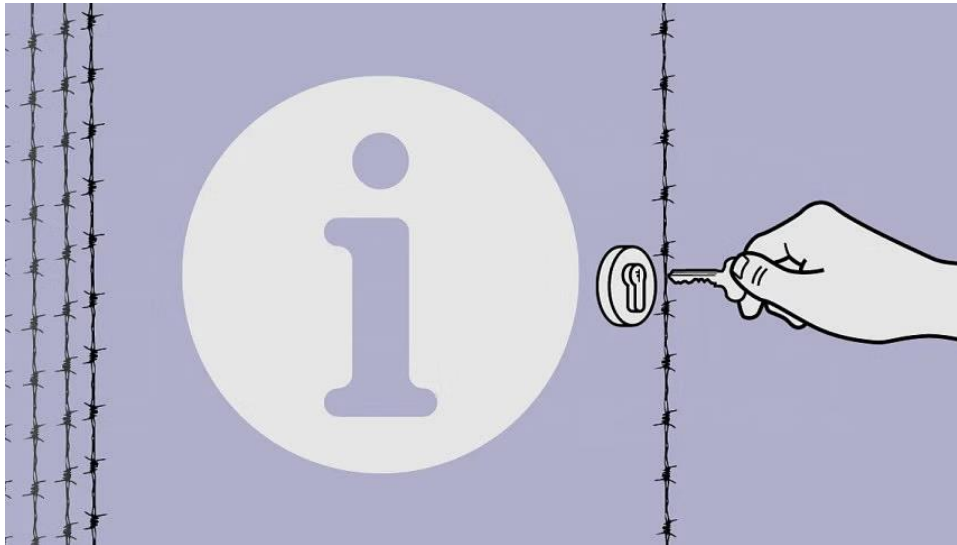


## RTI can help our new government fulfil its election pledges



VISUAL: STAR

In Bangladesh, a new government has just been sworn in. Elections are held to establish an agreement between electors and the elected to form a government which will run the affairs of the state on behalf of the people for the next few years. The basic element of the agreement is the accountability of the government to the people. Accountability is the pillar on which the entire edifice of democracy is built. It is no surprise, therefore, that the election manifesto of the winning Awami League contained the word "accountable" in its pledge to the nation "to build a public welfare-oriented, accountable and efficient system of governance, with zero tolerance for corruption." Citizens should help the new government fulfil this commitment. And, fittingly, we have a law that was put in place for this very purpose.

As governments become more adept at manipulating democratic institutions to advance their own goals, mechanisms have evolved to curb such tendencies, such as "right to information" or "freedom of information" laws. These impose a legally enforceable responsibility on governments to ensure transparency in their work and accountability to the people they serve. Simultaneously, they empower and confer a social responsibility on citizens to monitor the work of the government through recourse to the law.

The Right to Information Act, 2009 of Bangladesh specifies a mechanism for citizens to access all information—with few exceptions—available to the government and many other public authorities.

Two key mechanisms are foreseen in the RTI Act for disclosure of information to the people: proactive disclosure and reactive disclosure. Under proactive disclosure, a public authority discloses information of interest to the public in a publicly available form, such as through print or electronic media. While it would seem ideal that all legally disclosable information be disclosed proactively, this is not always practicable. For example, we may be told the name of the lowest bidder for a government tender, but that does not tell us whether the selection process was fair or if the work was properly delivered. And while it serves transparency well that every public authority must disclose information relating to its policies, decisions, annual budgets, and so on—this does not provide accountability. This is when reactive disclosure is needed.

A good RTI law therefore provides for both. Proactive disclosure helps public authorities to be transparent in their work, while reactive disclosure empowers citizens to monitor the accountability of those performing the work.

The key players in the RTI mechanism are citizens. On the proactive disclosure front, they will have to be vigilant not only to ensure that the existing list for mandatory disclosure is respected by public authorities, but that more items are progressively included into it. Sweden provides a good example of how much information of perennial public interest can be put on such a list so as to lessen pressure on public offices to supply them under the reactive disclosure mechanism. There are certainly lessons for us to learn from other countries with mature RTI regimes.

Even if the range and number of proactive disclosure lists are increased progressively, the need for reactive disclosure will always remain. In one of our earlier columns, we described the nature of RTI requests in Bangladesh as the "tip of the iceberg." They largely concern personal and mundane needs of citizens which could easily be included in the proactive list. At the "bottom of the iceberg," however, there will always be a large number of sensitive issues relating to government accountability which can only be unearthed through specific RTI requests.

Readers will recall the directive of the High Court in 2011, upheld by the Supreme Court in 2016, to demolish the erstwhile BGMEA building on Hatirjheel Lake in Dhaka. This resulted from an RTI request by a citizen seeking a copy of the official permit for the building's construction. No such permit was obtained. The famous 2G scam in India is another example. Information obtained through an RTI request exposed a scandal in the telecom sector relating to government auctioning of 2G spectrum, in which top ministers had

colluded to undercharge certain mobile phone companies in exchange for hefty bribes. It resulted in stiff sanctions against those involved. Without specific requests, such information would never have been unearthed.

Access to information available with government bodies, whether through proactive or reactive mechanisms provided in the RTI Act, offers a good basis for citizens to help the new government of Bangladesh fulfil its election pledge to the people of citizen-oriented, corruption-free governance for the next five years. But this must be achieved through the combined efforts of individuals and citizen groups, by setting up specific benchmarks for the progressive enlargement of proactive disclosure lists by the government and by employing clear strategies to promote greater use of the RTI law to monitor public work continuously. The government must see such efforts by citizens as complementing its own efforts in honouring its pledge to the nation

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