

**SEMINAR PAPER<sup>1</sup>**  
**ON**  
**Situational Analysis of Right to information in Bangladesh**  
**Challenges and Opportunities**

**SEPTEMBER 2005**  
**Manusher Jonno (MJ)**

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<sup>1</sup> This paper was prepared by MJ personnel; Sanjida Sobhan, Ruma Sultana, Kartick Chandra Mandal and Farzana Naim under guidance of Shaheen Anam, presented on 5 September 2005, Brac Centre Inn

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## Introduction

**Right to Information (RTI)**, is being considered in many countries as a central development theme in recent times, and is emerging as one of the most challenging issue in Bangladesh. This challenge becomes more explicit when access to avail information that are related to people's lives is denied. Usually access to information is considered as a development tool in Bangladesh. However, many believe that it should be recognized as 'right' since it is related to almost all aspect of people's well being.

There are reasons to be optimistic as the source<sup>2</sup> of this right is generated from the Constitution of Bangladesh. In Bangladesh poor and disadvantaged people become more poor and vulnerable because of their lack of access to information. Experiences from Manusher Jonno (MJ) itself indicate that the people of Bangladesh suffer from a lack of required information, which results in their living with poverty and without minimum requirements of life. This state of lack or gap of information is one of the root causes of poverty, since it has direct linkages with livelihood options.

### ***Purpose and Scope of Paper***

This paper intends to identify the perception of '**Right to Information**' in Bangladesh in obtaining information required for livelihood of people and for proper enforcement of rule of law. In order to explain the perception it also looks into the existing advantages and impediments to get information by identifying limitations, gaps, attitude and loopholes of the present system, procedures, and laws. One of the major purpose of this paper is to develop a picture of "who is doing what" in order to address Right to Information.

To identify the perception of "right to information" and to get a snapshot on the overall situation of RTI, a rapid assessment has been done by interviewing some activists, prominent lawyers, academics as well as NGO personalities working directly or indirectly on the issue. Apart from that, this paper has taken information from secondary sources such as article, legal documents, books, seminar paper and case studies from MJ partner and other stakeholders.

### ***Manusher Jonno's strength and potential for working in RTI***

Manusher Jonno (MJ) has the opportunity to play a coordinating and facilitating role in promoting RTI because of the following reasons;

- Implementation experiences of MJ supported initiatives have revealed that non access to relevant information is one of the major barriers to ensure better utilization of resources and enforcement of rules, regulations and policies. **So RTI is relevant for all MJ supported initiatives.**

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<sup>2</sup> Article 39 of the Constitution of Bangladesh implicitly recognized this right.

- There is a growing realization that poor and disadvantaged people are marginalized because of their inability to access information. **Hence building capacity of these groups in demanding information related to their survival may be a common agenda for all MJ supported initiatives.**

- A number of existing MJ partners are directly and indirectly involved in RTI issues, **hence MJ is in a good position to build network among these partner organisations and advance it further involving other critical stakeholders.**

**A strong linkage has been established with the Commonwealth Human Rights Initiatives (CHRI) on RTI issues and legislation** and such networking will help MJ to link up with regional and international initiatives.

### **Right to information: Concept and Scope**

*United Nations has recognized freedom of information as a fundamental human right and the touchstone for all rights<sup>3</sup>. Right to information creates legal entitlement for the beneficiary to seek information and includes duty of the public function bodies, may be government or non-government, to make information public and easily available.* It enables citizen to seek information from duty holders and make duty holders responsible to disseminate important information proactively even if it is not asked for. For example public has the right to know environmental management process of an industry since it affects people's right to health.

#### ***Rights perspective***

Admission to information is not only the tool for development; it is also a right. This right enshrines all other rights. Because family, social, political and economical sphere of life all are shaped by the information that should be available to person and to society at large. Hence the right to access to information underpins all other human rights. Satisfactory information is needed for the manifestation of thought, conscience and speech. To build and express ones opinion one has to rely on adequate information. The realization of the right to personal safety and property also requires sufficient information to protect them. Lack of information creates barriers to people to realize opportunities and services rendered for them and hence their basic rights remain violated. Accessibility and availability to information are the foundation of other rights, it is a fundamental right, touchstone of all rights.

#### ***Governance perspective***

Adequate information, if available, reduces the chance of misuse of resources and lessens corruption. Not only that, it helps governance system function well, makes service providers accountable for their act and action, creates participatory and transparent atmosphere for people to contribute in policy formulation and establishing rule of law. The extent of availability and access to information are parameter of democracy. We

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<sup>3</sup> UN General Assembly 1946 Resolution 59 (1), 65<sup>th</sup> Plenary Meeting December 14,1946

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know that a true democratic situation leads to development. A voter who knows where his vote center is located can apply his right on time, an individual tax payee must know how to fill-in tax form and in which zone he should submit his tax return. Parents have the right to know what the opportunities are and incentives available for free education, public should know the substantial proportion allocated for their health service in the budget etc. All services that are meant for the benefit of people should keep the door open for easy access to information. Otherwise, any effort to achieve development goal will fail to bring success in poverty reduction.

### ***Disclosure of Information***

Information belongs to public function bodies and it should be made available unless there are strong reasons for denying it. Denial of information may be acceptable when it is for the best interest of public. Information is not only a written document; it includes both verbal and non-verbal communication.

### ***RTI domain***

Public as well as private bodies, corporations, NGOs and international institutions that carry out public function, which affects public rights, influence the destinies of millions, are responsible to provide information. Considering the fact, some Commonwealth countries have extended the coverage of their laws to some private bodies. Often agreement, treaty with international, multinational agencies and corporations are not made public, based on the presumption that it is confidential. Issues involved/concerned with public interest should be made open. "The World Bank, International Monetary Fund, Asian Development Bank and other similar agencies are universally cited agencies, which have long term, and deep impacts on people's lives but very little information is given to the people."(CHRI 1999, pg 4) This removes information from the public domain. Private bodies are providing public services their activities need to be open to public scrutiny if they affect people's right. For example, the shrimp farming in Bangladesh has long term impacts on people's lives, health and ecology of the local population, but these were never explained nor this information made public.

#### **RTI and Coverage**

Government information includes: international accords; negotiating briefs; policy statements; minutes with discussions with vendors; donors and debtors; cabinet deliberations and decisions; parliamentary papers; judicial proceedings; details of government functioning and structure; intra governmental memos; executive orders; budget estimates and accounts; evaluation of public expenditure; expert advice; recommendation and guidelines; transcripts of departmental meetings; statistical data; reports of taskforces, commissions and working group; social surveys and analyses of health, education and food availability; assessments of demographic and employment trades; analysis of defense preparedness and purchases; maps; studies on natural resource locations and availability; proof of the quality of the environment, water and air pollution; detailed personal records.

**Source: CHRI 2003 Report**

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## National and International Standards

### ***National Standard***

#### **Bangladesh Constitution**

The Constitution of Bangladesh declared no special provision for right to information/ access to information as a right. Article 7 and 11 of the Constitution implicitly recognizes people's right to information. **Article 7 declares that all powers in the Republic belong to the people. So peoples right to all information cannot be barred in any way, as it has been recognized by the Constitution itself.** Bangladesh Constitution clearly declares protection of right to life and personal liberty<sup>4</sup> "no person shall be deprived of life or personal liberty save in accordance with law". It is desirable that all actions and acts would be administered for the welfare of the people. Hence each act and actions should be well circulated amongst the people of the country for the benefit of the people as a whole. If not, people will remain in the dark, which amounts to sufferings in their lives and restricts their liberty.

Therefore, from the Constitutional perspective democracy can be ensured only by the effective participation of the people. Article 39 articulates freedom of thought, conscience, speech and the freedom of press. If real democracy is in practice, then the absence of any particular provision for this right should create no bar in accessing information.

**Article.39 (2) of the Constitution states that subject to any reasonable restrictions imposed by law in the interest of the security of the state, friendly relations with foreign state, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence, a) the right of every citizen to freedom of speech and expression and b) freedom of the press are guaranteed.** The interpretation of this Article is intended to include discussion and dissemination. In support of this inclusive interpretation, the Supreme Court of Bangladesh in Dewan Abdul Kader Vs. Bangladesh cited an Indian decision, "----freedom of speech and expression includes the freedom of propagation of ideas—." (Rapid Assessment, p.5). Denial of access to information amounts to denial of freedoms guaranteed in article 39. Freedom of speech as enshrined in our Constitution would not carry any meaningful purpose unless this right contains the right to receive and access information.

Although the Constitution does not specifically mentions the right to information in Commonwealth countries such as India and Sri Lanka, courts have read this right into the Constitutionally recognized right to freedom of speech and expression or freedom of thought but it is not in the case of Bangladesh.

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<sup>4</sup> Article 32 of The Constitution of The People's Republic Of Bangladesh

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## **Official Secrets Act,1923**

Official Secrets Act is operative in almost every country of South Asia, which were under British colonial rules. These Laws were brought into force to suit their own agenda of preserving an oppressive regime. These have been adopted by independent nations for promoting vested political interest.

In this Act sub-section 8 of section 2 has defined prohibited area in a very wide range limiting the areas for collecting information.

Section 3 deals with disclosing information against the state's interest. The penalty provision under this section does not provide nay scope for defending.

Section 4 states that only for presumption of giving information to foreign agents, offense will be considered.

According to Section 5 any person can be convicted only for the disclosure of information possessed by him. In this presumption is enough to prove disclosure which can affect the sovereignty, integrity, security and the interest of the state, assist the enemy of the state, degrade the friendly relation with the other states.

In most of the cases Government interprets the terms 'enemy', 'foreign agent', 'security or interest' in its own way and resists the flow of necessary information. Secrecy Act instead of being used in the time of war or emergency and for defense are being used in a way that it strikes at the core of the democratic right of the people. In Bangladesh, this Act was operated as an instrument to limit the responsibilities of journalists independently<sup>5</sup>.

## **Government Servants (Conduct) Rules**

Rule 19 of the Government Servant (Conduct) Rules, 1979 addresses any sitting government official can not disclose any information “**to other Ministries, Divisions or Departments , or to non-official persons or Press**”<sup>6</sup>

## **Evidence Act 1872**

Restricting Articles of the Act are 123 and 124. **Section 123** has put the matter of getting unpublished official records on the permission of the head of department.

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<sup>5</sup> CHRI 2003 Report, pg 54 described the fact that an editor was arrested for publishing the public examination question on the shake of Official Secret Act.

<sup>6</sup>“A government servant shall not, unless generally or specially empowered by the Government in this behalf , disclose directly or indirectly to Government servants belonging to other Ministries, Divisions or Departments , or to non-official persons or Press , the contents of any official document or communicate any information which has come in to his possession in the course of his official duties or has been prepared or collected by him in the course of those duties whether from official sources or otherwise” Government Servant Conduct Rules, 1979

**"No one shall be permitted to give any evidence derived from unpublished official records relating to any affairs of State except with the permission of the officer at the head of the department concerned, who shall give or withhold such permission as he thinks fit."** Head of the department of the concerned office can permit in providing information but nothing to do on his denial. Even the Court is bound to accept the decision of the public officer.

Under Section 124, **no public officer shall be compelled to disclose communications made to him in official confidence when he considers that public interest would suffer by the disclosure.** There is no clear definition of public interest, suffering. If a disclosure is against public interest is to be decided by the concerned official and does not fall within the court's jurisdiction.

According to Article 125, a civil servant is exempted from court orders for production of documents or questioning with regard to information but why privileges are claimed, have to be explained to the court.

### **Rules of Business 1996**

The Rules of Business, 1996 Schedule I has described the allocation of responsibilities of respective ministries and departments/divisions. According to The Rules of Business, Ministry of Information is directed to take initiatives for publicity of internal and external policy. Moreover it is Information Ministry's part of business to build "coordination of publicity activities of the different Ministries/Divisions and Bangladesh Missions abroad"(Schedule 1 of the rules of Business 1975). The ministry of Information has the major role for "Preservation and Interpretation of the policies and activities of the Government of Bangladesh through the medium of press"(ibid). But in practice this statements has become vogue in nature.

Distribution and allocation of government Act and actions has been described on "Rules of Business, 1996". Section 28(1), (3) and (4) of this Rules of Business clearly reserves the protection regarding communication of official information.

### **The Penal Code**

Section 499 of this Code restricts person to express their belief, expression by words (written/ spoken), signs or by any other means he / she has been defamed, entitles him/her to sue for defamation. This is a risk especially for the journalists to collect and publish information.

### **Code of Criminal Procedure, 1898**

With the help of section 99 A, the government by official gazette can forfeit any book, publication under Press and Publication Act. This is a threat to the freedom of press and publication. Right to information includes both rights to know and right to make know.

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## **Proposed Information Act 2002**

Bangladesh Law Commission has made a draft of the Right to Information Act in 2002. However, it is not ready to be considered as a Bill to be produced in the Parliament.

### **Feature of the proposed Act<sup>7</sup>**

- I) Government and Semi-government offices are bound to publish their documents to the public. The publication should contain useful and accurate information on important matters. Side by side, in this Act the private authority comes under the same boundary;
- II) The definition of information has been defined in section 2 (a);
- III) In this Act, it is ensured that public authority must be bound to supply information to the people and they will enjoy this statutory right;
- IV) In this Act, the process of access to information has been discussed in detail;
- V) In the proposed Act, The offences committed have been divided into different categories and have different penalties (compensation, fine, and imprisonment etc);
- VI) The formation of Information Tribunal and Appellate Information Tribunal has been recommended. All the disputes are to be settled as early as possible.

### **Loopholes of the Proposed Right to Information Act**

- I) It has been expected that this Act would prevail over the Official Secrecy Act. But in reality it was found that the proposed Act was made applicable subject to certain provisions of the Official Secrecy Act. As a result access to information did not get any more free space to protect people's right;
- II) In proposed Act, some rules are added where the public authority is not bound to give information by showing the excuse of safety and state security;
- III) The structure and power of the information tribunal has been mentioned but that is without any specific time limit. As a result one can easily be harassed without decision for long time.
- IV) In Section 8, the aggrieved person who is denied access to information is entitled to get Tk 5000/ as compensation, which should be rationalized.

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<sup>7</sup> This section has been taken from Rapid Assessment, pp 17-18

## International Standards

Over the years international organization and civil society have developed principle and guidelines that encapsulate minimum standard to assist formulating effective laws.

**According to Universal Declaration of Human Right (UDHR), 1948**  
**Article-19" Everyone has the right to freedom of opinion and expression; This right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless to frontiers"**

As early as 1980, Commonwealth Law Ministers meeting recognized that official information needs to be accessible to enable public participation in a democracy. In 1999 Commonwealth law Ministers adopted the Commonwealth freedom of information principles, recognizing the right to access to information as a Human Rights enhancing accountability of government.

The special rapporteur on freedom of opinion and expression of United Nations Commission on Human Rights has clarified that **Freedom of Information** under Article 19 of the International Convention on Civil and Political Rights imposes "a **positive obligation on states to ensure access to information, particularly with regard to information held by government in all types of storage and retrieval systems**". In 2000 the special rapporteur endorsed a set of principles of freedom of information. The value of the right to access information has not only been recognized by the United Nations Human Rights agencies, but also in a number of the United Nations other areas of activity, such as RIO Declaration, World summit on sustainable development. World summit for social development.

### ***UN Principles on Freedom of Information 2000***

- Maximum disclosure
- Obligation to publish
- Promotion of open government
- Limited scope of exception
- Process to facilitate access
- Fees for document would not be high
- Open meetings
- Disclosure takes precedence
- Protection for whistle blower

### **RTI Status of UK, South Africa and USA** **United Kingdom**

In United Kingdom the freedom of Information Act 2000 legislates for the right to access information, but operative from January 2005. Information campaign was started from 1984. The campaign used a wide variety of advocacy techniques to maximize the impact of their contribution to the legislative process. Under the information Act, the information commissioner is under duty to promote good practice by public authorities, as well as to disseminate information to the public about the operation of the Act.

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## **South Africa**

The provision of South African Act is indicative to include public bodies who are responsible to provide and disseminate information. South Africa's Promotion of Access to Information Act 2002 states that one of its objectives is to "foster a culture of transparency and accountability"(CHRI, opcit, p.30). South African act obligates the Human rights commission to conduct public education program on the information Act in particular in disadvantaged communities and to encourage the participation of private and public bodies. Human Rights Commission monitors the implementation of the South African Act.

The oldest law of access to information exists in **U.S.A** in the name of freedom of information Act, 1966. Under that law the citizens are entitled to have access to the public documents and information as of their right. And that is within a very reasonable time prescribed in the law. Not only in U.S.A, most of the democratic countries of west, carry on publishing their official documents according to their information law.

## **Right to Information status of some neighboring as well as commonwealth countries:**

Many Commonwealth access laws make it an offence to destroy, conceal, erase, alter or falsify records and contain penalty provisions for these actions. Most access laws cover information contained in a variety of media and are drafted broadly to cover newer technological innovations for creating and storing information.

### **India**

**India** has passed Right to Information Bill in 2000. Their legislation is being treated as' radical measures containing clear rights for those requesting information and strong enforcement mechanism. Under the Indian Act information concerning the life, liberty of a person, is required to be provided within 48 hours, and other information is to be provided within 30 days. Implementation mechanism has not mentioned clearly in the Act. Public interest has been defined broadly, so there is much scope to conceal the information by interpreting it as public interest overrides.

The **Constitution of Nepal** under Article 16 recognizes the right to information as a fundamental right of the citizens and in Article 13, freedom of press and publication has also been guaranteed as a fundamental right. Common code of Nepal enables any concerned party to demand the duplicate copy from case method of the court. The procedure, payment of fees and time limit is also prescribed for him purpose.

**In Sri Lanka**, Article14 (1) (a) of the Constitution does not expressly recognize the right to information. It simply guarantees every citizen the freedom of speech and expression including publication. But Sri Lanka's Court has brought the right to information within the domain of Constitution.

**In Pakistan**, Article 19 the Constitution says that every citizen shall have the right to freedom of speech and expression, and there shall be freedom of the press, subject to any

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reasonable restrictions imposed by law in the interest of the glory of Islam or the integrity, security or defense of Pakistan or any part thereof, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court, commission of or incitement to an offence. Pakistan Court has taken the same approach like Sri Lanka bringing the right to information within the purview of Freedom of Expression (Nawaz Sharif case, PLD, 1993 SC).

## **Access to Information: A synopsis of Bangladesh Case**

### ***Executive***

**Government** officers deny providing any information showing the reason of the Official Secrets Act even to a person directly related to the concerned information. According to this section any person can be convicted only for the disclosure of information possessed by him. It is unfortunate that after more than 50 years of freedom from British rule, the Government of Bangladesh is exercising this law to prohibit people from getting any information. Bangladesh has inherited the Secrecy Act from British regime and its application has not changed from bureaucratic culture and tradition of secrecy.

It is true that rules regulation prohibits government officials to discharge any information. There is also no other provision that obligates government official to specify their act and actions even it is said to be directed towards the interest of citizens. Cultures of secrecy and undemocratic practice have also result in poor documentation of information. Because of weak documentation, loss of information, opportunity for tempering document, people facing problem in collecting information. Due to lack of information, skills to prepare and present information in more meaningful and useful way are absent.

It is also seen that lack of coordination between different line ministries causes problems in availing information and meeting deadlines. Sometimes secrecy is maintained in such restrictive manner that duty bearer themselves remain in darkness regarding the information they are supposed to know.

Similar statements are equally applicable in *non-government sector*. One can see the reflection of Government secrecy culture in non-government's attitude and actions. It would not be exaggerated to define non-government attitude as the mirror of government attitude.

### ***Judiciary***

Judiciary can play a significant role to establish this as a right. Recently upon a writ petition Court has directed the EC (Election Commission) to provide eight kinds of information regarding property, criminal charges and educational background of the election candidates. By giving this judgment court has proven that people have the right to know the profile of an election candidate as a voter. This example of judgment is one step forward and encourages to uphold the condition of human rights of information. Judiciary is in a favorable position to create precedence by giving positive direction to the concerned authority of the state, which may bring a positive change in accessing information.

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## ***Legislative***

In Bangladesh, though a parliamentary form of government exists, lawmakers rarely play their prerogative role. Lawmakers are supposed to develop laws in accordance to public opinion, interest, and will of the people they are accountable to. Lawmakers themselves are not aware that people have the right to know and do not recognize this as a right. Their dialogues, debate in the parliament or outside the parliament rarely reflects public expectation. This statement is more relevant in case of preparing the national budget. The allocation of budget does not also reflect the expectation and demand of the community. The budget allocation remains in shadow though the government claims that it has been prepared for the greater interest of the people.

The lawmakers have an important role to uphold the value of open government. They can adopt legislation in support of publishing key categories of information held by all public as well as private bodies

The media can play a pivotal role in influencing and promoting transparency in the way three organs of state are being operated. It can bring to public attention the hundreds of examples of misuse of power; lack of transparency and bad governance that affects peoples lives everyday.

Recently print media has faced a contempt case after publishing information related to forgery of a sitting judge. This incidence shows how state creates a negative implication on the “whistle blower”

Here it should be mentioned that media’s attention should not only be directed at public offices. It is the duty of the media to highlight such problems in the private sector that includes business, NGOs etc. The recent campaign against food adulteration is a good example where the government is taking positive steps to prevent food adulteration and the media is giving it wide coverage.

## ***Some examples where citizen RTI is obstructed and denied***

Following are few examples narrating impact and implications caused by inaccessibility to necessary information;

## **Mutation and Record**

Mutation is a process of transferring ownership of landed property from one person to another. Non compliance in mutation and records of inherited property causes sufferings to family members whereby vested interest groups illegally occupy their property. Non-availability of tax documents can lead to court cases. This deprives family members and forces the court into dilemma as false documents are often produced. A process of

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transparent and easy access to information can generally mitigate this situation, which is a common phenomenon in rural Bangladesh.

### **Misappropriation of Wakfa and Debottar property**

Benevolent people often donate their landed property to mosques, madrasa and mandir. Very often land record is not done in the name of mosque/madrasa/ mandir committee, even these committees some times do not have proper documents of their legal existence. Due to absence of legal documents and lack of information those properties are often misappropriated. Such incidences more often happen in case of Debottar and Wakfa property. However, the issue of Debottar property has other dimension as well. In this particular issue powerful people even from non-Hindu community get involved, which ultimately makes a section of minority community more vulnerable and insecure and many of these people often migrated out. It is, therefore, the lack of right to information which is adversely affecting social and communal harmony. .

### **Bribe for information**

During litigation, to collect any information, one needs to pay bribe to the court officials in varying rate depending on their position, for example, Bench Clerk (peshkar) Tk 25 - 30 and Serestadar Tk 200 –300 etc. This points out that in getting information through out the period of litigation, which usually takes a decade, huge amount has to be paid by the parties involved. One may safely infer that this sort of problem largely occurs due to lack of RTI.

### **Inconsistency in mainstreamed data source on ethnic minority of CHT**

Realities, condition and major feature of Chittagong Hill tract (CHT) are not well and accurately covered in official Bangladesh Bureau of Statistics (BBS) data sources. Definitional inconsistencies, lack of sociological and anthropological knowledge about various ethnic groups, lack of understanding about major factors of central economy of hill peoples have made BBS data and information non reliable and inaccurate. It fails to provide reliable data on areas and output of jum cultivation, ethnic break down in most of socio economic data ranging from literacy and education to employment, income and poverty incidence. Credible doubts exist about BBS data on the distribution of owned and operated land, categories of land tenure in CHT. No clear scenario can be drawn on eviction and displacement of hill peoples. These are being considered as one of the major barriers for being well aware of existing CHT situation. Process of taking informed policy decision and undertaking need based development interventions is also getting obstructed.

### **Unplanned " Rush to develop " CHT case**

Following the Peace Accord, the government as well as donor agencies and NGOs have been engaged in taking development initiatives for CHT although these were held up for certain period during 1998-2003 for various reasons. Development interventions and approaches are primarily based on the experience and information generated from plain land, therefore, does not address the problems and needs of the indigenous people and at

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the same time potentials of the region remains unrealized. Broad based consultation with ethnic groups, and wide scale information dissemination on probable impacts and benefits are, therefore, seen critical for development interventions for this region.

### ***Some Examples where citizen RTI is recognized and promoted***

There are some cases and good examples where information have benefited citizen and protected them from probable corruption and mal practice.

### **Improving information flows: Empowering users in Power Sector**

As required by law, Dhaka WASA (Water and Sewerage Authority), Chittagong WASA and the city corporations publish water usage tariffs in newspaper in advance of any increase in tariffs. This made literate people informed about usage rates. This reduces potential corruption of charging higher than existing rate. However, lack of published rates on connection charge creates room for corruption where clerical staff demand bribe to potential users group. Connection prices therefore also need to be publicized like usage tariffs.

### **Other cases: GO and NGOs contribution**

Executive order for holding open budget dialogue session at each Union Parishad, growing demand and practices in favors of Public Notice board on Union Parishad roles/responsibilities with Standing committees' information, open list on disadvantaged and destitute people receiving relief during emergency, notice board on duty schedule of block supervisors, client charters at every upazila health complex are good examples of making community people aware of their entitlements and this also empowers people to hold authority accountable to them. These are yet to be practiced all over Bangladesh. Intensive monitoring and placing demand to relevant authority are required for sustaining such good practices.

Though such examples do not exist at large scale these have demonstrated application of information in improving governance and protecting violation of rights.

### **Access to information: Mapping on Advocacy initiatives a case of Bangladesh**

Sources of stocktaking on “*who is doing what and how*” in relation to right to information have primarily focused on few national and local NGOs work and opinions of experts and academicians.

#### ***A snapshot on “who is doing what and how” shows that;***

- NGOs working at both national and local are emphasizing on availability of accurate information on public resources particularly its rules and regulations, criteria of entitlements etc. Such information dissemination process is integrated within their programme.

- There are NGOs working on issue specific information sharing and dissemination and emphasizing on importance of ensuring accessibility to information. Some of these

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issue based areas are; voters' right to information, legal information rights, consumer rights and informed consumer, international treaty and country interest.

- NGOs are more involved in awareness and mobilization work in relation to right to information. In such case information is mostly seen as development tool. It also reveals that more work has to be done to establish access to information as “*right*”

- There are some NGOs who have been working in mobilizing public opinion towards RTI as legislation. These efforts were primarily concentrated to building constituencies. For this they translated RTI draft law in bangla. A leading NGO has prepared a matrix highlighting strength and limitations of draft RTI in order to make public informed about it.

- As part of strategies, existing professional forum, local press, club, network were used to disseminate Article 19 of UDHR. Moreover posters, materials, leaflet in easy local languages were prepared and disseminated highlighting importance of RTI. Local civil society was involved in campaign asking government to hold broad based consultation for finalizing draft RTI law. Campaign was also made criticizing against Official Secrets Act.

- Some research organization, academic institutions have also been working on RTI They have emphasized on info intermediaries to make information meaningful, useful to avoid information load.

- Some NGOs are associated with regional network and collect information what other countries are doing for RTI legislation and implementing RTI law.

- Challenges faced by NGOs, researchers, academicians may vary due to various factors but general challenges are; culture of secrecy, corruption, political polarization and manipulative information, lack of info intermediaries, information management. Hence legislation cannot be only solution to all of these critical challenges.

Research findings reveals that efforts taken in relation to RTI and increasing accessibility to information are not well coordinated and these have been done mostly in scattered way which also created scope for overlapping initiatives.

## **Conclusion**

Although **Right to Information** is not yet recognized as a **Fundamental Right**, there is enough evidence to believe that it has implication on every aspect of people's lives and well being. It is all the more important in Bangladesh where violations occur easily and common people become vulnerable to the failings of the state and forces of vested interest groups.

There is an urgent need to raise awareness on the issue and embark on a national campaign so that the need for a Right to Information law is enacted.

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However, it is very important to remember that this law is not something that can be drafted in some Ministry or by some bureaucrats. Such a law will not have ownership and will have even less chance of being implemented.

The demand for Right to Information law will have to come from the people. The people must understand the need for such a law, they must know how and why this law will affect their lives. The demand should be such that the government will have to recognize it as the need of the hour and take steps for its enactment.

Here the role of the civil society organizations and individuals becomes very important. They should actively promote this concept in all their programs at the local and grass root levels. The media should be a close ally of the Right to Information campaign and in fact should be in the forefront of the movement. Examples of other countries show that a strong peoples movement was the primary force behind the final enactment of the law.

It is important to remember that Right to Information law should not be restricted to public institutions. Private organizations, NGOs, business etc. should have to abide by the same standards of disclosure.

Lastly, a law only has use and value in the way it is used and implemented. It is critical that some mechanism is developed that will enable the proper implementation of the law once it is enacted.

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