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More citizens are exercising their right to information.
We must keep it up.

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All citizens of a country have the right to seek and receive information held by government and private authorities—except the data concerning national security—with a view to ensuring transparency, accountability, and good governance. Photo: Collected

The International Right to Know Day will be commemorated on September 28. By adopting Right to Information (RTI) or Freedom of Information (FOI) laws, governments recognise their citizens' power to demand transparency and accountability about their work. Bangladesh enacted the Right to Information Act in 2009. How did that law fare last year?

It is difficult to provide a clear answer to the question. Research has shown that such a law does better in countries where an active coalition of civil society organisations (CSOs) collaborate in its promotion. Such a coalition has yet to come together in Bangladesh. The CSOs engaged in promoting the law seem more inclined to work on their own, rather than to coordinate their efforts and share their experience and knowledge. As a result, the prospects and challenges of the law remain largely unknown, contributing to a lack of collective efforts to find remedial measures.

The gravity of the situation becomes clearer when one takes into account the fact that in 80 percent of the complaints resolved by the Information Commission of Bangladesh in 2020, the RTI requests had originated from places where NGOs were engaged in promoting the law.

The main reservoir of substantive knowledge about the RTI regime in the country, therefore, is the Information Commission. It receives reports and information related to the operations of the law from public authorities, NGOs and individuals on a regular basis. Unfortunately, most of such knowledge remains inaccessible to the public until the commission discloses it in its annual reports.

However, the Information Commission publishes its decisions on the complaint cases on its website regularly. These cases provide a picture of the type of information citizens seek from public authorities, and the fervour with which they pursue their efforts—also, how the authorities deal with information requests from the citizens, and the proclivities of the commission in dealing with the citizens' complaints. Looking at the 119 decisions taken by the Information Commission last year, they range from the occasionally encouraging to the often disappointing, with many falling in the middle.

We will, however, begin with a decision that the commission made in 2019. It relates to the transparency and accountability of public work. The Information Commission examined the matter of its own accord, after coming across a disturbing news report.

The report, published in a national daily, claimed that old-age benefit cards, issued under the government's safety net programme for the needy, were being sold for money. The commission served notices on nine public officials of the concerned upazila and union parishads who were directly involved with conducting the programme. The officials were asked to explain their respective roles and address the allegations.

The officials explained the process and their involvement in it, starting from allocation at the administration's highest level to distribution at the lowest level, as well as the challenges they faced in implementation. Based on their explanation, the Information Commission came up with important recommendations to streamline the process, which ranged from transparency in the selection of recipients to timely delivery of the benefits. The authorities were also required to inform the commission on their implementation.

Applied properly, the directives of the commission can thus have an important bearing on corruption-free and timely implementation of such beneficial programmes of the government.

Another commendable decision by the commission came from a case from Banaripara upazila in Barishal district in 2020. A day labourer asked for some information about a 40-day work programme in the area where he worked, from the designated officer (DO) in the upazila. The DO was also the project implementation officer (PIO) of the programme. The applicant needed the information to submit before a court, which had earlier sent him to jail in a case lodged by a previous PIO who, instead of paying the labourer his dues when he asked for it, had brought criminal charges against him.

After almost a year and many postponed hearings, the case was finally decided in November 2020. In its decision, the Information Commission not only directed the DO to provide the requested information, but also imposed a fine of Tk 3,000 on his predecessor for her failure to respond to the complainant's request and provide the information he sought in time.

Unfortunately, the Information Commission has not always taken such firm action against other delinquent DOs. In 63 percent of the cases the commission looked into in 2020, it took a lenient view towards the DOs who agreed to provide the requested information only at the complaint hearings. And in nearly 18 percent of the cases, the DOs prepared and brought the information to the hearing only after being summoned. Additionally, in all six cases where complainants had to lodge new complaints due to non-compliance of its earlier directives, the commission failed to penalise the DOs for their wanton disregard of the law.

An added problem is that the public is often uninformed about whether the directives issued by the Information Commission are implemented or not. Not knowing the final outcome can be frustrating for the citizens.

On the demand side, too, there are both encouraging and discouraging developments. The most encouraging development is that RTI requests are increasingly becoming more focused on matters of transparency and accountability in public work and less on personal needs. The requests that were made recently were quite diverse: allocation of funds to healthcare centres during the Covid-19 pandemic and their utilisation; rules for the use of government vehicles by public servants, along with the records of monthly expenses on their operation and maintenance; government directives stopping the distribution of medicine at community clinics; number of stalls allotted to

publication houses during Ekushey Book Fair and the income generated from it; copy of the work order and justification for filling a river in order to construct a stadium; resource allocation for mosques, temples, churches, Eidgahs, cremation grounds, etc—to name a few.

Citizens are clearly getting savvy with the fundamental potential of the RTI law to promote transparency and accountability in public work. This is very encouraging and calls for the Information Commission and civil society groups to bear this in mind, and collaborate with each other to sustain progress. It is, after all, the crux of the law.

At the same time, there are many examples of discouraging practices by RTI users that are likely to impact the system negatively. In several cases, we found applicants seeking information on important issues of public interest, with a significant bearing on the way public authorities go about their work, but abandoning their efforts midway. In some cases, the main reason seemed to be the large costs involved in getting the information. Then why ask for such information? This is unfortunate and calls for the civil society groups to look into it, and come up with appropriate guidance.

Another important data emerging from the decisions revealed that in nearly 18 percent of the cases, the Information Commission dismissed complaints due to the absence of one or both the parties at the hearings, on presumption that the complainants were not interested to pursue the matter. The reasons for such absence can and should be investigated for remedial measures.

We hope that the current state of RTI in Bangladesh, as depicted above, will provide food for thought and discussion as we observe the International Right to Know Day this year. In conclusion, we would like to make a plea to all concerned to ensure that a law like the RTI Act, with its immense possibilities to promote better governance, does not remain underutilised, and that its potentials are fully explored. As the basic objective of the law is to empower the citizens, the civil society must bear the main responsibility in this regard. We must work together and confront the challenges collectively. It should be a good resolution for this year's Right to Know Day.

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