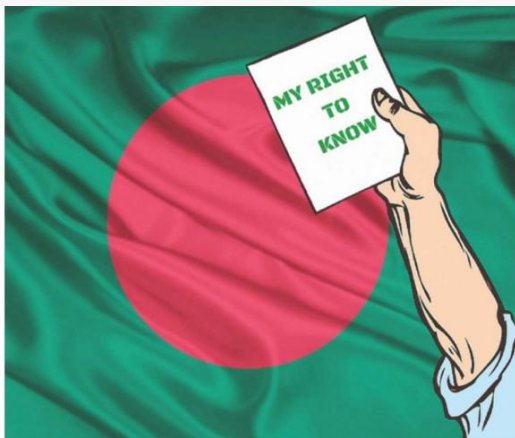


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Active citizenship is also key to the success of RTI

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Last month marked the International Right to Know Day. From the few seminars and webinars arranged on the occasion, it was evident that even 12 years after the Right to Information (RTI) Act was enacted in Bangladesh, we are still largely preoccupied with how to spread awareness about the law. We discuss numbers, identify impediments to implementation, assess the response of public officials while handling RTI requests, and debate the value of proactive disclosures to minimise the use of the law. But what about the objectives of the law, and the underlying principles and philosophy that drive them?

The preamble to the RTI Act describes the law as an "Act to make provisions for ensuring free flow of information and people's right to information." The words "free flow of information" deserve emphasis. Information is a continuous process, constantly being created by all sorts of public authorities, to which citizens must have access. Proactive disclosures can only meet a miniscule part of that need.

Why is the citizens' access to information so important? The answer is provided in the law's preamble: "Right to information is an inalienable part of freedom of thought, conscience, and speech" of the people, and "all powers of the Republic belong to the people, and it is necessary to ensure right to information for the

empowerment of the people." By seeking information, people wield that power and exercise their right to participate in the affairs of the state.

Why is exercising that right important for society? If the right to information of the people is ensured, the transparency and accountability of all public (offices) will increase, corruption of the same will decrease, and good governance of the same will be established, says the preamble.

Simply put, RTI is not just a right; it is also a responsibility. When citizens use the law, they fulfil a civic responsibility which is of benefit to society. This is the crux of the matter: citizens use the law primarily for public good. Nowhere in the law does it talk about individual benefits. Serving public interest is the ultimate objective of the law.

Two basic principles inspire and guide our RTI Act: transparency and accountability. In his memorandum to the heads of executive departments and agencies in the US on the Freedom of Information Act in 2009, President Barack Obama underscored their importance by saying, "A democracy requires accountability, and accountability requires transparency." People must understand why.

The concepts of transparency and accountability arose at the end of World War II. They were cemented over the years, and by the end of the Cold War in the late 1980s, were established as the driving force behind the growing number of RTI laws that were adopted globally. The Right to Information Act, 2009 in Bangladesh was a product of that drive.

The concept of transparency arose as an antidote to the culture of secrecy in governance that the post-war "new age" sought to erase. Secrecy in the new era would be replaced by openness—an important element for participatory democracy that emerged as the ideal of "the new world order." People, as the source of all power of the state, must know how their governments function. They must have access to all documents created or used by the governments, limited only by exceptions and exemptions necessary to protect essential public interests.

Accountability, on the other hand, is the ability to provide sound reasoning for one's actions. While transparency focuses on openness, accountability is taking responsibility for one's actions.

These two principles form the basic philosophy of the RTI Act. A government that is of the people and for the people must also be open and accountable to the people. Assessing the success of the law should be based on how much of these two ideals have been achieved, not how many requests have been positively responded to. Have these requests yielded or moved us towards the desired results? Has transparency been advanced? Is there any systemic change in

governance? Are public actions becoming more predictable? We have to learn to develop proper metrics to assess them.

Based on this perspective, it should be clear that the RTI Act is a people's law par excellence. People are the pivot. They must take the lead and be the watchdog to safeguard its interest. They must not only measure government actions based on the principles of transparency and accountability, but also do so with regard to the actions of the Information Commission, which is the main guardian of the law. Through its own transparency and accountability, the commission can lead the way. It must ask, after every action, whether it has helped to advance the objectives of the law. Its accountability is to the people.

A constructive and collaborative interaction among the people, public authorities, and the Information Commission is the best way to move the objectives of the law forward. Ideally, the annual Right to Know Day should be the best occasion to discuss a public audit on the performance of all the stakeholders of the law. The civil society is most ideally placed to undertake the audit. Let us show some maturity.

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