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## Reviving RTI: A test for the new government

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FILE VISUAL: ANWAR SOHEL

The long-anticipated and widely speculated national election has concluded. Contrary to many predictions, voters delivered a decisive mandate to the Bangladesh Nationalist Party (BNP). People's participation signals their endorsement of a platform framed around institutional stability, rational governance, and inclusivity. The party leadership has reiterated its commitment to strengthening the rule of law and combating corruption—priorities that, if pursued consistently and with integrity, will shape both the credibility and durability of the incoming administration.

The result also holds significant implications for the future of the Right to Information (RTI) regime in Bangladesh. The year and a half of the interim government (IG) elicited both praise and criticism for reasons widely known. For many who viewed the July 2024 uprising—driven largely by a politically awakened younger generation—as a turning point aimed at restoring popular sovereignty and revitalising democratic institutions, the IG's record on transparency and accountability proved deeply disappointing.

For the entirety of its tenure, the IG allowed the Information Commission—the statutory guardian of the RTI framework under the RTI Act, 2009—to lapse into paralysis. During the

previous 15 years, however imperfectly, the commission had been among the very few institutions willing to assert a measure of democratic oversight in the face of executive overreach. That modest but important role came to a halt when the IG failed to appoint the three commissioners required by law, including the chief information commissioner, after the previous incumbents resigned. As a result, the commission was unable to perform its quasi-judicial functions: hearing appeals, enforcing compliance, and holding public authorities accountable for unlawful refusals to disclose information. For RTI activists and civil society organisations who regard the act as a central tool of democratic oversight, this institutional vacuum generated deep frustration.

The failure to reconstitute the commission cannot easily be dismissed as administrative oversight. At minimum, it reflected institutional neglect; at worst, it suggested ambivalence towards the very transparency mechanisms the uprising had sought to strengthen. At a moment when public expectations of reform were at their peak, revitalising the Information Commission would have been one of the clearest demonstrations of a commitment to open, citizen-centred governance. Unfortunately, that opportunity was not seized.

The reform of the law also did not progress. Civil society groups and RTI advocates participated in the process in good faith, submitting detailed proposals to make the act more accessible, citizen-oriented, and enforceable. However, their recommendations received little substantive engagement. When draft amendments were made public towards the end of the IG's tenure, they inspired neither confidence nor serious public debate, appearing disconnected from the reformist energy that had animated the July uprising. The transitional period thus ended without either a strengthened statute or a functioning oversight body.

Transitional authorities carry a heightened moral and political burden. Lacking an electoral mandate, they derive legitimacy from public trust and from their adherence to reformist principles. To sideline the principal legal instrument that enables citizens to scrutinise the state is therefore not a neutral act; it is a consequential choice. There are two plausible explanations for it. Either the RTI regime was treated as a secondary concern amid competing priorities, or it was viewed as inconvenient—capable of revealing truths that a transitional administration might have preferred to avoid. If the latter is true, it should prompt concern. A government confident in its integrity has little reason to fear transparency. The ultimate test of commitment to reform lies not in rhetoric but in a demonstrable willingness to submit to scrutiny. In this respect, the IG's record warrants critical reflection.

The advent of a new government thus opens a renewed window of opportunity. BNP campaigned on a 31-point reform programme, which was later incorporated into its election manifesto, and had reaffirmed its commitment to the July Declaration. It will therefore fall to the citizenry—and to civil society institutions—to hold the new administration to these pledges during its formative months. The BNP must be reminded of its electoral commitments, and citizens should carefully assess the extent to which those promises are translated into concrete action.

One immediate, concrete step for the new government would be the prompt, transparent reconstitution of the Information Commission. The RTI Act itself provides guidance on the

qualifications and selection of commissioners. An objective, merit-based appointment process would send a powerful signal that the government intends to restore institutional integrity rather than merely fill vacancies. Independence, competence, and credibility must be the guiding criteria.

Parallelly, the government can strengthen the law substantively. Particular attention should be paid to the provisions governing exemptions from disclosure, especially those framed broadly in terms of national security and public interest. Narrowing and clarifying these exemptions, and introducing a robust “public interest override” clause, would better align the act with international best practice. The law would mandate the release of information whenever the public’s need to know is more important than the government’s preference for confidentiality.

Restoring the Information Commission and refining the RTI Act would not merely rehabilitate a neglected statute but also reaffirm a constitutional principle—that sovereignty ultimately resides with the people, and that transparency is the lifeblood of democratic governance. The new administration now has both the mandate and the opportunity to demonstrate that commitment in practice.

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