

## 10 YEARS OF RIGHT TO INFORMATION ACT 2009

## A law to end the culture of secrecy



SHAHEEN ANAM

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 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) 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.

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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 Shahid 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, BEI, 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 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.

Shaheen Anam is Executive Director, Manusher Jonno Foundation.



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

## QUOTEABLE Quote



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.

NELSON MANDELA  
(1918-2013)  
President of South Africa

## CROSSWORD BY THOMAS JOSEPH

ACROSS	33	Yellow-stone	9	Word on a bill
1 Thomas Hardy	grazer	10	Wagon puller	
heroine	34	"So there!"	16	Nourished
5 To-do list	38	Infuriate	19	Really cogitate
11 Not busy	41	Tortoise's rival	20	Patch up
12 Like sponges	42	Tidy up	21	Writer Ferber
13 Boat bottom	43	Pennsylvania	22	Location
14 Boutiques	port	23	Dessert fruit	
15 For all practical	44	Loathe	28	Will topic
purposes	45	Says further	29	Rocket sections
17 Dessert choice	30	Tiny	31	Tennis great
18 Blackjack call	32	Gibson	35	Lane's co-worker
22 Velocity	33	Stew sphere	36	Parched
24 Needed a	34	Phone photo	37	Golf pegs
massage	35	Travel stop	38	Complete
25 Stew sphere	36	Church area	39	Once known as
26	37	6 "You fell for it!"	40	Informant
27 Desert spots	38	7 Steamy		
30 Comedian Sykes	39	8 Neither follower		
32 Secret meeting	40			
DOWN				
1 Polynesian idol				
2 Perfect place				
3 Be free of worries				
4 Phone photo				
5 Stew sphere				
6 "You fell for it!"				
7 Steamy				
8 Neither follower				

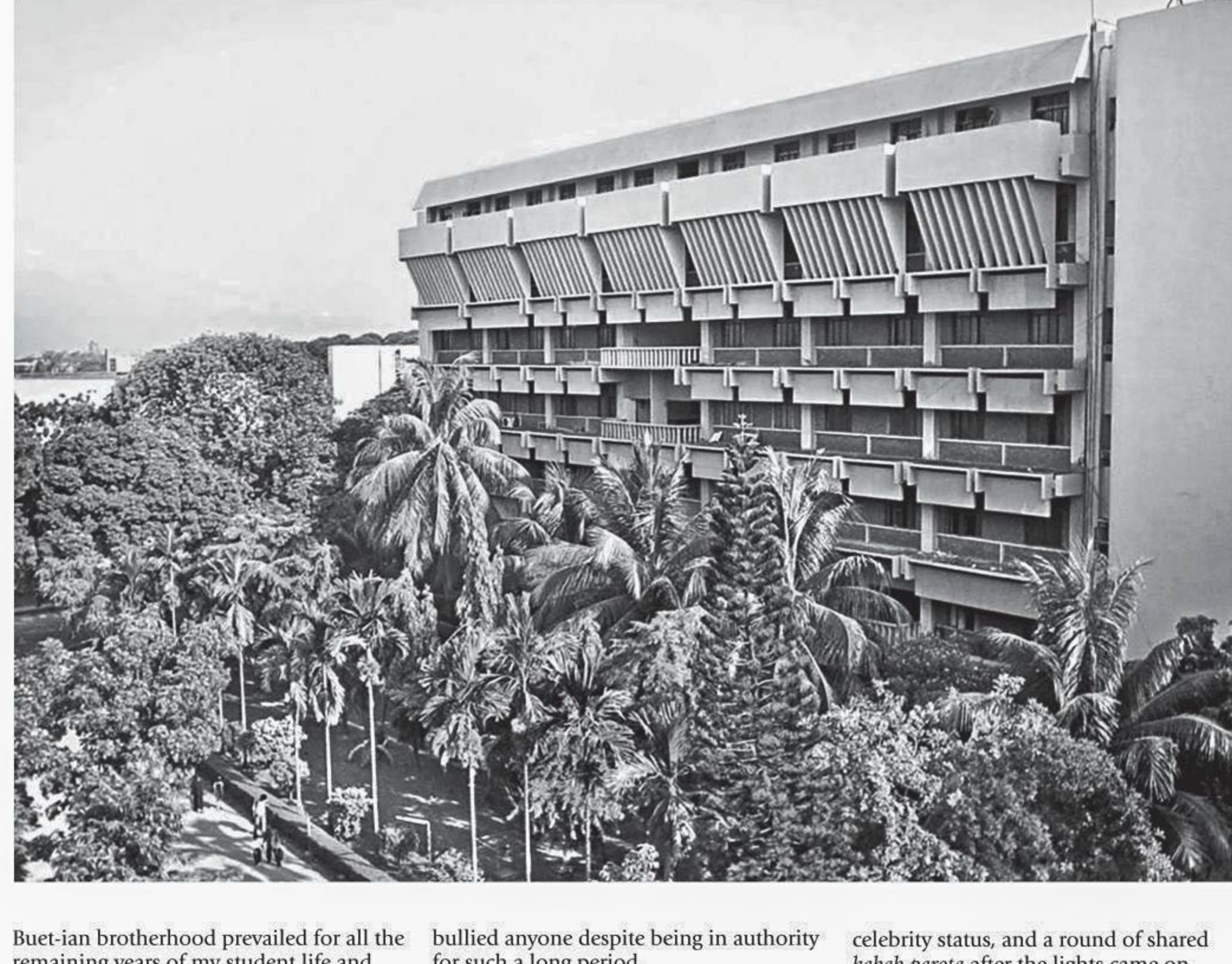
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10-17

## YESTERDAY'S ANSWERS

M	E	T	S	L	E	A	P	A	T
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S	A	G	E	W	A	S	T	E	D
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T	R	U	S	T		L	E	T	
S	T	E	E	D	S	P	I	R	O
P	A	N	E			E	G	G	S
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D	I	P	A	S	Y	E	T		
A	F	R	I	C	A	O	N	Y	X
L	O	A	D	U	P	S	U	R	E
E	X	P	A	T	S	P	A	N	

WRITE FOR US. SEND US YOUR OPINION PIECES TO [dsopinion@gmail.com](mailto:dsopinion@gmail.com).



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

In our days, whilst a boisterous *micil* 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

bulied 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,

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