

RTI can contribute to government accountability

Shamsul Bari, Ruhi Naz

Efforts to limit the ruler's authority over the ruled is as old as human history. It is a subject that has occupied the minds of social thinkers and philosophers of all major civilisations since ancient times. Modern parliaments are the outcome of the search for a balanced system of governance, whereby people pledge obeisance to the ruling authority in exchange for a social compact that ensures their protection and well-being. The concept of government's accountability to the people was born in the process. In parliamentary democracy, it forms the basis for peoples' trust in the government and the latter's answerability to the people. People choose their representatives to represent their interests in parliament and raise their concerns with the government on matters of governance. The purpose is to ensure that government activities are corruption-free, guided by law, and serve public good.

Over time, as the concept of peoples' sovereignty over the state became more concretised, the need for other measures of government accountability grew in tandem. It increased further with the rise of authoritarianism globally and attendant efforts to muzzle parliaments, often turning them into "rubber-stamp" bodies. The call for supplementary and alternative methods of accountability increased accordingly.

An important development in this regard was the resurrection of the Freedom of Information (FOI) Act, which was first introduced by Sweden in 1766, but remained largely limited to a few Western nations. It was only in the later part of the last century—more particularly, during the sudden spurt of democracy in the aftermath of the Soviet Union's dissolution—that a large number of countries adopted the FOI law, in various other names, including the Right to Information (RTI) Act. The law provided a platform for citizens to intervene directly with government bodies to promote transparency and accountability in their work.

While citizens are empowered directly by a judicious use of the RTI Act, members of parliament can use the law to advance the interests of their constituents, too. In fact, in many countries, parliamentarians or their staff often use the law to obtain information, normally undisclosed by the government, or to probe government activities. It is resorted to more often when parliaments are in doldrums because of political difficulties. During such times, the RTI law provides an opportunity for all conscious citizens of the land, including lawmakers, to turn to the law to fill the gaps. It may be underscored that the RTI Act is available to all citizens of the land, irrespective of their vocation.

Let us end with a real-world example to illustrate the type of issues susceptible to such interventions.

A resident of an upazila in Dinajpur district submitted an RTI request to the local branch of a large bank late last year, asking for the list of recipients who benefitted from a government stimulus package for farmers to help them overcome financial difficulties caused by the Covid-19 pandemic. Upon receiving the request, the bank authorities reportedly resorted to various scare tactics to force the applicant to withdraw his application, including by threatening him with criminal prosecution. The applicant apparently came to know that the stimulus fund had mostly been disbursed among businesspeople, and hence the bank authorities were not inclined to provide the list.

The applicant refused to give in to pressures and insisted on his rights, as provided in the RTI Act. As a result, the bank finally sent him a written response, claiming that the requested information could not be disclosed as it fell within the purview of the exemption clause under the RTI Act. The applicant then applied to the appeal authority of the bank, stating, inter alia, that the information requested was public information and did not relate to any individual's private information, and therefore it could not be considered exempt. In the meantime, several other citizens submitted the same RTI request to the bank.

On receipt of the appeal and being faced with additional requests of the same nature, the bank authorities organised a meeting with the applicant at the house of a prominent local businessman. There, they pleaded for a mutually acceptable solution. Unable to withstand their relentless pressures, the applicant felt compelled to give in, in exchange for a promise to stop all future lapses of this nature. Subsequently, the applicant received a response to his appeal, "On basis of your complaint and following discussion between the two sides, specific mistakes have been identified and the concerned sections of the bank have been directed not to repeat such mistakes in the future."

A basic objective of Bangladesh's RTI Act is to ensure that "corruption shall decrease." Assuaging the effects of the pandemic is an issue which has occupied the minds of many, including our parliament, since the beginning of the crisis. While this story shows the difficulties that citizens face in making use of the law, it also highlights the tremendous potential of the law to fight corruption in public work. Hopefully more citizens, including our sociopolitical elites, will join those who are daring to make use of the law to address important public issues.

Shamsul Bari and Ruhi Naz are chairman and RTI coordinator, respectively, of the Research Initiatives, Bangladesh (RIB).