

Implementing the Right to Information Act in Bangladesh: Opportunities and Challenges

“Every citizen has a right to information from the Authority and the Authority shall on demand from a citizen be bound to provide information.”
– Section 4 of the Right to Information.

Bangladesh’s Right to Information Act (RTIA) was passed in Parliament on 29 March 2009. It received the President’s assent on 5 April in that same year, and was noted a day after in the Gazette. It became functional on 1 July 2009, and an Information Commission (IC) was formed. The RTIA specifies that one commissioner has to be a woman.

Compliance with international standards

The RTIA complies with international standards, such as: the Universal Declaration of Human Rights (Article 19 guarantees freedom of thought, conscience, speech, and the press); the International Covenant on Civil and Political Rights (ICCPR) [Art. 2 recognizes the RTI as a human right]; the International Covenant on Economic, Social, and Cultural Rights (ICESCR) [States are to respect fundamental rights rooted in universal principles of human dignity and equality]; the Convention to End All Forms of Discrimination against Women (CEDAW); and the Convention on the Rights of the Child (CRC) [upholds the right

What is “information”?

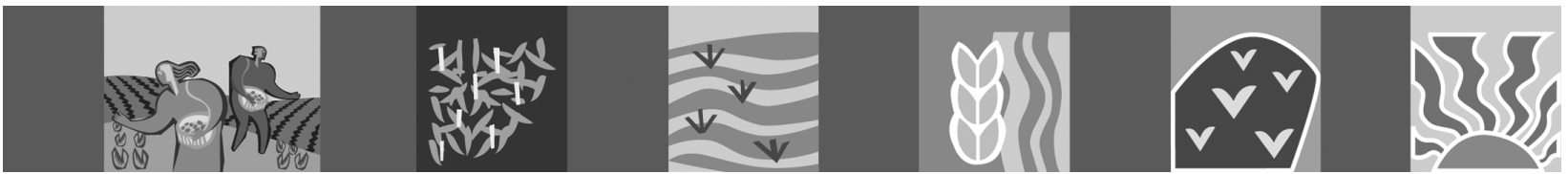
According to the RTIA, information *relates to an Authority’s constitution, structure and official activities*. This includes any:

Memo, book, design, map, contract, data, log book, order, notification, document, sample, letter, report, accounts statement, project proposal, photograph, audio, video, drawing, film, any instrument prepared through electronic process, machine readable documents and other documentary material regardless of its physical form or characteristics.

Official information does not include office note sheet or photocopies of note sheets.

Authorities are not obliged to share certain kinds of information, for example information related to foreign policy and information that, when disclosed, would threaten national security; benefit or harm an individual or institution (e.g., advance information on income tax, customs, changes in exchange rate); or obstruct the enforcement of law, to name a few cases.

by Dr. Sadeka Halim, Information Commissioner



to information and freedom of expression by women and children].

RTI in Bangladesh

The freedom of thought, conscience, and speech is recognized in Bangladesh’s Constitution as a fundamental right. The right to information is an inalienable part of it. Since all powers of the Republic belong to the people, it is necessary to ensure the right to information for their empowerment. Information ensures transparency and accountability of all public, autonomous, and statutory organizations and of other private institutions. It also helps reduce corruption in these organizations.

Parties involved in the RTI are: applicants seeking information; designated officers (DOs) who provide information; the Appellate Authority, and the Information Commission (IC), a quasi-judicial body.

Those seeking information must apply in writing or by email to the DO, indicating their name, a correct and clear description of the information sought, any useful and related information that might help in locating the requested information, and the description of the method by which the information is sought, namely by inspecting, taking notes, or any other approved method.

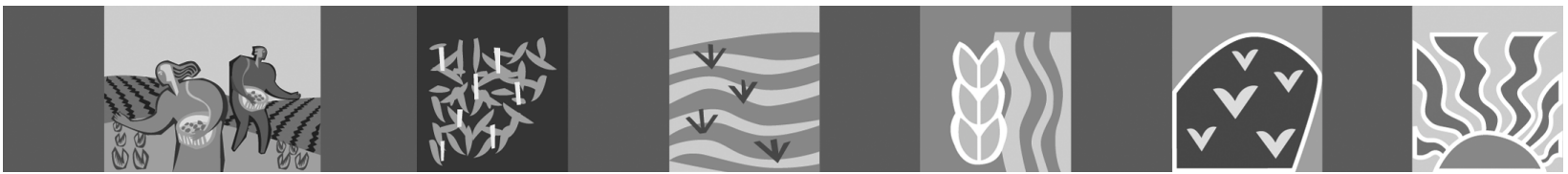
Expected outcomes of RTI

The RTI is a powerful instrument that communities can use to seek information in a very structured way. Its expected outcomes are:

- Recognition of the constitutional rights of citizens
- A challenge to the culture of secrecy
- Changes in the mindset of government officials/NGOs
- People’s empowerment; breaking the culture of silence (people begin to talk about it)
- Reduced corruption
- Improved governance
- Strengthening of democracy
- Ensuring best use of resources; strengthening service providers
- Reduced poverty and ensured transparency and accountability of all government, non-government, and autonomous organizations
- The people’s exercise of the right to know through the RTI:
 - Who is responsible for what – a difficult task as many people do not know where to go to demand information
 - How much money is allocated for specific work, plans, and projects
 - What initiatives are being taken by the government and NGOs
 - How to access documents and records

Furthermore, proactive disclosure has several advantages for both the people and the public authorities:

For the people	For the public authorities
<input type="checkbox"/> Improves access to authentic, useful, and relevant information	<input type="checkbox"/> Minimizes time, money, and effort required by the public to access important but routine information
<input type="checkbox"/> Helps people to understand better what information they can access and how to seek it	<input type="checkbox"/> Reduces the number of requests for information, thereby reducing the administrative burden on government
<input type="checkbox"/> Helps citizens play an effective role in local governance through informed participation	<input type="checkbox"/> Enables structuring of large volumes of information in an easily comprehensible format



Positive impacts

Since the Act was passed, people have started to apply for information. In 2010, 23,000 applications were submitted. However, not all cases complied with the correct format and were therefore not accepted.

The Information Commission – which works together with some NGOs to serve both the supply (government) and the demand (public) side – is increasingly receiving complaints and conducting hearings. In 2010, it received more than 500 complaints, almost 21% of which were land related.

Challenges in implementing the RTI in Bangladesh

Many challenges still stand in the way of implementing the Right to Information Act in Bangladesh:

- Mainstreaming the RTI in code of conduct
- Making the legal system RTI-friendly – occasional analysis and review, harmonization of existing laws with the RTIA to remove inconsistencies
- Strengthening political will and commitment
- Ensuring institution building of the IC with adequate resources
- Ensuring appointment of designated officers in all public/autonomous and non-government offices
- Developing records management and web-based databases
- Adopting a pro-poor strategy for raising awareness about the RTI and its use – e.g., establishing community e-centers at all levels
- Establishing a central and local monitoring mechanism to oversee effective implementation of the RTI

- Breaking down resistance from within
 - Civil officials – reduced discretion
 - Politicians – abuse of power
 - Businesses – vested interests
 - Media – reduced scope to manipulate information for vested interests
 - NGOs, civil society – polarization and lack of unity
- Taking on the long-term process of ensuring people's right to information – It needs unending commitment and effort from different actors who have to be prepared to cope with setbacks and frustrations.
- Building the creative capacity needed to face challenges
- Taking lessons from experiences of what works and what does not
- Learning by doing, backed up by a continuous process of innovation and creativity

Some advice for CSOs

Certain laws may have rules prohibiting giving information. If there is a law on the freedom to information, this should supersede all other conflicting laws. This is what you have to fight for.

Also, there are ways of obtaining critical information, even from organizations not included in the RTI, such as private mining companies. But NGOs can approach the ministry responsible for mining applications, and obtain the necessary information. ■



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ANGOC is a founding member of the International Land Coalition (ILC). ANGOC is the regional convenor of the Land Watch Asia (LWA) campaign and the Asian Alliance Against Hunger and Malnutrition (AAHM-Asia). ANGOC is also a member of the Global Land Tool Network (GLTN) and the Indigenous Peoples' and Community Conserved Territories and Areas (ICCA).

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