

10 YEARS OF RIGHT TO INFORMATION ACT 2009

A law to end the culture of secrecy



THE Right to Information Act 2009 was passed in the first session of parliament on March 29, 2009. It was a ground-breaking decision on the part of the government and paved the way for all citizens to get information from public authority as a right. It was envisaged that this Act would bring to an end the culture of secrecy and the Official Secrecy Act. Bangladesh at that time joined 75 countries in the world with RTI regimes.

Although the enactment of the RTI Act 2009 was not preceded by mass mobilisation at the grassroots level, the idea caught the imagination of a large section of civil society organisations, academia, media, researchers and legal experts who worked in a concerted manner to lobby for the enactment of the Act.

The demand for a law on Freedom of Information was first articulated by the Press Council in 1986 as a response to curtailment of press freedom under a dictatorial regime. The demand was raised in the form of a memorandum to the president seeking press freedom and allowing journalists to perform their professional duties without fear. Most of the well-known newspapers—both English and Bangla—such as *Observer*, *Ittefaq*, etc., joined in this demand. After that a number of civil society organisations raised the issue at different seminars and dialogues. Notable among those was a seminar organised by ASK and CHRI in 1998, along with several such initiatives by MMC, Nagorik Uddog, etc.

The Law Commission prepared a working paper on RTI in 2002. This was inspired by pledges Bangladesh was making during that time, both nationally and internationally, for more openness and transparency in state functions. However, the most compelling rationale is in Article 39 of the Constitution which states, “the notion of freedom of thought and conscience and speech”, and signing of the international protocol, International Convention for Civil and Political Rights (ICCPR) in 2000.

Realising the importance of access to information in the lives of marginalised people, Manusher Jonno Foundation (MJF)

prioritised it as a niche area. Taking examples from other countries where RTI regimes have changed the outlook and functioning of public institutions, MJF embarked on a mission to facilitate and coordinate the enactment of the RTI law. A rapid assessment study was commissioned by MJF to find out the general perception about RTI in Bangladesh and identify the different actors involved. The study revealed that it was related to freedom of information with respect to only the media. Moreover, state rules and regulations did not recognise the idea of information as a right to which all citizens should have access to. The main reason behind this was the “culture of secrecy” which prevailed in every sphere of the governance system of the state.

MJF took up several strategies involving different stakeholders to take the demand for RTI law further. Three core groups such as Law Drafting, Policy Advocacy and Awareness/Capacity Building were set up. Eminent persons and experts were members of these core groups, which also included legal experts, academics, NGO leaders, media personalities, activists, researchers, among others. This was effective in broadening the support base and raise a concerted demand for the RTI law.

The Law Drafting core group comprised of noted legal experts such as Shahdeen Malik, Sultana Kamal, Shamsul Bari, Asif Nazrul, and Elena Khan. Tanjibul Alam, a Supreme Court lawyer drafted the law and the members provided inputs, feedback and reviewed the draft several times. RTI laws from India, South Africa, Canada, and the UK were consulted during the process. National and regional consultations were held where the draft was shared and comments received. Organisations such as Article 19 and CHRI provided feedback, comments and recommendations. The working paper of the Law Commission was taken as a basis for the draft.

The core groups on Policy Advocacy and Mass Mobilisation initiated a series of activities such as writing articles; holding TV talk shows; orienting NGOs, local journalists, policymakers; etc. Journalists were sent on cross visits to India to learn from their experience. Government officials also went on cross learning tours to Mexico and India. Besides, through regional and

international networking, alliances were built with national and local partners such as TIB, PET, BEL, SUPRO, MRDI, SANAK, Article 19, CHRI (India), MKSS (India) for issue-based mobilisation on RTI. Eminent personalities were approached to act as champions for the law. They also lobbied proactively and advocated for enactment of the RTI law.

In March 2007, the Law Drafting core group submitted the draft law to the Ministry of Law, Justice and Parliamentary Affairs for its review and consideration. In December

were opposition on certain clauses such as imposing of fine on government officials in case of denial of information, inclusion of Union Parishad as authority, and the civil society’s insistence on having at least one woman as member of Information Commission. MOI organised a national seminar in March 2008 to share the draft and put it up on the website for comments.

After the draft was finalised by the working group, it was sent to the Committee of Secretaries via the cabinet ministry to get

it should remain because it would give the advocacy group a moral authority to insist on transparency from all other groups.

Finally, the draft was sent to the government in July 2008. Finally, it was passed as an Ordinance on October 20, 2008. We believe that this paved the way for the eventual adoption of the RTI law by the elected government which came to power in December 2008.

The Right to Information or RTI Forum was set up with MJF as the secretariat after it was passed as an Ordinance with the objective of creating demand for the enactment of the RTI Ordinance into an Act by the next elected government and later to monitor its implementation. It composed of 40 organisations and individuals.

Civil society groups were aware that political parties needed to be engaged if the law was to be passed in parliament once an elected government came to power. Therefore, a series of consultations and meetings were held with members of the main political parties. Attempts were made to have RTI included in their party manifestos prior to the national elections.

After the General Elections of December 2008, the RTI Forum again lobbied with parliamentarians and relevant policymakers. During the caretaker government a total of 154 Ordinances were passed. MJF was a member of the review committee of the parliamentary standing committee to make comments and recommendations on the Act. Finally, on March 20, it was approved in the cabinet and on March 29, 2009 it was passed in parliament in the first session.

The Right to Information Act is a law like no other. It is the only law that gives the right to all citizens to question the government functionaries on how the state functions, how the taxpayers’ money is being spent and revenue budget utilised. As the preamble of the law states: “All powers of the Republic belong to the people, and it is necessary to ensure right to information for the empowerment of the people by the State.” It is therefore the duty of all citizens to utilise this law, make it successful and ensure transparency and accountability at all levels.

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2007, the government, in an MJF organised seminar announced officially that RTI will be enacted as an Ordinance and instructed the Information Ministry to draft the law and take assistance from the draft submitted by the civil society. The Ministry of Information (MOI) formed a working group to draft and finalise the law within a month and an MJF representative was officially part of the working group. During this time a number of discussions were held within different ministries and departments. There

comments from other ministries. Certain changes were brought in the draft at that time. The penalty clause remained but the amount was drastically reduced; a clause was inserted which gave indemnity to officials in case of denial of information in “good faith” but was later removed, the exemption list was made longer, and the private sector and political parties as authorities were removed. The inclusion of foreign funded NGOs as authority was also resisted, but those of us advocating for the law insisted

I too am Chhatra League



1974. BUET Elections. The position of Mujibbadi Chhatra League was not at all rosy. The major threat was the student wing of Jatiya Samajtantrik Dal (JSD), drawing young people in droves by its patent

‘Scientific Socialism’. Another front was Chhatra Union, popular among cultural activists.

Mujibbadi Chhatra League nominated me for the post of Sports Secretary of Titumeer Hall Students Union. JSD, Chhatra League and Chhatra Union also fielded panels. My opposite numbers were my sports teammates and very close friends as well as batch mates (although they were from Engineering department and I from Architecture).

You are right. I would not be narrating this tale had I lost forty-five years ago. Our Mujibbadi Chhatra League won full panel in Titumeer Hall and Ahsanullah North (reserved for Hindu students, although they were free to reside in other halls). But that was it. We got a drubbing in all the other four halls of the time, Ahsanullah, Nazrul Islam, Sher-e-Bangla and Suhrawardy.

The lead Mujibbadi EUCSU VP candidate, Rashedul Hassan (Architecture graduate, but studying Urban & Regional Planning) took over Titumeer and Ahsanullah North by only six votes to overcome his JSD opponent, AZM Akramul Haq, who had won handsomely in all the other halls. Rashedul Hassan was EUCSU’s incumbent VP and Akram the General Secretary.

Only for record’s sake, I received the highest votes among all candidates in all the six halls. But that never got into my head, nor did anyone make it a celebratory issue. My “political” opponents, by far more gifted players, and I continued to partake in different games at hall and university levels without a word about the voting results.

Dr Rashedul Hassan *Bhai* passed away about a year ago at his Barishal village. Engr. Akram *Bhai* greets me with an embrace every time we meet. Last week we smilingly recalled the famous elections. Despite our ideological differences, he never tried to burn my boat with his *marshal*, nor did I consider drenching his burning flame with *nouka* loads of water.

That was my only election during my five-year undergraduate studies at Buét, because student politics all over the country were on hold for more than five years after August 15, 1975.

Early on that ill-fated morning in 1975, a *Boro Bhai* awakened me. I heard on radio “*Ami Major Dalim bolchi. Sheikh Mujib ke hotta kora hoyeche*.” (This is Major Dalim speaking, Sheikh Mujib has been murdered), or to that effect. We were stunned, not grasping what happened, not knowing what lay ahead. My first thoughts were with (Sultana Ahmed)

Khuki *Apa*, by whose invitation I attended her wedding to (Sheikh) Kamal *Bhai* only a month earlier. *Apa* was a Mohammedan supporter. Sometime during his last few days, Kamal *Bhai* taunted me jovially at the Dhaka Stadium, “Now what will you do? I have married your sister!”

Later that morning, we gathered in uneasy trepidation at the hall entrance with others from all political shades. There was no thought of attacking any of us (Mujibbadi) from any quarter, outside or inside the campus. No one made even a verbal rebuke despite our leader Bangabandhu Sheikh Mujibur Rahman, his family, relatives and staff being murdered in the most brutal and cowardly manner. That co-existential

Bangla or *Boigyanik Samajtantra*.

In room-to-room election campaign, we hardly put forward any national issues smeared with partisan hue. I was introduced as the only scorer in hockey for Mohammedan Sporting. Thankfully, no one asked how many, because that year our club scored only that goal.

I had to remain hall sports secretary for the following four years since there was no more elections due to a ban on student politics. No one proposed removing me from my post. No one misbehaved with me because I was Chhatra League, and Awami League was not then in power. From junior I became senior, and then in my fifth year I was senior-most in the university, but I never

I stayed alone in that room because my engineering roommates emigrated elsewhere due to my unearthly hours. Rooms were shared also by candidates or adherents of different parties and political beliefs.

Our halls were a piece of paradise on earth. Our chitchats and even serious conversations were about studies, term-end grand feasts, sports, achievements, *natok*, BTV, inter-hall competitions, the needs of studentship... okay, girls too.

During power outages, shouting match ensued with adjacent halls in often the foulest of words but under the friendliest of terms. There was no love lost between the voluntary contestants, who enjoyed



Buét-ian brotherhood prevailed for all the remaining years of my student life and thirty-two years of teaching at Buét.

In our days, whilst a boisterous *micnil* of one political thinking passed another procession equally animated, some of us at the rear would exchange a poke or a pat with an adversary in jest, trade a quick smile, and continue with “*Amader Sangram, cholbe, cholche*”, whatever that was concocted to mean. No one forced anyone to join anything. No one questioned if someone did not. We, from different political symbols, met afterwards for tea and snacks at a canteen, or at Kunnu Miah’s tea shop under a worn-out tin sheet. Whoever had money, paid the bill, irrespective of *Joy*

bullied anyone despite being in authority for such a long period.

Every time an individual or a team from my hall became champions in an inter-hall sports event, it was my privilege as sports secretary to take them out for Chinese. The hall had a budget under the audit of the provost. We went by rickshaw to the restaurant. If it rained, we waited for dry weather. Our spirit was never dampened.

As an Architecture student, I would often return from my departmental studio to my room (401 South) very late. The barely lit dark roads, stairs and corridors were the safest places on earth. Never did we feel insecure, nor were we terrorised by any group. For months,

celebrity status, and a round of shared *kabab-parota* after the lights came on.

The access to the hall roof was via a steep steel ladder. I may have ventured to the roof once or twice, and by my own choice. There was so much to do below in the common room, the veranda and the garden, such as dunking someone for going steady.

I should have said this earlier, but today I must admit my seniors were angels.

I too am Chhatra League, I say that with pride, pleasure and pain.

Dr Nizamuddin Ahmed is a practising architect, a Commonwealth Scholar and a Fellow, a Baden-Powell Fellow Scout Leader, and a Major Donor Rotarian.

QUOTABLE Quote



NELSON MANDELA (1918-2013) President of South Africa

A good head and good heart are always a formidable combination. But when you add to that a literate tongue or pen, then you have something very special.

CROSSWORD BY THOMAS JOSEPH

- ACROSS**
- 1 Thomas Hardy heroine
 - 5 To-do list
 - 11 Not busy
 - 12 Like sponges
 - 13 Boat bottom
 - 14 Boutiques
 - 15 For all practical purposes
 - 17 Dessert choice
 - 18 Blackjack call
 - 22 Velocity
 - 24 Needed a massage
 - 25 Stew sphere
 - 26 Travel stop
 - 27 Desert spots
 - 30 Comedian Sykes
 - 32 Secret meeting
- DOWN**
- 33 Yellow-stone grazer
 - 34 “So there!”
 - 38 Infuriate
 - 41 Tortoise’s rival
 - 42 Tidy up
 - 43 Pennsylvania port
 - 44 Loathe
 - 45 Says further
 - 9 Word on a bill
 - 10 Wagon puller
 - 16 Nourished
 - 19 Really cogitate
 - 20 Patch up
 - 21 Writer Ferber
 - 22 Location
 - 23 Dessert fruit
 - 28 Will topic
 - 29 Rocket sections
 - 30 Tiny
 - 31 Tennis great
 - Gibson
 - 35 Lane’s co-worker
 - 36 Parched
 - 37 Golf pegs
 - 38 Complete
 - 39 Once known as
 - 40 Informant

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YESTERDAY’S ANSWERS

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