

Is RTI bringing any real change?

SHAMSUL BARI and RUHI NAZ

DURING the International Right to Information Week celebrations recently, a common question in people's mind was: Is the Right to Information Act 2009 (RTI) going in the right direction? Is it contributing to systemic change in the country? Because of its topicality, we decided to make it the focus of this month's RTI column.

A good way to begin with, we thought, would be to go over decisions of the Information Commission (IC) over the last one year to check if significant changes are taking place in the number and composition of information seekers and in the nature and type of information they are seeking; whether information seekers and providers are interacting with each other more professionally; and how the IC is handling the process. The answers would show how the three key sectors of the regime – demand and supply sides and dispute adjudication system – are doing. To round up the picture, we also decided to look into government efforts to help implementation of the law.

We consulted some 252 complaints dealt with by the IC between August 2014 to August 2015, on which decisions are available. We chose the dates because we wanted to begin with the latest available

2) The geographical spread of the applicants/complainants has grown. Complaints originated from 28 of 64 districts of the country. The majority are from Dhaka (92), Satkhira (33), Kishoreganj (15), Kushtia (15), Nilphamari (10), Dinajpur (9), Comilla (9). Some also came from very remote districts. [For more, see: www.rti-bangladesh.org] Perhaps they reflect the efficacy of awareness building efforts by government/IC and support from NGOs.

3) The composition of applicants/complainants has changed appreciably. While earlier, marginalised communities were predominant, they have been surpassed by the emergence of middle and educated classes. There are more social activists, journalists, educationists and other professionals among the applicants. 13 percent are women.

4) As for nature of applications, while the earlier predominant focus on personal issues (mainly safety-net related) is still there (45 percent), transparency and accountability related public interest issues have surged (51 percent). They include malpractices in land record management, distribution of *khas* (govt.) land, banking sector, educational institutions, health clinics, implementation of public contracts, police work, government audits, work of Public Service Commission, Union Councils, district administration, city corporations, water and

6) The emergence of a sizable number of RTI activists who regularly submit complaints to the IC is also significant. Statistics show that 99 cases (40 percent) resulted from multiple applications, mainly from activists. In 41 cases (16.2 percent), complaints were renewed for non-disclosure of information even after IC directives. It may be recalled that activists played a critical role in advancement of RTI in India. Delhi Chief Minister, Arvind Kejriwal, was an activist before turning politician.

The discouraging developments include the following:

1) Out of 252 cases considered, in 205 cases (80 percent), the officials concerned provided or agreed to provide information only after being summoned and directed by the IC. It shows their continuing reluctance to provide information willingly.

2) In 75 cases (29 percent), concerned public officials got away by denying receipt of the applications, though they were mostly sent by registered mail. If this is not checked, it will continue to hinder progress and encourage recalcitrant officials to use this escape route.

3) The difficulty, sometimes the impossibility, of obtaining names and particulars of designated officers (DOs) and appeal authority continue to deter applicants. This is compounded by the fact that IC too tends to believe that mistakes in addressing applications/appeals to specifically designated officials would result in rejection.

4) The frequent postponement of dates for complaint hearings due to absence mostly of government officials causes serious financial hardship and frustration to indigent/ordinary complainants. Alternative complaint hearing arrangements thus deserve serious consideration.

5) In 19 percent of cases, the complainants were absent at hearings, claiming they were provided the information after summons were issued on parties. This may or may not be true in all cases. It would be good to find out if cost of travel/accommodation or intimidation played any role.

6) While the IC deserves commendation for having imposed fines on four public officials and awarding compensation to five indigent complainants during the period covered, in most cases (98.5 percent), the respondents got away without any penalty. It may be recalled that the High Court Division, in a 2011 writ petition [Writ Petition 8118 of 2011 cited in CLR (HCD) 2014], took the view that such penalties are to be considered mandatory under the law. The provision is there to chastise public servants for their disobedience of the law.

Turning to government efforts, the most promising is its project titled "Connecting Government with Citizens: Strategic Plan on Implementing Right to Information Act, Bangladesh", commenced under the leadership of the Cabinet Division. An important initiative of the project is the establishment of District Advisory Committees (DAC), composed of 15 members representing all government offices and civil society in each district. It is under various stages of implementation. But activities already undertaken appear to have contributed to spreading greater awareness among officials, as perhaps reflected in increased disclosure of information, albeit at the goading of the IC. The Cabinet Division is also providing active support to the IC and promoting publication of annual reports and adoption of proactive disclosure measures by all government offices. Such overt government support to promote RTI is quite unique in South Asia.

For space constraints, we are postponing presentation of case studies to next month's column. We would conclude by saying that if positive trends depicted above continue and negative factors are contained, the future of RTI in Bangladesh appears promising. But to rid citizens' fear of bureaucracy and erase the traditional secretive nature of bureaucratic culture, there is still a long way to go.

The writers are Doctor of Law and Bar-at-law and a former senior official of the UN and now Chairman of Research Initiatives, Bangladesh (RIB), and a lawyer and Project Coordinator of RIB, respectively.

EACH CHILD TO A LOCAL SCHOOL



MANZOOR AHMED

EACH six-year-old child would be admitted to a neighbourhood primary school without being subjected to a qualifying test – this is how it should work because the country has a mandatory education law in place since 1990. But it hardly works this way.

Prime Minister Sheikh Hasina, at the Bangladesh Shishu Academy's observance of World Children's Day on October 11, said that every child must find a place in a neighbourhood school. "If the child seeking to enter a pre-primary or primary class has to sit for an exam to prove he/she can read and write, then what is the job of the school?" she asked. "It is the child's right to be admitted to a neighbourhood school," she said.

The Prime Minister instructed the officials present from the Ministry of Primary and Mass Education, Ministry of Education and the Ministry of Women and Children Affairs to take necessary steps to ensure that every child can enroll in a school in the locality. And they should not have to cross the barrier of an admission test. She also directed that the Prime Minister's Office should undertake the necessary coordination.

The Prime Minister has a knack for getting to the core of a complex issue and look for a simple solution when she feels strongly about the problem. Why should the child be denied access to a local school by setting up an admission barrier, when it is the child's right to be in a local school? The responsible agencies must find a solution and make it happen, according to the unassailable logic of the Prime Minister.

But will it happen? How long will it be before we see every child is indeed welcomed in a local school close to her/his home? That the head of the government feels strongly about it is a great boost to the cause. That her office might follow up actions that should be taken will no doubt help.

To make sure that the intended results are achieved, various steps, which should have been taken long ago, must be taken. We are talking about almost 8 million children around 5-6 years old who seek admission in more than 100,000 pre-primary and grade 1 classes of primary schools in over a hundred thousand rural areas, towns and city communities.

The conditions in villages, towns and large cities differ, as do situations within each of these settlements. There are public, private, voluntary, and NGO institutions as well as *madrasas*. There are great differences in the quality and reputation of these institutions. Every parent wants to send their child to the school with the best reputation. Some schools are in great demand, while others don't enjoy the same advantage. Often those in demand are private schools, which require high tuition and other fees.

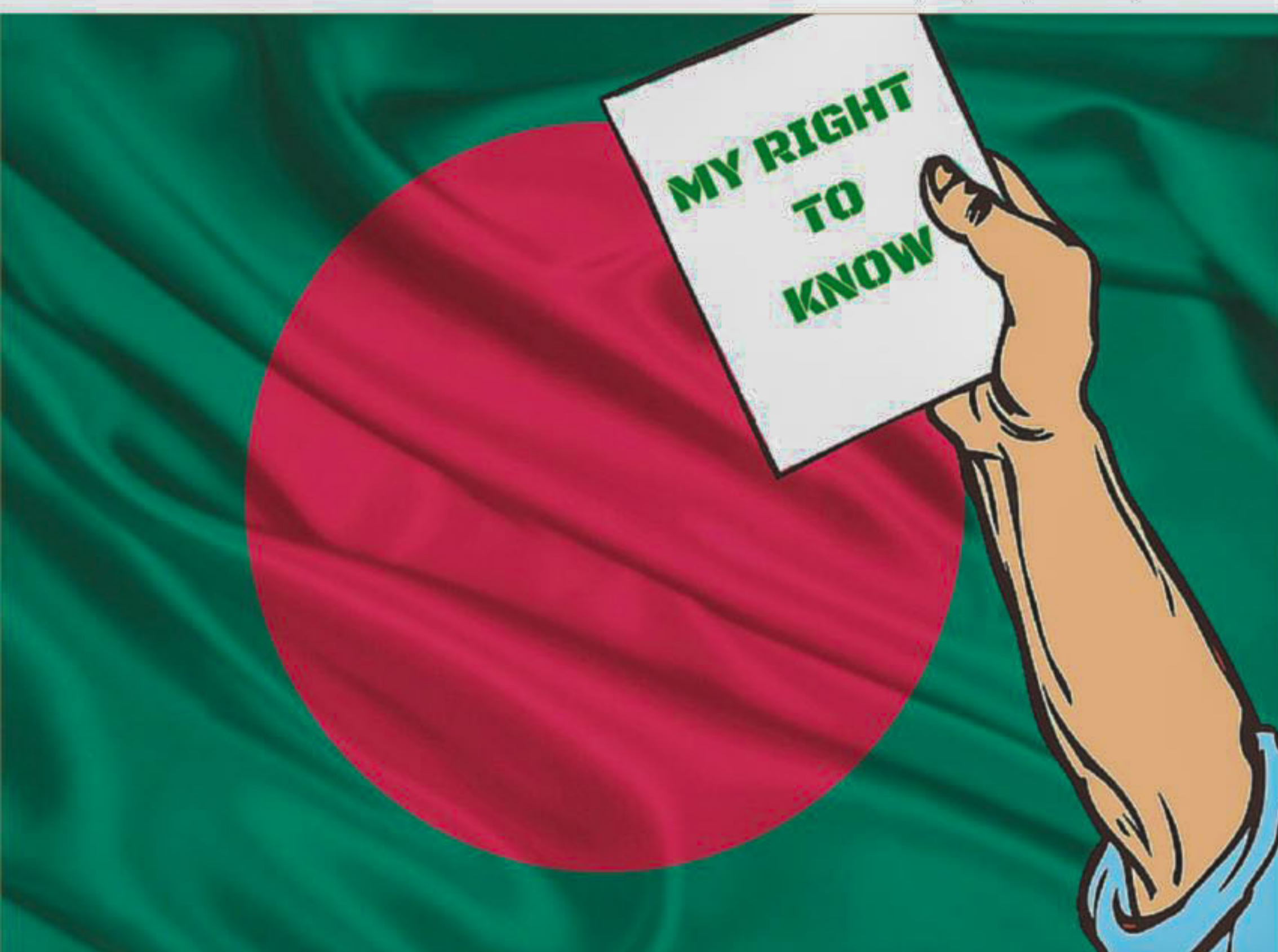
On the other hand, there is the government's legal authority, administrative mechanisms and power to persuade. Citizens and communities desire to ensure good education for their children. The educational institutions, at least the large majority of them, have the goal of serving their students well. How can these positive forces be brought together to achieve what the Prime Minister wants?

There has to be locality-based planning for each rural union and city ward to examine where we stand and what needs to be done. Coordinated action can be planned, involving all service providers – government, corporates and NGOs – to assess and decide what can be done now and in the near future in each locality.

Besides the two Ministries of Education, the local government bodies and the Ministry of Women and Children Affairs should also be part of the area-based planning. The latter has a special role in promoting schooling of children through preschool and early childhood development.

India has adopted a right to education law which obligates private schools to offer free education to 25 percent of the entry class positions to neighbourhood children from poor families. Why should we not adopt such a law?

The writer is Professor Emeritus at BRAC University.



decisions and go back a year.

[http://www.infocom.gov.bd/ Complaints & Decisions 2014 & 2015].

The exercise turned out to be extremely rewarding. Belying our earlier doubts, we ended up with a feeling that significant progress is taking place and there is reason for optimism. Of course, we were also disappointed by many shortfalls that prevail.

It is not within the scope of this column to go into details of our findings. Nor is this an assessment of the work of the IC. They would require a larger exercise. What we wish to do here is highlight the positive developments as well as those that are not so. We would throw in some statistics and a few examples to provide an overall perspective and a flavour of the developments. This, combined with a brief look at government efforts to promote RTI, would provide a reasonable picture of the state of affairs.

Among more encouraging developments, the following deserve special mention:

1) The number of complaints to the IC and the latter's ability to deal with them professionally has increased significantly. While 324 hearings took place between 2010 and July 2014, the number was 252 in a year since then, which is an increase of 80 percent.

power development board, large public sector contracts, Bapex, Rajuk, the Prime Minister's office and so on. This is an amazing transformation from the more sedate and mundane issues of the past. The fact that citizens are asking for sensitive information even from the Prime Minister's office indicates growing confidence of citizens in the system.

5) Faced with increased and varied complaints, the IC too has gained in confidence and expertise. It is meeting more regularly and releasing decisions more promptly, contributing to more trust in the system. The IC has sought to justify its decisions, though there is scope for much improvement. One may not agree with all the decisions, but IC's efforts to deal with complaints of such large and varied nature more professionally deserve recognition. A heartening development is its imposition of fines on four defaulting officials in a year compared to a total of three in the previous five years. It has also awarded compensation to five indigent complainants from an indigenous community (Bagdis) to defray their costs for travel and accommodation in Dhaka. It asked the respondents to compensate because of their failure to respond timely to the applications. It also recommended administrative action against defaulting officials. This will endear the IC to ordinary applicants.

CROSSWORD BY THOMAS JOSEPH

ACROSS	DOWN
1 "The Merry Widow" composer	1--Palmas
6 Bluegrass instrument	2 Building wing
11 Unaided	3 Restaurant red, e.g.
12 Whale's home	4 One of the Brontes
13 Suspended	5 Royal trappings
14 Roof feature	6 Yawning, perhaps
15 Ready for the show	7 Litmus reddener
17 Metal source	8 Homer's neighbor
19 Was ahead	9 Bender
20 Skirt edge	10 Binary digit
23 Deplore	16 Betrays in a way
25 Write an app	17 44th president
26 John Belushi movie	18 Kidney-related
28 Oodless of	20 Doctor visit
29 Dusk sight	21 Collectible car
30 Pub quaff	22 Track events
31 Cacao holder	24 Writer Tan
32 Golfer Ernie	25 Take in
33 "It's Like That" rappers	27 Prepared for a play
35 Lute's cousin	31 Liquefy
38 Avoids work	33 Yard tool
41 Conjure up	34 Lawn pest
42 Carl's wife in "Up"	35 Filming site
43 Melville book	36 Vining plant
44 River area	37 Kid's spinner
	39 Suitable
	40 Salt source

11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44

10-15

STRAY SCAT
AROSE PEACE
BOUITS RANUP
LUNA POLITE
END EAT TEE
SCUTTLES
EPIC SEAN
SHUTTLES
PIC ITS GEL
ONLINE CEDE
STING CABLE
TROTS EGRET
SOSO LEADS

YESTERDAY'S ANSWER

A WORD A DAY



TARANTISM
[ˈtɑr(ə)nˌtɪz(ə)m]
A psychological illness characterised by an extreme impulse to dance, prevalent in southern Italy from the 15th to the 17th century

KATALYST
Improving business, improving lives

Request for Study Proposal

Katalyst is a market development project that aims to contribute to increasing the income of poor men and women in rural areas. It does this by facilitating changes in services, inputs and product markets, which in turn increases the competitiveness of farmers and small enterprises. Katalyst is co-funded by the Swiss Agency for Development and Cooperation (SDC), the UK Government, and the Danish International Development Agency (Danida). It is implemented by Swisscontact under the umbrella of the Ministry of Commerce, Government of Bangladesh.

Katalyst is looking to commission multi-stakeholder dialogues on the incentives, opportunities and challenges of engaging women in economic activities in the agricultural sector, while highlighting some interventions put together for Women's Economic Empowerment (WEE).

Katalyst wants to work with an agency that can facilitate such dialogues in both regional and national levels.

Details regarding the Request for Proposal are available at:
link: <http://katalyst.com.bd/procurement-of-services/and>
<http://katalyst.com.bd/category/opportunity/>

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জাহাঙ্গীরনগর বিশ্ববিদ্যালয়
সাতার, ঢাকা

স্মারক সংখ্যাঃ রেজি/প্রশা/১৮৯২(২০০) তারিখঃ ১৪-১০-২০১৫ইং

“বিশ্ববিদ্যালয় দিবস- ২০১৬” উদযাপন সংক্রান্ত বিজ্ঞপ্তি

সংশ্লিষ্ট সকলের অবগতির জন্য সিদ্ধান্তে সভায় গৃহীত সিদ্ধান্তের পরিপ্রেক্ষিতে জানানো যাচ্ছে যে, বর্ণাঢ্য আয়োজনের মধ্য দিয়ে “বিশ্ববিদ্যালয় দিবস- ২০১৬” উদযাপনের সিদ্ধান্ত গৃহীত হয়েছে। এ উপলক্ষে বিশ্ববিদ্যালয় ক্যাম্পাসে আগামী ১২, ১৩, ১৪ ও ১৫ জানুয়ারি ২০১৬ চার দিনব্যাপী নিম্নরূপ কর্মসূচি গ্রহণ করা হয়েছেঃ

তারিখ	সময় ও স্থান	কর্মসূচিসমূহ
১২-০১-২০১৬	সকাল ১০ঃ০০টা	জাতীয় পতাকা এবং বিশ্ববিদ্যালয় পতাকা উত্তোলন, বিশ্ববিদ্যালয় দিবস ২০১৬ এর শুভ উদ্বোধন ঘোষণা।
মঙ্গলবার	স্থান	বিজনেস স্ট্যাডিয়াম অনুষ্ঠান চত্বর।
১৩-০১-২০১৬	বিকাল ৩ঃ০০টা	পুতুল নাচ।
বুধবার	বিকাল ৫ঃ০০টা	বিশ্ববিদ্যালয়ের বিভিন্ন সাংস্কৃতিক সংগঠন ও সাংস্কৃতিক কোটায় ভর্তিকৃত শিক্ষার্থীদের সমন্বয়ে সাংস্কৃতিক অনুষ্ঠান।
স্থান	সেলিম আল দীন মুক্তমঞ্চ।	
১৪-০১-২০১৬	বিকাল ৩ঃ০০টা	পিঠা মেলা।
বৃহস্পতিবার	বিকাল ৫ঃ০০টা	নাটক।
স্থান	ছাত্র-শিক্ষক কেন্দ্র/সেলিম আল দীন মুক্তমঞ্চ।	
১৫-০১-২০১৬	সকাল ৯ঃ০০টা	গ্র্যালামনাই ডে মিলন মেলা
শুক্রবার	হতে দিনব্যাপী	আনন্দ শোভাযাত্রা (বিজনেস স্ট্যাডিয়াম অনুষ্ঠান চত্বর থেকে শুরু) স্মৃতিচারণ মধ্যাহ্নভোজ ১ম ব্যাচে ভর্তিকৃত শিক্ষার্থীদের সংবর্ধনা ফানুস উড়ানো সাংস্কৃতিক অনুষ্ঠান র্যাফেল ড্র।
স্থান	সেলিম আল দীন মুক্তমঞ্চ।	

রেজিস্ট্রেশন পদ্ধতি, রেজিস্ট্রেশন ফর্ম হার এবং যাতায়াতের জন্য বাসরুটের বিস্তারিত তথ্য পরবর্তীতে বিজ্ঞপ্তির মাধ্যমে জানানো হবে।

আবু বকর সিদ্দিক
রেজিস্ট্রার

জিডি-৩২৯৯