

A Weekly Publication of *The Daily Star*

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26 June, 2009



Unlocking the Power of Information

The Information Superhighway

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PHOTOS: ZAHEDUL I KHAN

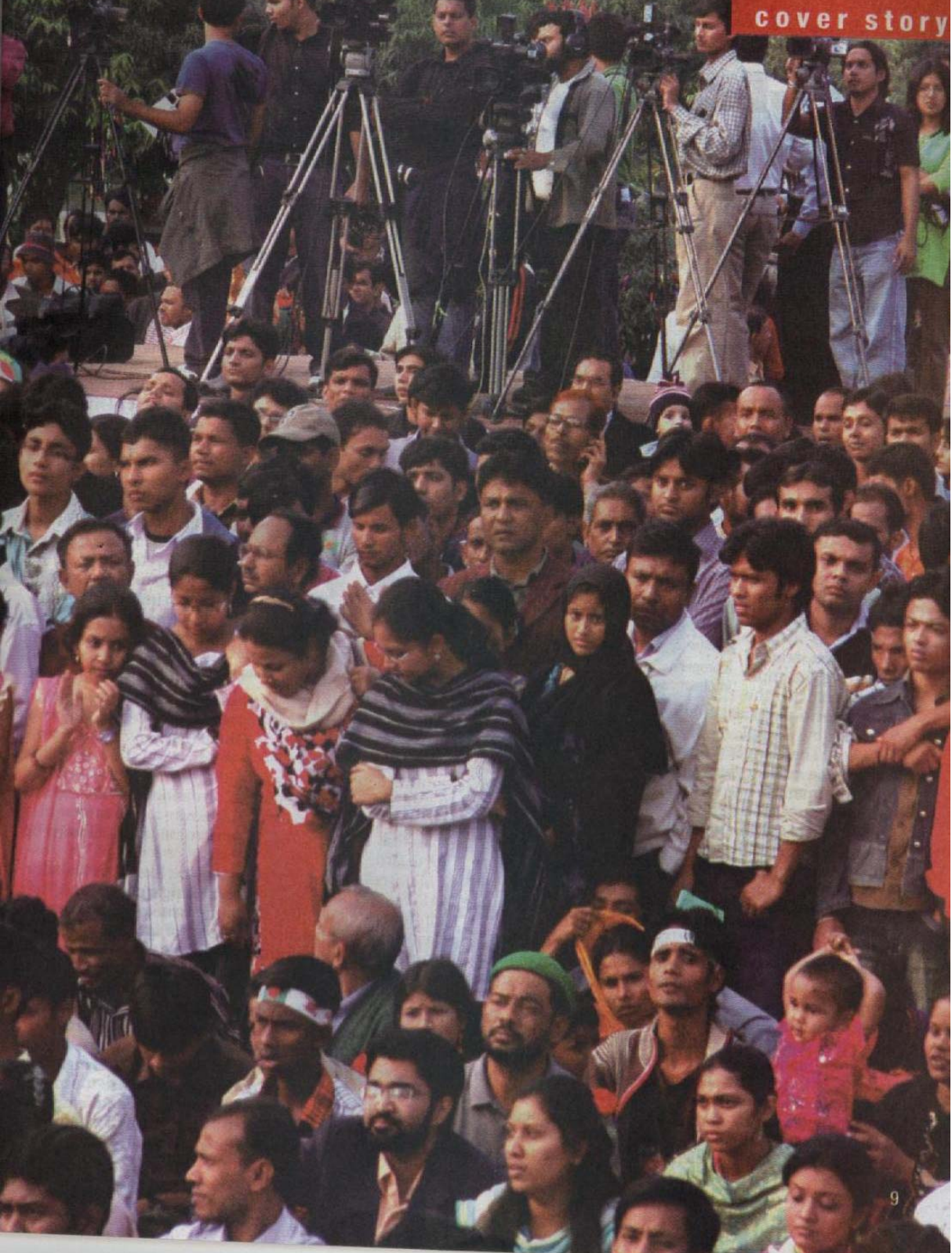
The information superhighway was a term first coined to describe the internet and the advancing communications revolution, it was a place where the world was at one's fingertips and seemingly any fathomable information was never more than a click away. With the new right to information law being passed, it could herald the dawn of a different information superhighway in Bangladesh. One where government information is never more than a request away and where increased transparency and openness define what it is like to live in a participatory democracy. Our information superhighway has only been approved with the passing of the right to information law, now it needs to be carefully planned and paved with more than just good intentions, but good deeds. It's time the information flows free, fast and accurately.

With the passing of the right to information law, most government documents and decisions have become open to the public and now for the first time in many years the government will have to answer to each and every decision they have and continue to make. But before we got to that utopian stage a lot needs to be done. With the law coming into effect from July 1 2009, the information commission that will govern its activities has yet to be set up, while the selection of the commissioners who will run the programme has also yet to be done. This leaves the public to wonder just how serious the current government is about forming a free, fair and impartial information commission. There are also complaints that the new law leaves out 20 areas where one will not be able to obtain information from, this has been criticised by both the media and civil society, but while the government looks that list over there should be silent celebrations that the list is only 20 points long. While the government made great progress by passing the act on March 29 2009, since then they have showed a profound lack of will to get the law up and running. People have not been selected let alone trained and the whole aura that government has given is one of indifference.

Many of the people who pushed for the law have not been so quiet. This week The Right to Information Forum sat down and discussed a myriad of issues related to the

new law and the formation of the commission at a two-day conference at Hotel Sheraton. Together with experts and practitioners from around the world The Right to Information Forum was the landmark event that the organisers hoped would push the new law and its creators towards greater information equity. While the Prime Minister was slated to open the conference, it was Agricultural Minister Matia Chowdhury who delivered a speech on her behalf outlining just how serious an issue the government thought the new law was. The conference ended with current law minister Shafique Ahmed saying, "The commission has the power to act as a court of justice. It has the power to summon anybody for submission of information. So, I must say the commission will work independently and there is no one to intervene." While his words were encouraging it will take more than just words to make the commission an effective instrument for the common man to use.

Many issues such as how the commission will take their activities to the villages were also addressed by the forum as were questions of information, communication and technology. For this new law to work, the government will have to overhaul how it manages its files, so that they are easily accessible by the commission and even that could take years to do. But for the people who have lobbied for this law, the wait will be worth it. Like any new law there will be a trial and error period, the real point is to learn from that phase and take that knowledge forward. One of the major issues with this law is that the government will have to do more than just set up a commission, they will have to change their history of secrecy and replace it with an era of accountability. This will be essential for the dream of a digital Bangladesh to be realised. As Shaheen Anam, Executive Director, Manusher Jonno Foundation, said the culture of secrecy must be replaced with a culture of openness, and for that to succeed, the government and the people must work together. The new law is one that should be celebrated cautiously and implemented vigorously or else like many other laws and commissions it too could fall apart. For the sake of democracy in Bangladesh, we cannot let that happen.



Creating a Culture of Openness and Participation

One of the first workshops held at the Right to Information Forum was one that centred on creating a culture of openness and participation using the Right to Information Act and in many ways it was the logical starting point for an issue that should now be under increased public scrutiny. Since the Right to Information law was passed nearly three months ago, the topic has gained traction and now the time has come to create a culture of participation and increased openness or else the law will fail even before it starts.

As the moderator Shaheen Anam, Executive Director, Manusher Jonno Foundation started by setting the topic in context to the

current socio-political situation in Bangladesh and was followed by Badiul Alam Mazumder, Global Vice-President, The Hunger Project who held little back as he ravaged the current information gathering services by the government. While the issue of the right to information act was not specifically dealt with, the major barriers to openness of information were. The topic of decentralisation also came to the fore as it essentially goes hand in hand with the right to information and creating a culture of openness. If proper decentralisation does not take place in Bangladesh then the new right to information law will remain a tool only to be used by the urban residents of Bangladesh. Local government and its institutions provide the best opportunity for the right to information to be carried around Bangladesh and into every single village, yet the lingering problems of local government have to be solved for this to take place. This makes the whole issue more confusing and convoluted than one could imagine, essentially, effective self-governing local government must flourish for the right to information law to do so as well.

Mazumder used a real life example to connect local government with the right to information, "In 2003 during the Union Parishad elections we decided to collect

information about the candidates. Many gave false and misleading information and when that information was disseminated to the public they unequivocally voted against them." His example clearly illustrated how just a little information about candidates affected how people voted and in a larger way showed how this helps the public

to make decisions which are in their best interest.

Sirajul Hossain, Deputy Director, National Institute of Local Government spoke along the same vein while also focussing on the importance of Union Information Centres and their relationship to the new right to information law. Shaukat Mahmed, President, National Press Club tackled the issue from a dif-



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ferent stance. He believes as many do that the media has a duty to keep the government in check and that the new right to information law will help them greatly and hamper them slightly. "Now information from reliable sources could be scorned and the government may ask (reporters) if they got their information from the right to information commission or not. Any information other than that coming out of the commission could easily be disregarded," he said.

The session ended with Aruna Roy, Executive Director, MKSS (Mazdoor Kisan Shakti Sangathan) giving her international perspective on the issue of openness and participation. She cited examples of information taken from the right to information commission in India that was painted on the walls of different localities to inform people of the national rural employment guarantee act. These 'web walls' as she called them did more than just inform people that under the law they were guaranteed 100 days of labour, it empowered them and that is the real message. The right to information law in Bangladesh may be new and untested but if people use it properly and a culture of openness is created it could empower millions of Bangladeshis across the country. It could just be the wake up call this country needs. ■

The first major hurdle has been crossed, the right to information law has been passed, but now the government has to design an information commission which will effectively use and interpret the law so that ordinary citizens can make best use of it. Moderating the discussion on the issue was Faruq Sobhan, President, Bangladesh Enterprise Institute. He started by saying, "while the law is important, it's implementation is just as important." He went on to say that the choice of people would make or break the commission, a point which would be repeated throughout the hour and a half long discussion.

The first discussant was Dr. Shahnaz Huda, Professor of Law, University of Dhaka. She started off by saying that even though she looked for the right to information law, it took her a very long time before she could finally find a copy. She brought up some other points of interest when she said that no one really knew who would be on the selection panel for the information commissioners. The process should be open and transparent yet there were no clear answers as to who would be selecting and on what basis. Another problem that was highlighted was that rule making powers were given to the information ministry and not the information commission. A further issue is that the status of the chief information commissioner and other information commissioners will be decided by the government. Ideally they should be given the status of High Court and Appellate Division judges. Over and above all these issues the training of commissioners is also an aspect of the commission that has to be dealt with very carefully.

The Director of Article 19 Bangladesh, Tahmina Rahman added a few points of her own to the mix. She very rightly pointed out that the selection of the commis-

Designing an Effective Information Commission



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sioners would greatly influence the direction of the commission overall. Much like the selection of a judge to the supreme court in America affects the direction of future court rulings, the same could and will happen in Bangladesh to the information commission, therefore making it essential that the proper people are chosen. The issue of independence and accountability is also paramount for an organisation that may in its time name and shame people within the government.

The last speaker, Andrew Ecclestone, Honorary Senior Research Fellow, Constitution Unit, University College London talked about the formation of the commission as well as commissions around the round, their problems and their successes. His first questions was one that the current government will be pondering over as we speak, what do you want to achieve? As soon as one can answer that question the formation of a commission becomes a lot easier. He praised the Bangladeshi right to information law for having set 30 days as the maximum amount of time investigators will have to complete an investigation. In the UK it could take up to a year simply to be assigned an investigator and in that respect our law was far more rigid. He also laboured over the point of affirmative and

proactive disclosure and how that could help both the government and the commission. The topic of extra voluntary disclosure, where by the government does not have to disclose information, yet still does it was also central to his speech. Eventually an effective information commission all boiled down to the proper selection of people coupled with the a streamlined method of information collection and lastly a stubborn will to make the government more accountable to the people who elected them. ■

For People's Rights and Empowerment

ELITA KARIM

At one of the parallel seminars, 'Role of Right to Information Commissions: Functions, Interactions with other Stakeholders, Reporting Mechanisms and Performance Indicators,' discussions took place regarding the mechanisms to be used by the information officers, commissioners and of course the government to make the Right to Information Law (RTI Law) more accessible to the common people. Moderated by Saber Hossain Chowdhury, MP, Bangladesh Parliament, experts from India and Mexico were present at the seminar to share their experiences while working with the RTI Law in their respective countries.

One of the major concerns regarding the implementation of the Right to Information Law is accessibility to information by regular citizens of the country. A majority of the people either cannot read or do not have the education to comprehend a law that is being implemented especially for them. A major fundamental that the commission should practice once the Right to Information (RTI) law is implemented is proactive disclosure. Venkatesh Nayak, the Project Coordinator of CHRI, India, says that the government officials should not wait for people to come and ask for information that they might need. "You give it to them whether they ask for it or not." Among other points, Nayak stresses on public education. "Conducting community based workshops



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regarding the RTI Law is an absolute necessity," says Nayak. "But it is not enough and will not gain as much." Nayak says that the awareness of the right to know and ask questions should be instilled amongst students from an early age and be made a part of the academic curriculum. "This way a whole generation can be developed."

The commission must also be clear about procedures and directions in terms of implementing the law maintaining records, how they will be transferred, keeping track of applications and making sure that a reply is made, etc. According to Sailash Gandhi, the Commissioner of the Central Information Commission, India, people expect a reply once they file complaints or ask questions to the information officer. "The officers must reply to letters, appeals and take actions within the required time, preferably in less than 90 days," says Gandhi. "Otherwise, the whole RTI Law will be of no purpose."

There are at least 20 exemptions in the Right to Information Law, meaning that in the 20 mentioned circumstances, access to information is denied, for instance in the case of state secrets and security. However, situations pertaining to human rights and corruption cases are not exempted from the RTI Law. While drawing up comparisons, Juan Pablo Guerrero Amparan, Commissioner of the Mexican Federal Access to Information Institute, says that there are no exclusions in the Right to Information Law in Mexico, unlike the one



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in Bangladesh. One of the most fascinating elements of the Mexican RTI Law is the Infomax, through the Mexican electronic system, which actually enables individuals to find out what other people want. Since it turns out that most citizens usually have similar queries, this technology has been playing a vital role in the RTI Law in Mexico.

In India and in Mexico, the RTI laws were established after years of demonstrations and petitions filed by the common people and the grass-roots. In Bangladesh however, the establishment of the RTI Law came about after the media and the urbanised sections of the society got involved. Therefore, some have shown scepticism regarding the whole RTI issue. In a country where people are unable to eat a proper square meal, how would the RTI Law make any difference to better the poverty-stricken conditions of Bangladesh? Why and how would these people ask the right questions, a necessity to get the ball rolling and begin practicing the RTI Law.

In yet another parallel seminar, titled 'Addressing RTI Needs for Rural Areas, Strategies and Mechanisms,' chaired by Anisatul Fatema Yousuf, Director Dialogue & Communication, CPD, several cases were presented by the speakers to stress on the strength of the role of the common people and what difference they are able to make once the RTI Law is properly understood by one and all, especially at the Upazilla levels.

While Ranjan Karmakar, Executive Director, Steps, spoke about how it is important for the common people in the rural areas to recognise the importance of the RTI Law for their own development, Bazlur Rahman from BNNRC laid down the strategies that can be used by these common people through the RTI Law and have the government take notice. "Good social governance can be established in the rural areas," says Rahman. He spoke about how regular workshops and special programmes can be organised for the common people and by the common people living in the rural areas as well so that several activities can be done within small communities. "Those living in the rural areas should be made stronger so that the RTI Law works," he says. "Plus, through the united efforts of these people,



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local businesses can also be made stronger." Rahman also spoke about establishing good economic governance in the rural areas by accessing the RTI Law. "Local radio programmes must be made, especially in the indigenous areas to spread messages," says Rahman. "Through these programmes, the local languages and cultures will also be highlighted." Rahman also mentioned that Microcredit, despite it being "one of the greatest evils in the world," is a "necessary evil" in Bangladesh. He explains that Microcredit can be utilised

in different forms for the development of the poor, rather than simply depending upon the present form which is followed- the ever increasing interest rates to be paid by the poor.

Manjurul Ahasan Bulbul, the Head of News and Current Affairs, NCA, ATN Bangla, ended the discussion by pointing out that if the rural people are not sensitised, the RTI Law will be of no use whatsoever. "The Grass-root people have to be educated," he says. "And in turn, they will have to educate their people so that more questions are asked by more and more people."

Venkatesh Nayak, the Project Coordinator of CHRI, India, related a story in Gujarat, where people in a certain rural area were being tricked by the village shopkeeper by not giving them the right amount of grains and essentials as per their ration cards. The shop would also not be open at the correct hours. That's when Aslam Bhai, a local, applied to the information officer, as per the RTI Law, and asked for all the details and information regarding the ration card system and the rights of the ration card holders. As soon as Aslam Bhai received the information, he along with other men and women blew up the leaflets with the help of a local photocopier and posted them all over the city where the public could easily have access to the information. There on the posters, the hours the local shops were to be kept open were clearly mentioned by the government official, along with the essentials to be sold to ration cardholders, at specific prices and amounts. Once the public got hold of all the information, they began to ask questions, which lead to the government officials to legally take action against the local shop keeper. "This is how the rural people can draw a connection between the RTI Law and their efforts to survive with basic necessities," says Nayak. Nayak also mentions that the Upazilla is not above the law and is bound to abide by the RTI Law and provide all kinds of information to the people.