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RTI: Are our political parties ready for transparency and accountability?



FILE VISUAL: SHAIKH SULTANA JAHAN BADHON

An encouraging outcome of the protracted crisis confronting Bangladesh's right to information (RTI) regime over the past year has been the growing attention the law has received from concerned citizens and civil society leaders. The July 2024 uprising further amplified the debates.

Out of this moment has emerged a clear public demand: to explicitly include political parties within the RTI Act's definition of "public authorities." Such inclusion is contested in most jurisdictions, most notably in neighbouring India, precisely because it would subject political parties, like other public-serving bodies, to statutory record-keeping and disclosure obligations. Unsurprisingly, many parties resist this expansion, wary that their internal records, finances, and decision-making processes could be scrutinised under the law.

A close look at the definition of "authority" under Bangladesh's RTI Act, 2009, helps explain how political parties contest their inclusion. To qualify as an "authority," an entity must be: (i)

any organisation constituted under the constitution; (ii) any ministry, division, or office established under what is known as the "Rules of Business;" (iii) any statutory body established by or under any act; (iv) any private organisation funded by government grants; (v) any private organisation funded by foreign grants; (vi) any organisation performing public functions under a government contract; or (vii) any organisation notified in the official gazette.

Political parties argue that they fall into none of these categories and, therefore, lie outside the RTI Act's purview, not being obliged to respond to citizens' RTI requests.

Citizens, on the other hand, argue that they should have access to information about political parties' activities, given their central role in governance. The RTI Act was adopted to make public officials more open and accountable to the people. In practice, politicians—operating through their parties—are integral to governance, such as shaping policy, selecting candidates, forming cabinets and coalitions, and influencing public expenditure and regulation. In that context, political parties too should be considered "public authorities," accountable to citizens.

Though untested in Bangladesh, similar issues have been debated in India. As RTI requests to political parties were repeatedly stonewalled, the Central Information Commission (CIC) of India faced numerous complaints from citizens. In 2013, the CIC ruled that political parties are indeed "public authorities," as they are "substantially financed by the Central Government," and they receive benefits from it, and perform functions of public importance.

Parties enjoy benefits such as the allocation of land for offices, government accommodation at subsidised rates, and income tax exemptions, the CIC noted. It reasoned that political parties wield significant influence over government power and must therefore be accountable to citizens.

As expected, the parties ignored the CIC's decision. Yet, since it was never overturned, it remains valid, albeit in legal limbo. This led an NGO to file a writ petition before the Indian Supreme Court in 2015, which the court finally took up for hearing in April 2025. The outcome remains awaited.

Given India's experience, incorporating political parties into Bangladesh's RTI framework is likely to be a challenging task. As a starting point, citizens could test the parties' positions by submitting RTI requests. If they refuse, the Information Commission's complaint mechanism, once revived, should be invoked. Failing that, a writ petition may be filed in court.

This process will likely take considerable time. Meanwhile, citizens may pursue three avenues in parallel.

First, they may lobby the interim government to include political parties as "public authorities" through an amendment order to the RTI Act, reportedly under consideration with input from citizens, which the next parliament will hopefully endorse. A few countries—Mexico, Nepal, and North Macedonia—have explicitly brought political parties within the scope of RTI laws. Others, such as Chile, Spain, and South Africa, have achieved the same effect through related legislation or judicial rulings.

Second, citizens and NGOs could engage directly with political parties on the importance of transparency and accountability and on their readiness to accept inclusion under the RTI Act. NGOs with relevant expertise could organise dialogues ahead of elections to discuss parties' likely obligations under the RTI framework, ideally encouraging them to include a commitment to the law in their manifestos.

Third, citizens may begin seeking information about political parties that is already available from public bodies. Under the Representation of the People Order, 1972 (President's Order), parties must submit reports to the Election Commission detailing financial statements, income, expenditure, and sources of funds. These can be requested directly from the commission. Similarly, tax-related information may be obtained from the National Board of Revenue.

The Information Commission has previously ruled against releasing such information held by the Election Commission in response to citizen requests. This prompted Shushashoner Jonno Nagorik (Shujan), the civil society organisation, to file a writ petition with the High Court, challenging the decision. In its landmark judgment of February 2016, the Court declared the Information Commission's order to have been "passed without lawful authority and of no legal effect," directing the Election Commission to release the requested information.

More importantly, the court stated unequivocally: "Ignoring the people's right to know, keeping them in the dark, and playing hide-and-seek with them in a democratic country like ours, where all powers belong to the people and their mandate is necessary for ruling the country, no registered political party can be allowed to take the stand that the audited statements submitted to the Election Commission are 'secret information'."

There is, therefore, reason for hope. Let us proceed constructively: first, by opening dialogue with political parties on this vital issue and promoting greater use of the law by citizens committed to strengthening democracy; and second, by urging the interim government to enhance transparency and accountability by swiftly filling the vacant posts of Information Commissioners with qualified, credible persons, making the necessary amendments to the law, and ensuring its proper implementation. After all, it was a caretaker government that first enacted the RTI Ordinance, 2008, which was later passed as the RTI Act, 2009.

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