Right to Know Day must generate serious reflections by all sides



Photo: Collected

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September is an important month for Right to Information (RTI) buffs all over the world. They undertake various activities during the month to commemorate the International Right to Know Day on September 28 with two key focus points. One, to remind citizens that the RTI Act provides them with a legal basis to find out if their government is managing the affairs of the state effectively, efficiently and honestly. And two, to remind governments that they have a duty of transparency and accountability towards their citizens, who are entitled to access nearly all information available within public offices.

Such interaction between citizens and governments is the hallmark of democracy. Without a healthy balance between the two, democracy cannot flourish. It explains why so many states all over the world, around 130 by the last count, have enacted the RTI Act. By adopting the law, they have sought to enhance their democratic credentials.

Adopting the law and making it work are, however, two different things. Many governments enacted the law primarily as "democratic window-dressing" with little interest to open up their records to the people.

Citizens too are reticent to use the law, either because they do not trust government offices to honour their information requests or are afraid of retaliation from government officials. Hence the law remains only on paper in many countries. The annual Right to Know Day provides an opportunity to all sides to assess challenges and opportunities and draw lessons from them.

Citizens have the highest stake in the success of the law. Among hundreds of laws of the land which governments use to control and regulate citizen behaviour, the RTI Act is one law which allows citizens to control and regulate government behaviour. If citizens fail to apply the law and make it work, governments have little to be blamed of.

How has Bangladesh's RTI Act 2009 fared in the 11 years since it came into force? One easy indicator would be to look at the number of RTI applications made over the years. Records show that on an average, around 8,500 RTI applications have been filed annually in the country. Compared with some six million applications annually during the same period in neighbouring India, it is not difficult to conclude that our citizens are yet to wake up to the value of the law and reap its benefits.

One obvious reason more citizens in Bangladesh do not use the RTI Act is that they do not know about it. Even those who are aware do not necessarily have a clear understanding of its goals. The majority consider that the law is meant to be used primarily for personal reasons, as and when they need specific information from government offices to get things done or redress personal grievances.

True, in a developing country like ours, individuals would use the law to seek information, for example on the process of how the list of recipients for a safety net measure, like old age or widow pension, has been drawn up. This may help them to have their names inserted on the list, as has happened in many places in Bangladesh. While the use of the law for personal needs can indeed be important for citizens, limiting its use to such purposes alone is a waste of a powerful tool. We must help citizens to understand that the law can contribute to systemic change in such a way that the lists are *always* prepared in a fair way.

There is still a common misunderstanding among many in the country that the RTI Act is meant to be used as a tool to expose dishonest or corrupt public officials. True, the law specifically mentions that one of its key objectives is to see that "corruption... shall decrease and good governance... shall be established." But that does not mean that the law should only be used to expose specific corruption. That will be a negative use of the law, which in the long run can be harmful to citizens' interests as irate officials may develop a hostile attitude towards it and frustrate its objectives.

Citizens must learn to use the law positively. They must understand that by making proper use of the law, they can help public officials realise that the days of official secrecy are over. A smooth operation of the law would contribute to systemic change in governance, whereby corruption will automatically diminish.

The RTI law is a positive tool for developing close interactions between citizens and public authorities. Its use should be seen as an opportunity for citizens to ask for information from public authorities which, if properly complied with, would contribute to positive interaction between the two sides. It would establish trust and understanding between them. Such a situation would negate the need to expose individual corruption by digging up information with the help of the law. The purpose of RTI requests should be viewed as a means to advancing systemic change so that corruption can be nipped in the bud.

The success of citizens' demands for information is, of course, linked with its supply by public officials who hold the information. Without a close interplay between the demand and supply sides, the system cannot work properly. For that to happen, two things are important. One, there must be a clear commitment from the highest echelons of the government to make the law work. Public authorities must not only be encouraged to comply with the requirements of the law but regularly exhorted to do so. Two, ways must be found to help public officials realise that they need not fear any penalisation from the authorities for disclosing information permitted under the law. On the contrary, they may have to face sanctions under the law for not doing so.

This leads us to the role of the Information Commission (IC). The three members of the neutral commission are supposed to be chosen for their impartiality by a committee prescribed under the RTI Act. Unfortunately, those often chosen for the jobs, particularly those with bureaucratic pasts, bring their restrictive baggage to the job.

Discussions during the Right to Know Day celebrations should lead to ideas on how to overcome such tendencies. The government may wish to consider setting up a mechanism to assess the decisions of the commission over the years. There is much to learn from them. Citizens too should come together to undertake collective efforts to seek the views of the High Court under its writ jurisdiction, particularly on decisions involving interpretation of important provisions of the RTI Act.

Notwithstanding such limitations in the implementation of the RTI Act in Bangladesh, it is no small achievement that the law has survived over the years and has maintained slow but steady progress. In recent months, the pandemic has taught citizens and their governments all over the world the immense importance of trust between the two sides to deal with national crises. We hope that the lessons learnt in this regard in Bangladesh will help us build an RTI regime in the country that lives up to its lofty ideals.

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