

Information is the Oxygen of Democracy

International Right to Information Day

28 September 2006



মন্ত্রীর কার্যালয়



Minister
Ministry of Law, Justice and
Parliamentary Affairs
Government of the People's Republic
of Bangladesh

Message

I am very delighted to know that the International Right to Information Day is going to be observed for the first time in Bangladesh. Information is the key notion of democracy. Free flow of information strengthens the democratic process. Receiving the right information is a precondition for ensuring clarity and accountability. Now-a-days Information is being considered as an important indicator of progress in both the developed and the developing countries. For assuring the expansion and sustainability of the democratic culture, the peoples' right to know has now become a worldwide inclination. To expand the thrive of democracy in a developing country like Bangladesh, steps should be taken to enhance awareness about the 'Right to Information' among the mass people.

I hope for utter success of the initiatives taken for creating a well-informed and sophisticated society by attaining the right to information.

Moudud Ahmed
(Moudud Ahmed)



Message

Through our day-to-day experiences we have noticed that information is a vital force for supporting the process of development and bringing positive changes. Restriction in peoples' access to governmental information works as a great barrier against the establishment of good governance. Free flow of information is supportive for having a welfare state. So the public information should be for you, me and for all.

The right to get information is a human right also. To establish this right, a legalized recognition is highly expected. Those laws which are hindering the right to information should be abolished. Execution of a law only will not be enough for ensuring the right to information. An appropriate implementation structure and actual organizational initiative is needed to accumulate the right.

Wish every success to the International Right to Information Day.

Dr. Atiur Rahman
Dr. Atiur Rahman
Economist

International Right to Information Day
A Brief Background

Information plays a vital role in ensuring better livelihood. Now-a-days information is being considered as a key-object of democracy, good governance and development. For ensuring peoples' right to information, the representatives of different non-government organizations of different countries met in Sofia, Bulgaria in 2002 and formed an advocacy network. The representatives agreed to work together for establishing the peoples' right to get access to information and promoting the movement of ensuring the right to information. They also decided to observe 28 September as the International Right to Information Day for supporting the worldwide movement of establishing the right to information. Till then, International Right to Information Day is being observed globally on 28 September every year.

It is a day on which different organizations arrange campaign for building peoples' awareness regarding right to information, advocate for enactment of the right to information act and raise demand for the implementation of that act. Another significant activity of this day is to arrange debate or discussion about peoples' access to information.

Mass-line Media Centre (MMC), a media based voluntary organization has taken the initiative to observe the RII Day for the first time in Bangladesh. MMC is working for the freedom of press and for the right to information simultaneously. With the support of Manusher Jonno Foundation (MJF), MMC is presently implementing a project titled "Access to information for ensuring better livelihood".

Under this project, a number of 21 information centers have been established in 21 districts of the country with the aim to find a path for solving various problems of the grassroots people by eliminating the information-crisis from their lives. Moreover, several local and national-level activities have been undertaken for continuing advocacy with the concerned sector of government and building peoples' awareness regarding the right to information.

Though the right to information act has been enacted in many countries, no such law has been executed in Bangladesh yet. Though the Law Commission of Bangladesh has prepared a draft working paper titled "Right to Information Act, 2002, no initiatives has been taken for the enactment of this law. If this law is passed, hopefully the people of our country will be able to get easy access to information. Therefore, the people of Bangladesh including the civil society and media need to take integrated initiatives. If we fail to uphold the actual scenario about the good effects of the proposed act and the sufferings and deprivation caused for not having such an act, it will not be possible to engage the common people in this movement or to build peoples' awareness as well. And therefore, the civil society and the media have to play the major role in this regard. We may take the movement for establishing the right to information in India as an example. The Government of India has passed the right to information bill in 2005 as result of a momentous movement led by the civil society and the media of that country.

In the constitution of Bangladesh the freedom of speech and expression has been ensured as subject to reasonable restrictions imposed by law. The Article 39 of our constitution provides guarantee for freedom of thought, conscience, speech and press. Restrictions on the exercise of freedom of speech and expression can be imposed by law on a number of grounds: security of the state, friendly relations with foreign states, public order, decency, morality or in relation to contempt of court, defamation, or intention to an offence.

The significant point here is that the freedom of thought will remain meaningless without having the right to information. Information not only provides inspiration for human thought but also builds his/her conscience. Taking this in consideration, we may say that the state has indirectly accepted our right to have access to information by ensuring us the freedom of thought and conscience. This acceptance may act as a strong support and important guideline in case of execution of the Right to Information Act in Bangladesh. Hence, taking vow for the execution of a unanimously accepted Right to Information Act in Bangladesh as a result of collective effort of the people of Bangladesh should be the central focus of observing the International Right to Information Day in our country.

Mir Shahidul Alam
Project Coordinator, MMC



Message

Information is an absolute part of the policy making process. In our country policies are often established without following the basis of actual information. The law makers always feel the shortcomings of national information management.

To ensure the peoples' right to information, the process of information preservation and dissemination must be measured seriously. Moreover, the way of exchanging information should be easier and convenient.

The movement for right to information is a collective approach. I hope that the mass people's right over information will be recognized shortly.

Dr. Hossain Zillur Rahman
Dr. Hossain Zillur Rahman
Economist



Message

Hail to the observation of Right to Information Day in Bangladesh. Information is the soul of democracy. Unobstructed course of information is a must for eradicating poverty, establishing good governance and escalating the democratic system.

People are being deprived from due facilities for the information crisis. People of our country, especially the poor are deprived of all sorts of information. Due to the lack of information they often fail to avail governmental and non-governmental services. This situation may change if the 'Right to Information Law' is executed.

In the eve of International Right to Information Day, I would like to advocate for the enactment of the Right to Information Act for ensuring the free flow of information.

Shaheen Anam
Shaheen Anam
Executive Director, Manusher Jonno Foundation



Message

I am very glad to know that the 'International Right to Information Day' is going to be observed this year. There is no such law in our country that contains the right to information. Some existing laws, on the contrary, are acting as hindrances to get information.

Peoples' right to information must be ensured in order to strengthen the base of democracy and to establish good governance. The good thing is that people of our country are gradually becoming conscious about execution of the Right to Information Law. The National Election is forthcoming and I believe that the political parties will include this agenda in their election manifesto.

I wish every success of this event.

Dr. Bodiul Alam Mojumdar
Dr. Bodiul Alam Mojumdar
President, SUJON



DR. M. GOLAM RAHMAN
Professor
Department of Mass Communication and
Journalism, University of Dhaka

Right to Information in South Asian Countries

The right to information has been recognized as an important element of human rights by Article 19 of the Universal Declaration of Human Rights, 1948. This right also symbolizes Article 19(2) of the International Convention on Civil and Political Rights, 1966, of which Bangladesh is a signatory. There is no law specifically recognizing people's right to information. On the contrary to the spirit of this law the Office Secrets Act, 1923 exists, expanding the tentacles with a blanket coverage, depriving people's right and access to information.

In Bangladesh there is no legal or constitutional provision which specifically mentions the freedom of or right to information. However, the absence of such a mention should not be taken as a negation of the right as the interpretation of Article 39(2) of the Constitution includes freedom of discussion and dissemination. Right to information is becoming the prime focus of democracy and governance throughout the world, Bangladesh is not an exception.

The presence of laws like the Official Secrets Act and other measures for 'national security' severely conflict with the citizens' right to information and have entrenched the culture of secrecy and a reluctance on the part of public officials to give information." (Conference report entitled Right to Information in South Asia, Commonwealth Human Rights Initiative, Delhi:1999). The Constitutions of South Asian countries provide a logical starting point and legitimacy to the struggles and movement for the right, as it has happened in India. The President of India signed the Bill on June 15, 2005 which was finally passed on December 22, 2004. (Contextual report in Prothom Alo, 30-8-2006).

Nepal's Constitution protects the right to access and receive information. The access to information, a fundamental right, is a prerequisite of democracy, empowerment of people, transparency and accountability. The people of Nepal got the right to information after the promulgation of the 1991 Constitution, an outcome of the 1990 democratic movement. The fundamental rights given in part 3 of the Constitution are: the right to equality, freedom of press and publication, right to information, right to privacy, right to constitutional remedy etc. Article 16 states: "Every citizen shall have the right to demand and receive information on any matter of public importance...."

It has been said that in Pakistan the access to information that never was but the movement for freedom of information began seriously in the early nineties with the initiative of Professor Khurshid Ahmad, a Senator introduced a private member's bill on the subject. The private bill was allowed very little time to debate and the standing committee, however, killed the bill in a report in 1992. However, the Government of Pakistan promulgated a Freedom of Information Ordinance (No. XCVI of 2002) on October 27, 2002. The 17th Amendment ensures its status as a law. An executive editor of South Asian Journal has written that "The 2002 Ordinance is seen as more restrictive than

empowering, limiting the right to information of ordinary citizens of the country." ("Pakistan: Access to Information", Journalists Beyond Frontiers, Dhaka, SAFMA, November 10-11, 2005).

The Constitution of Sri Lanka does not contain any explicit guarantee with regard to the freedom of press or to the right of access to information. As part of its Bill of Rights, freedom of expression is guaranteed in general terms by Article 14(1)(a) of Chapter 3 of the Constitution. It reads: "Every citizen is entitled to freedom of speech and expression including publication." But this freedom is not absolute. One media topnotch states that the Constitution, while guaranteeing "freedom of speech and expression including publication" on the one hand, imposes restrictions on this fundamental right, on the other."

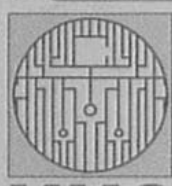
In Sri Lanka with its high literacy since the mid-1970s the development in economy, social and political fields that took place also made a stir among civil society organisations, media personnel, intellectuals, political parties and conscious citizens to move for wider freedom and civil liberties.

The compiled draft act is stated by its authors as "an Act to provide every citizen the right of access to information held by a public authority, to set out procedure for obtaining such information subject to certain exceptions and limitations, to set out the duties and obligations of public authorities and for matters connected or incidentals thereto." It has been observed that the discourse on the right to information in Sri Lanka is still at an initial stage.

In Bangladesh, the draft law was made on the basis of a working paper on the proposed Right to Information Act 2002 prepared by the Law Commission. Defining the 'right to information', the draft law says every person shall have the right to information held by or under the control of any public authority. An editor of a daily writes that the government cannot justify elevation of secrecy into a state principle and 'by transparency we mean open governance, not open files'.

It has been observed that the right to information would go a long way to strengthening democracy and curbing corruption through establishing transparency in the administration. The people need to forge a countrywide movement for immediate enactment of the Right to Information Act. The political parties should include the issue in their election manifestoes and work actively towards establishing the right to know.

Reviewing overall situation in the South Asia it has been much convincing to any conscious citizen that ensuring access to information will not only benefit the press but also ensure empowerment of the people(s) as well as improve their livelihood in each country.



MMC

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