

"ALL CITIZENS ARE EQUAL BEFORE LAW AND ARE ENTITLED TO EQUAL PROTECTION OF LAW" - ARTICLE 27 OF THE CONSTITUTION OF THE PEOPLE'S REPUBLIC OF BANGLADESH

**LAW OPINION**



# Can Information & Services Centers Guarantee RTI?

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**I**N this era communities are becoming ever more subject to external forces having little or no control. Policies and regulations- national, regional and sometimes global are guided- even drafted- by global development partners with inadequate local sharing- not taking into account ground realities and most importantly not from the human rights perspective. About one fifth if not more of its rural households in Bangladesh still cannot have 'full three meals' a day. In many social indicators countries are gradually improving but none managed to reach the essential level.

This growing inequality may be decreased primarily by ensuring people's access to information. Information flow can mobilize people and promote their voice. Information & Services Centers can gradually increase people's access to technology and its usage to join the knowledge economy on their own terms and build a net-

target beneficiaries. Dwellers of remote villages can also use the 'help-line' service to disseminate urgent information during times of emergency, such as sudden outbreak of a disease, incidence of a crime or violation of human rights.

Weak information flows and poor communications infrastructure constitute one of the major impediments to sustainable economic growth in developing countries. Lack of information, and thus lack of transparency, weaken the responsiveness and accountability of government institutions and create an environment where corruption can flourish. Establishing multipurpose Information & Services Centers at local government institutions in the rural areas at the initiative of government and NGOs and

where different types of information are demanded. Major information regarding health sought by community people includes primary health care, availability of doctors, family planning, vaccination, safe maternity, sanitation and medication and so on. About law and human rights major information sought by the community are early marriage and dowry, land related laws, women's rights and robbery.

ICT and particularly the internet, are transforming all human activities dependent on information, including rural development. ICTs present new opportunities for individuals and communities to be not only consumers but also producers of information. Through media convergence, ICTs can also build on and integrate the capacities of other media (e.g. radio and television). Information & Services Centers are one of the most rapidly growing applications of ICTs in the developing world. Their rationale lies in shared-access models that allow provision of a wide range of services to more users at lower cost than privately-owned home or office computers which are often out of financial reach of poor people.

Current discourse of Information & Services Centers are taking two predominant shapes a) a centre (physical place) which provides shared access to information (mostly through Internet) and the other stream is b) services (not a place) provides the source (and as one can argue destination) of information that are relevant, readily accessible and comprehensible by the mass. At present there are over 5000 Information & Services Centers through out the country. The Local Government Division initiated Union Information & Services Centers (UISCs) in all 4501 union parishads. Notable among the other initiators are: Grameen Phone-Community Information Centre (GP-CIC), D.Net, Alokito Gram, Ghat, Speed Trust, Youth Power in Social Action (YPSA), Amader Gram, Practical Action, Grameen Telecom, Dhaka Ahsania Mission (DAM) and so on. In different names and forms they are spreading all around the country with news concepts.

At Union Parishad Information & Services Centers can be used as data reser-

voir containing all household data of the locality, basic information of socio-economic status of the citizens, the conditions of the society and basic data on geography, culture, heritage, local resources and local governance issues. The database can be used as a useful tool for disseminating the basic information of Union, Ward, Village and Household. This database can start off preserving household information. It can proceed by preserving aggregated data of village, then ward and finally union as a whole. This database can be useful for the Parishad as well as policy planners to make need-based planning while undertaking development projects at the local level.

This could be a good opportunity for the government of Bangladesh and others to introduce e-Government at LGIs to strengthen their capacity. ICTs can support the UPs to perform these civic functions like informing people about the services, setting up web notice board that will include all the relevant UP information like budget allocation or block grant for the UP for a year, the area covered under the UP, new development schemes; preserve all information about local people and resources through database, relief and VGA distribution, birth and death registration etc. Revenue and administrative services like maintenance of file, book keeping, tax collection etc.

Existing legal framework- which is based on the region's colonial past should be reviewed and updated- ensuring peoples' access to information- access to basic needs services. For example, review present regulations of telecom governance so that it can guarantee coverage of telecommunication, at low cost and available to everyone. Similarly, the Bangladesh ICT Policy 2009 and ICT Act of 2009 with the RTI act of 2009 are the three key sources, allowing delivery of financial and critical basic needs services utilizing digital means and modern technologies. Global norms should also be reviewed together these two acts which will build the framework for e-Governance following to e-Development- resulting development in the region.

The design of legal instruments used to regulate the telecommunications sector

may vary depending on the legal tradition of a country. Generally, however, the legal framework follows a hierarchy beginning with primary legislation, such as laws and decrees from which secondary legislation such as regulations, resolutions and guidelines follow. This legislation, in turn, provides the legal basis for the regulator or the relevant ministry to issue authorization instruments such as licenses, concessions, and permits to operators. This legal hierarchy provides certainty and predictability to consumers and other stakeholders because it specifies the rights and obligations that apply to the sector. Such hierarchy provides assurances to stakeholders that secondary legislation cannot be used by the government to nullify certain rights and obligations set forth in primary legislation.

The management information system of the UP can be digitalized and the UP will have its website which will contain useful information regarding the structure, functions, activities, services of the UP. It will also serve as a data bank of the locality. For instance, records of various services provided by the UP are not maintained properly and records are non-accessible to the beneficiaries which could have paved the way for creeping corruption. Through digitalizing the UP, a better scientific accounting and record keeping system can be developed. Record keeping will become more transparent and updated. Local service providing organizations at the field level and their staff (e.g. health worker, social worker, agricultural extension worker) will receive necessary information from CeCs and ensure people's access to information.

There are, however, some limitations and impediments, which need to be addressed to ensure that ICTs have a positive impact on the life the poor. At the macro level, the unequal reach of these new tools and networks could exacerbate inequality. There is a risk that the rich will have greater access to ICTs than the poor who will be excluded from the benefits of the 'knowledge economy'. It is important not only to assure that relevant information is available to the poor in their own languages, but also that ICTs foster the availability of a variety of sources of information, and diverse approaches to the challenges facing the poor, so that they can decide for themselves how to meet their needs.

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work supplementing-supporting each other around the region- utilizing technology to improve their livelihood opportunities-their empowerment. Development Research Network (D.Net) a non-profit organization in Bangladesh successfully used the concept of using the technology of the cellular mobile phone as an effective medium in their Pallitathya Kendra (Village Information Centre) project to take information to the poor bridging the gap between information providers and the

private sector institutions can be one of the most viable options for the meeting information needs of rural poor.

Given the multiple constraints they face, the poor are either unable to meet these needs, or must do so in costly ways that may perpetuate their disadvantaged position. In agriculture sector information such as information about seeds followed by insecticides, production method and fertilizer seems very essential for the community. Health is another important issue

**LEGAL EDUCATION**



# On our Legal Education

DR. UTTAM KUMAR DAS

**R**ECENTLY, I was at the University of Minnesota Law School in Minneapolis, U.S.A. as a Graduate Student. The logo of the School depicts as its goal: "Theory, Doctrine, Ethics, Skills, and Practice." The Dean of the School, David Wippman at the 122nd Commencement Ceremony held on 15 May 2010 said as far as I can remember: "We don't expect students to come to our law school to memorize statutes and rules of law only, instead we expect them to learn how to find and study a statute and rule, analyze and utilize them in a given situation." And, if an institution does not have a specific goal, how it would operate and contribute to the society and to the nation. So, what do we see in Bangladesh?

When we have started to talk lately on the expected skill and efficiency of both lawyers and judges, and people's access to justice system among other issues, then definitely we need to look into carefully what is the standard of graduates coming out of our law schools.

According to veteran Indian legal academic Professor N. R. Madhava Menon who pioneered through establishment of National Law School India University in Bangalore, the objectives of legal education are: to produce: (i) sufficient competent lawyers, prosecutors, and judges to administer the judiciary; (ii) well-trained law personnel for providing legal services to the government departments and corporate institutions; (iii) legal researchers and academics for legal education, legal reform, good governance; and (iv) disseminate legal knowledge and culture conducive to the Constitution,

rule of law, good governance, human rights, and democracy.

Having said these objectives, we really need to reflect where do we stand here in Bangladesh?

If a private law school aims to produce quality graduates, I don't see any problem to do so (what happens to business and computer education by few private universities). However, unfortunately, what is going on in the private sectors the nation will have to pay a heavy price for that.

But what are our legal-academic institutions doing? With a very few exception, most of our law schools at private universities which would be now around 40, don't have screening system while enrolling students. They don't "deprive of any one from admission if they can pay tuition and other fees!" Even there are no designated and publicly announced seats for enrollment as well.

Both private and public institutions lack of innovative curriculum and practical teaching methods which would enhance students analytical skills; no writing and presentations programmes except so called trail advocacy, moot court and thesis- which is actually not an original research rather copying practice.

There is also lack of trained and dedicated teachers with creative teaching techniques and innovative ideas; though we have bunch of foreign-educated academics especially in public institutions. However, there is no exemplary initiative to change the status quo. Renowned legal practitioners with an exception of course fail to keep in touch with academic institutions and vice versa.

The policy makers need to take note of the issue. If there is no appointment of govern-

ment pleaders, attorneys, public prosecutors and even reportedly judges on the consideration of individuals' academic excellences, professional skills and efficiency and dedication and contribution to the profession, definitely the would be lawyers and judges would run for certificates by any mean and cost; rather than to make them skilled and

reviewing" at present trend) and their real operations (for which it is mandated for). The University Grants Commission and the Ministry of Education have roles to play. All parties need to come out of blame games.

A "low-quality" law graduate (who somehow only manages a certificate!) is dangerous for the nation like "non-qualified" medical practitioners, as Professor Dr. Yubaraj



efficient with required legal knowledge and skills. (Unfortunately, this is the scenarios now).

Bangladesh Bar Council also needs to expand its activities beyond arranging bar admission examinations and issuing Sanads (license). It should go for overseeing the curriculum of law schools (not "traditional

Sangroula, Founder Executive Director of Kathmandu School of Law and present Attorney General of Nepal opined.

There is also a dire need for establishing model institutions for promoting quality legal education and research. Both the public and private sectors should come forward in this regard. Policy makers need to under-

stand the importance of such institutions.

In a country of 160 million people we have now around 1,200 judges in the lower judiciary. There are about 100 judges in the Supreme Court of Bangladesh (both High Court and Appellate Divisions). That means we have now one judge in the Supreme Court for 1.6 million people. At the same time, there is one judge in the trial court for 133,333 people. That is why number of back-logged cases are reported to be two millions.

At the same time, there are reportedly 43,000 lawyers (Advocates) in the country. Given the population ratio, there is 1 lawyer for 3,720 people. Having this scenario, it is true that we need more law graduates to join as lawyers and judges alongside developing infrastructure to deliver justice.

At the same time, the legal practice and professions are now turning to globalized one (i.e., transnational law firms, international tribunals, human rights and humanitarian organizations, United Nations and regional organizations etc). However, to grab that opportunities, we need to enhance our graduates' quality up to a competitive levels. We are far behind from India in this regard.

The development partners, who are likely to promote rule of law, good governance and access to justice, have a role to play. They should take note of the reality that without a standard, practical and human rights-centric legal education it is impossible to have lawyers, practitioners and judges who will be devoted to ensure justice for the people.

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