

The RTI Act works

We just need to convince people to use it

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Unless we draw in larger civil society to use the law, greater gains will continue to elude us.
Illustration: Nahela Nowshin

The importance of a robust Right to Information (RTI) regime for a healthy and vibrant democracy is universally recognised. However, in Bangladesh, the law is yet to capture the imagination of a majority of the population. Only a handful of people have so far used the law.

What is more astonishing is that even the once fabled civil society of Bangladesh, well-known for its proclivity to stand up for democracy and good governance, has kept away from the law—a law that is internationally recognised as a most potent instrument available to citizens for the prevention and detection of corruption, and for promoting transparency and accountability in the work of public bodies.

The reasons for such reticence have been examined before. Impediments have been identified and the way forward discussed, but the best way to redress the situation may be to focus more on the impact of RTI. Citizens would be more motivated if they find that the government is taking follow-up measures and remedial actions based on the outcome of their RTI interventions. For example, if an RTI request succeeds in exposing corruption or abuse of power, the government would seek to enact measures to block its recurrence.

However, it is difficult to obtain empirical evidence to show that information derived from RTI interventions has led to follow-up government actions, and to thereby assess the real impact of RTI on governance.

What is possible is to observe and measure progress on the basis of anecdotal evidence found through case studies. The question to ask is whether the information obtained through RTI has helped citizen's access to services without resorting to bribes, and whether it has exposed corruption and reduced abuse of power and mismanagement of public money.

Let us look at some case studies from Bangladesh based on the above perspective. We begin with some success stories. One area where the RTI Act was put to significant use right from the beginning was to ensure proper disbursement of the government's substantial social safety net programmes (SafetyNet) for vulnerable groups in the country. This included old-age benefits, maternity benefits, pension for widows and the disabled, etc.

A number of NGOs helped individual applicants who qualified for the programmes but often failed to obtain them due to official malpractices. The RTI requests they submitted simply asked for lists of recipients, the criteria for their selection, names of persons involved in the selection process and the like. In most cases, the applicants were subsequently included in the lists, though no formal response was given to individual information requests.

In many places, the concerned authorities even started posting the list of recipients on official notice boards. It reportedly reduced malpractices and was considered by locals as systemic change in the disbursement of SafetyNet funds. It ensured that government funds went to the intended beneficiaries.

Similarly, RTI interventions were used by school students and their parents to find out about disbursement of government scholarship money by school authorities. The latter was known to withhold significant amounts, citing various reasons. The RTI requests simply asked for the basis on which the amount was deducted. In most cases, the school authorities avoided any formal explanation and simply paid the full amount. Very few complaints of this nature are heard these days, suggesting these requests led to systemic change.

In a number of cases, RTI requests led to authorities implementing court directives. In one of them, a number of persons from Taraganj Upazila in Rangpur district asked local educational institutions whether they had formed committees for the prevention of sexual abuse and harassment of students as per a High Court directive. To the satisfaction of the applicants, many of the respondent institutions formed the committees first and then replied to confirm their existence. This was followed by a dialogue between government offices and local civil society, following which the District Commissioner issued an order to concerned institutions to form committees based on High Court guidelines.

In a similar case, Bangladesh Legal Aid and Services Trust (BLAST) submitted several RTI requests to the Ministry of Education, the Ministry of Primary and Mass Education and a number of government teachers' training institutes. They wanted to know if a directive issued by the Bangladesh Technical Education Board in 2011 on the prohibition of physical and degrading punishment of students was properly implemented. In response, the Ministry of Primary and Mass Education first ensured that measures were indeed introduced in their training curriculum, and then responded in the positive. Similar responses were received from the education ministry and the District Commissioner of Dhaka. Needless to add, this encouraged not only the applicants but RTI enthusiasts in general.

In another RTI intervention by BLAST, applications were sent to the offices of District Commissioners, the Directorate of Social Welfare and the Election Commission in a number of districts in North Bengal. They asked for information on the number of enclaves that were added to their respective areas of operation following an agreement between Bangladesh and India, the number of inhabitants added, and measures taken by their authorities to improve their standard of living and exercise of their rights, including land registration, SafetyNet benefits and the like. To their great satisfaction, most of the authorities provided the information requested. Such actions increase peoples' faith in the system.

There are also examples that show immediate impact but do not suggest systemic change. One such case is of an RTI applicant from Dinajpur, who asked the local Police Superintendent about rules and regulations relating to the collection of fines imposed by street police on auto rickshaw drivers. The applicant wanted to know on what basis they take the vehicles to the police station, collect the fines and let them off without providing receipts. She also wanted to know whether the amount was deposited in a government account and how the money was subsequently spent. In response, the police super promised proper action against concerned staff and there was a noticeable absence of such practices on the streets. It increased peoples' faith in the police, but the question remained of whether it would lead to more permanent reform, halting the recurrence of such practices.

While these examples are encouraging, they do not indicate specific trends because they are very few and far between. Anecdotal evidence also indicates that there are many cases where RTI requests are either not answered or only partially answered, where complaints to the Information Commission yield no satisfactory results and where applicants feel intimidated by the relevant authorities. Greater attention to these matters by the government are essential.

The positive picture depicted in the examples above show promise of the RTI law in the country. We need more such examples. But unless we can draw in the larger civil society to use the law, greater gains will continue to elude us. Scepticism and fear of possible reprisal by authorities for seeking information that is deemed sensitive must be eliminated.

RTI in Bangladesh began its journey with an admirable outcome from a RTI request, which subsequently led the High Court to order the demolition of the high-rise BGMEA building on Hatirjheel because of lack of proper approval. It originated from the efforts of the civil society. More such interventions are needed to breathe fresh life into the RTI regime in the country.

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