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## Restrictions are being lifted, but at what cost?

*Such decisions must follow a concrete plan to enforce health and safety rules*

SINCE the beginning of the pandemic, Bangladesh—like most other countries in the world—has been faced with the “lives vs livelihoods” dilemma, as pandemic-induced lockdowns hit the economy hard even while working towards bringing widespread Covid-19 transmission slightly under control. During the latest spate of lockdowns, we have once again faced the same issue. Over the past week, the positivity rate has finally dropped by about five percent after spending more than two weeks at a whopping 30 percent. However, we have also witnessed restriction relaxation demands across pandemic-hit sectors that are struggling to cope with the continued loss of income.

While we do have sympathy towards the difficult decisions that must be taken with regard to Covid-19 policy in this context, what we cannot understand is the government constantly resorting to a one-size-fits-all approach when it comes to decision-making. How else does one explain the recent decision to lift almost all coronavirus restrictions from August 19, despite the daily death toll continuing to cross 200? While it is important to ensure that the economy is allowed to operate, is it necessary to re-open everything in such quick succession, and even allow social gatherings to take place?

Although the authorities have stated that community centres, tourist attractions and recreational facilities will operate at half of their capacities, and that everyone is required to wear a mask and follow health and safety guidelines, we know from prior experience that these directives are hardly ever monitored and enforced. It is not enough for the authorities to simply announce these rules and then sit back and watch them being broken. Does the government have any specific plan to ensure that these directives will be followed this time around? If so, we have not been made privy to it.

This state of affairs is all the more concerning given that, on Thursday, the health minister reiterated how serious the Covid-19 situation is in the country, and stressed the importance of getting virus transmission under control. Not too long ago, he had warned that the country’s health infrastructure was not enough to cope with the rising number of coronavirus cases and that it could face imminent collapse. In this situation, it is incomprehensible why the authorities did not consult experts or attempt to lift restrictions in phases and/or according to the situation profile of different sectors.

Even though we commend the government for restarting the vaccination campaign, we must remember that it might be a long time before the entire targeted population gets at least a first dose. Until we reach this vaccination target, there is no alternative to taking measures to reduce Covid-19 transmission through strict enforcement of the health guidelines. Without increasing awareness on the importance of following these guidelines, and without taking concrete steps to enforce them, a relaxation/lifting of lockdown will only make the current Covid-19 situation worse.

## Digital access comes before digital learning

*Govt must address digital divide for new learning contents to benefit all*

WE appreciate the government’s initiative to buy new digital contents containing interactive and communicative lessons to help secondary students tap the potential of distance learning. The contents—to be aired on TV and also uploaded on different educational websites—will consist of recorded video lectures as well as visual presentations on various subjects including infographics and slideshows, so that students can easily understand them. The broader objective, according to the National Curriculum and Textbook Board, is to help make up for the learning loss caused by school closures since the start of the pandemic. With all educational institutions shuttered for nearly 17 months now and the prospect of reopening still seeming distant amid soaring Covid infections, this is a small but potentially impactful step targeting a vital group of the student population.

While, as always, proper execution is key to the success of this initiative—and one wonders if this couldn’t have come sooner—our immediate concern is how much of an impact it will have given the existing digital divide in the country. It’s well-known that initiatives taken so far by the government to ensure learning continuity have fallen far short of expectations. But what little it did hasn’t had the desired outcome either, because of lack of access to digital devices and internet among students from rural and lower-income backgrounds. School students in particular suffered enormously because of this, to a point that Unesco called “a generational catastrophe.” According to a joint study by Power and Participation Research Centre (PPRC) and Brac Institute of Governance and Development (BIGD) released in May, the prolonged school closure has put a minimum of 3.42 million primary students and 2.50 million secondary students at risk of learning loss. Researchers behind the survey said a large number of students either were not studying at all or became irregular in their studies. Many dropped out of schools, and many were forced into marriage.

The future implication of this state of affairs is not hard to imagine. Introducing new learning contents is of course important, but far more important is to ensure its benefit reaches all students, not just those who have the “privilege” of access. This will no doubt further increase the divide between the privileged and the underprivileged in society. Unfortunately, despite repeated urgings, the education authorities have failed to come up with an effective learning continuity plan in all these months, nor were they able to offer a precise timetable for school reopening, which has become essential regardless of the present coronavirus situation. We urge the government to take urgent steps in this regard, in consultation with experts in the field. And for now, the ever-festering digital divide must be bridged, if we are to reap the benefits of what small learning measures being taken.

SHAMSUL BARI AND RUHI NAZ

THE Covid-19 pandemic will be remembered for the colossal chaos it caused to governments as they grappled—and continue to do—with its catastrophic onslaught affecting lives and livelihoods across the globe. And as governments bristled at public outcry against their inept handling and clamped down on critics, the gap widened between those who govern and those who are governed.

The crisis has shown that public distrust of governments is less pronounced in countries where a Right



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to Information (RTI) Act facilitates easy sharing of information. The situation is reversed where this is not the case.

With this in mind, we decided to take a fresh look at the situation of RTI regimes in South Asia in more recent times. We wanted to observe the trend in public use of the law, the response of the authorities and the role of the Information Commissions in resolving conflicts between the two sides.

Pakistan was the first country in South Asia to adopt an RTI law in the form of an ordinance by a military ruler in 2002. Since it lacked the basic elements and safeguards of an effective transparency regime, it was replaced by a more balanced Right of Access to Information Act in 2017. It appears to have generated renewed hope.

In the example from Pakistan (Appeal No 060-06/19), an RTI application, submitted in April 2019, sought from the Registrar of the Supreme Court some basic information relating to staff members of the apex body, such as the number of sanctioned posts, number of vacancies,

number of women and disabled persons among them, the pay scale and service rules.

As the Registrar failed to respond, the applicant appealed to the Information Commission of Pakistan. The latter’s prodding led the Registrar to act; but instead of providing the requested information, he simply forwarded a letter he had sent earlier to the Ministry of Law and Justice on a matter relating to the National Assembly, with a copy of a Supreme Court judgment regarding separation of the judiciary from the executive. He thereby inferred that the Supreme Court did not fall under the RTI

Act and was, therefore, not required to provide the requested information.

The Commission, however, stated quite unequivocally that “the judiciary’s independence and separation from [the] executive is certainly ensured by the Constitution but it doesn’t and shouldn’t be construed to mean that [the] judiciary is not accountable and responsive to citizens of the country, who have created all state institutions through legislation enacted by their elected representatives and who are to exercise authority as a sacred trust, as provided in the Preamble to the Constitution of Pakistan.” The appeal was allowed, and the Registrar ordered to share the requested information.

In the Sri Lankan example (RTIC/22/2017), a citizen submitted a request to the Presidential Secretariat in February 2017 seeking a copy of the report of a commission of inquiry into the death of the founder and former leader of the Sri Lanka Muslim Congress, M.H.M. Ashraff, who had been killed in a helicopter accident in 2000. When the

secretariat rejected the request on grounds that the relevant file had been sent to the National Archives from where it was lost, the applicant appealed to the Information Commission.

After considering submissions from both sides, the Commission concluded that “the RTI Act prevails over and above the clauses relating to confidentiality in the National Archives Law and related Regulations. It is a pertinent factor that the absence of the Report of the Commission of Inquiry in regard to this matter is of considerable public interest.”

The Commission further underlined that the “Department of the National Archives is the custodian of ‘all records’ of Commissions of Inquiry under the Act... Hence the Department may properly call upon the depositing body or individual... to ensure that the Report of the Commission or Committee is sent to the Department in accordance with the law.”

Meanwhile, the example from India related to an RTI application submitted in early 2019 to the Union Ministry of Social Justice and Empowerment, seeking disclosure of the cabinet note and all relevant correspondence and annexure about an amendment to the Constitution by the Indian parliament relating to ten percent reservation for the economically weaker section (EWS) of the society. The applicant had relied on an earlier order of the Central Information Commission (CIC) directing the government to make public all cabinet notes relating to proposals for new bills that are to be tabled in parliament and also to display them on the website of the department within seven days.

*Public distrust of governments is less pronounced in countries where a Right to Information (RTI) Act facilitates easy sharing of information.*

As the ministry declined to disclose the information requested, citing a specific exemption under the Indian RTI Act, the applicant appealed to the CIC. Commissioner Saroj Punhani accepted the appeal and directed the Public Information Officer to provide all the documents on a working Google Drive link to the applicant. She chided him for not providing justification for his denial and “non-application of mind in dealing with matters under the RTI Act.” She

called his action “grossly inappropriate” and “severely admonished [him] for the inappropriate denial of the information to the Appellant”. She also “warned [him] to ensure that due diligence is exercised while dealing with the RTI applications in future.”

Now for the Bangladesh example (complaint number 17/2019). In September 2018, an applicant submitted an RTI request to the Designated Officer (DO) of the Ministry of Power, Energy and Mineral Resources, seeking copies of some documents relating to the construction of a fuel depot by Bangladesh Petroleum Corporation (BPC) on 192 acres of forest land in the Maheshkhali Hill Area of Cox’s Bazar district. The documents included applications by BPC for permission to build the depot and to cut down trees on promise of replanting five times the number; project approval letter for “Installation of Single-Point Mooring with Double Pipeline”; Environmental Impact Assessment (EIA) of the project; approval, if any, by the cabinet for tree-chopping; workplan for replanting new trees and the varieties of new trees to be planted.

The DO provided the applicant all the items requested, except the EIA. He argued that the latter document, provided by the Environment Directorate, was an important government document which could be abused if it fell into wrong hands. The applicant appealed to the Secretary of the ministry, who upheld the DO’s decision. The appellant then submitted a complaint to the Information Commission.

At complaint hearings, additional arguments were made against disclosure of the environmental assessment. It was claimed that the government had attached great importance to the project and appointed a foreign consultant, namely ILF Consulting Engineers, Germany, to prepare the environmental assessment report. The latter contained important technical and scientific knowledge that the consultants had acquired through serious research. This knowledge could be considered to be their intellectual property, which falls under an exemption clause of the Bangladesh RTI Act 2009. The Information Commission concurred with the submissions and decided in favour of non-disclosure.

The examples above will hopefully spur readers to reflect on the prospects and promises of the RTI Act. We conclude by underlining its intrinsic value to facilitate citizen-government interaction on matters of governance, thereby contributing to strengthening participatory democracy.

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## A stormy parliamentary session and clouds over Indian democracy



PALLAB BHATTACHARYA

about Indian democracy.

The sittings of both the Lok Sabha and the Rajya Sabha were cut short by a couple of days ahead of their schedule, as the entire session remained to be hit by opposition protests over the alleged use of Pegasus spyware, central farm laws and other issues. The opposition repeatedly demanded a statement from the government on the Pegasus spyware issue, while the ruling party stonewalled any discussion on it in the House.

In terms of productivity, the monsoon session saw the lowest figure of the current 17th Lok Sabha which functioned for slightly over 21 hours against the stipulated 96 hours. The Rajya Sabha registered a slightly better record of functioning for 28 hours, out of the available 97.30 hours.

The session saw unsavoury scenes of opposition lawmakers snatching papers from a minister, tearing and flinging papers and files at the presiding officers of both the Houses, suspension of a Trinamool Congress member-cum-doctor for a greater part of the session, and a similar action against six MPs of the party for a day for “unruly” behaviour. The last day’s session in Lok Sabha was no less unedifying—opposition lawmakers sitting and standing on the table of parliamentary officials. On their part, the opposition accused the government of bringing in “outsiders” who are not part of parliament security to manhandle their lawmakers. Seven ministers released a video showing a woman marshal of parliament surrounded by opposition MPs, and alleged threats made by the opposition for bringing in bills for passage.

Outside the parliament, one saw opposition lawmakers cycling their way into the parliament complex protesting

fuel price hikes—not once but twice—and Rahul Gandhi leading the Congress tractor march to oppose farm legislation. What comes out through all these visuals and trading of charges between the ruling party and the opposition is the shrinking of space for dialogue and democracy.

It was just for a day that the opposition pressed the pause button on their protests and disruptions when the parliament gave its stamp of approval to the passage of a constitution amendment bill that restores the power of the states—which was

were passed by the House without the opposition’s participation in debates over them.

The monsoon session has raised serious structural issues about democracy in India. One, it has been suggested that the ruling party has a bigger responsibility to take the opposition on board in ensuring a smooth parliament session and passage of legislation after threadbare discussion. This issue had also come up in the winter session of parliament in 2010 when the Congress-led United Progressive



**What happened in the just-concluded monsoon session of India’s parliament, with sustained opposition protests and disruptions, has not been seen in recent years.**

PHOTO: AFP

taken away by a Supreme Court ruling in May—to come up with their own lists of Other Backward Classes (OBC) for social welfare schemes and other benefits. It was the only instance in the just-concluded monsoon session when the ruling party and the opposition buried their differences and came together to pass a piece of legislation full of political significance to woo a vital section of the electorate. Clearly, neither the opposition nor the treasury bench wanted to be seen as obstructing a law that relates to OBC. It shows how parties across the spectrum can come together to take care of their political and electoral interests. Barring the bill relating to OBC, all other bills

Alliance was in power and protests by the BJP, then the main opposition, led to the washout of the entire session. (The saffron party had demanded the formation of the Joint Parliamentary Committee to probe alleged graft in the 2G telecom spectrum allocation case.)

Secondly, it has been also suggested that the government could have referred some of the key bills passed in the session with the help of its commanding—some say “brutish”—majority to parliamentary select committees, which are also a forum of parliamentary oversight. It must be noted that the ruling party cannot be faulted for securing a commanding parliamentary majority

nor is it mandatory to refer bills to select committees before being tabled in the House. But it certainly is the responsibility of the ruling party to ensure the opposition is on board. At the same time, the opposition should introspect whether it is right in being fixated on one particular issue, however important it is.

Without in any way lessening the importance of committees as an important adjunct of the institution of parliament, discussions in such committees, which can be time-consuming at times, do not necessarily translate into consensus in the House. Referring bills to select committees should not be used as a convenient method of avoiding taking hard decisions or putting issues on the backburner.

On the other hand, India’s ruling party should not view the opposition as a “disrupting” force or an adversary. It has been rightly argued that the parliament is not just a forum for passing bills but also one for listening to and accommodating the opposition’s views and concerns irrespective of its numerical strength. Passing bills in parliament without a substantive debate where multiple views are heard is not illustrative of a healthy and functional democracy.

The incidence of disruption of parliamentary proceedings due to sustained opposition protests is nothing new in India. But what happened in this monsoon session has not been seen in recent years. This has made democracy-watchers quite worried. India’s democracy has weathered many a storm in the past, and one hopes this too would pass.

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