

Road to RTI

One of the core determinants of participatory democracy is that the government proactively recognises people's right to information and takes measures to implement this right.



SANJIDA SOBHAN and SHAZZAD KHAN

TODAY is March 29, 2010 -- on this day last year the first session of the 9th Parliament adopted the Right to Information Bill. The precondition of basic democracy in a country is to ensure participation of the people in its development process. One of the core determinants of participatory democracy is that the government proactively recognises its people's right to information and takes measures to implement this right.

The preamble of Right to Information Act 2009 says that "all powers in the republic belong to the people, and to ensure the empowerment of the people it is imperative to implement Right to Information Act." This progressive act also proclaims that "the right to information shall ensure that transparency and accountability in all public, autonomous and statutory organisations and in private organisations run on government or foreign funding shall increase, corruption shall decrease and good governance shall be established."

By adopting the Right to Information Act, the

present government has demonstrated its commitment towards transparency and accountability in public functions. The act will pave the way for people to be aware of their entitlements and to enjoy their entitled opportunities and services to be provided by the institutions concerned. The uniqueness of this act is that it is binding on everybody equally.

Article 2 of the act defines the bodies, which are responsible for providing information as "authorities." These authorities include institutions that are directly or indirectly financed by the government and also the institutions, which receive foreign donations. Under this act, both government and non-government institutions are accountable to disclose and provide information of their activities and services.

The RTI Act 2009 has been influenced by other similar acts of different countries, especially India. The Information Disclosure Law 2000 of South Africa has played a commendable role in conceiving right to information act of many countries. As per this law, anyone can have access to any document of any private

institution in South Africa.

As per the Right to Information Act of Bangladesh, common people have been given absolute authority to enquire about the welfare activities promised or committed by the non-government and private institutions. Moreover, if required, the government can also ask for information from these institutions. Very recently, the honourable law minister requested people to provide information to the tribunal formed for the trial of war criminals of 1971.

At present, citizens of 88 developed and developing countries enjoy the legal frameworks for free flow of information. In most of these countries the government and the people have successfully implemented the right to information law to strengthen their democratic system by ensuring transparency and accountability.

If the Right to Information Act is properly implemented, people will easily come to know about the opportunities and services which the government is accountable to provide to the people and, in turn, the people can utilise those for participating in the governance of the country and bringing about positive changes in their lives.

We know that a big portion of our budget is allocated for social safety-net programs targeting the poor. However, if they are not aware of these programs, it will not be possible for them to benefit from these and government poverty reduction programs will remain unutilised. On the other hand, if the government empowers poor people by providing required information, it can help meet the development targets.

Free flow of information can ensure proper and transparent distribution of old-age allowance, widow allowance, VGD, VGF, etc among those who really need them. If people are deprived of these services, they can seek information under the RTI Act and enjoy their entitled opportunities and services.

In this manner, RTI can ensure the rights of the marginalised population, like women, children, disabled people and the poor. A day labourer can learn whether his contractor is paying him/her fair wages as per contract. A small business firm can seek redress if the tender of an influential person is entertained instead of his/her tender with competitive quotation.

If there is free flow of information, the residents of any locality can examine the quality of an under-construction road in terms of its proposed design and materials as mentioned in the contract paper. If the government has information of the total number of migrant workers working abroad and the number of migrant workers going abroad, then it can address many problems of the migrant workers and their families.

All the sections of the RTI Act of Bangladesh took effect from July 1, 2009. Earlier, in 2008, the RTI ordinance was passed leaving aside three sections. These three sections -- encompassing the provisions of request for information, appeal against the refusal of providing information and lodging complaints against information authority -- also took effect from July 1, 2009.

In both developed and developing countries having RTI acts, all the sections were not brought into force at a time. This was because

they needed preparatory time to finalise the contents of the information to be provided and the system and process of providing information. Once these had been done, the full set of the act was put into effect. In India, the RTI Act was adopted in May 2005, but was fully enacted in October 2005. Similarly, in South Africa the act was adopted in February 2000, but enacted in March 2001.

In Bangladesh, a 3-member Information Commission was formed just after the RTI Act was passed in parliament. While developing a draft information act in Bangladesh, involved civil society members consulted the Right to Information Act 2005 India, considering its wide usage and implementation strategies. In India, the finalisation of rules for RTI was done within 120 days of adoption of the act.

The preparation of our RTI rules is at the final stage. Meanwhile, the information commission has already organised introductory meetings on RTI at divisional and district levels. The information ministry has also organised introductory meetings with the information officers. Preparation of enlisting the point-persons responsible for providing information on behalf of different institutions and finalisation of a database of these point-persons is still underway. It is expected that this database will be published once it is completed.

So far the information providing organisations or institutions and the general population are not well aware of the RTI Act and its application. In this regard, along with the government, the non-government organisations should come forward in awareness-building activities on RTI. The non-government organisations, which come under the jurisdiction of the RTI Act, should also on their own accord take up steps to disclose the names of the point-persons responsible for providing information.

It is learnt that in spite of the High Court order concerning the disclosure of seven types of information, (academic qualification, criminal suit, occupation, source of income, personal property, debt and bank loan) of the candidates taking part in the Union Parishad elections, the Election Commission is seriously considering reforming the rules of Union Parishad elections. If provisions are not in place to disclose the information concerning the candidates of Union Parishad elections, the voters will not be able to apply their rights in selecting the appropriate candidates.

This year, on February 6, Prime Minister Sheikh Hasina, in a speech to the nation to commemorate the first anniversary of her government's assumption to power, said: "We want to ensure free thinking, freedom of expression and free flow of information. To uphold freedom of expression the cabinet has already approved the proposal for amending Criminal Procedure Code (CrPC) 1898. On the basis of RTI 2009 the rules for RTI have already been enacted."

Inspired by the speech of the prime minister, all relevant institutions should take up measures to implement RTI and make their efforts open to people. Otherwise, the spirit that RTI is the means for empowerment, good governance and protecting human rights will be lost gradually.

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Politicians don't get stiff necks

A good politician never gets a stiff neck, because he is constantly exercising it downwards, nodding yes vigorously when what he really wants to indicate is a calm and decorous no.



M.J. AKBAR

WHICH is the bigger crime in politics, hypocrisy or stupidity? On careful consideration it must be the second, since hypocrisy is not merely useful but often necessary. Only a very foolish minister or member of parliament would tell his or her constituents that the petition scribbled on an untidy piece of paper is either meaningless or untenable.

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Hypocrisy can be, in specific circumstances, productive. Stupidity is always counterproductive. Maharashtra Chief Minister Ashok Chavan opted for stupidity when Congress leaders began to pile upon him, obviously after instructions from the top, after he was civil to Amitabh Bachchan during the second opening of the Bandra sealink in Mumbai. (In the old days, inaugurations used to come in two varieties: either they were fraudulent exercises in laying a foundation stone when there was no prospect of anything being built later. Or they were one-off affairs in which a grandee cut a ribbon, smiled for the cameras, made a speech and went home. Now they are designed for multiplier effect; the same project keeps getting re-opened in parts.)

Under attack, Chavan claimed that he would never have gone to the function had he been aware that Amitabh, an international superstar for two generations, had been invited. This makes two things clear: the chief minister of Maharashtra does not read newspapers; and his security detail doesn't mention who will be beside him at a high profile event.

He also expects you and I to believe this. When you set out to tell a lie, you should at least have the decency to tell an intelligent one.

The trouble with public functions is that there are pesky photographers and they take pictures. They wait for the moment when you are animated and smiling; it makes for a better picture. Chavan was doing both as he sat shoulder to shoulder with Amitabh. There was nothing to suggest that he considered Amitabh toxic, somewhere between contagious flu and bubonic plague.

Both Amitabh and Chavan were, in fact, being courteous and decent, which is what, I am sure they are as human beings. Amitabh continued to exhibit those qualities after the event; politics dragged Chavan into a bog.

The Congress rationale for bad manners is that Amitabh has agreed to be a brand ambassador for Gujarat by promoting the state's tourism, and was photographed in the company of Narendra Modi.

Fine, but why is such political morality an exclusive exercise? There has been no such diktat about Ratan Tata, who not only took land on handsome terms from Narendra Modi for his Nano project but praised Modi as just the kind of chief minister he likes.

Many industrialists are as close to Modi and the BJP as they are to Congress, and this is not taken personally.

In any case, it ill behoves a party to take a moral stand when it protects a Sajjan Kumar for nearly three decades, and still manages to ensure, through its control of the executive, soft and biased treatment by the police.

Modi must be held accountable for the unforgivable Gujarat riots, and there must be constant pressure on the judicial process to hasten what has been, so far, only a slow and winding route to his doorstep. But it has at least been faster than the journey after the anti-Sikh riots.

There is a rational reason why Ratan Tata, or any other industrialist, cannot be condemned for sitting in the same frame as Modi. No one in his senses expects a businessman to stop investing in Gujarat just because Modi is chief minister. Democracy has processes through which crime and punishment are measured. Businessmen will not pass judgement at the expense of their balance sheets.

The only regrettable element in this overblown and completely unnecessary fracas is that a public event has been vitiated by personal preferences. This destroys the culture of democracy. Politics provides for wide leeway. Is it secular for Sharad Pawar, for instance, to call on Bal Thackeray with a bunch of flowers and should that be the cause of a rupture in the Congress-NCP alliance in Maharashtra?

Even Muslim voters, who have no sympathy for any Thackeray, would laugh at such silly dogmatism.

Ashok Chavan would have done himself a lot of good had he simply told the truth in a controversy where truth served him best. All he needed to say was that he had not sent out the invitations; and that he had been taught the virtue of good manners, which require civil behaviour. He was not offering Amitabh Bachchan a place in his Cabinet; he was only conversing with a man whose films he had seen and enjoyed, and who has, through his screen presence, become a worldwide icon. But that would have required self-confidence and self-belief. Neither can be purchased off the shelf.

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Victim of global warming or global politics?

Apparently, Bangladesh is Ground Zero for global warming induced calamity. So, as a victim, Bangladesh should urge the developed countries to reduce their carbon emission by a significant amount.

SAAD HUSSAIN

PEOPLE may say a lot of things, but to me the main disadvantage of being a least developed country (LDC) is that no one really cares about whether we exist or not. I never would have said something like this if it were not for the results of the last conference on climate change. I am talking about the COP (Conference of Parties) 15 that took place in Copenhagen last year.

Something similar to the following was supposed to happen:

- The developed countries would take responsibility for their actions and compensate accordingly,
 - The most vulnerable countries (MVC) would get enough financial and technical support to enhance and develop their adaptation processes,
 - A legally binding accord would be created, which would limit the carbon emission amount for the developed countries and the G77 + China group,
 - The accord would also ensure that the MVCs would get continued support in the future to battle the climate change impacts.
- Unfortunately, we all know what happened, very disappointing indeed but that is the current reality.

It is the month of March, and we already feel the heat burning our skins. The other day I was going to Jahangirnagar University from Uttara when I suddenly realised that something did not feel right; it was unusually hot and intolerable. It was not supposed to be like this, at least not at this time of the year. Was it because of global warming? Should be!

I believe many international negotiations are going on in many parts of the world. There is speculation about how much monetary support a country like Bangladesh should get. I

agree that funding is necessary for Bangladesh to tackle the adverse climate change effects; necessary embankment building, infrastructure development, and a lot of research need to be done.

It is being forecasted that a 1 meter sea level rise will inundate one-third of the land in Bangladesh, the entire Sundarban will be under water, imagine that! So, I understand the necessity for the funds that the developed countries should provide for us.

What I don't understand is that when we get the funds do we, as a country, keep our mouths shut and let those who pollute, pollute some more? Shouldn't we be raising our voice against

those who are causing this dreadful climate change! Apparently, Bangladesh is Ground Zero for global warming induced calamity.

So, as a victim, Bangladesh should urge the developed countries to reduce their carbon emission by a significant amount. People have doubts about the time predictions, but everyone agrees that climate change has already started and is happening. Therefore, if nothing is done immediately to mitigate the situation then countries like Bangladesh will have no future, regardless of the funds they get.

Bangladesh faces a lot of frightening consequences because of global climate change. Among the most startling are agricultural devastation, deterioration of health and increasing number of deadly diseases, millions of climate refugees, economic downfall, and even national security issues. Imagine a situation where millions of people, after losing everything they owned, moving towards the cities for a better life.

A majority of these people would be either

farmers or fishermen; skills which are useless in urban settings. Consequently, they would take up either begging, or go for a more drastic measure and start mugging. Let's say, 1 percent of those millions of helpless people decide to commit crimes; imagine the effects! That is a scary thought indeed and we should be ready for something like it if we do not act now.

"With great powers come great responsibilities" -- which is very true -- and the industrialised nations should realise it themselves instead of simply making movies about it. No matter how prepared a country like ours is, climate change will eventually take its toll if the developed nations do not reduce carbon emission -- and do it quickly.

Bangladesh definitely requires the immense funding to prepare itself for which it has absolutely no fault whatsoever; but it also needs to urge the governments of the developed countries to do what is right and reduce the pollution.

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