

RTI is more than a right, it is a civic duty

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"Why do you people work on promoting RTI (Right to Information) when there are so many important tasks to do, like working with health issues, water and sanitation programmes, and so on? RTI is a high-thought activity to be undertaken by intellectuals. What would a marginalised person do by knowing this law?"

These angry questions were directed to an RTI worker by the deputy commissioner of a northern district of Bangladesh.

Another senior official once asked an RTI applicant: "What are you going to do with the information? Why do you want it? Who motivated you to show such a daring attitude? You are going to be in deep trouble if you keep seeking information from government officers."

Such remarks dominate the experiences of RTI applicants, activists and promoters throughout the country. Barring a few instances of encouragement that help to keep the RTI law moving, we mostly see a continuing lack of understanding among many public officials about the basic objectives of the law, thereby impeding its application.

Worryingly, more than a decade after its adoption, the purpose of the law is still not clear to them. They fail to understand that seeking information from public offices is only a means to a larger end – that of better governance. The law, in fact, seeks to engage citizens in monitoring the work of public offices. Hence, seeking information is not only a right of citizens, but also a civic duty.

The preamble to the RTI Act underscores two clear goals of the law. One, to concretise the fundamental provision of our constitution that all powers of the state belong to the people; and two, to empower citizens to play a role in establishing transparency and accountability in the work of all public offices so that governance is improved, and corruption is reduced.

To achieve these goals, the Act provides a legal basis for citizens to access information held by the government or other public offices, except some exempted categories, such as those related to national and public security, international relations, law enforcement, etc. In doing so, it confers a responsibility on citizens to engage with public bodies to advance the objectives of the law. It is thus inherently an active law, not a passive or reflexive one. Citizens must use it to obtain its benefits.

From this perspective, the RTI law may be seen as an additional pillar of democracy in the country, similar to election law, since both are meant to strengthen democracy. Election law allows citizens to elect their representative to govern on their behalf, thus providing for indirect participation by the people in the governance of the country. RTI law allows for direct participation. By using it, citizens exercise a monitoring role over public officials. As a result, both are important for participatory democracy. Although one complements the other, RTI law is often more useful when election laws falter.

Such an understanding of the law makes its implementation easier. It can be applied by citizens not only to obtain specific information from public offices, but also to fulfil a civic responsibility – of enhancing interactions with public authorities, helping those authorities overcome their traditional ruler-ruled mindset, inculcating a value of openness in their work, and promoting their accountability to the people. There could be no better recipe to improve governance.

From this perspective, RTI requests may be seen as helping public officials realise that times have changed, and they must adjust to the new reality. Understandably, this change of attitude takes time, but global experiences show that after initial unease in terms of dealing with demands from ordinary citizens, the stance of public officials begins to change. More so, when they discover that most RTI laws make it mandatory to provide any information held by them (except for the exempted categories). The law also provides for sanctions against disobedience. While applicants are not required under the law to give reasons for seeking information, the

Act obliges public authorities to do so if they fail to supply them. The RTI Act has clearly been designed as a citizen's law.

The Information Commission, the putative guardian of the law, must also recognise the predominance of citizens' interests under the law. The Commission has been known to ask complainants of the reasons for seeking the requested information, forgetting the mandatory provision of the law, and the importance of citizens' use of the law in a democracy, whatever their motive (unless, of course, they are clearly abusive).

It is time that all of us – citizens, public officials and the nation as a whole – recognise the immense value of the RTI Act to enhance democracy and good governance. To obtain its full benefit, we must develop a proper understanding of its objectives, as clearly delineated both in the spirit and text of the law.

As the nation makes progress in various areas of national development, we must also ensure proper implementation of the RTI Act, the basic principles of which have been duly recognised in the UN Sustainable Development Goals (SDGs), which Bangladesh fully endorsed.

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