

Changing Contours of RTI

SHAMSUL BARI and RUHI NAZ

In last month's column we focused on progress of RTI in Bangladesh in the last one year. Due to space limits we could not provide examples to show the changing contours of the applications and the subjects on which they were being made. We intend to do so in this month's column. However, to contextualise the examples, it may be useful to recall the key objectives of RTI first.

The Right to Information (RTI) or Freedom of Information (FOI) regimes evolved globally following the end of World War II premised upon people's sovereignty over all state affairs. Under this concept, all powers of the state belong to the people, therefore, all activities of state organs must be open to them. People, or more specifically citizens, have the right to monitor, query and oversee their work. RTI/FOI laws simply provide a legal basis for citizens to demand

understand what to expect, consider the following examples of India's experience after a decade under RTI.

A survey by an Indian RTI observer, Shyam Lal Yadav, published in *The Indian Express* in its October 28, 2015 edition, has identified "10 ways in which RTI has changed the functioning of the (Indian) government and officials." They include the following:

Restrictions on Ministers' foreign trips: An RTI-based investigation conducted in 2008 revealed that union ministers had made overseas trips equivalent to 256 rounds of the globe. Irked by it, Prime Minister Manmohan Singh wrote to all ministers asking them to cut expenses on foreign travels. A subsequent RTI intervention showed significant fall in government spending on ministers' foreign travels.

Restrictions on Bureaucrats' foreign trips: Several reports based on RTI interventions exposed huge amounts of public money spent by bureaucrats for their foreign trips. As a

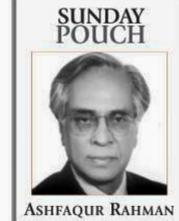
details of assets and liabilities of all judges on its website. This practice is being followed by several state High Courts.

Exam results: As a result of RTI interventions asking for mark sheets, answer keys, etc. related to government jobs, the selection processes of UPSC, IITs, UGC, etc. have become more transparent.

Personal staff of MPs, Ministers: An RTI based investigation by *The Indian Express* in 2013 revealed that 146 MPs had employed close relatives like fathers, children, spouses, etc. as "Personal Assistants" to keep the sanctioned Rs 30,000 within the family. This prompted the Rajya Sabha Ethics Committee to intervene and the NDA government issued specific directions to put an end to such practice.

Accessible file notings: After several interventions by the CIC, in 2012 the government made file notings available under the RTI Act. This has put pressure on

Aung Suu Kyi's next round



ASHFAQUR RAHMAN

In a rare interview recently, Myanmar's commander-in-chief Min Aung Hlaing told the BBC that the military will not step back from politics until a peace deal is reached with all Myanmar's ethnic armed groups. However, the army will respect the results of the general elections. Out of 491 parliamentary seats being contested, the results for 444 seats have been announced so far. Suu Kyi's party, the NLD, won 348 seats. The military government party USDP won only 40 seats. This means Aung Suu Kyi led the NLD to a thumping victory. About 10,000 election observers from the US, Japan and the EU blanketed the country to oversee the elections.

follow her orders from behind. In fact, he would be a nominal President.

But the troubles do not end there. Three crucial ministries under the constitution are headed by the army. These are the ministries of defence, home and border affairs. This is highly unacceptable. Aung Suu Kyi has dismissed these provisions in the constitution as 'very silly'. But this means she has to work closely with the army generals and seek to take away these provisions and restore all the posts for the civilian government.

The question that boggles everyone's mind now is this: how does Suu Kyi expect to garner support for her quest for Myanmar's democratic transition if the generals remain recalcitrant?

Perhaps the answer lies in her ability to mobilise the ethnic groups and political parties to support her quest for true democracy. Out of the many ethnic groups in the country, only eight have agreements with the present army-run government. If Suu Kyi can woo them all or a majority to lay down their arms and stand behind her ideals, she can take the hot air that the army blows and quench their thirst for blood. This then could also lead to the solution of the Rohingya problem. It is well-known that Rohingyas are Myanmar citizens but many were denied their citizenship rights ever since the first army takeover of Myanmar back in 1962. Slowly but surely these people were denied their right of abode, the right to work and even to marry. Through a systematic process of exclusion, these people became stateless and were forced to leave for Bangladesh or other neighbouring countries. Today, several thousands still live in Bangladesh in camps along our border and even inside the country, posing as Bangladeshi citizens. Many more thousands have obtained Bangladeshi passports illegally and are working in the Middle East. There are hundreds who have also taken to the open seas to cross over to neighbouring countries but have drowned in the process. A humanitarian crisis has been created in this part of the world due to this. The US and the EU have berated the Myanmar government. But international pressure is likely to grow on Suu Kyi who now has an overwhelming majority in the parliamentary elections. Ethnic groups like the Rohingyas and myriad others can perhaps help Suu Kyi to have the constitutional bars removed.

The bottom line is that Suu Kyi has to extend a warm hand to the army and negotiate deftly with them now that she has a huge electoral mandate and the support of many ethnic groups including the armed ones. She has to manage the surge of support that she has brought forth. The international community is indeed likely to stand behind her too. The army may then be seen to be faulting, unable to restrain the rising support. However, Suu Kyi has time to consolidate her position -- the next few months, up until the beginning of 2016, though her options are limited. With credible steps the Nobel Laureate will be able to turn the tables in her favour. And the world will be watching Myanmar with bated breath.



and obtain information from public authorities on their work, except for a few exceptions related to state security, foreign affairs and individual privacy. By asking for relevant information in the non-expected fields, citizens promote adherence by public officials to laws and rules of the land. This contributes to transparent and accountable governance.

In short, the ultimate goal of RTI is to change the way government relates to citizens. It seeks to change the secretive, close-door practices of the past and replace it with a more open and citizen-friendly official culture. The hope is to achieve systemic change whereby public authorities become ever sensitive to peoples' concerns and responsive to their demands.

It is too early to say if RTI is contributing to such systemic change in Bangladesh. Readers may form their own views from the trends the examples below portend. However, to

result, government circulars were issued asking departments to put details of their foreign trips on official websites.

Disclosure of Ministers' and Bureaucrats' assets: Based on RTI questions put to Prime Minister's office and the Cabinet Secretariat in 2009 and a CIC directive to the authorities to respond to the queries, all ministers began submitting details of their assets and liabilities to the government. This has now become a norm. Similarly, the assets and liabilities of every civil servant are now available in the public domain and updated annually.

Judges' assets: An RTI application in 2010 to the Supreme Court seeking implementation of a 1997 resolution requiring judges to declare their assets to the Chief Justice, led the Chief Justice of India to take the position that his office was not a "public authority" under RTI. The legal battle which ensued is still ongoing. But the office nevertheless posted

bureaucrats to write file notes more carefully.

Scams exposed: The RTI Act was used to expose several scams including a housing scam that resulted in the fall of the Maharashtra Chief Minister. RTI was also used in 2G, coal blocs and Commonwealth Games scandals.

Income tax returns of political parties: An order of the CIC in 2008 for disclosure of IT returns of political parties triggered a legal battle to bring political parties within RTI fold. Another CIC order of June 2013 declaring political parties to be "public authorities" under the RTI Act has been challenged by the government.

[This is Part I of the column. Part II of this column will focus on the Bangladesh experience will be published tomorrow, on November 16.]

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BEETLE BAILEY by Mort Walker



BABY BLUES by Kirkman & Scott



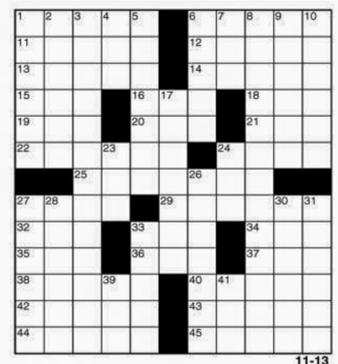
QUOTABLE Quote



HERMANN HESSE
 Knowledge can be communicated, but not wisdom. One can find it, live it, be fortified by it, do wonders through it, but one cannot communicate and teach it.

CROSSWORD BY THOMAS JOSEPH

- ACROSS**
- 1 Confronts
 - 6 Magic Johnson, once
 - 11 Minimal amount
 - 12 "Thereby hangs--"
 - 13 Pretentious
 - 14 Doles (out)
 - 15 Homer's bartending pal
 - 16 Guidebook feature
 - 18 Cain's mother
 - 19 Flow out
 - 20 1040 org.
 - 21 Chess pieces
 - 22 Bear, perhaps
 - 24 Gum flavor
 - 25 Checked the books
 - 27 Secret society
 - 29 African grasslands
 - 32 Compass trace
 - 33 -- de mer
 - 34 Track trip
 - 35 Stadium cry
 - 36 High trains
 - 37 Yale rooter
 - 38 Fragrance
 - 40 Home run, in slang
- DOWN**
- 42 Church feature
 - 43 Unescorted
 - 44 Release
 - 45 Signs a lease
 - 1 Calgary team
 - 2 Oxygen-thriving organism
 - 3 "Elizabeth" star
 - 4 Twisty turn
 - 5 Thwarted
 - 6 Reading aids
 - 7 Finished off
 - 8 Bride of April 2011
 - 9 Football team
 - 10 Bristle at
 - 17 Airport announcement
 - 23 Galoot
 - 24 Singer Tillis
 - 26 Historic satellite
 - 27 Ankle bone
 - 28 Answer source
 - 30 Natural gift
 - 31 Church toppers
 - 33 Paris subway
 - 39 Constant complainer
 - 41 Frothy brew



YESTERDAY'S ANSWER

R A G E S S C R U B
 U B O A T S C H I N A
 G E E S E R A D O N
 S E A L E D
 F L U M E W D A M
 R I N S E R G N O N A
 U N D E R G R O W T H
 I D E A E A R N E R
 T A R T A R T U S E
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ELIGIBILITY

- Four-year B.A. in English with a GPA of at least 2.75 on a 4-point scale
- At least a second class in a three-year Bachelor of Arts in English
- M.A. or M.S. in subjects of Liberal Arts & Social Sciences
- At least a second class in B.A. (Pass) degree from a recognized university

Honors/Master's degree (appeared) candidates may sit for the admission test but must submit mark-sheets before admission

KEY FEATURES

- M.A. in one or more of the three major areas: Literature, Linguistics & TESOL
- 36 credits (12 courses or 10 courses + Thesis) for students with 4-year B.A. in English
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