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The information commission is a prime mover of the RTI Act

The experiences of Sri Lanka and Pakistan are lessons for everyone concerned with promoting the right to information.

Last month, two new commissioners were appointed to the Information Commission of Bangladesh, filling positions that had been sitting empty for some time. A fully-functional commission is indispensable for balanced, impartial, and objective decision-making, particularly for adjudicating claims between disgruntled information seekers and recalcitrant public officials. We welcome the new commissioners and wish them well in advancing the Right to Information (RTI) Act, arguably the country's most important citizen-friendly instrument to promote transparent and accountable governance. Examples from our neighbouring countries can lead the way for our commissioners.

We begin in Pakistan, where one Rana Abrar Khalid submitted an information request to the Cabinet Division in November 2020, under the country's Right of Access to Information Act. Abrar wanted to know about gifts received from foreign dignitaries by former prime minister of Pakistan, Imran Khan. Not receiving a response within the stipulated period, he filed an appeal to the Pakistan Information Commission (PIC).

The requested information included the number of gifts Khan had received from foreign heads of states, governments or dignitaries between August 2018 and October 2020; descriptions or specifications of all the gifts; and gifts retained for himself and the amount deposited in the national exchequer in return, including account number(s) to which the money was transferred. Other citizens subsequently made similar RTI requests, seeking details about all gifts received by public representatives and officials since independence.

In Sri Lanka, the Right to Information Commission went beyond ordering disclosure and filed a case itself before the Colombo Chief Magistrate's Court (CMC) against two information officers of the Sri Lankan health ministry. These officers had failed to disclose information sought by an RTI applicant despite being ordered by the commission to do so.

The Cabinet Division denied all the requests, claiming that gifts exchanged between heads of states and the government add a personal touch to inter-state relations, and their disclosure could create sensationalised media stories, damaging Pakistan's interests and jeopardising inter-state relations.

Giving decisions on appeals, the PIC stated that while giving a "personal touch" to inter-state relations through gifts is a normal practice, the relations between any two states are primarily dictated by common interests. The latter has a greater impact on inter-state relations than gifts. Media hype and unwarranted stories come from withholding information and the consequent trust-deficit between citizens and public institutions. Ordering disclosure of the information, the PIC further opined that "public interest in terms of promoting transparency and accountability through the disclosure of requested information far outweighs any likely harm, if at all, to inter-state relations. In fact, such a disclosure is likely to strengthen inter-state relations."

The Pakistan government petitioned against the PIC order to the High Courts of Islamabad and Lahore. While the final verdict remained pending, the Islamabad court declared that PIC's decision was not being barred. The PIC went ahead, imposing a fine on the secretary of the Cabinet Division for not implementing its order. When the secretary applied to have the fine forgiven, the court granted the request on condition that the PIC's order be implemented.

Additionally, the PIC order led to the framing of a new federal policy on gifts received from foreign dignitaries. The earlier practice of allowing government functionaries to retain any gift by paying 50 percent of the assessed price was abolished, and any gift exceeding \$300 now becomes Toshakhana property immediately. Subsequently, an Islamabad court convicted Imran Khan in August 2023 on a related case based on the disclosure, which was submitted by the Election Commission. The power of the country's right to information law was revealed loud and clear.

We now move to Sri Lanka, where the Right to Information Commission went beyond ordering disclosure and filed a case itself before the Colombo Chief Magistrate's Court (CMC) against two information officers of the Sri Lankan health ministry. These officers had failed to disclose information sought by an RTI applicant despite being ordered by the commission to do so.

Dr Nilan Fernando, representing the People's Movement for Free Health Service, filed an application in February 2019 at the health ministry, requesting information on ingredients contained in imported milk powder. Not receiving the information, he filed an appeal to the commission in September 2021, upon which the latter directed the ministry to provide the requested information. As this too yielded no result, the commission filed the case.

At the hearing, the commission's counsel argued that the two accused should be convicted for violating specific sections of the country's RTI act. Convinced, the CMC summoned the two information officers to appear in court on March 21, 2023. They were facing a fine up to 50,000 Sri Lankan rupees or imprisonment up to two years or both. They escaped the punishment by providing the information.

The commission continues to encourage citizens to undertake similar, if not more, determined efforts to make government authorities more open and accountable. It ordered the release of a probe report on former state minister of prison management Lohan Ratwatte's controversial visits to Anuradhapura and Welikada prisons at night. Allegedly, he along with a group of friends would enter under the influence of alcohol and try to abuse inmates. The Centre for Society and Religion requested the information from the rehabilitation and prison reforms ministry, but the

latter refused release, claiming the probe to be a classified document. Upon enquiry, the commission learnt that the probe commission's report was not a classified document, and hence, ordered its release.

The experiences of Sri Lanka and Pakistan are lessons for everyone concerned with promoting the right to information. They demonstrate the extensive reach of the law and the role information commissions can play to help citizens get there. In Bangladesh, however, we must first encourage people to use the law more in such cases.

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