

The Daily Star

15 August 2023

If your court case is stuck for lack of evidence, try RTI

Indications of the growing maturity of RTI Act users and the increasing willingness of public officials to abide by its provisions are indeed welcome developments.

Rafiqul Islam, a madrasa teacher of Taraganj upazila in Rangpur district, was terminated from his job by the madrasa authorities in March 2014 for protesting against irregularities in the appointment of a teacher to a higher post (to which Rafiqul had also applied). In 2015, he filed a civil declaratory suit with the Assistant District Judge's Court, challenging his termination. While his case remained pending, a certain Rezwanul Haque was appointed in his place. In April 2016, Rafiq filed an injunction suit with the same court seeking to block Rezwanul's enlistment under the government's Monthly Payment Order (MPO) scheme, claiming that his appointment was illegal pending the resolution of Rafiq's declaratory suit. The court granted the plea and issued an injunction order in September 2016.

However, the very next month, the madrasa authorities went ahead and paid Rezwanul his benefits under the MPO scheme. While proceedings and appeals went back and forth, Rezwanul continued doing his job.

As time passed, a dejected Rafiq shared his frustration with Mominul Sarkar, a local right to information (RTI) activist. In January 2020, Mominul submitted RTI requests to the upazila education office and upazila nirbahi (executive) office, seeking relevant documents to prove Rafiq's claim of irregularities by the madrasa authorities. Through his tenacity, Mominul managed to obtain the documents, which Rafiq submitted to the district court to strengthen his claim.

More recently, RTI interventions have included governance and administration issues such as school management, the workings of courts and hospitals, staff training, narcotics control, disbursement of social development funds, road management, climate change, and environmental issues. In the process, citizens have gained experience, confidence, and the courage to confront RTI challenges.

In the meantime, the madrasa authorities appealed to the High Court against the confirmation of the injunction order. In June 2021, the High Court confirmed the order of the district court, imposed a fine of Tk 5,000 on the madrasa, and ordered the court to dispose of the suit.

In February 2023, nearly nine years after the beginning of this tale, the district court passed an order of civil imprisonment for five months against all defendants and imposed a fine of Tk 7,000 on each. More recently, regarding Rafiqul's declaratory suit, the court declared his termination illegal. [RTI's role in resolving these cases](#) was evident.

This story was told last month at a seminar organised by an NGO to share its findings on an RTI project it had conducted in six northern districts of Bangladesh. It was attended by many RTI users and enthusiasts, NGO representatives, and a former chief information commissioner. It shed light on the progress of the law in recent times, highlighting gains made in many areas, and the recurring critical challenges confronting its users.

Many success stories were also accompanied by many disconcerting stories about the attitudes of designated officers (DOs) and relevant public officials towards RTI applicants, and the unfriendly behaviour of the Information Commission towards complainants during hearings. Overall, the seminar provided a rare forum to assess and understand the respective roles of the three main players of the RTI law, namely the demand side (citizens), the supply side (public officials dealing with RTI), and the adjudicator of disputes (the Information Commission).

Important strides have been made by the demand side in taking the law forward, most significantly in broadening the sphere of RTI requests. While in earlier years applicants were more focused on personal needs, social safety net programmes, entitlement to government services, and other areas of personal interest, they appear to have gradually moved on to issues like land registration, repair work of local roads, and infrastructure construction (such as culverts and bridges). More recently, RTI interventions have included governance and administration issues such as school management, the workings of courts and hospitals, staff training, narcotics control, disbursement of social development funds, road management, climate change, and environmental issues. In the process, citizens have gained experience, confidence, and the courage to confront RTI challenges.

Many NGOs have played a critical role in promoting the law as well. The change of focus in the application of the law, being scaled up gradually from seeking information primarily for personal needs and entitlements to seeking transparency and accountability is largely the outcome of their efforts. Some NGOs, which were earlier focused on rural areas, have subsequently moved on to urban areas, engaging more educated and socially aware citizens. If such progress of RTI law application continues, attention to larger issues of national interest is likely to follow soon.

The gains made by the demand side have been possible because of positive inputs from the supply side. Out of 5,239 RTI requests made during 22 months of the project period presented by the NGO, 1,840 replies were received, amounting to 35 percent responses. While not satisfactory, this is still noteworthy, given that RTI requests are no longer limited to personal needs – which are easier to handle – and now cover a wide range of transparency and accountability issues. The supply side deserves recognition for this.

But the fact that 65 percent of the requests went unanswered must be a matter of serious concern. This will also reflect poorly on the Unesco report on SDG 16, which includes ensuring public access to information and protecting fundamental freedoms, in accordance with national legislation and international agreements. The statistics on non-response were also exacerbated by many negative stories about the unpleasant behaviour of DOs towards applicants and their penchant for phoning and threatening them with serious consequences for their "audacity" to seek sensitive information. The Information Commission's seeming indifference to DOs ignoring the law is also concerning.

Indications of the growing maturity of RTI Act users and the increasing willingness of public officials to abide by its provisions are indeed welcome developments. Measures by the government to bring the large number of delinquent public officials to book and the willingness of the Information Commission to apply the prescribed sanctions against them will take it further. The regeneration of the RTI forum in Bangladesh to coordinate demand-side efforts is equally crucial. Together, we can unfurl the limitless benefits of this versatile law.

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