

RTI's decline in the face of global autocratisation

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The global surge in the adoption of right to information (RTI) or freedom of information (FOI) laws since the fall of the Soviet Union and the breakup of Eastern Europe three decades ago appears to have died down. Once regarded as the democratic "rite of passage" for nations, the law's use is in fast decline, and the main reason for that is the growing autocratisation of governance. The promise of the law – increased transparency in governance through independent access to government-held information, exposing corruption and maladministration and encouraging citizens to participate more fully in the political process – has failed to live up to expectations. Citizens increasingly fear that their RTI interventions in probing questionable government actions may land them in trouble.

Such fears affect the use of the RTI law. The expectation was that people would avail of the law as they became more aware of how it could monitor the work of government bodies. However, the reality is rather disappointing. Some governments have even sought to scale down the scope of the law and limit its operations. Others leave a large number of information requests unanswered. The use of exemption clauses to refuse information without justification is equally rampant. Instead of opening up, secrecy seems to be sneaking in. Information commissions are often reluctant to step in.

The good news, however, is that in Bangladesh, the law has been kept alive by many NGOs, diehard activists and ordinary users by putting it to use for purposes that are less likely to incite government wrath.

RTI law's use in Bangladesh has been largely limited to matters of personal or professional interest, or for the collective benefit of society. They range from safeguarding personal entitlements, such as safety net and other government benefits, to ensuring proper administration of government services benefiting society at large, such as public work, sanitation, education and health.

While the creation of a culture inspiring citizens to use the law for its larger objectives of holding the government to account remains a distant dream, there is still room for hope if we can deepen the process of citizen-government interaction that has already begun. In states emerging from long-standing colonial rule, citizens inevitably inherit a subservient mentality towards rulers and a willingness to accept official secrecy as an essential tool for governance. They find it difficult to accept the new reality where they are considered the actual owners of state power and, as such, commanding the right to know how their governments work. For the same reason, it is equally difficult for public officials to accept that they are now accountable to the citizens.

Unless there is a drastic change in the mentality and attitudes of citizens and public officials alike about the new reality, RTI cannot flourish. To achieve that goal, it is important to pursue the path of close interaction between citizens and public officials – the information seekers and information providers – through continuous use of the RTI process.

Such an approach may be pursued on many issues of public interest that are of importance to the government and people alike. Some such areas were brought to our attention recently by the Bangladeshi NGO, BLAST, which provides legal aid and services to the indigent and underprivileged in the country. Among its various activities, it also seeks to promote respect for the laws and policies of the land. BLAST's use of the RTI Act has yielded results in a wide range of areas.

Prevention of sexual harassment at public places and educational institutions: BLAST wished to find out whether the 2009 directive of the High Court for the formation of a sexual harassment prevention committee was being respected by public bodies. Its RTI intervention in May 2022 with the Bar Council revealed that a complaint committee was indeed formed recently, perhaps following the intervention, and measures were taken to deal with complaints. The intervention apparently led to the subsequent order of the Supreme Court to form sexual harassment prevention committees in every district court, in some of which BLAST was included as a member. Similar intervention with 45 public and private universities in the country led to commitment to form such committees.

Abolishing corporal and psychological punishment in educational institutions: A 2011 judgment of the High Court declared all forms of corporal and psychological punishments in educational institutions as "illegal and unconstitutional." In compliance with the ruling, the education ministry issued a circular prohibiting corporal punishment in educational institutions in 2010, and new guidelines prohibiting both physical and psychological punishments in 2011. Several years later, as BLAST began to utilise the RTI Act, it decided to submit RTI requests to various government entities, dealing with public education

between 2017 and 2020. It asked for information relating to implementation of the High Court judgment as well as the ministry directives. The purpose was to discover if the subject was discussed at school meetings and measures undertaken to sanction teachers for failing to follow the High Court directives. It appeared that concrete measures were undertaken by the relevant authorities only after BLAST intervened. The subject was subsequently included in Teacher's Training manuals, and school inspectors were required to include their findings on the subject in their reports. In addition, the topic was reportedly included in the monthly coordination meetings of deputy commissioners.

Birth registration of children from separated families or without known parents: As birth registration in Bangladesh was made mandatory for all citizens and the process was digitised in recent years, it caused severe difficulties for many groups, including many of BLAST's clients. To deal with them, BLAST submitted RTI applications to the authorities in several districts seeking information on the need for registration numbers of both parents and informing them about difficulties it created for orphans, street children or those whose parents' information were unavailable. The intervention resulted in the eventual removal of the mandatory requirement of birth certificate of parents for birth registration. These examples should help citizens to use the RTI Act for similar improvements in other areas of governance. We must remember that the basic objective of the act is to provide citizens with an instrument to partake in efforts to promote good governance in the country. While election laws allow citizens to influence governance indirectly by choosing their representatives, the RTI Act provides them a direct role to play in that regard. These are the two main pillars of democracy.

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