RTI: All three branches of government fall within its ambit

SHAMSUL BARI *and* RUHI NAZ

THE deleterious impact of the Covid-19 pandemic on the operations of the Right to Information (RTI) Act has been much discussed in the last one year. We drew attention to it in several of our columns. We also highlighted the positive role it played in enhancing public awareness about the importance of the law during a crisis period. In today's column, we revert to its use in normal times.

Let's look at three examples from neighbouring India, Pakistan, and Sri Lanka—some more recent than others.

The Sri Lankan example stemmed from an RTI request filed by a local journalist, Chamara Sampath, who sought from the secretary general of the Parliament the list of Members of Parliament (MP) who had submitted Declaration of Assets and Liabilities during the years 2010-2018. The secretary general declined to release them, arguing that they were submitted confidentially by the MPs to the speaker, and he had no access to them. He also felt that the request infringed on the privileges of the Parliament.

On appeal by the journalist to the Right to Information Commission (RTIC) of Sri Lanka, the latter set aside, in a decision last month, the refusal of the secretary general and directed him to release the desired information. It based its decision on the ground that the list of MPs did not amount to personal information or information that infringed parliamentary privilege provision of the RTI Act.

The commission further held that MPs, by taking on a public role, had accepted a higher level of public scrutiny and the requested information would provide the people with crucial insights into compliance of the law by MPs who held elected office and were financed by public funds. As such, there was an overriding public interest in the disclosure of the information.

Equally significant was the RTIC ruling that since the Parliament was a Public Authority under the RTI Act, it is of no consequence whether the requested information was in the hands of the speaker or the secretary general. The latter being the "administrative arm" of Parliament, had "institutional possession" of the information. It is remarkable that unlike many other commissions in the region, the RTIC took a constructive approach to advance the objectives of the law rather than looking for loopholes to deny it.

The example from Pakistan relates to a decision made by the Pakistan Information Commission in an RTI appeal submitted by a citizen, Mukhtar Ahmed Ali. The latter was aggrieved by the demand for proof of his citizenship by the Public Information Officer (PIO) of the National Assembly (NA) of Pakistan to whom the initial RTI request was submitted and which he considered *ultra vires*. In its June 2019 decision, the Commission allowed the appeal and directed all PIOs under the Right of Access to Information (RTAI) Act 2017 of Pakistan not to demand a certified copy of the national identity card, CNIC, of an RTI applicant, as it was not required by the law. It ordered the respondent to provide the requested information within a stipulated period.

It all began when the appellant submitted a RTI application to the PIO of the National Assembly of Pakistan, requesting information on the total sanctioned posts of the NA: the pay scale against different positions; total number of vacancies and dates since they lay vacant; number of staff members who were not regular but engaged on a daily-wage or short-term or long-term basis; total number of female staff members and persons with disabilities, etc. Though the information sought appeared innocuous, the PIO declined to disclose them and looked for a way out. Unfortunately, such a tendency is not too uncommon among PIOs in the region.

It is remarkable, however, that the

commission allowed the appeal and held that the RTAI Act 2017 did not require applicants to establish proof of citizenship for making information requests. It underlined that the elected representatives of the people who had adopted the law had not restricted the right of access to information only to CNIC-holding citizens of Pakistan because they did not want to deny its benefits to members of vulnerable groups who did not have access to CNIC. It further stated that the constitutionally guaranteed fundamental human right of access to information in matters of public importance should be interpreted by public bodies as a right of all citizens of Pakistan and not a privilege extended only to those who can first provide certified copies of their CNICs. A very positive approach indeed!

The Indian example relates to another arm of the government—the judiciary, and more specifically, the Supreme Court of India (SCI). It has emerged as a landmark case in the annals of the RTI Act of India. It underwent a long battle for accountability and transparency waged by an Indian citizen, Mr Subhash Chandra Agarwal, against the Central Public Information Officer (CPIO) of the office of the Chief Justice of India (CJI). The latter had declined to disclose information sought by the applicant some 10 years ago, claiming that the office of CJI did not fall within the purview of the RTI Act. The request included information regarding assets and liabilities of judges.

In a remarkable judgement, delivered on November 13, 2019, the SCI held that the office of CJI was indeed a "public authority" within the ambit of RTI Act. A five-judge constitution bench, headed by the CJI himself, having considered three separate appeals filed by the CPIO, challenging the Delhi High Court verdict of 2010 and that of the Central Information Commission of India (CIC) in the same year, upheld the verdict in three separate but concurring judgments.

"Nobody wants to remain in the state of darkness or keep anybody in the state of darkness," the judgement said, adding that: "The question is drawing a line. In the name of transparency, you can't destroy the institution." The judges also held that while public interest demands accountability, judicial independence was equally sacrosanct. They concluded, however, that bringing the CJI's office within the ambit of RTI Act would not undermine that independence.

The verdict was hailed by RTI activists of India, including former CIC of India, Wajahat Habibullah, who saw it as "the consummation of the implementation of the law and not the initiation of any new process." Former Information Commissioner, Shailesh Gandhi, well-known for his teleological interpretation of the law, lamented that "it took 10 years for the Supreme Court to take this decision". Others found it marking "an advancement of the key right of the people to seek information about public functionaries" and felt that "the judgment had once again reiterated a famous adage that "sunlight is the best disinfectant and therefore transparency in the functioning of all institutions, be it a legislature, executive or even judiciary, is indispensable in a modern democracy."

We hope that RTI users of Bangladesh will find the examples instructive and a source of knowledge and inspiration for public officials from all three branches of the government and for the Information Commission itself. They edify the immense possibilities of the RTI Act to advance good governance, benefitting everybody, and the role each can play to achieve its goals.

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Why are we forgetting Lakingme?

SHOHEL CHANDRA HAJANG

BANGLADESH is experiencing an epidemic of violence against women and girls. Access to justice has long been a challenge in Bangladesh, particularly for this type of violence. On many occasions these cases were dismissed as unsolvable and were simply ignored. The Lakingme Chakma case is no different from these other examples of violence against women and girls. We are also forgetting this case like the previous cases without taking further action to bring justice for her. Lakingme case has been also ignored, mostly because she is from an indigenous marginalised group. Indigenous women and girls are one of the most disadvantaged and vulnerable segments of the country's population. They are typically deprived of basic human rights, including lack of access to education

A number of rights groups, indigenous student organisations and activists holding a candlelight vigil in front of the national parliament, seeking justice for Lakingme Chakma. PHOTO: **RASHED SHUMON**

at all levels and types, healthcare, economic and political participation and control over material and immaterial resources.

Indigenous women in Bangladesh often face triple discrimination due to their status as members of a religious minority, indigeneity or ethnicity and for their gendered position. Unfortunately, Lakingme has always had to live with this extreme level of discrimination. We have yet to see justice being served in the case of the Kalpona Chakma abduction (1996), Kritika Tripura's killing (2018), along with hundreds of assorted cases of rape and other violent actions that have happened against indigenous women and girls in Bangladesh over the years. Regrettably, such violence is also increasing every year. Indigenous peoples in Bangladesh account for less than two percent of the country's population, but experience a higher rate of violence against women and girls, according to the Kapaeeng Foundation.

However, most people have known of the case of Lakingme Chakma's tragedy from December 9, 2020, when she was found dead. At the time, the body was kept in Cox's Bazar's hospital morgue awaiting a decision as to whom the dead body would be handed over. This issue took 25 days to resolve. Finally, the court decided that Lakingme was under 18 (legally still a child) and her dead body was handed over to her parents on January 4.

Lakingme's parents finally got their daughter's dead body. But it was completely unjust and inhumane that the state machinery, the administration and everyone else concerned could not have been more responsive to her abduction on January 5, 2020, in spite of Lakingme's parents demanding her return from the beginning. It is impossible to know what kind of torture she had endured after the abduction—torture that lasted almost one year and resulted in her death. Such a heinous crime demands a fair and thorough investigation.

We have learned that after his daughter's abduction, Lakingme's father, Lala Aung Chakma, went to the nearby Teknaf Police Station to file a case, but the former Officer in Charge (OC), Pradeep Kumar Das, didn't record the case of his daughter's abduction. Instead, the OC suggested that the father file a general diary (GD). In either case, the police took no action. As the police did not take any action, Lakingme's father subsequently filed a case with Cox's Bazar Women and Children Repression Prevention Tribunal on January 27. There is evidence that the Police Bureau of Investigation (PBI) did not investigate the case thoroughly enough. Lakingme's family and the indigenous society, in general, again learned how careless the state administration's response was when investigating the abduction of an indigenous girl!

If the administration and OC Pradeep Kumar Das had recorded the case at that time and the PBI had taken the case seriously, the girl could have been rescued in time.

Lakingme was a seventh-grader. She was 14 years and 10 months old on January 5, 2020, when she was abducted from her Shilkhali Chakma Para home in Cox's Bazar. It has been alleged that the abductors were led by a non-indigenous man, Ataullah (23) of Cox's Bazar. Allegedly, she was later forcibly converted and married to Ataullah at a registrar's office after presenting a forged birth certificate showing her to be 18-years-old. Lakingme had just given birth to a baby girl 13 days before she died.

It has now been ruled by the court that Lakingme was a child and her father claimed that his daughter had been abducted. If she was a minor, according to our national laws, those who had abducted her and forcibly converted her have committed a serious crime. It has also been claimed by her family that Lakingme was not only forcibly abducted and converted, but that she was raped and was either murdered or forced to commit suicide to escape from her horrible situation. Lakingme's family must get justice and the accused must be held accountable for their actions. After this story went viral on social media and various news channels, we were all able to see pictures of the victim as well as the tears of the victim's parents. Not surprisingly, we saw little of the faces of the alleged abductors and their family members. Moreover, to date, no-one has been held to account for the atrocities committed against Lakingme. We would not have been able to build a strong movement to get justice for her except for the actions taken by a few human rights, women and indigenous organisations. Unfortunately, we have been unable to engage mainstream organisations and their members and to add their voices to this case. We have had this difficulty because Lakingme is from an indigenous group, is not a member of a mainstream religious community and is a poor girl from a remote area near Cox's Bazar. She was a human being and deserved the right to live! If this could be done to her, what progress in the area of human rights are we seeing in Bangladesh, even after 50 years of independence?

The existing environment continues to foster violence against indigenous women and girls because the perpetrators of violence against Lakingme believe they are above the law and will not be punished. There are five crimes related to this case: abduction, forced conversion, child marriage, rape, and suicide instigation/murder. Moreover, Lakingme's family and the indigenous communities continue feeling insecure in Cox's Bazar after this incident. It is disrespectful, both to the women of Cox's Bazar and to the ideals of human rights in general, for the state to fail taking any effective action against these crimes.

We have come to expect improvement in women's rights because the government of Bangladesh ratified international treaties like the Convention on Elimination of All Forms of Discrimination against Women (CEDAW), International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). These mechanisms are supposed to ensure equal rights for men and women to enjoy civil and political rights and free them from discrimination. Moreover, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) has provisions for security and protection of indigenous women, to free themselves from discrimination and to empower them to assert their rights and preserve their culture. In addition, the Women and Children Repression Prevention Act 2000 and section 376 of the Penal Code of Bangladesh provides that: "Whoever commits rape shall be punished with imprisonment for life or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine." Moreover, a Bangladeshi court issued the death penalty for the first time to five convicts in a rape case after the country amended the law to include a death provision, according to official sources.

The Bangladesh government should take immediate action against the perpetrators who were involved in Lakingme Chakma's abduction and death. The perpetrators must be given exemplary punishment, after an impartial investigation is conducted into her death. There should be a divisional enquiry made into the Police Bureau of Investigation team and Cox's Bazar Public Prosecutor for the negligent handling of Lakingme's abduction case. Those involved in forging Lakingme's birth certificate, her forced conversion and the marriage of a minor, should all be punished. Furthermore, the government should take the initiative to ensure the safety and care of Lakingme's baby. And also ensure the security of Lakingme's family and their proper compensation and guarantee that indigenous women and girls in Bangladesh have proper access to justice.

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পাবনা বিজ্ঞান ও প্রযুক্তি বিশ্ববিদ্যালয়

নিয়োগ বিজ্ঞপ্তি

স্মারক নং- পাবিপ্রবি/সংস্থাপন/২৮২/৪৩৬ তারিখ ঃ ১৪/০৩/২০২১ ইং

পাবনা বিজ্ঞান ও প্রযুক্তি বিশ্ববিদ্যালয়ের জন্য **স্থায়ী** ভিত্তিতে জনবল নিয়োগের নিমিত্তে নিম্নবর্ণিত শর্তসাপেক্ষে বাংলাদেশের স্থায়ী নাগরিকদের নিকট হতে দরখাস্ত আহবান করা যাচ্ছেঃ

পদের নাম, বেতনস্কেল ও গ্রেড	পদের সংখ্যা	শিক্ষাগত যোগ্যতা ও অভিজ্ঞতা
(১) সেকশন অফিসার (এস্টেট শাখা) (২২০০০-৫৩০৬০) (গ্রেড-৯)	১টি	প্রার্থীকে কোন স্বীকৃত বিশ্ববিদ্যালয় হতে কমপক্ষে স্নাতকসহ স্নাতকোত্তর/ সমমানের ডিগ্রির অধিকারী হতে হবে। শিক্ষা জীবনের সকল পর্যায়ে নূন্যতম দ্বিতীয় বিভাগ/শ্রেণি/ সমমানের গ্রেড থাকতে হবে। স্নাতক ও স্নাতকোত্তর ডিগ্রি পর্যায়ের উভয়টিতে ১ম শ্রেণি প্রাপ্তদের অগ্রাধিকার দেয়া হবে। বয়স অনুর্ধ ৩০ বছর। অথবা প্রার্থীকে কোন স্বীকৃত বিশ্ববিদ্যালয় হতে স্নাতক ডিগ্রির অধিকারী হতে হবে। শিক্ষা জীবনের সকল পর্যায়ে নূন্যতম দ্বিতীয় বিভাগ/শ্রেণি/ সমমানের গ্রেড থাকতে হবে। প্রার্থীকে কোন পাবলিক বিশ্ববিদ্যালয়/ সরকারি/ আধা-সরকারি/ স্বায়ত্বশাসিত প্রতিষ্ঠানে ২য় শ্রেণির কর্মকর্তা/সমমানের পদে কমপক্ষে ০৫ (পাঁচ) বছরের চাকুরির অভিজ্ঞতা থাকতে হবে। বয়স অনুর্ধ ৩৫ বছর।

শর্তাবলী ঃ

১) **আবেদনপত্র দাখিলের শেষ তারিখ ০৪/০৪/২০২১ ইং।** সকল আবেদনপত্র রেজিস্ট্রার, পাবনা বিজ্ঞান ও প্রযুক্তি বিশ্ববিদ্যালয়, রাজাপুর, পাবনা, বরাবরে উক্ত তারিখের **(০৪/০৪/২০২১ ইং)** মধ্যে কার্যদিবসে (সরকারি ছুটির দিন ব্যতীত) অফিস চলাকালীন সময়ে (৯:০০টা থেকে ৫:০০টা) কেবলমাত্র ডাকযোগে পৌছাতে হবে।

২) আবেদনের জন্য বিশ্ববিদ্যালয়ের নিজস্ব ওয়েব সাইট (www.pust.ac.bd)-এ প্রদত্ত ফরমেটে আবেদন করতে হবে। আবেদনপত্রের সাথে নিম্নোক্ত ডকুমেন্টগুলো অবশ্যই সংযুক্ত করতে হবে এবং প্রার্থীকে আবেদনপত্রে স্বাক্ষর করতে হবে ঃ
(ক) সদ্যতোলা পাসপোর্ট আকারের ০৩ কপি রঙিন ছবি (খ) শিক্ষাগত যোগ্যতা সংশ্লিষ্টে সকল সনদের সত্যায়িত অনুলিপি (গ) জাতীয় পরিচয়পত্র/ জন্ম নিবন্ধনের সত্যায়িত অনুলিপি (ঘ) অভিজ্ঞতা (বেতনক্রমসহ) সংশ্লিষ্টে সকল সনদের সত্যায়িত অনুলিপি (যদি থাকে বা প্রযোজ্য ক্ষেত্রে) (ঙ) প্রকাশনা ও প্রশিক্ষণ সংশ্লিষ্টে সকল সনদের সত্যায়িত অনুলিপি (যদি থাকে বা প্রযোজ্য ক্ষেত্রে) (চ) ব্যাংক ড্রাফট/পে-অর্ডার।

৩) (ক) সকল পদের প্রার্থীদের জন্য ০৭ (সাত) সেট আবেদনপত্র জমা দিতে হবে।
(খ) মূল আবেদনপত্রের সাথে নিজ ঠিকানা সম্বলিত ১০/-(দশ) টাকার ডাকটিকিটসহ ফেরত খাম সংযুক্ত করতে হবে।

৪) এই বিশ্ববিদ্যালয়ে স্বপদে/সমমানের পদে কর্মরত কর্মকর্তা প্রার্থীদের ক্ষেত্রে নির্ধারিত শিক্ষাগত যোগ্যতা, অভিজ্ঞতা ও বয়স এর যে কোন একটি শর্ত শিথিলযোগ্য হবে ।

৫) কর্মকর্তা পদে আবেদনের বেলায় গ্রেডিং পদ্ধতির ক্ষেত্রে প্রথম শ্রেণির সমমান বলতে এস.এস.সি/সমমান ও এইচ.এস.সি/সমমান এর ক্ষেত্রে জিপিএ/ সিজিপিএ ৫.০০ এর জন্য কমপক্ষে ৩.৫০ এবং স্নাতক ও স্নাতকোত্তর পর্যায়ে জিপিএ/ সিজিপিএ ৪.০০ এর জন্য কমপক্ষে ৩.০০ বুঝাবে এবং দ্বিতীয় শ্রেণির সমমান বলতে এস.এস.সি/সমমান ও এইচ.এস.সি/সমমান এর ক্ষেত্রে জিপিএ/ সিজিপিএ ৫.০০ এর জন্য ২.৫০ এবং স্নাতক ও স্নাতকোত্তর পর্যায়ে জিপিএ/ সিজিপিএ ৪.০০ এর জন্য কমপক্ষে ২.২৫ বুঝাবে। নিয়োগের ক্ষেত্রে শিক্ষা জীবনের কোন পর্যায়ে তৃতীয় বিভাগ/শ্রেণি/ সমমানের গ্রেড (৫.০০ এর মধ্যে ২.৫০ এবং ৪.০০ এর মধ্যে ২.২৫) এর নিচে গ্রহণযোগ্য হবে না এবং বিদেশী ডিগ্রির ক্ষেত্রে ইউজিসি কর্তৃক সমতুল্য সনদ থাকতে হবে/ বিশ্ববিদ্যালয় সমতুল্য সনদ (Equivalence committee) কর্তৃক সুপারিশকৃত হতে হবে।

৬) চাকরিরত প্রার্থীদের অবশ্যই যথাযথ কর্তৃপক্ষের মাধ্যমে আবেদন করতে হবে।

৭) মুক্তিযোদ্ধা কোটার ক্ষেত্রে মুক্তিযোদ্ধার সন্তান প্রার্থীদেরকে সর্বশেষ সরকারি নীতিমালা অনুযায়ী উপযুক্ত কর্তৃপক্ষের সনদপত্রসহ আবেদনপত্র দাখিল করতে হবে। মুক্তিযোদ্ধার সন্তানদের ক্ষেত্রে প্রার্থীর পিতা/মাতার অনুকুলে মুক্তিযুদ্ধ বিষয়ক মন্ত্রণালয় কর্তৃক প্রদত্ত সনদের সত্যায়িত অনুলিপি আবেদনপত্রের সাথে দাখিল করতে হবে।

৮) ত্রুটিপূর্ণ/অসম্পূর্ণ এবং বিলম্ব প্রাপ্ত আবেদনপত্র সরাসরি বাতিল বলে গণ্য হবে।

৯) প্রত্যেক প্রার্থীর তাঁর প্রার্থিত পদের নাম এবং মুক্তিযোদ্ধা কোটার ক্ষেত্রে প্রযোজ্য অংশটি খামের উপর স্পষ্ট করে লিখতে হবে।

১০) প্রাপ্ত দরখাস্তসমূহ প্রাথমিক বাছাইয়ের পর কেবলমাত্র যোগ্য প্রার্থীদেরকে লিখিত পরীক্ষা/ মৌখিক পরীক্ষা/ জবটেস্ট এ ডাকা হবে। এর জন্য কোন প্রকার টিএ/ডিএ প্রদান করা হবে না।

১১) পাবনা বিজ্ঞান ও প্রযুক্তি বিশ্ববিদ্যালয়-এর অনুকুলে জনতা ব্যাংক লিমিটেড-এর যে কোন শাখা হতে প্রার্থীদের ৫০০/- টাকার (অফেরতযোগ্য) ব্যাংক ড্রাফট/পে-অর্ডার আবেদনপত্রের সঙ্গে সংযুক্ত করতে হবে। আবেদনপত্রে ব্যাংক ড্রাফট/পে-অর্ডার নং, টাকার পরিমাণ ও তারিখ উল্লেখ করতে হবে।

১২) কোন কারণ দর্শানো ব্যতিরেকে কর্তৃপক্ষ এই নিয়োগ বিজ্ঞপ্তি বাতিল কিংবা সংশোধন করার অধিকার সংরক্ষণ করেন।

অধিকতর যোগ্যতা সম্পন্ন/ বিভাগীয় প্রার্থী/ পাবলিক বিশ্ববিদ্যালয়ে এতদসংশ্লিষ্ট অভিজ্ঞতা সম্পন্ন প্রার্থীদের অগ্রাধিকার দেয়া হবে এবং বাংলাদেশ বিশ্ববিদ্যালয় মঞ্জুরী কমিশন কর্তৃক পদের অনুমোদন সাপেক্ষে কর্তৃপক্ষ বিজ্ঞাপিত পদের সংখ্যা হ্রাস বা বৃদ্ধি করার ক্ষমতা সংরক্ষণ করেন।

১৪/০৩/২০২১
রেজিস্ট্রার (চলতি দায়িত্ব)
পাবনা বিজ্ঞান ও প্রযুক্তি বিশ্ববিদ্যালয়
পাবনা।

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