

Promoting "open government" through the RTI Act

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"We can easily forgive a child who is afraid of the dark; the real tragedy of life is when adults are afraid of the light." These famous words by Greek philosopher Plato perfectly describe the attitude of adults in Bangladesh towards the Right to Information Act (RTI).

Few of our fellow citizens realise that the RTI law has the power to change the age-old culture of official secrecy in the country and help establish transparent and accountable governance. RTI laws, enacted in over 110 countries of the world, are known as "sunshine laws" — to bring the secretive world of government work from darkness into sunlight.

The law enables citizens to access all information — with a few exceptions — held by public offices. Citizens may use the information so obtained to ensure their legitimate entitlements under the laws of the land. Or they may use it to find out if public offices abide by the laws, rules and regulations or indulge in unfair practices. It is not difficult to see how this can contribute to open government.

But to achieve this objective, the law must be used by citizens first. This is where problems of implementation arise.

Most of our citizens are accustomed to the culture of secrecy that shielded all government work from public view for centuries, and we are understandably reluctant to ask for information from public offices. In fact, many are afraid that the authorities concerned might even retaliate if the information they seek is considered sensitive. They also do not feel confident that the defence mechanism built into the system, via the Information Commission, will be able to protect them from uncooperative or irate officials. While some citizens have overcome this fear in more recent times, it is still a far cry from what is required for any systemic change.

In the face of such reticence, uptake of the law has been understandably slow. This column suggests alternative ways to deal with the situation to pave the way for further progress.

The main objective of the RTI Act can be encapsulated in two words: open government. Save a few sensitive areas, the law seeks to make most government information open to citizens, who may make RTI demands upon respective public offices, including those of some NGOs. By doing so, citizens, in effect, monitor the work of public servants.

Those who do not feel confident to ask for specific information could consider using other provisions of the law to advance its goals without the attendant fear. One of them is known as the "proactive disclosure" provision of the law. It requires public bodies to

proactively disclose basic information about their work to the public at regular intervals. Unfortunately, progress here has been slow as most offices do not feel the compulsion to do so. Citizens can play a role to change this situation.

They could, for example, simply ask the offices concerned about the status of implementation of Section 6 of the RTI Act which contains the "proactive disclosure" provisions of the law [See www.rtb-bangladesh.org for the text]. By doing so, citizens would alert the authorities concerned that they are being watched by the people — play sort of a "watchdog" role. If many citizens were to do this on a regular basis, the approach is likely to work. For, it is easier for the offices to abide by this general requirement of the law than respond to specific queries about their work.

authorities published all these, there would be little need for citizens to resort to RTI demands in the first place.

The provisions further include that public authorities must disclose "all information pertaining to any decision they have taken" and "description and process of decision-making". They are also required to "explain the reasons and causes in support of such policies and decisions". This is indeed a big departure from the culture of secretive governance.

It is not difficult to imagine, therefore, the likely reaction of public authorities if citizens were to simply ask them about the status of implementation of the above provisions. They must either state that they are implementing them or, if they don't or disregard even to respond to such queries, face the tune at the complaint hearing before the Information

also failed to promote respect for the law by public officials.

Another alternative of a similar nature for citizens to consider would be to ask each public authority for a copy of its "Citizen's Charter". Legal requirements in this regard are contained in regulation 13 of the RTI Regulations (Preservation and Management) 2010.

It requires each public authority to adopt a "Citizen's Charter" containing information on how it deals with information seekers under the RTI Act. It is supposed to include a description of measures the authority takes regarding: standard of services offered to applicants; transparency in the process; choices provided; courtesies shown; provision for complaints and ensuring equal treatment for all.

Apart from other authorities, citizens



If the IC plays its role well, it is more likely that the authorities would take the negligence more seriously. And if they respect the provisions of Section 6 fully, at least half the objectives of the RTI Act would be achieved without intervention by citizens. Unfortunately, the work of the IC too has not been fully up to the mark in this regard.

Section 6 is entitled "publication of information". It requires every authority under the law "to publish and publicise all information pertaining to any decision they have taken, any proceeding or activity they have executed or proposed, by indexing them in such a manner as may easily be accessible to the citizens." It also states that in "publishing and publicising such information, no authority shall conceal any information or limit its easy access."

The disclosure requirements include the organisational structure, activities, responsibility of the officers and employees; description and process of decision-making; lists of all laws, acts, ordinance, rules, regulations, notifications, directives, manuals, etc., of the authority including the classification of all information lying with it. If the

Commission (IC), which is of a quasi-judicial nature.

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Unfortunately, the work of the IC too has not been fully up to the mark in this regard. In close to the 2,000 RTI complaints it has dealt with since the law came into force, the IC has given very few decisions to impress upon the authorities the consequences of disregarding the law. Only a handful of noncompliant public officials have been penalised or chastised by the IC so far in accordance with the law. This has not only deprived the public exchequer of large sums of money but has

could ask the IC itself for its "Citizen's Charter" to learn how it deals with their applications or complaints. Regarding the provisions of Section 6 of the Act, a simple request to the IC could be to find out why it has used the penalty and other sanctions of the law so sparingly and not given reasons for many of its decisions, as required by the section. In fact, since the IC is the main torch-bearer of the RTI Act, its own implementation of the law should be exemplary for others to emulate. If it does so properly, the task of citizens would be minimised. They would feel less anxious of public officials and more forthcoming to make use of the law to promote "open government".

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Punishment of Rajon's killers

The verdict will act as deterrent

THE High Court on April 11 upheld the death sentence for four perpetrators involved in the brutal torture and killing of Rajon in 2015. The killing created a national outcry when one of the accused uploaded a video of the incident online and it went viral. That a minor could be beaten to death by a group of brutes on the mere allegation that he tried to steal a rickshaw van shocked all of us to the core. The killers took pleasure in their deed so much that they thought it apt to post a video of their crime online. Although the legal proceedings have taken less than two years to complete, which is shorter than the time it usually takes to pass sentence on such cases, we suggest setting up of speedy trial courts to try cases of violence against children.

Regrettably, we have seen an upsurge in violence against children over the last few years. Indeed, this paper editorialised on April 12 the spike in crimes against children, which brought to the fore the figure of some 145 children raped in the first three months of 2016, while 50 children were killed. These are ominous figures that point towards the rising trend of brutality against children. Having speedy trial in place would certainly act as deterrence against those who believe that they can prey on children with impunity. The State must act swiftly to contain this phenomenon which is fast becoming a malaise in our society.

Bangladesh unattractive for tourists

Potential of tourism sector wasted

IN the recently released 2017 Travel and Tourism Competitiveness Report by the World Economic Forum (WEF) Bangladesh ranked 125th out of 136 countries and was "the least attractive destination in South Asia for foreign tourists". Bangladesh's overall score was 2.9 out of 7, the same as in the previous report, and the country ranked 127th out of 141 countries in 2015.

These numbers do not look good for the tourism industry. The two main reasons behind the disappointing ranking were political instability and security — the latter becoming a major concern after the deadliest terrorist attack in Gulshan last year.

There is no one solution to jump-start the tourism sector in Bangladesh because the reasons behind the wasted potential of this sector are varied and complex. There is a lack of basic infrastructure — decent accommodation and recreational facilities, reliable public transport and well-equipped hospitals — and community support. It is also quite unfortunate that there is little to no effort to preserve our cultural heritage sites. Furthermore, there are no long-term plans to support the tourism sector which accounts for around two percent of our GDP.

For developing countries like Bangladesh, the tourism sector could prove to be a gold mine for economic development. If we are to let it flourish, the right policies must be set in place, and the only way to do that is to understand the value of tourism and develop the infrastructure and other basic needs.



work on Pakistan and if I would be willing to guide her in her fieldwork. I thought that having a doctoral student look at leadership issues across gender would be good since there was little local research on this. So I said I would support the student.

The student decided to come to Pakistan. She asked me for a letter of support so she could apply for her visa. She submitted her visa application about four months prior to when she wanted to be in Pakistan.

One day I got a call from someone who said he worked for an 'agency' and wanted to come to interview me about some American 'girl' who had applied for a visa and who had a letter of support from me. I asked him to come by. Our conversation is worth reproducing.

After asking me about what I did, where I taught, what I taught, and if I had any suggestions about how to improve the economy, the gentleman came to the point. He asked me how well I knew the 'Amreeki girl'. I gave him the context. He asked if she was connected to the CIA. "Not to the best of my knowledge," I said.

He asked me if I could vouch for her 'good character'. I told him that I had no idea of what he meant by 'good character' but I had no reason to believe that the student had any character flaws that precluded her from doing doctoral work in education. He asked me as to why I was interested in getting the student here. "It is a good idea for advanced students to do research on and in Pakistan." He did not seem convinced by my answer.

In Pakistan, rules are made to serve the

TWO years ago, a friend and colleague, teaching at a US university, wrote to me asking if one of her doctoral students working on education issues in developing contexts could

powerful and strengthen their hold.

He wanted to know all the places the student would visit. I told him that I knew the districts and the schools she had in her sample and could share the list. But the gentleman wanted to know about all the places the student would visit in the evenings. I said I had no idea about that.

He asked me if I would 'guarantee' the safety of the student. I mentioned all the arrangements we were making for her accommodation, transport, help with logistics, and hiring of interpreter/research assistants. "This is all fine but do you guarantee her safety?" By this time I was a bit annoyed. So I said that when I cannot guarantee my own safety and you guys cannot guarantee the safety of citizens of the country, how can you ask me to 'guarantee' the safety of another? Again, the answer did not convince him.

He then asked me to provide documents about myself, the organisation I worked for, the kind of research we did, the partners we worked with and even copies of research papers we had written. And then, the final straw, he asked me where I lived and told me that he would come around and interview my father. I had had it by then. I told the gentleman to leave, to give whatever report he wanted to give about the issue but he would not be entertained at my home. He left.

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The student did not receive any answer to her visa application for a long time and getting the not-too-subtle hint, decided to work on another country. She is now finishing her thesis write-up.

In service of power

We have had an unknown number of CIA officials working in Pakistan and we have had, allegedly, Indian nationals working in sugar mills in the country. We had entire air bases given to Americans, had drones flying from there and, apparently, even had a programme where US citizens could come into Pakistan without clearances from Pakistani authorities. But when we want to have an academic come over for a conference or have a colleague come over for joint

permission to visit a citizen at her house? But we do: logic is not one of the strong points of a lot of these requirements.

The issue here, clearly, is power. Rules are made not to serve the larger interest; they are made to serve the powerful and strengthen their hold even further. Were agencies incompetent to the extent that they did not know CIA operatives were coming into Pakistan and some might still be here? I hope that is not the case. They knew. It was just that power interests were



work, the hurdles in the name of national security are insurmountable.

Even doing research on our own is not easy. I work in education. Every time we have to do household surveys and/or school surveys, we have to get an umpteen number of letters of support and/or no-objection certificates (NOCs). If we want to do positional tagging, so that we can identify and revisit households or schools later, it opens up another Pandora's box of NOC requirements. If I am going to state schools, it makes sense for me to have permission from the education department, but if I am going into households, I should only be required to have permission of the households in question. Why do I need the state's

such that they wanted to allow these people to come into the country.

"Squeezed elbow room and shrinking leg space is the narrative of Pakistan in our times," writes Harris Khalique in his new book *Crimson Papers*. He goes on to say: "It is about demanding a dignified physical space to live, a respectable economic space to earn a decent living, a free intellectual space to think, and an uninhibited artistic space to create. Together, it is all about political space." So the question really is: can we imagine a different future?

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LETTERS TO THE EDITOR

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Benefits of the new submarines

Two submarines have been added recently to fortify our observation over the regional sea zone. It serves as a declaration of our emerging power to our competitors, and reiterates our economic capacity. This move will allow us to replenish our surveillance system so that fishing boats, oil seeking ships, and gas extraction tanks from neighbouring countries can't enter our national area.

I hope we are able to utilise these two water giants to effectively secure our marine resources.
 Sami Unnaby
 Faculty of Agriculture, BAU

Loathsome treatment of infants

We have been hearing news of newborn babies being dumped in dustbins in polythene bags across the country. Earlier last month, a newborn baby girl was discovered in a dustbin in the Shah Ali Beribad area of Mirpur. These are incredibly disgusting and inhumane acts. It forces us to question why the society has sunk so low, why these things are happening, and how we can stop it.

We praise those people who do not hesitate to take these babies into their families and nurture them as their own. We hope these children will not disappoint their foster parents, and care for them when they are in need of it.

Nur Jahan
 Chittagong