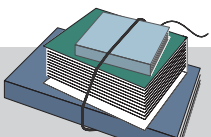




## HUMAN RIGHTS *advocacy*



## LAW *book review*



### ENSURING ACCESS TO INFORMATION AT LOCAL LEVEL

# A key underpinning for better livelihood

SHAILA SHAHID

THE importance of information accessibility for establishing people's basic rights is inevitable. The issue is being widely recognised as a prerequisite for people's empowerment in recent years. It gives an overview of the way a person has used information to try and change the status quo, and highlights the challenges that still remain to be tackled. The right to information is also a key underpinning for any democratic governance and is not only fundamental for an open and liberal society but also an effective weapon in the fight against poverty and in accelerating human development.

The people of Bangladesh have very limited access to information and always face difficulties to get it from government and non-government institutions. Though the Constitution guarantees freedom of speech and expression for every citizen but people's right to get access to information is hindered by government officials by showing excuse of the official secrecy act. The influence of the powerful, illiteracy of the people, bureaucracy in organisation, misrepresentation of law are some of the factors that also create barriers in getting access to information. Only the elite and the literate get access to limited information but the illiterate and the marginalised who do not have or adequate means to collect information remain fully ignorant.

In this background Massline Media Centre (MMC), a national NGO, has been implementing a project titled "Ensuring access to information to promote governance for better livelihood" which aims at raising awareness of the mass people regarding information dissemination for better livelihood and good governance with the support of Manusher Jonno Foundation. The main objective of the programme is raising awareness to create demand for information to the grassroots and other citizenry groups and to assess whether the government and non-government organisations have commitment, responsibility and data resources to supply the information as per the demand of the people.

At present the right to information campaign is going on in total 21 districts. Very recently MMC organised a media trip for visiting the grassroots level people to measure the status of the marginalised and the problems they are facing in their every day life for the limitation of information. While visiting the Chalk Sahabdi village under Boliayer Char Union in Sherpur district, it has been observed that there is very little transparency and accountability at the local level where it counts the most.

In our country the poor citizens cannot go up to the lowest government functionary and ask how much and for what purpose money is being spent in their village. They have no right to ask for detailed information on expenditure and that is where the corruption begins - making false receipts and vouchers running into millions. Considering all those factors MMC established one information centre in each district, which is popularly known as "Jano Tathya Ghar" and it is basically situated in the most remote village of the respective district. People have already become benefited largely for the initiative. In Chalk



Sahabdi village it has been observed that the information centre is playing now a vital role in bringing a change in day to day life of the marginalised people of that village. MMC is providing four newspapers (which includes three national and one local) daily in the information centre. People from various levels gather in the centre for collecting news and information and also come into different fruitful discussion ranging from their profession to politics etc.

Jana Tathya Ghar has now become a centre point to the people of the village. Even people take part in discussion on different issues and solve problems which were not being possible till date due to lack of information', said Md. Abdus Samad, retired Head Master of Chalk Sahabdi High School, who regularly visits the information centre.

"How people will live now depends on information they get. And we have to face a great system loss for want of information," comments a Union member. Moreover, "We don't know exactly the implication of right to information. We don't know where we'll complain if we don't get certain government service and who will give us solution," says Maniruzzaman, the team leader of the information centre. He also informed that there is a committee to manage, maintain and monitor the activities of the information centre. The committee organised a monthly meeting from where they identify their problems regarding access to information. Then they organise a workshop at Union level where those problems are discussed and necessary steps taken to

contact the relevant department for solving the problems. Maniruzzaman informed that the Chairman of Boliayer Char Union Md. Mokhesur Rahman and the agriculture officer of Sherpur district Mr. Emdadul Haque were relentlessly providing their support to the initiative. Every three-month a seminar is also held at Thana level in presence of the TNO and relevant thana level Govt. officers.

The villagers informed that they are now getting information regarding different jobs and services from the newspaper. After establishing the information centre till date total 12 people of that village got jobs by collecting information from the local newspaper. Few days back, a local elite intentionally filed false complaints against eight innocent villagers mentioning that they had connection in illegally occupying a land of that village. The SI of the nearest police station of the village received the FIR and arrested those persons without investigation. But as some journalists regularly visit the information centre they made a report about the incident in the local newspaper and after that with the intervention of the higher authority those eight innocent villagers were freed as the report clearly stated that a police officer cannot arrest a person without any proper investigation.

Not only that, three months ago a child died by snake bite. After the incident a rumour was spread all over the village that people would die if any family member of that child touches anybody. In this superstitious situation the organiser of the information centre informed the matter to the Chalk

Sahabdi health complex. He requested the medical team to come to the village and help them to get rid of the damaging rumour. The doctors came to the village and they explained the matter to the villagers that was not scientific at all. After getting the appropriate assurance the people became conscious and got rid of that myth.

This is not an end. Villagers informed that in rural areas illegal occupancy of land by the elite is very frequent. If any deprived person goes to the mutation office to get legal papers and documents, he or she is just denied. The culture to destroy, conceal, erase, alter or falsify of official records help the corrupt and criminals get rid of legal action. The ignorance of people regarding the necessity of legal documents and lack of sufficient information causes troubles for the people. The culture of secrecy and poor documentation deprives the right person from legalising the ownership of his or her property. It is also alleged that in the court people are bound to pay bribe for information during litigation to corrupt officials and the amount varies from person to person.

There are evidences that non-informed farmers have to suffer from unproductively of rice or other vegetables due to the lack of information regarding various diseases or non-storable characteristics in case of high yielding variety of hybrid seeds. Also there are several Govt. institutions that offer free seed to the farmers. As consumers don't know about the free service delivery system of agriculture office, the corrupt offi-

cials take the opportunity of the ignorance of innocent farmers and sell those seed to the farmers and earn profit. Hence this kind of ignorance seriously affected rural people's livelihood.

Information gap between the mainstream citizens and ethnic groups creates a misunderstanding that perpetuates an environment of conflict. Even the situation is severe for women and children. Lack of sufficient information and knowledge about law and religion are the key causes of exploitation on women in the name of fatwas, child marriage, dowry and domestic violence etc. The poor communities are not informed about the legal assistance that are available in each districts to give support to the vulnerable group, helpless people and divorced women, widows and disabled. In many cases, the rural children are deprived of getting access to primary education as their parents are ignorant about the free primary education which is introduced by the Govt.

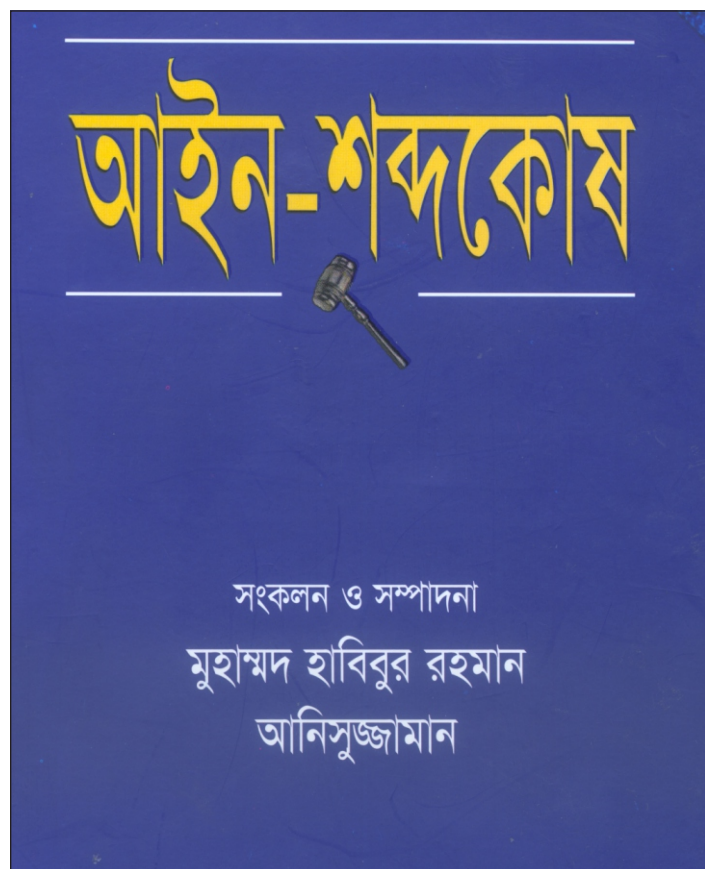
People's access to information regarding electoral and local governance is also very limited. The voter's right to know the code of ethics of electoral process, nomination system, socio-economic and political status of nominated candidate and their system of accountability to the citizens are not clear at all to the local people.

Lack of information creates powerlessness among the rural people, though the powerlessness lies with illiteracy, poverty and remoteness but it has intrinsic relationship with access to information. It also creates information and power gap between the people and the institutions. As a result people suffer from a sense of alienation. They become confused about where to go for the information regarding health, agriculture, education, employment and even for justice. All these evidences reveal that people's non-access to information reduces the quality of life and livelihood. It also proves that access to information is the most important thing to ensure human rights and good governance.

However the need for access to information has been recognised by the Law Commission of Bangladesh that prepared a working paper in 2002, which now lies with the information ministry but the people of the country is yet to know the fate of the proposal or the law drafting. Timely access to relevant and appropriate information is therefore one of the most fundamental human rights in the fight to advance people's rights. In Bangladesh it is widely understood that accomplishments of the tasks of empowerment and realisation of human rights can not be the responsibility only of the Government. Burden of responsibility is to be shared by enlightened section of the society, private bodies, mass media and the civil society at large. There has to be a collaborative effort from all fronts to bring the desired changes.

Source: Mass Line Media Centre (MMC)

The author is working for Law Desk, The Daily Star.



### Book Review

**Ain-Sabdakos**

**Compiled and edited by**

**Muhammad Habibur Rahman and**

**Anisuzzaman**

**Published by Mazharul Islam,**

**Anyaprokash, Dhaka**

SYED MASUD REZA

The need for an exhaustive law lexicon has been felt for a long time. Within our domestic legal spheres in fact there was no intellectual endeavour to meet that need with the required magnitude and gravity. Very recently, a new lexicon has been added to the field of laws which substantially fills in that vacuum, thanks to the contribution made by one of the most renowned jurists, the former chief justice of Bangladesh, Justice Muhammad Habibur Rahman and a famous linguist and intellectual Dr. Anisuzzaman. The authors are the leading experts in their respective fields and certainly this unique combination reflected the best possible feat and realisation of the need. This publication was sponsored by CIDA Legal Reform Project Part-A.

"Ain-Sabdakos" the title of the book reflects its nature quite fairly; its cover design is pertinent with its content. This is the largest informative lexicon of its kind, which covers almost 6000 terms currently being used in theoretical and practical juridical sciences. The terms are alphabetically ordered and in most cases are explicated with consistent citations from domestic and international law. Definitely, it will satisfy the academic and intellectual needs. Though the primary aim of the lexicon was to assist the legislative drafting, it would undoubtedly serve the need of larger legal community. Regarding the volume, motivation, design and depth of language this is definitely an outstanding work. Its setup is nice and pleasant.

The compilers showed their mastery in translating the terms; articulations followed the usual fashion of legal literature. The depth of language is excellent. Alongside, it can be mentioned that it would make reading easier and more comprehensible had the lexicon been prepared in standard language (Cholito Bhasha), instead of classical language (Sadhu Bhasha). This is notwithstanding the editors' assertion that they followed the language style of our constitution the version of which is in Bengali. In book size it's a medium one, but it could get a better look if it had been published in royal size.

Again, for law students and many others, the price of the book (white paper print 1500 taka, paperback edition 1000 taka) is high. A student edition of the same would be suggestive for undergraduate and post graduate levels. It would be better had the lexicon simultaneously included legal maxims and principles; thus it could have a wider appeal and an exhaustive makeup. We hope that this lexicon will comprehensively meet the need of lawyers, law students, jurists, judges, law readers and so on.

The author is Lecturer of Law, Stamford University

## RIGHTS *monitor*



# Million children's lives endangered by mining

On the day the film Blood Diamond is released, over one million children are risking death, severe injury and are missing out on school because they are working in mines. Sierra Leone, where Blood Diamond is set, is one of over 50 countries in the world where children are exploited daily in the hazardous mining of minerals, including diamonds.

Across the Sahel region of Africa, in countries such as Niger and Burkina Faso, around 200,000 children are working in small-scale gold and mineral mines and quarries, over one-third of the total industry workforce. In DRC, an estimated 40,000 children are working deep underground, mining for minerals including diamonds, gold, copper and cobalt. In the Philippines,



nearly 18,000 children are involved in gold, silver and copper mining.

Mining is one of the most deadly forms of child labour, with children as young as five working long hours in unbearable conditions. Children are forced to spend long hours deep underground in badly constructed mines that are often at risk of collapse. They may be employed to dive into rivers and flooded tunnels, or as mules to access small, dangerous spaces. Hundreds of thousands of others spend their days around the mines, breaking and carrying rocks or processing ore, often handling highly dangerous minerals and exposed to blistering heat and dust.

Mining violates the rights of all children involved, whether above or below ground. In addition to the physical danger of mining, the children's health is severely threatened by soil, water and air contaminated with heavy metals. Child miners are unable to attend school, and often have no access to clean drinking water or healthcare. Many exist in fear of the violence, crime and prostitution that is notoriously rife in isolated mining areas.

Daniela Reale, Exploited Children Advisor, Save the Children said, "It is unthinkable that so many children are still being exposed to such acute danger in mines around the world. Wherever there is informal mining there are children risking their lives, health and futures. Children can't wait. Urgent action is needed to make sure they are properly protected from the perils of mining."

Save the Children is calling on:

- All governments to eliminate child labour in mining as a matter of urgency.
- The mining industry to establish meaningful and practical measures to ensure children are not exploited and protected in and around their mining sites.
- Mining companies to actively support initiatives to improve the working conditions and livelihoods of families involved in informal mining.

Source: CRIN

## LAW *week*

### Top JMB leaders seek president's 'mercy'

Five of the seven condemned top Islamist militants, including banned Jama'atul Mujahideen Bangladesh (JMB) chief Abdur Rahman, begged the president for their lives by submitting mercy petitions to the jail authorities with one of them expected to do so today and another absconding. The four others who submitted mercy petitions are JMB Majlish-e-Shura (highest policy making body) members Ataur Rahman Sunny, Abdul Awal and Khaled Saifullah, and suicide bomber Iftekhar al Mamun. Major Shamsul Haider Siddiqui, deputy inspector general (Prisons), told The Daily Star, "We have received five of the mercy petitions, and Siddiqui Islam alias Bangla Bhai said he would submit it the next day." Prison sources said, Abdur Rahman, who is imprisoned in Kashimpur Jail, handed over a three-page hand-written mercy petition to the jail authorities, which would later be sent to the president. The petition mostly comprise lengthy quotes from the Quran and the Hadith. While handing over his mercy petition, Abdur Rahman told jail officials that in Islamic law, the president does not have the jurisdiction to show mercy, so he (Rahman) does not want the president's mercy. -- *The Daily Star*, January 28.

### Editors vow to defy media gagging rule

Editors of national newspapers, news agencies and television channels, and senior journalists categorically told Law and Information Adviser Mainul Hossain that they will not abide by the restrictions imposed on the media by the emergency rules. The editors and journalist were up in arms against the rules in a meeting with Moinul and asked for immediate withdrawal of the media restrictions. During the meeting in his office, Information Adviser Mainul Hossain however said the interim government did not introduce any rule or order curbing press freedom, as the media and the people are the source of this government's power. "I have explained to them [editors] that the emergency has a framework according to which we have the power but did not introduce any law curtailing press freedom," he told reporters emerging out of the meeting with the editors and senior journalists. In

the meeting, columnist and eminent journalist ABM Musa said, "After reading the law, it seems that the caretaker government does not trust the media. It has damaged the trust that developed over the period." -- *Unb, Dhaka*, January 29.

### HC suspends all polls for 3 months

The High Court (HC) suspended conduct of all elections including the next parliamentary polls for three months and ordered the Election Commission (EC) to explain why the existing revised voter list shall not be declared illegal. The ruling came following a writ petition filed the same day by Kazi Mamnur Rashid, a constituent of Dhaka-6. Issuing a rule, the HC also directed the commission to explain why the present voter roll shall not be declared inconsistent with the provisions of Representation of the People Order (RPO), 1972 and the directives passed by the Appellate Division of the Supreme Court in 2006. The electoral register was updated to be used in the January 22 general election that was later cancelled. The rule asked the commission to clarify why it should not be directed to prepare a fresh electoral roll for the general and other elections as per the provisions of the existing law, the SC directives of 2006 and as per articles 119, 121, 122 of the constitution. Besides, it asked the EC to show cause why it shall not be ordered to introduce voter identification (ID) cards and arrange transparent ballot boxes for the national election. The Daily Star, January 30.

### 70pc Oriental Bank shares cancelled

The Bangladesh Bank cancelled 69.87 percent of the Oriental Bank's shares after its probe found that Obaidul Karim bought 'benami' shares through his family members, nominee companies and individuals in breach of the banking company laws. In a letter to the Oriental Bank's managing director, the central bank ordered the cancellation and forfeiture of the shares with immediate effect and asked the scam-tainted private bank to inform its current shareholders accordingly. The 69.87 percent shares were listed under 13 names and companies that, the BB probe found, are either members of Obaidul's family, companies owned by them or foreign nominee companies. The BB has asked the Oriental Bank

authorities to issue fresh shares in its [central bank's] favour to replace the forfeited ones and send them to it forthwith. It has also directed the beleaguered financial outfit to inform immediately the Registrar of the Joint Stock Companies and Firms and the Securities and Exchange Commission of the actions against the benami shares [the ones held by proxy]. The BB letter said the directive has been issued under section 45 of the Banking Companies Act, 1991 to advance the monetary and banking policy and also to ensure proper management of the Oriental Bank Limited. -- *The Daily Star*, January 30.

### Acting CEC quits with commissioners

The acting chief election commissioner (CEC) and four other commissioners finally resigned, following the footsteps of Justice MA Aziz, and clearing the way for reconstitution of the Election Commission (EC). Former additional secretary to cabinet division, M Anisuzzaman Khan, is likely to be appointed as the new CEC while a former brigadier general and a former district judge are likely to be appointed as election commissioners, sources said. A few of the resigning election commissioners did not agree to admit their failure as election commissioners. They also refused to comment on their resignation, saying Bangabhaban will announce the EC overhaul in a statement. The state-run news agency, BSS, also quoted a Bangabhaban official as saying the election commissioners met the president and submitted their resignation letters. The caretaker government will now appoint a new CEC and two election commissioners to recast the EC, which will initiate steps including preparation of a voter list for holding the ninth parliamentary election. "The interim government will immediately appoint three election commissioners, including a CEC, to form a new Election Commission," the law adviser said, adding that the names of the new commissioners have been finalised. -- *The Daily Star*, February 1.

### Corresponding with the Law Desk

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