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# Right to information for participatory governance

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**R**IGHT to Information (RTI) refers to the right of all citizens to seek information held by or under control of public authorities. It creates legal entitlement for people to seek information and includes duty of the public function bodies, government or non-government, to make information public and easily available. It enables the citizen to seek information from duty bearers and hold them responsible to disseminate important information proactively, even if it is not asked for.

The Right to Information Ordinance 2008 was promulgated by the Caretaker Government on October 20, 2008. This was in response to the long-standing demand for such a law raised by the civil society, including print media. The Law Commission had drafted a working paper on RTI in 2002. Civil society organizations, individuals, media and professional groups worked on the draft law and presented it to the caretaker government. Following this, a series of consultations which included all stakeholders joined by politicians and government officials was held to discuss and debate the draft law which was later finalized and ratified as an ordinance by the caretaker government. This Ordinance now has to be enacted as an Act of Parliament. As of now, it is under review by a Parliamentary Special Committee and we hope that it will be passed as an Act before the end of the present session of Parliament.

After the recently concluded national elections, Bangladesh stands at the threshold of immense possibility to strengthen democracy and establish a transparent and participatory system of governance. We commend the present government for making a commitment in their party manifesto to promote free flow of information. Effective implementation of RTI Act will enable the government to fulfill its promise to the people of instituting a participatory, transparent and corruption-free government. In order to do that, they have to do away with the "culture of secrecy" and usher in a "culture of openness". RTI will also promote and create opportunities for dialogue and discussions on critical national issues between the general people and policy makers. One can go so far as to say that RTI will give people the opportunity to exercise their citizenship right.

Citizens' right to know about all

aspect of governance is a fundamental right which is supposed to be exercised through the Parliament. However, given that the Parliament so far has not functioned as it should have, this right has been inadequately exercised. That is where the importance of the Right to Information Act comes in. The RTI Law will enable the general population to hold elected representatives accountable for their promises and pledges, and government functionaries accountable as per government rules of business. It will strengthen democracy and lay a firm foundation for the participation of the people in the affairs of the country which is the fundamental principle of the parliamentary form of democracy.

RTI will provide the key to good governance and will make participatory democracy meaningful. It will also assist in implementing people-centered development which is based on equitable growth. For a democracy to be meaningful it has to be participative and inclusive. This can only happen when the general population can get relevant information effectively from public authority. The Honorable Prime Minister's pledge to reduce poverty will also be fulfilled by effective use of the RTI law.

Presently there do exist mechanisms which enable citizens to seek information. Elected representatives, opposition party, the Judiciary, Comptroller and Auditor General, print and electronic media all seek information which are in the custody of public bodies. However, the RTI will for the first time empower ordinary citizens and give them the power to seek information related to various activities of the state, thereby making the state authorities more accountable to the people and the people more involved with state affairs and activities.

### Let us examine how the RTI will promote participatory governance

By using RTI, the general population can demand information as a right on issues such as the budget allocation for Upazila's, the amount of funds allocated and spent in construction of local roads, culverts, schools, hospitals, etc. This will increase their participation in matters related to local development. It will also give them an opportunity to have a say in how funds allocated for the good of the community is being spent. People will get an opportunity to monitor such expendi-



tures and in the process bring to public attention any wrongdoing or corruption. On the other hand, getting involved in public affairs will promote a sense of responsibility in people. They will become part of a system that is mutually beneficial, hence creating an enabling and win-win environment.

The RTI will empower the poor and vulnerable people to ask for information on matters critical to their lives and livelihood, such as information on safety net programmes, Khas land allocation, distribution of disaster relief materials, etc. Using the RTI they can demand to know why they do not get proper services from public service delivery institutions. For the first time the poor will get a chance to question the inequity and discrimination in service delivery. When these local demands are raised, policy makers at central level will be forced to give attention to them and come up with solutions. This has assumed greater importance now that there are expectations of decentralization and government commitment to increase the safety net programme.

RTI will force accountability from elected officials and compel them to fulfill their elections pledges and promises. Not only that, the executive officials at local levels will have to answer to the people why as public servants they are not serving the people. Once people start to feel that the government is serving their interest, they in turn will be more responsible in terms of fulfilling their obligations such as paying income tax, utility bills, etc.

The Right to Information Act has now been passed in 75 countries. In the region, India passed the law in 2005 and Nepal a year ago. Pakistan passed it through an ordinance in 2002 and with the restoration of Democracy is in the process of legislating it as an Act.

In most of these countries the enactment of the Act was seen as the first step in establishing openness and transparency in the system of governance. The impetus for enactment of such a law came from a political commitment to give power to people which is the parallel of participatory governance. The civil society in most of these countries played a leading role in galvanising public opinion for such a

law. In most countries, especially in India, they continue to play a watchdog and monitoring role to make sure that the law is being implemented as per the expectations with which it was enacted. Success stories and best practices abound in many of the countries which have adopted RTI regimes. It is seen those governments that have embraced the notion that information is created for the welfare of the people and hence cannot be kept away from them are getting positive results from the RTI law. In many of these countries corruption has come down, people's participation has increased, regulatory institutions have started to function efficiently and most importantly people have renewed their faith and confidence in the system.

One of the basic principles for Democracy to be effective is allowing free media to flourish. The print media has a glorious history in Bangladesh of providing information and bringing to public attention the ills of society including those indulged in by state parties. The advent of private television has also increased people's access to information. We hope that the RTI law will further enhance media's ability to play their watchdog role further institutionalising democracy and promoting participatory governance.

Bangladesh has now two options. One is to go back to the old system of secrecy, non-transparency and inefficiency. The other is to go forward boldly and embrace what is new, dynamic, forward-looking and the call of the day. That is, to enact the RTI law based on principles of maximum disclosure and minimum exceptions. This will make a huge statement to the world that we too want to become members of the "international club" that seeks to promote transparency, accountability and participation. After enactment of the law, the next step however will be to set up a strong independent Information Commission composed of people with integrity and honesty who will not only entertain requests for information but will be advocates for the Right to Information for all people.

If Bangladesh chooses the latter, then the sky is the limit. We can then look forward to a future where the will of the people will be supreme, ushering in great opportunities and possibilities.

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