

# A clarion call for civil society to make the RTI Act a success

SHAMSUL BARI and RUHI NAZ

**M**OST countries of the world have moved in the past 50 years from the age-old practice of government secrecy towards making their work largely accessible by the public through Right to Information (RTI) or Freedom of Information (FOI) legislation. Despite this slow revolution, secrecy in government work remains a deeply entrenched tradition. Even in more mature democracies, governments remain ever ready to limit the operation of the law whenever possible. We saw this during the ongoing Covid-19 pandemic.

This resistance is not difficult to understand. Governments do not like that their shortcomings or wrongdoings are discovered by citizens. RTI/FOI acts are instruments to make that possible. They arose from citizens' rights movements, to the growth of consumerism, to distrust of the bureaucracy, to the struggle for press freedom, etc. They gave rise to public pressure on governments to adopt the law.

In more recent decades, additional factors have influenced government decisions. Not least, international lenders often tie loans to the recipient governments' adoption of transparency and accountability legislation to fight corruption. In fact, supranational bodies like the Organisation for Economic Co-

community at large. As a result, the law remains largely unutilised or underutilised in many countries including Bangladesh.

Countries fare better where the adoption of the law was preceded by a peoples' reform movement, or where the civil society is deeply committed and works united to reap the benefits.

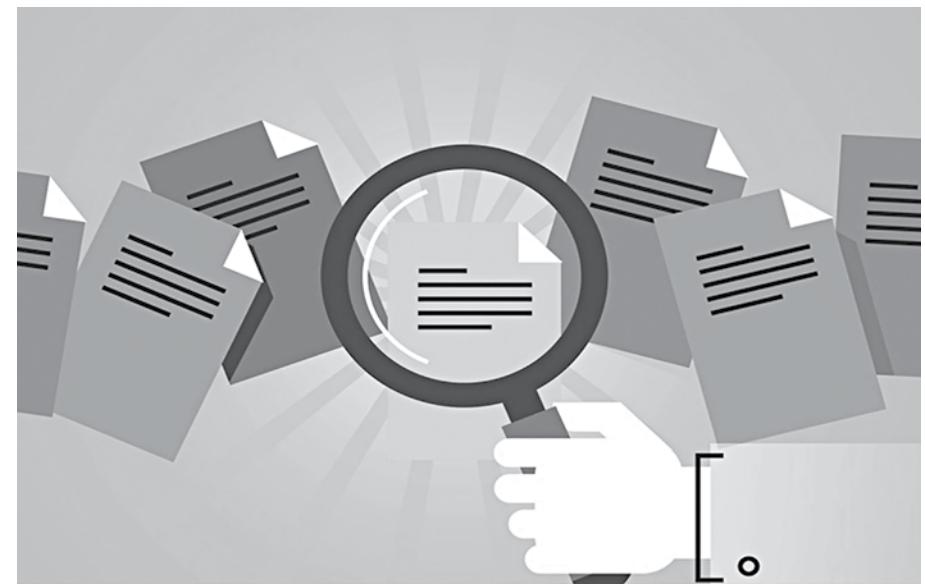
Effective implementation of the law is thus dependent upon a clear understanding by citizens of its objectives and goals and their preparedness to use it. This cannot happen without a serious commitment of civil society groups, such as non-governmental organisations and voluntary agencies/associations working for peoples' welfare in various sectors. They must remember that there are no areas of public life (in which public authorities are engaged) that cannot benefit from the application of the RTI Act. In fact, in Bangladesh, whatever progress has been achieved in implementing the RTI Act so far was possible due largely to the commitment and dedication of many NGOs. There is a need for more.

We call on development workers, professional groups such as doctors' and lawyers' associations, and all those working in other sectors of public life to realise their stake in the law. Not to speak of journalists and media houses, of course. Any area of activity where government and

personal needs, but also for the good of their neighbourhood, village, town, city and the country at large. Show how RTI can bring about good governance.

Draw attention to the unique and distinctive nature of the law. One: RTI is pre-eminently a peoples' law, enacted to empower people *vis-à-vis* the government and other public authorities. Unlike other laws that are enforced by governments, the RTI Act can only be enforced by

have even worsened in recent years, as witnessed during the Covid-19 pandemic. Two: what assurances are there that public authorities, confronted with unpleasant information requests, will not retaliate by various means at their disposal? Three: what if they do not respond to the requests, or the independent compliance mechanism of the Information Commission does not do its work? And four: is it worth spending time and money



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operation and Development (OECD), the World Bank, and the Council of Europe have promoted the law as an essential component of open and democratic government.

When such laws take shape, countries may be ill-prepared for them: the government may not have the capacity or willingness to apply the law, and citizens may not be equipped to make use of it. Such revolutionary laws require a fundamental change in the mind-set of public authorities to move away from their deep-seated secretive tradition, and in the

other public bodies are involved, either directly or indirectly, can benefit from their promotional and watchdog role.

We propose a road map for these organisations.

**Educate your members, stakeholders, boards and beneficiaries.**

Hold workshops, seminars, community dialogues—whatever platforms work for your group. Use these to achieve several goals as outlined below.

Help citizens understand the importance of RTI not only for their

citizens. Two: the act provides creative opportunities for citizens to use it for improvement of public services. The more creative and imaginative they are, the more useful can be the outcome of their interventions. Three: the law provides a direct role for citizens to play in the governance of the country, an area which was traditionally the sole preserve of governments. Four: it is a law that governments are most wary of because of its capacity to unearth unpleasant truths about their activities. And five, perhaps most importantly: it is a law which can lead to improved citizen-government relationship and thereby contribute to better governance for the people.

**Publicise stories about the use of RTI.** Use interpersonal communication, scholarly publications, the media and social media to talk about the law. We have done that regularly in this column and intend to continue to do so.

**Be inspired by others.**

We can draw lessons from experience accumulated over the years in our own country. One: the most formidable hurdle for RTI users is their intrinsic disbelief that the government attitude towards official secrecy has changed at all. In fact, it may

to appear before the Commission for complaint hearings if there is no assurance that the provisions of the law would prevail?

Remember that all such laws go through teething problems. Some of these have begun to fade as both citizens and public officials become accustomed to the law. The need is to accelerate the improvements, which can only happen by using the law more, not less.

As long as the law is not abused to settle private scores and used primarily to make the work of public offices more transparent and accountable, leading to systemic changes, there is reason to be optimistic. Helping citizens to learn to use the RTI Act through seeking information on more innocuous subjects in the beginning has led to improved understanding and better interaction between citizens and public offices.

Civil society groups can play an important role to accelerate the momentum by playing a watchdog role for a seamless operation of the law, and RTI practitioners are available to advise and help, including the present authors.

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## Seminal HC judgement on ACC independence

*The government must take the ruling seriously*

**I**N a seminal judgement, the High Court ruled on December 13 that the government cannot withdraw any corruption cases filed and moved by the Anti-Corruption Commission (ACC), nor can it recommend withdrawal of such cases from trial proceedings. We wholeheartedly welcome the judgement issued by the High Court following a revision petition filed by the ACC itself, and believe that, if realised, it will go a long way towards ensuring a functional, independent and efficient national graft body that can monitor and check corruption at all levels and in all sectors. However, we remain unclear as to whether the judgement will be applicable to cases that have been withdrawn recently and if they can be reopened again.

Although the ACC is an independent body as per the Anti-Corruption Commission Act 2004, it has unfortunately been subject to political and administrative control since its establishment. The government has reportedly recommended that the graft body withdraw over 7,000 criminal cases filed before the tenure of Awami League, and the recommendations for withdrawals have continued unabated during the current regime as well. The ACC has not been able to make up significant leeway when it launched crucial investigations into officials holding important positions within the government and/or ruling party, and have had to limit itself to pursuing petty graft allegations. It is no surprise then that the ACC has been rendered toothless, as a result of which public confidence in a critical institution is eroding.

Strengthening the ACC's institutional capacity and ensuring its independence is instrumental to promoting good governance and fighting corruption that has seeped insidiously into every public institution and the very fabric of society. Bangladesh continues to remain the 14th most corrupt country in the world, according to the Global Corruption Perception Index 2019 by Transparency International. If the government is sincere about its "zero tolerance" stance against corruption, it must take the High Court judgement seriously and ensure that it no longer protects individuals directly or indirectly related to ruling authority or interferes in the proceedings of the ACC in any way.

## Major Sinha's murder has opened a Pandora's box

*The police force must be cleansed of criminal elements*

**W**E welcome the rigorous investigation by RAB and the home ministry that has revealed the details of the premeditated murder of Major (retd) Sinha Rashed Khan. It was spearheaded by Teknaf Police Station OC Pradeep Kumar Das who, aided by some of his colleagues, masterminded this heinous crime to hide his own involvement in a drug trade which was about to be exposed by Major Sinha. The investigation has revealed that OC Pradeep threatened to "destroy" Sinha if he did not leave the area, that Sinha was stopped at a police checkpoint on Cox's Bazar-Teknaf highway on July 31. According to witnesses, when he came out of the car with his hands over his head, they shot him. The home ministry probe has established that Sinha was alive when OC Pradeep came to the spot but they delayed taking him to the hospital. He thus bled to his death while the accused concocted a story about searching his car for narcotics when he "pointed" a gun at them and they shot him in self-defence. Subsequently, two of Sinha's associates were arrested on false narcotics charges and all their and Sinha's electronic devices were seized. Later, when RAB recovered the devices, they were found tampered with and the memory cards were destroyed.

While we find relief in finally knowing the truth and the fact that OC Pradeep and most of his cohorts have been arrested, we are also shocked at the extent of criminality of an OC and the impunity he has enjoyed over the years. Since Pradeep's taking charge of Teknaf police station in 2018, at least 87 people have been killed in 48 gunfights. A RAB source has said that Sinha had found out that OC Pradeep was involved in a cross-border drug trade that generated Tk 50 lakh daily. His murder has exposed the level of corruption among those occupying the highest positions of the police force in Teknaf and the complicity of lower-ranking officers that has led to not only the death of Major Sinha but many other individuals. It is well-known that the drug trade flourishes with the help of such corrupt law enforcers who have abandoned their mandate to protect the public in exchange for the huge amounts of money they can make. Thus the credibility of narcotics drives and arrests or deaths of so-called drug traders in "crossfire" is called into question. Unfortunately, these incidents have only added to the people's fear and mistrust of law enforcers.

Reports of police personnel being involved in filing false cases, extortion, evidence tampering, murder, and refusing to file genuine cases have been frequent. It is unfortunate that the good work that police do becomes overshadowed by these instances of criminality and moral degradation of some members of the law enforcement agencies. The police force must sincerely and thoroughly investigate allegations of crime against members of their organisation. In addition, there have to be independent investigations by the home ministry, as has been the case in Major Sinha's murder, to ensure that they are unbiased and uninfluenced.

It is crucial that the public regain their trust and confidence in police and all other law enforcement agencies. But for that to happen, corrupt and criminally minded public officials must be held accountable and, if found guilty of crimes, be punished by the law. The entrenched system of corruption in these organisations has to be wiped out for good.



POONAM KHETRAPAL SINGH

**I**MMUNISATION saves lives and promotes life-long health and well-being. It is among the most powerful public health and development interventions that exist. Since the beginning of the Covid-19

response, the WHO South-East Asia region has made urgent and sustained efforts to maintain immunisation as part of a broader commitment to ensure that all people can continue to access essential health services amid the pandemic.

Member-state progress has been strong and steady. Despite initial disruptions in March through May, most routine and supplementary immunisation activities in the region have been revived and maintained. Millions of children have continued to receive life-saving protection against a range of vaccine-preventable diseases, from diphtheria, pertussis and tetanus, to rotavirus and rubella. Not a single vaccine stock-out has occurred. Amid enhanced physical distancing and infection prevention and control protocols, programme managers, health workers and volunteers from across the region have shown

tremendous resolve. They deserve our highest praise.

Throughout the Covid-19 response, recovery and beyond, WHO will continue to support member states and the region to remain polio-free, to sustain maternal and neonatal tetanus elimination, and to accelerate progress towards measles and rubella elimination by 2023. To achieve this and more, it is essential that countries identify remaining immunisation gaps and

phase 3 trials, and some have already gone for emergency use authorisation, or are likely to do so very soon. Anticipation is building.

As and when vaccines are found to be safe and effective, countries will need to activate detailed plans to efficiently deploy the initial tranches of Covid-19 vaccines to cover up to 20 percent of the most vulnerable of their population, and to carry out coordinated and equitable deployments thereafter. WHO will

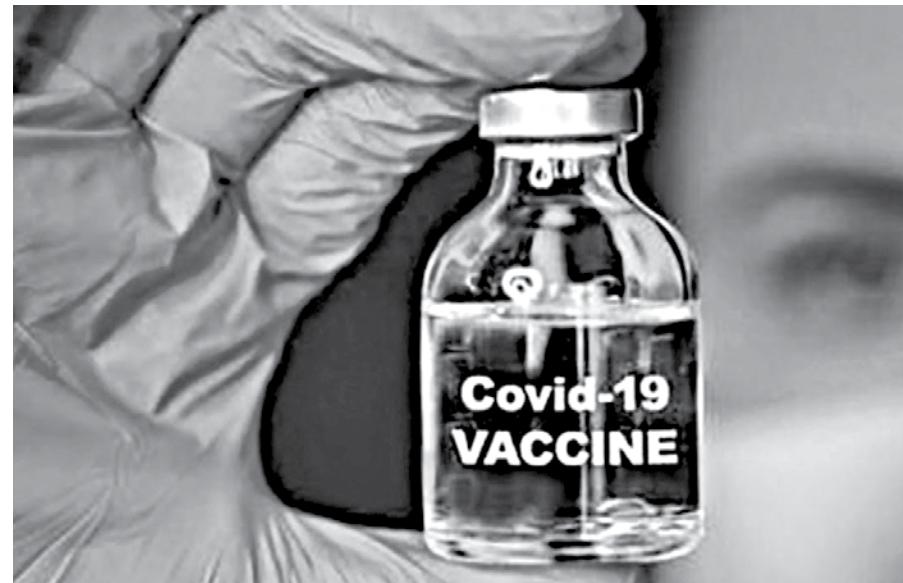


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rapidly implement catch-up campaigns. But as together we continue to strengthen all aspects of the response, we must not only reinforce and build the capacity of immunisation systems, but also ready them to meet our next challenge: to equitably and efficiently deploy vaccines against Covid-19.

Almost all countries in the region plan to procure a first tranche of vaccines from the WHO-supported COVAX Facility, the vaccine pillar of the Access to Covid-19 Tools Accelerator. For the allocation framework to be effective, and for at least 2 billion doses to be delivered to all participating countries globally by the end of next year, immediate and sustained increases in international and global funding are required. Rapid advances in research and development on vaccines against Covid-19 have seen more than a handful of vaccines reach

continue to provide member states its full support to help finalise such plans, with a focus on several key areas.

First, defining priority groups for vaccination. The WHO Strategic Advisory Group of Experts on immunisation has in recent months published critical guidance that considers priority groups for vaccination based on different epidemiologic settings and vaccine supply scenarios.

Informed by the guidance, countries must make evidence-based, context-specific decisions, accounting for the risk profile of different groups based on age, underlying health and comorbidities, and socio-demographic risks, among other factors. Across all settings, and whatever the supply scenario, it is imperative that frontline health personnel are provided first access.

Second, enhancing service delivery,

communication and vaccine demand. Across the region, countries must identify platforms to deliver vaccines to target populations, while also strengthening infection prevention and control protocols.

But of increasingly urgent need is the development and roll-out of comprehensive plans to identify and train an adequate number of health workers and volunteers to administer the vaccine. Crucially, communities must continue to be engaged, listened to and provided with high-quality, scientifically sound information, which will in turn drive vaccine demand.

Third, strengthening vaccine cold chain and logistics. Even to reach an initial 20 percent coverage, countries may have to increase cold chain capacity, which will require additional resources. Logistics working groups will need clear terms of reference and standard operating procedures not only to coordinate the deployment of vaccines, but also to source and deliver ancillary products. To address these and other challenges, WHO will continue to work with international and global partners to mobilise the financial, material and technical resources required.

Complacency must not set in. Although vaccine manufacturing has already started, reaching sufficient availability will take time. In a crisis such as this, there are no silver bullets. Today, tomorrow, and for many more months to come, we must continue to implement the basic public health measures that we know work, and which have defined our "new normal". Wash your hands. Wear a mask. Maintain physical distance and avoid the three Cs—crowded places, close-contact settings, and confined and enclosed spaces.

Almost a year since Covid-19 emerged, we have cause for optimism. Countries in the region are to be commended for beginning immunisation planning as early as July, for carrying out vaccine readiness assessments, and for continuing to act in solidarity and with recognition that vaccines are a global public good. Now is the time to firm up and finalise such plans, for the equitable and efficient protection of vulnerable populations, and for the health and wellbeing of all.

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