

## **Arrest and imprisonment of journalist over RTI request is ominous**

The arrest and imprisonment of a journalist last month in Sherpur District over his request under the Right to Information (RTI) Act, 2009 has rattled concerned citizens. According to media reports, on March 5, Shafiuzzaman Rana, a correspondent for Bangla daily Desh Rupantor went to the office of the Nokla UNO (Upazila Executive Officer) to submit an RTI application about the purchase of computers and laptops under a government project. Rana asked for a receipt of the application, but the office assistant asked him to wait till the arrival of the UNO, who was at a meeting. This apparently led to heated discussions between the two, upon which Rana called the deputy commissioner of the district directly to complain.

Hearing the commotion, the UNO returned to her office and a more serious altercation broke out between the two sides. Nokla police were called in and Rana was quickly arrested for misbehaviour with public officials. With equal alacrity, a mobile court conducted by the assistant commissioner (land) sentenced Rana to six months' imprisonment and ordered the seizure of his two mobile phones. He was charged with "trespassing into a government office, causing commotion, obstructing government work, creating a disorderly situation, and misconduct." Rana was also "found guilty under Section 188 of the 1860 Penal Code and for molesting a female employee under Section 509 of the Penal Code." Held in Sherpur District Jail for one week, Rana was released on bail on March 12. A local magistrate's court scheduled a hearing on Rana's appeal against the verdict on April 16.

This incident comes at a time when the country had just begun to reap, however timidly, the benefits of the law which seeks to engage citizens to assist the government in making governance more transparent and accountable. All three main actors in the RTI Act have been more active recently. Citizens have begun to use the law more responsibly to seek relevant information from public offices. The latter are also increasingly responsive. And finally, the Information Commission, tasked with resolving disputes between the two sides, appears to be more even-handed in its approach to RTI matters. All these are conducive to the success of this, perhaps, most groundbreaking law of the land.

The disturbing events surrounding Rana's arrest are therefore deeply troubling. As the news spread, journalist groups, both at home and abroad, raised concern. To the credit of the Information Commission (IC), it released a press statement announcing that it found it fit to probe the issue under Section 25(4) of the Right to Information Act, 2009. Information Commissioner Shahidul Alam Jhinuk was assigned to conduct the investigation.

On his part, the new and energetic State Minister for Information Mohammad Ali Arafat was also quick to respond. He called the Chief Information Commissioner (CIC) and urged for

immediate action. The investigation by the IC was completed on March 17, and the next day the CIC went to see the minister to apprise him of the findings and his decision to summon both the parties to the IC for a hearing. At the hearing on April 2, the Nokla UNO was found guilty for failure to act in accordance with the law and the IC recommended punitive departmental action against her.

We commend the authorities for such quick actions. However, as the case runs its course, there are larger issues about the implementation of the RTI Act that should raise concern for the nation as a whole.

Clearly, the eruption of hostility surrounding the submission of a simple RTI request to a public official was uncalled for. The law foresees the submission of RTI requests to the designated officer (DO) of an authority by hand or post. It is the job of the DO to provide a receipt without any questions asked. The law specifically underlines that no questions may be asked about why citizens seek any legitimate information. It is their right.

Unfortunately, the latter point is still often lost on many public officials. Incidents like the one in Sherpur reportedly take place regularly all over the country. In fact, as the Sherpur story unfolded, there were newspaper reports about five journalists being threatened with arrest and subjected to verbal abuse in Lalmonirhat when they appeared at a hearing relating to land mutations to obtain reportable information (though not directly related to any RTI requests). National and international journalists' associations expressed concern, and the information minister had to assure them of appropriate action.

We regularly receive reports from RTI fans in the country regarding the high-handed behaviour of many public officials, which are often mentioned in these columns. Such behaviour undermines the positive image of many other government officials who are in fact helping the country emerge from the darker days of official secrecy and enter into the sunshine of open and accountable governance.

That such openness is not a pipe dream has already been proven in many areas of governance. For instance, the use of RTI by citizens has brought more transparency in the allocation and distribution of many government safety net programmes, ensured proper delivery of free medicine at government clinics, brought more transparency to the disbursement of scholarship money for students, etc.

It is time, therefore, that public authorities recognise the enormous potential of the RTI Act in contributing to a mutually beneficial citizen-government relationship that can promote better governance. The initial fear of many public officials that the law would be used by citizens primarily to harass them has largely been proven wrong. More RTI requests are being made on matters of public interest than to malign or embarrass public officials.

We underline the importance of both the Information Commission and other government bodies in recognising that the RTI Act is unique among all the laws of the land, in that it was specifically adopted to empower citizens to both assist and monitor the work of the government.

It is a law that only citizens can use and set in motion. Their interest must, therefore, receive the highest priority from all concerned.

It was encouraging to see the CIC visiting the office of the Information Minister, head of the nodal ministry overlooking the implementation of the RTI Act, to brief him about the Sherpur incident and reassure him of appropriate action. A similar gesture to reassure citizens, the main protagonist of this law, was equally called for. Regular meetings between the IC and citizens' groups to discuss the pros and cons of the law's implementation can go a long way to advance its objectives.

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