

# **Civil Society and Right to Information in Bangladesh**

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There is currently no legislated Right to Information in Bangladesh. Among the civil society activists there is little awareness of this issue, and the utility of having such a right, especially with regard to empowering the citizens. Some simple publications in Bangla have been published by the Bangladesh Legal Aid and Services Trust (BLAST), but have only been circulated quite recently, and mostly among colleagues. People in Bangladesh face great difficulties in accessing even the most mundane information from public authorities. The majority of the people in Bangladesh are landless, and they survive by selling their own labour. This marginalized majority is at the mercy of the state, big business and trans-national entities who routinely make decisions affecting their lives, without taking their opinions into any account. The idea of human rights is not well known among the majority landless population, but if they could be made aware of their rights, and if the Right to Information could be made understandable to them, there would surely be a mass-movement to get those rights, including RTI.

The constant political turmoil in the country indicates the gap between the elected representatives of the people and the masses. It also points out the specious character of democracy and rule of law in Bangladesh. The citizens are routinely held hostage by the political parties, who want nothing more than to grab power at any cost to the nation or to life and limb of the common man. The frequent political strikes called by the opposition political parties effect the entire nation, and paralyze normal life for sometimes days on end. Business offices, banks, shops and many other establishments are forced to close, which effectively renders a huge loss to the country's already weak and unstable economy. This is also devastating for the civil society, NGOs, and human rights activists cannot make much headway until some semblance of stability returns to governance in Bangladesh.

Following a South Asian Regional Conference on Right to Information by the Commonwealth Human Rights Initiative in Dhaka in July 1999, a lot of debate has surfaced in the newspapers and especially among the legal community regarding the need for having some kind of information-access legislation, to strengthen democracy and accountability in Bangladesh. The press in Bangladesh is not a concern here, as the press is relatively free to print what they like. Unfortunately, the press in Bangladesh is divided and polarized along political lines, and this is reflected in the news they report. The low standard of journalistic ethics and the absence of any type of training for new journalists mean that very few reporters check their sources with a second source. One is also alarmed at the rate at which media has begun to proliferate in Dhaka, and this has been focussed on by the Prime Minister Sheikh Hasina herself in a number of high-profile comments made regarding the press in Bangladesh. As she has said that there should be "accountability across the board", meaning that the call by activists for her government to become more accountable and transparent, should also extend to transparency of the media and to the Judiciary, as they are, like the Executive Branch, also privy to enormous amounts of information that is in the public interest to disclose. She did not include the NGOs or the transnational agencies, like the World Bank, in her statements.

These high-profile statements by the P.M. have given a sort of jumpstart to the issue of accountability and following this the issue of Right to Information. It has also, unfortunately, placed the RTI into the fold of other 'newspaper rights'. The focus of a movement for RTI, however, should

be for information access to be given to the *citizens* and not for another newspaper right. This was recently highlighted by an editor of one of the leading English language dailies in the country, who said that the press in Bangladesh is simply not deserving to have a legislated Right to Information. The public too, is aware of the shortcomings of the press, and many people read more than one newspaper to get a 'balanced' picture of what is really going on.

The courts are reluctant to grant the public access to government correspondence and noting, as was the rule issued in a recent case of 1982. The Official Secrets Act, Government Civil Servants Conduct Rules and some clauses of the Evidence Act, also deny a citizen the right to access any records in possession of the state.

Besides awareness raising, another initiative which is needed in Bangladesh is to find ways to effectively integrate the issue of RTI in the demands of activists and NGOs working for human rights. This type of approach can begin along the lines of some of the activities of the MKSS in Rajasthan, who have had great success in operationalizing the Right to Information, but I must add here that it may also not be possible because the NGOs and grass-roots activists in Bangladesh are much different from the model in Rajasthan. Nevertheless, it remains to be seen whether an approach along the lines of the MKSS, could be successful in Bangladesh. Folk theater and other forms of cultural communication are very rich and this may be an effective way to sensitize the people.

There are sometimes partnerships formed between law firms and PIL lawyers in Bangladesh with NGOs to work together. I will highlight one experience with such a partnership that I personally have undertaken in Dhaka. This was in the work of The Save the Children Fund (UK), who are conducting a project in Bangladesh on Juvenile Justice and Child Rights. Our work was with a group of street children who have been incarcerated in jails with adults. These children have come together to form a group of 'child researchers' facilitated by SCF (UK) to advocate for a society where children will never again be placed in jail. The children want the government of Bangladesh to provide correctional institutions for children convicted of crimes, and shelter-homes for homeless children who have no relatives to take them. Both such custodial institutions should not be like jails, and should be accessible at any time by NGOs and concerned citizens. They should have guidelines and procedures which are transparent. One of the complaints of the children I worked with was that the authorities of the current shelter homes have, on many occasions, withheld their basic living amenities such as food, new clothing, bedding and other necessities from the inmates. The state budget reflects allocations for such amenities, but they are not distributed, as reported by the children. I suggested that the child researchers could integrate a Right to Information into their campaign in two ways:

1. to advocate for a citizen's right to information upon arrest and immediately following his/her placement in custody, to tackle the arbitrary detention of children by police.
2. To start a campaign for media-access to prisoners and inmates of government shelter homes.
3. To get access to the documents which show budgetary allocations of the state for custodial institutions, perhaps by nefarious means, and then share those documents with the inmates of the shelter homes, and if possible hold a 'social audit' within the shelter by reading out the documents in the presence of the shelter authorities.

The child researchers understood the utility of such a campaign and the benefits to having such a legislated Right in the struggle for their other rights.

There is a long way to go, but Bangladesh is the type of country in which things tend to build-up from a small beginning and then, if the timing and social situation are favourable, things can catalyze very quickly and snowball into a nation-wide campaign. If the legal community is ready with a draft legislation, it may indeed be possible to get a law passed should enough pressure be brought to bear on the politicians, and that would at least put a right on the statutes and a picture in people's minds.