

Right to Information Act-2009 in Bangladesh: An Analysis

A Dissertation

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ABBREVIATIONS

AIP	Access to Information Programme
AL	Awami League
AMR	American Convention on Human Rights
APIO	Assistant Principal Information officer
ASAP	American Society of Access Professionals
BNP	Bangladesh Nationalist Party
CHRI	Commonwealth Human Rights Initiative
CID	Criminal investigation Department
COs	country offices
CPI	Corruption Perception Index
CTG	Caretaker Government
CIC	Chief Information Commissioner
EHR	European Convention on Human Rights and Fundamental Freedoms
FOI	Freedom of Information
FOIA	Freedom of Information Act
HHS	Human Services Department
HIPC	Highly Indebted Poor Countries
ICCPR	International Covenant on Civil and Political Rights
MDG	Millennium Development Goals
MDG	Millennium Development Goals
MJF	Mannosher Jonno Foundation
NCPRI	National Campaign for People's Right to Information
NGO	Non-Governmental Organization
NGOs	Non Government Organization
NSI	National Security Intelligence
ODAC	Open Democracy Advice Centre

OECD	Organization for Economic Cooperation & Development
PIO	Principal Information officer
PUMA	Public Management & Governance
RAB	Rapid Action Battalion
RTI	Right to Information
TI	Transparency International
U.S.	United States of America
UDHR	United Nations Declaration on Human Rights
UN	United Nations
UNCAC	United Nations Convention against Corruption

ABSTRACT

Right to Information Act allow individuals and groups to understand the policies and actions of the government as an indicator of the growing recognition of the importance of the citizen's access to information as a catalyst for strengthening democracy, promoting human rights and good governance. International funding institutions are including the ratification of such an Act as a condition for funding, so Bangladesh not only to make itself receptive to donor advice but for ensuring effective governance has passed the Right to Information bill 2008 on 29 March 2009. The official statement of the RTI (Right to Information) Act-2009 is to make provisions for ensuring free flow of information and the people's RTI. Following the enactment of Act, governments must adequately implement the laws; otherwise, it becomes simply a "check the box" exercise. Thus, appropriate emphasis must be given to the implementation of the law, which requires action both from the supply side and the demand side of the Act.

An important insight of modern information theory is that in many respects information is a public good, not a favor guaranteed by a state. In my study I will try to analyze and investigate the demand side and the supply side of the Act for its effective implementation. I will also analyze the Act itself in-depth, the driving force behind the emergence of the Act, International Principles on RTI and how far the legislation comply with that? A comparative study between U.S., India & Bangladesh will be made to find out the loopholes of the Act and at the same time to get some lesson for effective implementation, by giving a special focus on the commonalities & differences with the Act. The outcome of my thesis will help to understand and assess the readiness of the Government and how far the people are aware of this Act? Those findings will help to determine the action needed for effective implementation of this Act. Ultimately by facilitating the process of effective implementation, my thesis will in some ways help to promote good governance in Bangladesh through ensuring transparency and accountability and people's access in the administration.

Chapter-1

Introduction

Chapter-1

1.0 Introduction

Disraeli stated, "As a rule, he or she who has the most information will have the greatest success in life." Success, if measured as the increase in transparency in government, and thus decrease in corruption, and the citizen's capacity to exercise his/her rights, is achievable through the passage, implementation and enforcement of a strong access to information Act. Information is power, and the Right to Information is the key to all other rights and a cornerstone of democracy. It is increasingly being recognized as a fundamental human right and as an instrument that can be utilized to fight against poverty. Development is a gradual process leading to an expansion of people's freedom to realize their potential, requires a permanent concern for improving access to political decision making, economic participation, public services, and justice. Improving access is the process of gradually removing the unfreedoms in all these domains, as Amartya Sen put it in *Development as Freedom* (1999) (Jong & Rizvi, 2008: 284). So, access or right to information of citizens can create an enabling environment for development through removing the unfreedomness in getting Information.

Bangladesh has enacted the RTI Act-2009 to ensure free flow of Information by establishing the citizen's Right on Information. As the country suffers from corruption, poverty, fragileness in democracy, effective implementation of this Act can work as a sunshine which is a great disinfectant. Here lies the importance of the study. The objective of my thesis is to explore some basic questions to facilitate the process of implementation of the Act, which in some ways would help in promoting good governance through ensuring transparency & accountability in public administration.

1.1 Importance of the Study

We are living in the 'Information Age'. Information is the life-blood of our times; we need it for survival and prosperity, almost as much as we need oxygen to live. People's access to official information is vital to subjecting governmental activities to public scrutiny. There are areas like procurement, tendering,

service delivery, administrative lapses and spending of public money about which people may want to know, as they have a stake in all such matters. The right to information has brought about magical changes in governance in countries where it is now an established fact. India is a good example of how the RTI (Right to Information) has served public interest by giving the people access to the information that touches their lives. In Indian State of Rajasthan, where they say "*The Right to Know, the Right to Live,*" helps make this crystal clear that information can empower ordinary people and improve their lives.

Sen (1980), for instance, has argued that countries with a free press do not experience famines, because the free press draws attention to the problem, and people will view a government's failure to act in such situations as intolerable. (Joseph Stiglitz, 1999: 23) All these examples highlight the role of information as a part of governance processes. It is now generally recognized that better and timelier information results in better, more efficient resource allocations. Lack of transparency and accountability and access to information has made Bangladesh most corrupt in the world for five times. Democracy is still fragile in Bangladesh because of people's limited access to information. Improvements in information - decrease secrecy - can reduce the magnitude & consequences of the many barriers to good governance. Bangladesh needs the RTI Act for the following reasons:

- Creating a more open and democratic society.
- Reducing poverty.
- Challenging corruption and enhancing transparency and accountability.

So, now effective implementation of the Right to Information Act (2009) is a very important issue for Bangladesh. Although the constitution does not make a clear reference on right to information, Article 39 (2) states, a) 'the right of every citizen to freedom of speech and expression and b) freedom of press' are guaranteed. As the Right to information has implications on every aspect of people's lives and wellbeing, it is implied that this right is a sort of fundamental right. For promoting openness in the Government Bangladesh needs Right to Information Act. The present rules and regulations prohibit government officials

to disclose any information? Democracy has not yet institutionalized in Bangladesh and rule of law is not so firm. Bangladesh being one of the poorest and one of the most corrupt countries of the world, needs urgently an effective implementation of RTI law to strengthen democracy and the rule of law, improve its progress with development, and reduce endemic corruption. RTI Act in Bangladesh bears importance in the following field:

For ensuring good governance Bangladesh needs implementation of the RTI Act 2009. Good governance is, in short, anti-corruption whereas authority and its institutions are accountable, effective and efficient, participatory, transparent, responsive, consensus-oriented, and equitable. These are the major characteristics of good governance as outlined by the United Nations. The World Leaders at the 2005 World Summit concluded that good governance is integral to economic growth, the eradication of poverty and hunger, and sustainable development. Control of information in the hands of a powerful few has led to the marginalization of huge sections of population who have been bypassed by the trajectories of development and governance. That is why the right to information is considered as a significant step towards achieving good governance. Information is the currency that every citizen requires to participate in the life and governance of society. The greater the access of the citizen to information, the greater would be the responsiveness of government to community needs. Alternatively, the greater the restrictions that are placed on access, the greater the feelings of 'powerlessness' and 'alienation'. Without information, people cannot adequately exercise their rights and responsibilities as citizens or make informed choices.

Secondly, access to information helps to strengthen the foundation of democracy. Meaningful participation in the democratic process requires informed participants, and in democratic society's people have a basic right to know, to speak out, and to be informed about what the government is doing and why and to debate it. Democracy, to be effective and meaningful, should also have responsive administration which is a bilateral process & right to information will ensure that. The right to information is an effective means to strengthen grassroots democracy and ensure people's participation in local developments and development activities.

Thirdly, the access to information tends to remove unnecessary secrecy surrounding the decision making process in the government, and thereby helps to improve the quality of decision making in public policy and administration. Some of the incentives for secrecy are easily understood: making decisions in secret, without the push and pull of the myriad of forces, is much easier than making them in full public view. Another incentive that public officials have for pursuing secrecy is that secrecy provides the opportunity for special interest to have greater sway. Lack of information, like any form of artificially created scarcity, gives rise to rents. And public officials have an incentive to create secrets, which earn them rents (Joseph Stiglitz, 1999 p.33). Right to information will work as a safeguard against those incentives.

Fourthly, it empowers the citizen and builds responsiveness of the state and its organs, the political parties and leaderships, administration and other institutions to the citizens. The RTI Act gives the citizen the right to ask for information from the government, non-government and other institutions, while it also creates opportunity for those which make a conclusive correlation difficult to achieve.

Fifthly, there is a linkage between right to information and poverty reduction. As Kofi Annan said "The great democratizing power of information has given us all the chance to effect change and alleviate poverty in ways even we cannot imagine today... With information on our side, with knowledge a potential for all, the path to poverty can be reversed."--- This statement shows a clear relation between right to information and poverty reduction, which is unimaginable today. Inequality of access to information is a form of poverty. In a market economy, access to information is crucial for having access to market and getting price advantages in the production process. It can drastically change the situation in favor of the poor producers within the country and on the global market. It is also crucial for non economic issues related to education, technological know-how, affordable health care, legal and human rights. Timely and cost effective access to information can ensure the poor person's their due share in income and assets. Transparent markets can then generate greater investor confidence, bolstering local and foreign investments in the economy, leading to stronger, more sustainable growth. Moreover RTI can

ensure that growth is equally distributed to lift people out of poverty. Right to information legislation is fundamental in furthering the development of society and in eradicating poverty. Effective antipoverty programmes require accurate information on problems hindering development to be in the public domain. Meaningful debates also need to take place around the policies designed to tackle the problems of poverty. Information can empower poor communities to battle the circumstances in which they find themselves and help balance the unequal power dynamic that exists between people marginalized through poverty and their governments. This transparent approach to working also helps poor communities to be visible on the political map so that their interests can be advanced. The right to information is therefore central to the achievement of the MDGs (Millennium Development Goals).

Poverty is defined in many different ways and using many different standards. The essence of the concept relates to deprivation. Most simply it is measured unidimensionally as short fall from some minimum acceptable standard of consumption or income. Increasingly, it is being measured multidimensional as shortfall from minimum acceptable standards of not merely consumption and income, but also of such elements of human capability as health, education, security and empowerment. The reason that the poor are deprived of these minimum indicators of well-being is that they lack resources. World Bank's recent report on attacking poverty identifies these resources as: (a) human assets e.g., capacity for basic labor, good health and skills; (b) natural assets (e.g., land); (c) physical assets e.g., physical capital and access to infrastructure; (d) financial assets e.g., savings and access to credit; and (e) social assets e.g., informal or formal social security and political power (Khan), November 2001. Right to Information will ensure substantial right in all of those assets, which will empower them through assisting in poverty reduction. For example allocation of kash land, health-care facilities in Upzilla health complex, distribution of relief and other social safety network will help in poverty reduction if there remains transparency through RTI Act-2009. This would be a matter of life and death, because food, shelter, livelihood and education, the most important aspects of a person's life, are provided in most rural areas through government. Food, for example, is distributed through the

'Public Distribution System, which is poorly maintained. So RTI can be a strong move against corruption and poverty.

Sixthly, RTIT has a strong correlation with transparency. Transparency is the remedy to the darkness under which corruption and abuse thrives. The term "transparency" seems ubiquitous these days. In politics, it equates to enabling citizens to learn what governments are up to through information provided by the government. In economics and finance, the Working Group on Transparency and Accountability of the Group of 22 defined it very broadly as "a process by which information about existing conditions, decisions and actions is made accessible, visible and understandable." (Working Group 1998) These varied definitions, drawn from disparate issue areas, make clear that transparency is always closely connected to accountability. The purpose of calls for transparency is to permit citizens, markets, or governments to hold others accountable for their policies and performance. Thus, transparency can be defined as the release of information by an institution that is relevant to evaluating those institutions. Because transparency is a tool to permit evaluation, much of its value lies in its role in overcoming the principal-agent problem – that is, the difficulties principals have in ensuring that their agents do what the principals want them to do, rather than what is in the interest of the agent. In the realm of politics, governments are the agents of their citizens. Increased levels of transparency would seem to serve the public interest, necessary to both good governance and well-functioning markets. It is a general principle of good governance that decision makers should be held accountable for their decisions. Otherwise, error feeds upon error and corruption breeds unchecked.

Lastly, RTI laws are critical tools in the fight against corruption, which allows inefficiency to thrive and distorts the potential for growth. Although corruption exists in all societies, it has a particularly pernicious effect on less developed countries. Corruption discourages foreign investment and eats away at the budgets allocated to public procurements which enable basic infrastructure such as roads, schools and hospitals to be built. It also debilitates political institutions by reducing public confidence in their

operation. If unbridled corruption continues to infect a society or political system, it may eventually lead to social unrest due to the division it creates between those who have easy access to goods and services and those who remain excluded. It is the poor who always bear the greatest burden of a corrupt society.

Riding a wave of transparency, the idea of encouraging Freedom of Information (FOI) laws as part of the development agenda is gaining currency, but slowly. Although the last decade has seen a steady increase in the number of FOI laws, the rate of adoption of such laws in the least-developed countries is quite low. A freedominfo.org survey indicates that out of the 38 poorest countries classified by the World Bank as Highly Indebted Poor Countries (HIPC), none has an FOI law. So poverty & the absence of RTI laws indicate that, nonexistence of this laws creating hindrance to development in many ways. So, the division of have & have-nots is becoming more even," Banisar told freedominfo.org. "I think the reason why the poorer countries are less likely to have FOI is more related to the poor systems of governments there rather than the economic conditions," (Mcintosh, 2006). He said, A forthcoming CHRI report is aimed at encouraging passage of a FOI law in Bangladesh and stresses the development value of FOI. "The right to information laws is the foundation upon which to build good governance, transparency, accountability and participation, and to eliminate that scourge upon the poor - corruption," summarizes the CHRI (Commonwealth Human Rights Initiatives) report (Mcintosh, 2006). It also highlights the importance of openness to the operation of free markets and calls "seriously flawed" the contention by critics that FOI laws are a luxury, rather than a right. Roumeen Islam wrote a 2003 paper entitled "Do More Transparent Governments Govern Better?" Her findings show high levels of transparency are strongly correlated with good governance. Thus RTI is intrinsic to achieving good governance. So, the right to information is an integral part to good governance and herein lies the need for effective implementation of the RTI Act-2009 in Bangladesh.

1.2 Objectives of the Study

The objective of the study is to address citizen's right to information and it's inevitably in Bangladesh with a focus on implementation. The task is threefold-

(1) An in-depth analysis on the Act and about the emergence of the RTI Act-2009 in Bangladesh,

(2) How far is the legislation entertaining international principles of RTI? (3) A comparative study among U.S. India and Bangladesh on RTI Act.

(4) And finally presenting some recommendations for effective implementation of the RTI Act -2009 in Bangladesh, on the basis of the findings from the study both from the supply side and the demand side, by giving special focus on commonalities and differences. Effective implementation will facilitate the process of creating a more open and democratic society, reducing poverty and challenging corruption and enhancing transparency and accountability by removing the unfreedomness in those entire domain.

1.3 Theoretical Framework

In the last decade, governments around the world have become increasingly more transparent. Over 40 countries now have comprehensive laws to facilitate access to state records; over 30 more are in the process of enacting such legislation. Although freedom of information laws have existed since 1776, when Sweden passed its Freedom of the Press Act, the last 10 years saw an unprecedented number of states adopting access to information legislation. There are a number of reasons for this. Since the 1980s, the collapse of authoritarianism and the emergence of new democracies have given rise to new constitutions that include specific guarantees of the right to information. These constitutional guarantees often require the adoption of new laws on information access. International bodies such as the Commonwealth, Council of Europe and the Organization of American States have drafted guidelines or model legislation to promote freedom of information. The World Bank, the International Monetary Fund and other donors are also pressing countries to adopt access to information laws as part of an effort to increase government transparency and reduce corruption. Finally, there is agitation from media and civil society groups, both domestic and international, for greater access to government-held

information and for more participation in governance.

The terms right to information and freedom of information are often used interchangeably. Freedom of information, including the right to access information held by the state, is an internationally protected human right. In 1946 the United Nations General Assembly during its first session adopted a resolution 59 (1) which stated that *Freedom of information is a fundamental human right and... the touchstone to all the freedoms to which the UN is consecrated*. In 1948 UN general Assembly adopted The Universal Declaration on Human Rights (UDHR). Article 19, guaranteeing freedom of opinion and expression, clearly states that these rights include right to seek and receive information. Information is the oxygen of democracy. Access to information has been part of a wider process of democratization. If people do not know what is happening in their society, if the actions of those who rule them are hidden, then they cannot take a meaningful part in the affairs of that society. But information is not just a necessity for people – it is an essential part of good government. Bad government needs secrecy to survive. It allows inefficiency, wastefulness and corruption to thrive. So right to information came as an anti corruption measure. In terms of government, access to information allows people to scrutinize the actions of their government and is the basis for informed debate of those actions.

The new human rights- centered approach to development calls for greater popular participation in the designing of development program and policies and in their implementation. It calls for re-definition and re-orientation of the role of the government's. The exercise of arbitrary discretion of centralized bureaucracies, taking decisions behind close doors, and making policies without consulting those affected by the policies, must be replaced by a new mode of participatory governance which would seek to involve citizen's through dissemination of Information, consultation and participation (Rahman,2001:P 3-4) So for re-defining and re-orienting the role of the government's at the increased citizen demand in this century, RTI Act can involve citizen in the government functionaries for the betterment of their lives.

Conceptual Clarification

'Information' as a term has been derived from the Latin words 'Formation' and 'Forma' which means giving shape to something and forming a pattern. Information adds something new to our awareness and removes the vagueness of our ideas. Information is power; it wants to empower the weakest. It is precisely because of this reason that the RTI has to be ensured for all. There is conceptual overlapping among the term like Right to Information, Freedom of Information & Access to Information. Access to Information legislation provides citizens with a statutory 'right to know.' The policies, practice, laws and procedures that help guarantee openness in the conduct of public affairs. In practice the specific provisions of the legislation will determine the extent to which citizens are able to obtain access to records of government activities. The intention is to provide access whenever disclosure is in the public interest, not for public officials to use the legislation as a secrecy law. For example, Access to information law in Latin America & some Caribbean states.

Freedom of information defined as the right, enforceable in court, of any person to access any records held by a public body, except to the extent that such records are protected from disclosure by a narrowly and clearly defined prior exemption. This definition purports to capture habeas data¹, which permits any person to have access to data banks in order to correct any inaccurate or false information on him or her. The human right to secure access to publicly held information and the corresponding duty upon a public body to make information available. Freedom of information legislation not only establishes the citizen's legal right of access to information, it also confers on government the obligation to facilitate access. For Example Freedom of Information Act in U.S & Canada. The law should include provisions requiring agencies subject to the law to publish information relating to

- Their structure, functions and operations;
- The classes of records held by the body;
- Arrangements for access ;and
- The internal procedure used by the agency in the conduct of its

¹ The right to secure access to personal data held by public authorities.

business.(TI Source book, 2000: 237)

So, the differences are - in the freedom of information legislation government are obliged to facilitate access to information, in the access to information legislation the extent to which citizens are able to obtain access to records of government is important and in the right to information legislation the right to obtain information from any public authority are given focused, for example in India & Bangladesh. Legislation that gives effect to the right to secure access to publicly held information and the corresponding duty upon a public body to make information available. Here the structure and capability of the Government in each country is a factor. Bangladesh as a developing country has lack of state capability and for the beginning enacted the RTI Act - 2009. It is a good start for Bangladesh.

What is Right to Information?

Right to Information means the right of every person to get information on any matter of his choice from general sources of information either directly or through the press and other mass media of communication without state interference. Under the Right to Information Act-2009 right to information means the right to obtain information from any public authority and it includes taking notes and obtaining photocopies or certified copy of any document or record, taking certified sample of any materials, obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device. (RTI: 2009)

Right to Information Act (2009)

Right to Information Act-2009 promulgated for ensuring free flow of information and the peoples right to information. Right to Information Act 2009 has come into effect in Bangladesh on April, 2009. According to the Act, the government and other institutions using public funds will have to provide people with necessary information within 20 days of applying for it. If any official refuses to provide information, anybody can file appeals with the information commission. The official concerned, if found guilty, may be penalized from 50 Taka for every

day of delay, but the total sum shall not exceed 5,000 Taka. This Act contains 37 Articles and eight Chapters. Chapter one includes short title, application and commencement, all definition and lastly primacy of the ordinance. Chapter two contains right to information and preservation of information and publication of information and the process of requesting for the information. Chapter three and four stated about the assigned officer and the establishment of Information Commission. Chapter five and six includes the financial matter and workforce of the commission. Chapter seven stated about appeals and miscellaneous is in the last chapter. 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. In the Act, the offences committed have been divided into different categories and have different penalties like compensation, fine, imprisonment etc.

The Inadequacies of the RTI Act-2009

The Act has been made applicable subject to certain provisions to the Official Secrets Act 1923. In the Act; some rules are added where the Public authority is not bound to give information by showing the excuse of safety and national security. The structure and power of the information tribunal has been mentioned but without any specific time limit. As a result, one can easily be harassed without decision for a long period of time. In section eight the aggrieved person who is denied access to information is entitled to get Tk. 500/ as compensation, which should be rationalized. Union Parishad as a local government unit was not included in the Act as Information providing unit.

Debate over this Issue

A right of access to information held within government institutions is usually justified as an instrument for promoting political participation. It has been argued that access is necessary for the realization of the basic rights to freedom of opinion and expression that are guaranteed in the United Nations Declaration on Human Rights, subsequent human rights declarations, and many national constitutions. A related but stronger argument is that access is essential for persons to realize their basic right to participate in the governing of

their country and live under a system built on informed consent of the citizenry. In any state and particularly in states where the policy- analysis capabilities of civil society are poorly developed, political participation rights cannot be exercised effectively without access to government information. These arguments are sound but incomplete. In jurisdictions where access laws have been adopted, requests often do not seek information about the higher-level policy and management functions of government. Instead, the most frequent users of access laws tend to be individuals or businesses seeking information relating to administrative activities that immediately affect them. For example, individuals seek information about decisions to deny benefits, while businesses seek information about adverse regulatory or procurement decisions. In most cases, therefore, a right of access is more accurately justified as an instrument for discouraging arbitrary state action and protecting the basic right to due process and equal protection of the law.

There is debate focused on Right to Information from right's perspective, that it is a human right, not a favor granted by the state and not an individual right. Access to information is a matter of public interest because it is a prerequisite for democracy, open debate, and accountability. No motive necessary in requesting for Information.. Petitioners should not be required to demonstrate a personal motive. Requesting information and monitoring the acts of government is an essential right of all citizens. It is a basic entitlement of any citizen. Legislation must be part of a broader set of laws. Access to information laws must be complemented by legal standards ensuring effective compliance. It is clear that a new culture of openness is virtually impossible in the absence of complementary rules and regulations. Information governments must disclose. Governments should disclose all information in their possession unless otherwise required by law. This rule may apply to other information, notably materials in the custody of private companies providing a public service as well as information which, while not held by government, should be produced because government is the sole source of such information or because of national or international commitments. The question of exceptions to the law is among the most sensitive and hotly debated issues in their countries where this right exist. Costs and legal fees are important in getting information. The

questions relating to the cost of producing information, since the expense involved may inhibit requests and even become an indirect hindrance to the process. Independent oversight bodies that could also publicize information and educate the public about their rights can play a crucial role in ensuring that greater numbers of people, especially the economically disadvantaged, have access to the process. Information is processed at the cost of the people so people have the very right about the Information which is processed by their money. So all this debate need to be resolved.

1.4 Literature Review

During the course of the study, a number of relevant books, journals, reports, newspapers, and website documents have been consulted for the purpose of this dissertation. An attempt has been taken to review the Act and related Acts with particular focus on effective implementation of the RTI Act-2009 in the context of Bangladesh. All the materials have been clustered into three categories, like national, regional, international which provided the conceptual basis of the thesis.

Nationally demand for RTI came from the synthesis of multiple factors. RTI is a new thing for a country like Bangladesh. In the country context some constraints in literature have been found. But the basic source is the ordinance No. 50 of 2008 & RTI Act 2009, Act No.20 which was published on 6th April' 2009 as a gazette.

Regionally the RTI Act -2005 of India has been analyzed to make a comparison with India & Bangladesh regarding the RTI Act. An article on *Civil Society and Right to Information: a perspective on India's Experience*, by (Sharma, 2004) have also consulted, which is a good publication to understand the background of the RTI movement in India. The writer gives focus on the effective implementation of the RTI Act by giving special emphasis on the role of civil society, capacity Building of Civil Servants, IT-based Information Kiosks, capacity building of people, capacity building of media and lastly Documentation.

Increasing Information Access to Improve Political Accountability &

Participation Mapping Future Actions in Asia Pacific by (Dr. Gopakumar Krishnan, 2001) in the article the writer very vividly portrays the status of a very fundamental right like the RTI around the world. He also noted some effective strategies for effective implementation of the RTI Act for example E-governance for improving accountability, research & documentation for capacity building which covers research on empirical linkages. The author said access to information by itself does not necessarily lead to corruption control. Much depends on how this enabling provision links with other institutional mechanisms. In this context, the writer pointed out that, it will be worthwhile to explore empirical linkages between access to information and indices like CPI (Corruption Perception Index), Economic Freedom Index and Human Rights Index.

Right to Information and Good Governance by S.L Goul is indeed a good piece of publication on Right to Information and good governance. In this book the author viewed right to information and good governance as two sides of the same coin and two aspects of same aspiration, where good governance cannot function without transparency, i.e. right to information (Goul, 2007). This book gave special focus on the RTI Act-2005 of India with the meaning and scope of the Act, the methodology to make it operational with the process of implementation. The lesson of this book can help the Bangladesh context a lot.

A lots of international publications in this regard, which covers the international scenario of RTI Act all over the world, international principles of RTI Act, a comparative legal survey among the existing countries, the necessity of the RTI and the ways for effective implementation of RTI Act have been studied. *Inter-American Jurisprudence and Access to Information*, International Conference on the Right to Public Information The Carter Center, Atlanta GA 27-29 February, 2008, by Diego Garcia Sayan. In this article it was mentioned that the denial of access to information coupled with secrecy and closeness in the administration of matters of public interest are key elements of authoritarianism and corruption. In this document the author said increasing public awareness is crucial for the strength and continuity of the policies that are being drafted in some countries - more than half of the current laws worldwide were passed after 2000, showing the momentum that this new

thinking has gained recently. The author mentioned one of the things that have stood out in the inter-American system, in different shapes and forms during recent years, is the strong correlation between access to public information and democracy. In this publication it was mentioned that The Inter-American Court had, in previous decisions, made reference to the right of access to information. It had done so in 1985, in Advisory Opinion No. 5 regarding the "Mandatory Schooling for Journalists. The case was ruled upon in 2006. The facts of the case took place in Chile in 1998. They have to do with the denial by the Chilean state to provide all the information required by Mr. Marcel Claude Reyes and others from the Foreign Investment Commission in connection to the environmental investment that was to take place in that country under the *Proyecto Río Condor* (Condor River Project). The project included the development of a forestry complex that those requesting the information thought would have "considerable environmental impact." After examining the facts, the Inter-American Court concluded that the information withheld was of public interest and, therefore, Chile had failed to fulfill her international obligations. The concept highlighted in that article was as follows:

1. Access to information is a right.
2. The state must comply with a number of positive obligations to ensure that citizens can exercise this right.
3. The state must act according to the principles of openness and transparency in public administration.
4. The restrictions posed on the right of access to information should be the least required and must be sanctioned in advance by the law.
5. The state must ensure the right of individuals to be fully heard and put in place a simple and quick process to exercise this right.

In the last portion of that article it is said that access to information is not just important in its own right. Without it, people lack the necessary elements to make decisions that affect public life and in which they are entitled to participate. Without information and free access thereto, the control and accountability of the public sphere become illusory and superfluous.

Access to Information -A Key to Democracy a book published by Jimmy Carter Foundation is a good publication in this regard. According to this book

access to information is the cornerstone to good governance and fighting corruption, and transparency, and is increasingly recognized as a fundamental human right. In this book the author maintained that guiding principles of the Right to Information & Democracy depends on a knowledgeable citizenry, whose access to a range of information enables them to participate more fully in public life, help determine priorities for public spending, receive equal access to justice, and hold their public officials accountable. This book highlighted that inadequate access to public information allows corruption to flourish, and back-room deals to determine spending in the interests of the few rather than many. It also focuses that access, however, must be balanced with protection of personal privacy and narrowly defined state interests.

OECD programme on Public Management and Governance (PUMA) Publications gave emphasis on transparency and open information systems. This article focused on transparency as an important aspect of good governance, and transparent decision making a critical for the private sector to make sound decisions and investments. It also mentioned accountability and the rule of law require openness and good information so higher levels of administration, external reviewers and the general public can verify performance and compliance to law and Governments have access to a vast amount of important information, so dissemination of this information through transparency and open information systems can provide specific information that firms and individuals need to have to be able to make good decisions.

'Freedom of information a comparative legal survey' by Toby Mendel is a good book on Right to information. A Comparative Legal Survey, his published work covers a wide range of free expression issues including broadcasting, freedom of information, defamation, the rights of the child, public service broadcasting etc. This book describes international standards established in the access to information area and illustrates some of the key features of effective freedom of information legislation. Importantly, it provides examples of the way in which ten countries and two international organizations have dealt with access to information issues.

The Publication of Article 19 organization is a good publication on the principle of the right to information. These international principles set a

standard against which to measure whether domestic laws genuinely permit access to official information. The principles set out clearly and precisely the ways in which governments can achieve maximum openness in line with best international standards and practice.

Right to Information: Practical Guidance Note this document has been developed by Andrew Puddephatt (Executive Director, Article 19) in collaboration with the Oslo Governance Centre, a unit of UNDP's Democratic Governance Group published in July 2004 is a rich publication in the context of implementation of RTI-Act. This Practical Guidance Note aims to heighten awareness and knowledge within UNDP country offices (COs) on right to information. This document covers the definition & importance of the RTI, the content of right to information legislation, the content of right to information legislation, and focuses on implementation considerations of right to information legislation.

Combating Corruption: Look Before You Leap by Anwar Shah and Mark Schacter in this article the Author mentioned the different forms of corruption and the factors what drives to corruption and what can policymakers do to combat corruption? The authors mentioned to understand why, it is helpful to look at a model that divides developing countries into three broad categories—"high," "medium," and "low"—reflecting the incidence of corruption. The cited model also assumes that countries with "high" corruption have a "low" quality of governance, those with "medium" corruption have "fair" governance, and those with "low" corruption have "good" governance. In this article it is shown that *letting* the sun shine on government operations is a powerful antidote to corruption. 'The more influence donors can exert on strengthening citizens' right to know and on governments to release timely, complete, and accurate information about government operations, the better the prospects for reducing corruption. Information about how governments spend money and manage programs, and about what these programs deliver in services to people, is a key ingredient of accountability, which in turn may be an important brake on corruption'. Thus in this article RTI is portrayed as an important break on corruption.

Subhash Bhatnagar in his article *E-Government and access to*

information gave importance on e-government – the use of communications technology like the Internet and mobile phones to open up government processes and enable greater public access to information. The author defines E-government as the publication of information on a website so that citizens can download application forms for a variety of government services which can also involve the actual delivery of services, such as filing a tax return or renewing a licensee and more sophisticated applications include processing on-line payments. The author in the article said E-government applications must first increase access to information, then ensure that rules are transparent and applied in specific decisions and, finally, build the ability to track decisions and actions to individual civil servants. At the same time the author said E-Government is a partial solution to corruption and no developing country is fully ready to embrace a comprehensive programme of e-government.

Inter-American Dialogue: Access to Information in the Americas a conference report published in November 2002. This report summarises the proceedings of a 2002 conference bringing together experts on the issue of access to information in the Americas. The report takes stock of the regional situation with regard to access to information, presenting an up-to-date portrait of access across the region. Reference documents produced by experienced regional academics and practitioners are also included. This report covers an important article on U.S. FOIA.

A survey on *Freedom of Information and Access to Government Record Laws Around the World (2004)* by David Banisar provides a comprehensive overview of the state of freedom of information worldwide. It contains a status report on access laws for every country, as well as a number of links and references for further information.

Using the Right to Information as an Anti-Corruption Tool Published by Transparency International Edited by Nurhan Kocaoglu and Andrea Figari, Helen Darbishire is an article which gave focus on greater outreach and awareness raising needed to inform the public not only about their right to access public information, but on the ways in which they can make effective use of this right. This has a direct impact, for example, in gaining access to how the state distributes social benefits, or allocated funds for health and/or

education services, or how contracts are awarded in local or national procurement processes, to name just a few of the areas where corruption risks are high and where greater access to information can have a definite impact on people's lives. In this article it is mentioned that Access to information Acts are grounded in the recognition "that information in the control of public authorities is a valuable public resource and that public access to such information promotes greater transparency and accountability of those public authorities, and that this information is essential to the democratic process. The right of citizens to know what governments, international organizations and private corporations are doing, and how public resources are allocated, directly reflects anti-corruption concerns. Corruption flourishes in darkness and so any progress towards opening governments and intergovernmental organizations to public scrutiny is likely to advance anti-corruption efforts. Thus RTI laws work as an anti-corruption tool.

In the thesis the literature which have been consulted gave a clear footing in developing the idea of RTI as a governance tool, the importance of RTI in achieving transparency and accountability, the international principle to measure whether domestic laws genuinely permit access to information or not, international context and to make a assessment in that perspective, and to find out some guiding lesson for effective implementation of the RTI Act-2009.

1.5 Methodology

My research methodology will be content analysis based on secondary data and I have also taken interview to collect primary data. Both secondary and primary data were used. Indirect sources of information consisted review of the Act, Ordinance, related Act, relevant published documents including books, journals, newspapers, annual reports, and website documents. The two sets of questionnaire were designed for two types of respondents namely Government officials and the general people. The total sample size was 25 in number. The focus or target group of my interview was the assigned officers of the Government and I have also made interview of citizen to understand the level of awareness of the citizens regarding this Act. Two set of semi structured questionnaire was used for interview.

1.6 Chapter Distribution:

Chapter one contains Importance of the study, objective of the study, theoretical framework, literature review, methodology and chapter Outline. Chapter two is about the emergence of the RTI Act in Bangladesh. It covers why RTI Act in Bangladesh? Background, role of the past Caretaker Government, role of the civil society and citizen, role of the Political Government and most importantly the role of international environment. Chapter three covers International Principles on Right to Information and how far our legislation complies with International principles, and lastly global scenario of Right to Information. Chapter four deals with the comparative study among U.S, India and Bangladesh (regarding the legislation and people's participation) by giving a special focus on commonalities & differences. Chapter five is about preparedness in Bangladesh about implementation of the RTI Act 2009, supply side and demand side consideration, how far the Government is ready? And finally how far the people are aware about this Act? Chapter 6 lastly covers recommendation and conclusion.

1.7 Conclusion

There is no question about the necessity of RTI Act in Bangladesh. As corruption is a major problem in our country we need proper use of this Act to combat corruption by promoting transparency and accountability in the process of governance. RTI Act is more than anti-corruption measure and it will bring betterment in the lives of common people by ensuring free flow of information. But for proper implementation the use of the law is important and the role of the government, civil society, media and professionals are significant in the way. In my thesis I will try to look at the practical side of the law by analyzing primary and secondary data which will make some way forward.

Chapter-2

Right to Information in Bangladesh

Chapter-2

2.0 Prelude:

The Right to information Act in Bangladesh has come not from the demand of the citizen like India, but from the pressure of international environment, as supply driven. Before the adoption of RTI Act- 2009, access to information was not recognized as a right in Bangladesh. Culture of secrecy has been prevailing in three major organs of the state. And all of those organs are embedded with some rules, regulations and laws that have not been able to discharge its function in pro people manner. Some existing laws are antithetic to the right of access to information that are, Evidence Act 1872, Official Secrecy Act- 1923, The Penal Code 1860, Code of Criminal Procedure 1898, Government Servants (conduct) Rules 1979, Rules of Business 1996 etc. For all those restricting laws, a national movement was started in support of the demand for the right to information in the late nineties. This demand created from a compulsion or pressure which was initiated by international environment and the donors. Civil society, NGOs, The Caretaker Government, the political government unitedly worked for the enactment of the Act. In the following chapter an analyses will be made to examine the role of the mentioned factors which contributed to the enactment of the RTI Act in Bangladesh.

2.1 Historical Perspective:

Unrestricted flow of Information is a part of human right. But this right was not properly fulfilled from the British period. Culture of secrecy is the legacy of the British colonial rule. They maintained that for their own interest of colonial rule. But unfortunately official Secrecy Act- 1923 is operative in almost each country of South Asia, which was enacted under British colonial rule. The right to information in Bangladesh was exercised by the laws in different regime, which are clustered as follows:

Colonial Period: The Penal Code 1860: Section 499 of Penal code restricts persons to express their belief, expressions by words, signs or by any other means he/she has been defamed, entitles him/her to sue for defamation. This is a risk especially for journalists to collect and publish information.

Evidence Act 1872: The Restricting articles of the Act are 123, 124 and 125. Under section 123, any information can not be given except with the permission of the head of the department, but nothing to do on his denial. Even the Court is bound to accept the decision of the public officer. Code of Criminal Procedure, 1898: With the help of section 99A, the government, by official gazette can forfeit any book, publication under press and publication Act. Official Secrecy Act- 1923: In this Act sub section 8 of section 2 has defined prohibited area in a very wide range limiting the areas of collecting information. Section 3 deals with disclosing information against the state's interest. 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. The purpose of all these laws was to hide Government information from the public not to disclose them to public. The colonial ruler for sake of their own interest hid information from the public, so that they can suppress the logical due of the citizens. The officers possess information as their property and a culture of secrecy was prevailed in all of the organs of government.

Pakistan Period: During this period the laws of the colonial period was almost operative in the country by limiting the people's access to government owned information, and maintaining the culture of secrecy in the administration. Except some amendments in some legislation, this time people's access to government information was restricted.

Bangladesh Period: After independence from Pakistan the unfreedomness was prevailed in people's access to Information. Government Servants (conduct) Rules 1979, which law imposes restriction on government disclosure of Information. Rule 19 of the Government Servants (conduct) Rules 1979 says any sitting government official can not disclose any information to other ministries, Divisions or Departments, or to non-official persons or press. Rules of Business 1996: The Rules of Business 1996 schedule I has described the allocation of responsibilities. According to the Rules of Business, Ministry of Information is directed to take initiatives for publicity of internal and external policy and to build coordination between different ministries or Divisions. This

is a threat to the freedom of press and publication. So the long persistent culture of secrecy in different period created a demand for Right to information in the context of Bangladesh, which was predisposed by international environment.

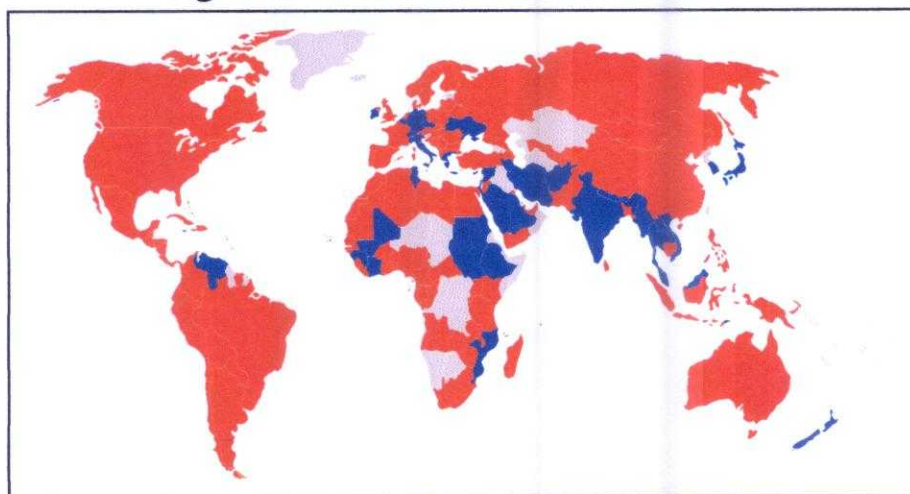
2.2 Compulsion from International Environment

Trend of openness & globalization created a demand from the external environment. The international funding and donor institutions created a pressure for the enactment of this Act as a part of good governance or reform in the policy process. Global scenario in the adoption of this kind of Act also played an important role, for example India. Throughout the world nations, multilateral organizations and corporations committed to good corporate governance are taking the open road. More than thirty countries have passed laws that give effect to the public's Right to Know. There is an international trend, setting new standards in openness in contrast to the years of secrecy and tyranny that proceeded the last decade. Thus, an access to information law can offer a new beginning in the relationship between government and its citizens. Transparency and the freer flow of information that comes with it provide a chance to build confidence and to craft a new covenant of trust between the governed and the governing. In this day and age of globalization an exclusively national agenda is no longer meaningful. Whether we like it or not Bangladesh will have to participate in the process of globalization. Bangladesh, over the last two decades has already been exposed to a process of external dependence because of the dominant role of aid donors in underwriting our development finance and influencing our policy agendas. Donors are, today, much more assertive as a price for committing their aid to Bangladesh. Not only have donors sought to use aid conditionality so as to impose policy reforms on Bangladesh but they are now becoming more exigent in their demands for better governance. This tendency of the donors to intrude from the economic to the political domain in their attempt to influence Bangladesh's policy agendas indicates that two decades of donor driven policy reform have yielded only modest returns. As a part of donor driven policy reform Right to Information came as a tool for achieving good governance.

The right to information is a United Nations (UN)-sponsored and

promoted right. A large number of countries which are members of the UN have adopted this right either in their constitution or prevalent common laws. Thus, this right is enforceable in varying degrees in those countries. Indeed, the embracing of this right, since it is judged to be the hallmark of a democratic system, lends to a country's special repute in the international community and enhances its attraction in different ways. But Bangladesh nurtures a century-old law, 'the Official Secrecy Act', which deprives people of necessary information. 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. (Saldamondo, internet) So there was pressure from the donor and other international agencies to enact the RTI Act for ensuring good governance. Thus international scenario played an important role in this regard. For example the RTI Act in India & Nepal creates a positive impact in the context of Bangladesh. The United Nations Convention against Corruption (UNCAC) also has a driving role for enactment of this Act. The United Nations Convention against Corruption was adopted on 2003 to combat corruption which includes measures on: prevention, criminalization, international cooperation & asset recovery.

Figure-1: UNCAC Convention- 2003



Signers in Blue, ratifiers in Red, unsigned in Gray. 140 signatories and it is ratified, accepted, approved or acceded by 107 countries. (Source: wikipedia)

In the prevention part of UNCAC Participation and access to information is given focused as it requires States Parties to enhance transparency in public administration, particularly with regard to its organization, functioning and decision making process. Article 10 (a), (b), (c) of UNCAC specially deals with this. (UNCAC: Bangladesh Compliance & Gap Analysis, 2008: 48).

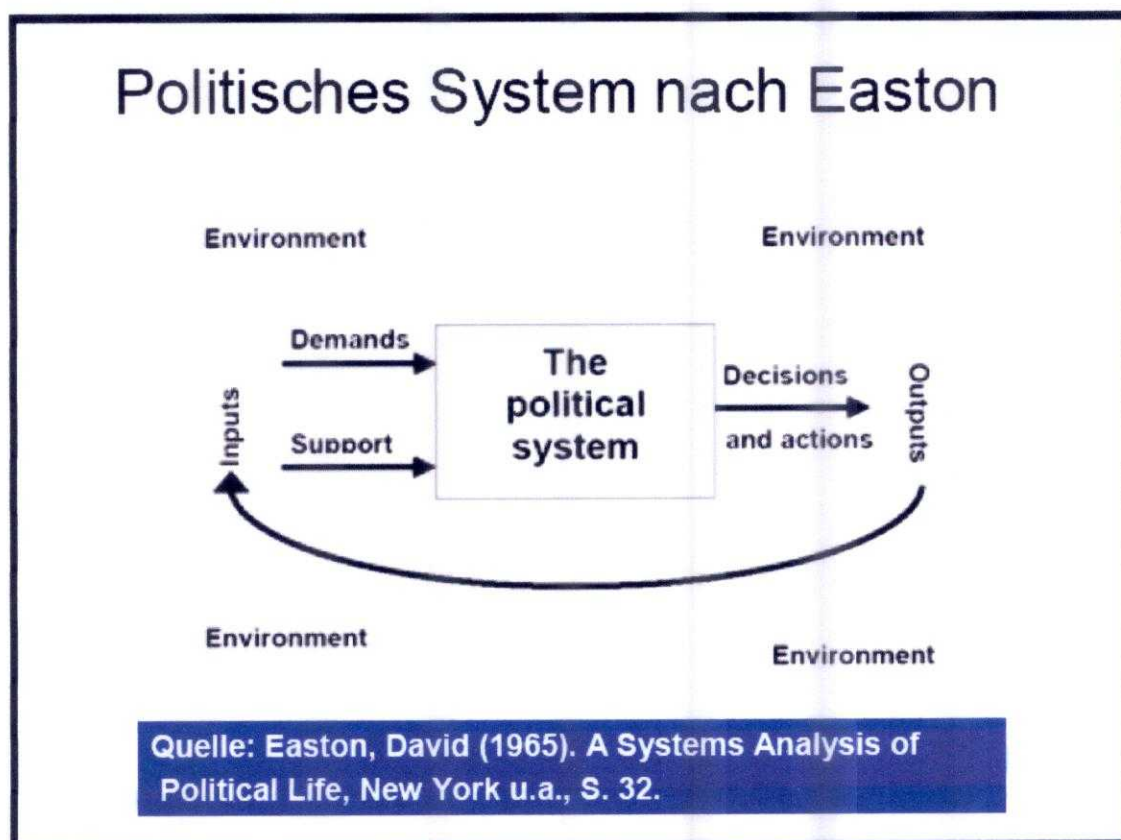
Right to information is recognized by the United Nations as a touchstone to all freedoms. Article 19 of the Universal Declaration of Human Rights (UDHR) refers to the freedom of information by stating that “everyone has the right to the freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.” As Bangladesh is a signatory of UDHR it became a compulsion for Bangladesh to ensure people’s right to information. Similar provision can be traced in the International Covenant on Civil and Political Rights (ICCPR), the European Convention on Human Rights and Fundamental Freedoms (ECHR), in the American Convention on Human Rights (AMR), etc. Thus the international context not only made a pressure upon the government but also created a demand for Right to information among the civil society and the citizens.

2.3 Domestic Factors Behind

Right to Information initiative starts in Bangladesh in early of 1990s. The RTI movement which starts in Rajasthan of India in 1996 also touches Bangladesh. The global wave of democracy make some non government development organizations to take some activities for uphold the right of freedom of expression as per our constitution. Later civil society, NGO, media also joined in that platform. The trend of globalization and international obligation played an important role in this regard. The latest Caretaker Government’s reform initiatives also speed up that process and lastly the political Government ended up with the enactment of the RTI Act -2009. The emergence of the RTI Act will be analyzed by using David Easton’s System Analysis Model. Easton’s conception of system emphasizes linkages between the system and its environment. Inputs (demands) flow into the system and are converted into outputs (decisions & actions) that constitute the authoritative allocation of

of values. Easton's system analysis helps understand the authoritative allocation of values in a society.

Fig.2 System Analysis Model



RTI Act-2009 came as an authoritative allocation in the society like Bangladesh, where changes in the international environment surrounding a political system produce "demands" and "supports" for action or the status quo directed as "inputs" towards the political system, through political behavior. All these demands and supporting groups stimulate competition in a political system, leading to decisions or "outputs" directed at some aspect of the surrounding social or physical environment. This Model of system analysis will help to understand the factors behind the formulation of this Act.

Inputs: Demands from Domestic Environment

Internal pressure was created from the civil society, NGO, media & citizen. The demand for access to information and recognizing Right to Information as a fundamental right has been a claim from the civil society and human rights based organizations in Bangladesh for quite a few years. In 1983, the Press Council for the first time made a demand for Access to information in view of the prevailing political scenario. It was a military regime, so the demand was only centered on publishing in the media. In 1999, a number of human rights organizations in collaboration with Commonwealth Human Rights Initiative (CHRI) arranged a three day seminar in Dhaka to analyze the situation of access to information in South Asian countries. Since then, many NGOs, civil society members, media professionals & lawyers have been promoting this issue. In 2002, law commission prepared a working paper on right to information. In that year Manusher jonno Foundation (MJF) was established to promote human rights and good governance. MJF was involved in preparing a draft on RTI. The draft of the RTI Act was published in different newspapers and posted in the website for wider dissemination and for receiving inputs from the public. In March, 2007, the draft copy was submitted to the law, justice and Parliamentary affairs and information Adviser for its review and consideration. In March 2008 before finalizing the draft, the Information Ministry organized a roundtable meeting with academicians, media professionals and NGOs to share the draft and get their inputs. It was also posted on the Ministry's website for getting comments and inputs from public. In June 2008, the council of advisors approved the draft in principle. This council approved the ordinance on 20 September 2008. Finally, on March 29, 2009 the bill was enacted in Parliament as Right to Information Act, 2009. This was the result of intense advocacy by civil society, media persons, academics and human rights organizations plus the commitment of the present government which came to power on December 29 2008 and the latest caretaker government.

Support: In the process there was support from the intellectuals, think tanks and professionals which gave a momentum to the process of enactment of the Act.

Outputs: Decisions & Actions from the Government

As a part of reform initiative the latest Caretaker Government facilitated the process of the enactment of this Act. The Immediate past Caretaker Government (CTG) deserves our congratulations for passing the Right to Information bill and thanks must go to others who had been relentlessly pursued this matter. The present Government will be fortunate enough, if they can use the tool (the RTI Act-2009) as a means to achieve Good Governance by combating corruption and other irregularities. The CTG have done a good job. As they came in power with a reform initiative, it was possible for them to do. Against the backdrop of a longstanding demand they took the initiative to formulate the RTI Act as part of its institutional reforms. After an eight – member Government –formed body prepared a primary draft in February; opinions from different stakeholders were sought before the Information Ministry submitted it to the cabinet on June 18 when it approved it in principle. RTI Act-2009 came into effect with the Government publishing a gazette notification on 20 October, 2008. And finally the widely discussed RTI Act-2009 passed in the ninth parliament on 29 March 2009. However people waited 90 working days before they can use the law to get information. This law became effective from the 1st July, 2009. This decisions or actions are the output of the demands and support from external and internal environment. Before enactment of the law a prior action of the government which facilitates the process was the provision of the Citizen Charter in Government offices.

2.4 Citizen Charter: A prior Action in Implementing RTI

A Citizens' Charter represents the commitment of the Organization towards standard, quality and time frame of service delivery, grievance redress mechanism, transparency and accountability. The main objective of the exercise to issue the Citizen's Charter of an organization is to improve the quality of public services. This is done by letting people know the mandate of the concerned Ministry/Department/Organization, how one can get in touch with its officials, what to expect by way of services and how to seek a remedy if something goes wrong. The Citizen's Charter does not by itself create new legal rights, but it surely helps in enforcing existing rights through recognizing the

access to information. The concept of Citizen's Charter enshrines the trust between the service provider and its users. The concept was first articulated and implemented in the United Kingdom by the Conservative Government of John Major in 1991 as a national programme with a simple aim: to continuously improve the quality of public services for the people of the country so that these services respond to the needs and wishes of the users. Recently in 2007, the Government of Bangladesh has directed all the public organizations to establish their own citizen's charter and act accordingly. That was a very positive stepping towards access to information. At present almost all of the public bodies and offices/ agencies have established their citizen's charter with their own vision, corporate mission, objectives, performance indicators and performance measurements, industry norms, areas of service provided, expected role of the concerned service recipients etc. The basic objective of the Citizen's Charter is to empower the citizen in relation to public service delivery. The six principles of the Citizen's Charter are

- (i) Quality: Improving the quality of services;
- (ii) Choice: Wherever possible;
- (iii) Standards: Specifying what to expect and how to act if standards are not met;
- (iv) Value: For the taxpayers' money;
- (v) Accountability: Individuals and Organizations; and
- (vi) Transparency: Rules/Procedures/Schemes/Grievances.

Citizen charter is the first step in implementing citizen friendly governance and people's access to information. Thus it works as a foundation stone in exercising Right to Information for ensuring transparency and accountability in public administration.

2.5 Policy of the Political Regime

The newly elected government worked on the basis of the RTI ordinance issued by the caretaker government. If election manifesto and political pledge make any sense, the adoption of the RTI Act 2009 is an evidence of the delivery of a government commitment. There is no doubt that demand and advocacy from outside the government played an important role in bringing about the

enactment, but the priority given to the Act for adoption in the parliament indicates that the government wanted to be faithful to its electoral commitment. Right to information occupied a key position in the process building up to the national election to the 9th parliament held on December 29, 2008. All major political parties including the two major electoral alliances led by the ruling Bangladesh Awami League (AL) & Bangladesh Nationalist Party (BNP) respectively recognized the importance of the RTI. The AL in particular committed in its election manifesto to ensure people's right to information, so did the BNP, through the former was specific about it. RTI was also prominently at the core of public discourse & demand, media reports & commentaries.

A close look at the AL manifesto for the 9th parliament elections makes it easy to realize how RTI was dovetailed with its commitment to promote good governance & control corruption. In addition to specific commitment to ensure right to information, at least 13 more specific commitments stand out that can contribute to the creation of institutional & policy structures facilitating people's RTI. These are: 1) making the parliament effective so that the govt. can be held accountable, 2) annual disclosure of wealth statement & source of income of the Prime Minister, members of the Cabinet, parliament members & their family members, 3) ensuring genuine independence & impartiality of the judiciary & the rule of law; 4) effectiveness & independence of the Anti-corruption Commission; 5) administrative reform to make it pro-people & free from politicization; 6) efficiency & merit to be established as the basis of appointment & promotion in public service, & curtailing the discretionary powers of officials; 7) e-governance ; 8) police & other law enforcing agencies to be kept above political influence; 9) competitive market system in commerce & industry to be established by eliminating bribery & administrative difficulties & breaking the state or private monopoly, 10) strong measures against those having unearned & black money, loan defaulters, tender manipulators, & users of muscle power in every stage of state & society; 11) effective Human Rights Commission; 12) appointment of Ombudsman; 13) introduction of Citizens Charter in every department & widespread computerization. The key first step towards implementing the RTI-generating the political will-therefore appear to have been taken (Iftekharuzzaman, 2009:6). So the commitment of the political

regime can contribute to the creation of institutional & policy structures through facilitating people's Right to information.

2.6 Conclusion

Enactment of the RTI law is the first move towards ensuring people's Right to Information. As there was demand for the enactment, now emphasis should be on proper implementation. Effective implementation and proper use of the law needs deep insight, proper knowledge and awareness. A deep insight or in depth analysis of the Act is necessary for its implementation. The effectivity of the Act depends on the wide use of the Act. The people belongs to all class of the society should come forward to use the Act. From the capital city to remote village this law needs to be used. In popularizing the Act, the forces which played important role in the formulation of the Act should have more contribution than ever before. Whether domestic laws genuinely permit access to official information or not-to measure that Article 19 of UDHR (United Nations Declaration on Human Rights) has produced a set of International principles. As the external environment is influential in creating a demand for this right in Bangladesh, this Act should have an international standards and practice by which governments can achieve maximum openness, in line with the international principles.

Chapter-3

International Principles

Chapter-3

3.0 Prelude

When countries pass access to information laws, they join an international bandwagon, one that has gathered great momentum in recent years. But the international experience shows that for an access to information law to work well in practice and to be useful to both government and citizens and their civil society organizations, it should meet a number of key principles. In this chapter I will discuss the principles and investigate them whether the RTI Act -2009 comply with International Principles or not and the extent of the compliance. I will also focus on the International scenario of The RTI law. By examining the RTI Act-2009 with these following international principles I will try to find out the inadequacies of The Act, 2009 at the same time the ways for getting maximum output from this Act will be explored. Firstly, I will discuss the principles and then its applicability in Bangladesh context

3.1 International Principles

Article 19 Of UDHR seeks to achieve its mission by strengthening the legal, institutional and policy frameworks for freedom of expression and access to information at the global, regional and national levels, including through the development of legal standards. That is why ARTICLE 19 has produced this set of international principles – to set a standard against which anyone can measure whether domestic laws genuinely permit access to official information. They set out clearly and precisely the ways in which governments can achieve maximum openness, in line with the best international standards and practice (ARTICLE 19, 1999:1-19). These International Principles set out standards for national and international regimes which give effect to the right to freedom of information. They are designed primarily for national legislation on freedom of information or access to official information but are equally applicable to information held by inter-governmental bodies such as the United Nations and the European Union. The Principles are based on international and regional law and standards, evolving state practice and the general principles of law recognized by the community of nations. The international principles are as follows:

1) Freedom of information legislation should be guided by the principle of maximum disclosure. The principle of maximum disclosure establishes a presumption that all information held by public bodies should be subject to disclosure and that this presumption may be overcome only in very limited circumstances. This principle encapsulates the basic rationale underlying the very concept of freedom of information and ideally it should be provided for in the Constitution to make it clear that access to official information is a basic right. The overriding goal of legislation should be to implement maximum disclosure in practice. Both 'information' and 'public bodies' should be defined broadly. 'Information' includes all records held by a public body, regardless of the form in which the information is. 'Public body' should include all branches and levels of government including local government, elected bodies, bodies which operate under a statutory mandate, nationalized industries and public corporations, non-departmental bodies or quasi non-governmental organizations, judicial bodies, and private bodies which carry out public functions .

2) Public bodies should be under an obligation to publish key information. Freedom of information implies not only those public bodies accede to requests for information but also that they publish and disseminate widely documents of significant public interest, subject only to reasonable limits based on resources and capacity. The law should establish both a general obligation to publish the following categories of information: 1) operational information about how the public body functions, including costs, objectives, audited accounts, standards, achievements and so on, particularly where the body provides direct services to the public; 2) information on any requests, complaints or other direct actions which members of the public may take in relation to the public body; 3) guidance on processes by which members of the public may provide input into major policy or legislative proposals; 4) the types of information which the body holds and the form in which this information is held; and 5) the content of any decision or policy affecting the public, along with reasons for the decision and background material of importance in framing the decision.

3) Public bodies must actively promote open government. Informing the public of their rights and promoting a culture of openness within government are essential if the goals of freedom of information legislation are to be realized. Indeed, experience in various countries shows that a recalcitrant civil service can undermine even the most progressive legislation. Promotional activities are, therefore, an essential component of a freedom of information regime.

4) Exceptions should be clearly and narrowly drawn and subject to strict “harm” and “public interest” tests. All individual requests for information from public bodies should be met unless the public body can show that the information falls within the scope of the limited regime of exceptions. A refusal to disclose information is not justified unless the public authority can show that the information meets a strict three-part test.

- the information must relate to a legitimate aim listed in the law;
- disclosure must threaten to cause substantial harm to that aim; and
- the harm to the aim must be greater than the public interest in having the information.

5) Requests for information should be processed rapidly and fairly and an independent review of any refusals should be available. A process for deciding upon requests for information should be specified at three different levels: within the public body; appeals to an independent administrative body; and appeals to the courts. Where necessary, provision should be made to ensure full access to information for certain groups, for example those who cannot read or write, those who do not speak the language of the record, or those who suffer from disabilities such as blindness. The law should provide for strict time limits for the processing of requests and require that any refusals be accompanied by substantive written reasons

6) Individuals should not be deterred from making requests for information by excessive costs. The cost of gaining access to information held by public bodies should not be so high as to deter potential applicants, given that the whole rationale behind freedom of information laws is to promote open access to

information. It is well established that the long-term benefits of openness far exceed the costs.

7) Meetings of public bodies should be open to the public. Freedom of information includes the public's right to know what the government is doing on its behalf and to participate in decision-making processes. Freedom of information legislation should therefore establish a presumption that all meetings of governing bodies are open to the public.

8) Laws which are inconsistent with the principle of maximum disclosure should be amended or repealed. The law on freedom of information should require that other legislation be interpreted, as far as possible, in a manner consistent with its provisions. Where this is not possible, other legislation dealing with publicly-held information should be subject to the principles underlying the freedom of information legislation. The regime of exceptions provided for in the freedom of information law should be comprehensive and other laws should not be permitted to extend it. In particular, secrecy laws should not make it illegal for officials to divulge information which they are required to disclose under the freedom of information law

9) Individuals who release information on wrongdoing –whistleblowers must be protected. Individuals should be protected from any legal, administrative or employment-related sanctions for releasing information on wrongdoing. “Wrongdoing” in this context includes the commission of a criminal offence, failure to comply with a legal obligation, a miscarriage of justice, corruption or dishonesty, or serious maladministration regarding a public body.

3.2 Compatibility with International Principles

According to the principle one maximum disclosure is not followed totally in The RTI Act 2009. Because Union Parishad which is the lowest tier of local Government in Bangladesh is not included in the Act as a ‘unit providing information’. This means that we are ignoring the right to information of the poor mass people, which will lead to corruption and irregularities in this tier of local Government.

Principle two categorizes information which includes operational information about how the public body functions, including costs, particularly where the body provides direct services to the public. But the functional cost and where the body provides direct services to the public is not clearly stated in this Act, 2009.

According to the Principle three there is number of clauses for promotion of open Government in The RTI Act, 2009. But civil service was not given sufficient focus as a key factor for promoting the goals of the legislation.

The list of exemptions is too long. The categories like “dignity,” “foreign policy” are likely to become a major impediment towards free flow of information. Principle four says that no public bodies should be completely excluded from the ambit of the law, even if the majority of their functions fall within the zone of exceptions but in article 32 there is provision of inapplicability of this Act in case of some listed organizations like National Security Intelligence (NSI) Rapid Action Battalion (RAB) Criminal investigation Department (CID) etc.

Principle five is followed in this Act. Principle six stated about not to impose excessive cost. But there is no provision of how much cost will be fixed up - in this Act. According to principle seven there is no provision for open meeting arrangement in The RTI Act, 2009.

According to principle eight there is problem regarding the primacy of the RTI Act, 2009. The article 3(a) of this act stated that after entry into force, the provisions of this Ordinance shall have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923, and any other law for the time being in force. But at the same time there is redundancy with article 3(b) with 3(a) in this act.

The matter of whistleblowers protection is not reflected in anywhere of the act. But in a country like Bangladesh where corruption is deeply rooted in administration, this provision can be a necessary tool in preventing corruption. Principles are important as standards but on their own they are not enough. They need to be used – by campaigners, by lawyers, by elected representatives

and by public officials. They need applying in the particular circumstances that face each society, by people who understand their importance and are committed to transparency in Government. These principles will contribute in improving governance and accountability and strengthening democracy in Bangladesh if Government follows the international principles not partially but fully.

3.3 Requirements by Article 19:

ARTICLE 19, Global Campaign for Freedom of Expression aims to contribute to the process of developing a law which will ensure the right to information in accordance with international standards. The draft Law includes a number of positive features while, at the same time, there are a number of areas where further improvement is possible. Positive features in the draft Law include the fact that it overrides inconsistent provisions in other laws, and specifically in the Official Secrecy Act-1923; it provides protection against liability for civil servants implementing its provisions; and it provides for an independent and high-level Information Commission with broad powers to remedy failures in implementation. At the same time, the draft Law could still be further improved. (ARTICLE 19/IFEX, Internet, 3rd April 2008) The main concerns of Article 19's are as follows:

- a.** The right of access is limited to citizens, instead of applying to everyone, and the openness obligations do not apply to legislative, judicial and constitutionally established bodies.
- b.** The proactive publication obligations are too limited, both as to the scope of information covered and as to the means by which this information is to be disseminated.
- c.** The regime of exceptions is too broad. It contains some exceptions which are not legitimate, it lacks a consistent standard of the harm and the rules for providing information in the public interest notwithstanding an exception are weak.

d. The measures to protect the independence of the Information Commission could still be further improved, for example by replacing the Cabinet Secretary from the process, and by providing for greater civil society input and by further limiting the conditions for removal of the members.

e. The package of promotional measures could be further improved, for example by allocating a wider promotional role to the Information Commission, including through the dissemination of a public guide on how to use the law, and by imposing specific training obligations on public bodies. ARTICLE 19 and its partners encourage the Bangladeshi authorities to revise the draft Law to bring it more fully into line with international standards, with a view to promoting a progressive right to information system in Bangladesh. So to make the Act 2009 as a progressive one, a compatibility with international principles is needed.

3.4 Global Scenario of Right to Information



Fig-3 Freedom of Information Laws Around the World

Green/Dark areas represent countries enabled with Freedom of Information Laws. Yellow/Lightly shaded areas represent countries where laws are pending. (Copyright privacy International, September 2001)

Passage and implementation of an access to information act has become a trend throughout the world, since the end of the Cold War. There are now almost 72 countries with the statutory right to information, many of them enacted in the last decade. The above depiction very vividly portrays the status of The Freedom (to) or Right (of) Information. Transparency and Freedom of Information has made such robust inroads in two Southeast Asian nations that it cost Joseph Estrada his job as president of the Philippines five years ago, and it almost sparked the demise of Thailand's then Prime Minister, Thaksin Shinawatra, shortly after he came to power in 2002. In both cases, corruption allegations unearthed through transparent government policies or freedom-of-information laws were central to the controversies. U.S. and Canada adopted access laws in 1966 and 1983. Nearly all Central and Eastern European countries have adopted laws as part of their democratic transitions. Nearly a dozen Asian countries have either enacted laws or are on the brink of doing so. Similarly, in South and Central America, nearly a dozen countries are considering laws. Africa is also catching up. Many countries in southern and central Africa are following South Africa's lead, with varying proposals for formulating freedom of information laws.

The mere existence of an information act, however, does not always mean that access is possible. A good information access law provides for an independent appellate mechanism that a citizen can access in order to seek redress of his/her grievances in matters relating to disclosure of information by public authorities.

3.4 Conclusion

The right to freedom of information is founded on the idea that public bodies hold information not for themselves but on behalf of the public. Such laws should flow from the principle of maximum disclosure, whereby all information should be subject to disclosure unless there is an overriding public interest in secrecy. A number of key elements must be present in a law if it is to promote the principle of maximum disclosure. It should include broad definitions of both

the scope of information and public bodies, consistent with its underlying purpose. It should also set out clear, user-friendly processes for the exercise of the right, as well as a right to appeal any refusal to provide information to an independent administrative body and from there to the courts. From analyzing the International principles of RTI and then to international scenario of the RTI, I will make a comparison with International context specially by giving a focus on the law of India & U.S.

Chapter-4

RTI in Comparative Perspective

Chapter 4

4.0 Prelude

Right to Information Act is a new experience for Bangladesh, and it may be well for the country to draw upon the experience of the neighboring and other developed country like India & U.S. in where such an Act is already in place and is being implemented fully, in applying provisions of the Act. So a comparison will be made among India, U.S. and Bangladesh by looking at the commonalities and differences of the Right to Information Act to get some indications to make RTI Act-2009 more effective. In this chapter I will make a comparison with India first by looking at the commonalities and differences with their RTI Act and then I will also come across The Freedom of Information Act (FOIA) of U.S.

4.1 A Comparison with India

The Right to Information Act 2005 enacted by the Parliament of India giving citizens of India access to records of the Central Government and State Governments. Under the provisions of the Act, any citizen may request information from a "public authority" which is required to reply expeditiously or within thirty days. The Act also requires every public authority to computerize their records for wide dissemination and to proactively publish certain categories of information so that the citizens need minimum recourse to request for information formally. This law was passed by Parliament on 15 June 2005 and came fully into force on 13 October 2005.

Commonalities

Disclosure of government information in both the countries like India and Bangladesh is governed by the same law like official Secrets Act 1923, Evidence Act, Civil Service Conduct Rules. So there are many commonalities between these two countries Right to Information Act. There are commonalities in the areas like definition of Information, time limit to get the information, ground for rejection, term of office and other service conditions of chief information commissioner, the list of exemptions which is more or less common and in the role of the Government.

Differences

In India Central Information Commission constituted of one Chief Information Commissioner and 10 Information Commissioners, total 11. But in Bangladesh it is only three, one Chief Information Commissioner and two Information Commissioners. So it would be difficult for those three people to make hearing of all the appeals. In case of Bangladesh one important thing is that among two Information Commissioners one is lady, this is a good thing. In the process of appointment of Chief Information Commissioner and Information Commissioners India includes Prime Minister as a (Chair) but Bangladesh doesn't have Prime Minister in the process of appointment. There are differences in the provision of the salary of the Information Commissioners. In Bangladesh the Government will fix up the salary and other remuneration of them. But in case of India the salary of the Chief Information Commissioner will be the same as that of an Election Commissioner and the salary of the State Information Commissioner will be the same as that of the Chief Secretary of the State Government.

Regarding the fees for information there are a little difference between India and Bangladesh. In India it is said that no fees will be charged from people living below the poverty line and applicant must be provided information free of cost if the Principle Information Officer fails to comply with the prescribed time limit. There are differences regarding the power and functions of Information Commissions. In India power to secure compliance of its decisions from the public authority includes the following things which The Information Commissions of Bangladesh don't have. The things are:

- directing the public authority to appoint a PIO(Principal Information officer)/APIO(Assistant Principal Information officer) where none exists
- publishing information or categories information
- making necessary changes to the practices relating to management , maintenance and destruction of records
- seeking an annual report from the public authority on compliance with this law
- enhancing training provision for officials on RTI

- require to compensate for any loss or other detriment suffered by the applicant
- impose penalties under this law or
- reject the application

In the first year of National RTI, 42,876 applications for information were filed to Central public authorities. Of these 878 were disputed at the final appellate stage - the Central Information Commission at New Delhi. To avoid that kind of problem Bangladesh government can follow the principle of maximum disclosure that means all information held by public bodies should be subject to disclosure and Government should publish that information without any request from the citizens.

There have been questions on the lack of speedy appeal to non-compliance to requests. The lack of a central PIO makes it difficult to pin-point the correct PIO to approach for requests. There is also a criticism of the manner in which the Information Commissioners are appointed to head the information commission. It is alleged by RTI Activists that bureaucrats working in close proximity with the government are appointed in the RTI Commissions in a non-transparent manner. The PIO, being an officer of the relevant Government institution, may have a vested interest in not disclosing damaging information on activities of his/her Institution, This therefore creates a conflict of interest. In the state of Maharashtra it was estimated that only 30% of the requests are actually realized under the Maharashtra Right to Information Act. The law does not allow disclosure of information that affects national security, defence, and other matters that are deemed of national interest.(Source: Source watch Encyclopedia)

Having all those criticism, the Right to Information Bill in India is treated as a radical measure and contains clear rights for those requesting information and has in place a strong enforcement mechanism. Under the 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. The most commendable part of the act is the enforcement mechanism.

Lessons from Comparative Study

From a comparative study between The Right to Information Act of India and Bangladesh signal for effective implementation of the RTI Act-2009 in Bangladesh context became apparent. But in case of both countries harmonizing existing laws with the RTI Act is needed. The experience of several countries indicates that in the absence of a provision that gives an overriding effect to the RTI Act over all other laws, conflicts are bound to arise between the transparency requirements in the RTI Act and the provisions in other laws aimed at granting secrecy to certain records or operations of government. So to undertake a comprehensive review of all laws on the statute book in the light of the transparency imperatives established by the RTI Act is a must. An independent judiciary of Bangladesh can provide the ray of hope in the midst of darkness, just like India.

4.2 Comparison with the U.S.

Freedom of information legislation represents the foundational right-to-know legal process by which requesters may ask for government held information and receive it freely or at minimal cost, barring standardized exceptions. Also variously referred to as open records or sunshine laws[1] where governments are also typically bound by a duty to publish and promote openness. Freedom of Information legislation in U.S. was signed by President Lyndon B. Johnson, in September 1966 (Public Law 89-554, 80 Stat. 383; Amended 1996, 2002, 2007), and went into effect the following year. This Act allows for the full or partial disclosure of previously unreleased information and documents controlled by the United States Government. The Act defines agency records subject to disclosure, outlines mandatory disclosure procedures and grants nine exemptions to the statute. The law, by coincidence, was ratified in 1966, 200 years after what is believed to be the first Freedom of Information Legislation, Sweden's Freedom of the Press Act, in 1766.

This Act is applicable to government agencies. 'Agencies' include the whole executive arm of the state as well as military department, government corporations and government controlled corporations and any independent regulatory agency. The Act begins with the obligation on the government

agencies to publish (in the Federal Register) information about the organization of the agency; functions; procedure; the persons/officials from whom information can be collected; the availability of forms; the scope of information available; the substantive rules and statements of general policy or interpretations of general applicability adopted by the agency and amendments thereof. There is a duty on the agencies to provide certain documents for public inspection and copying. This includes final opinions; any other statements of policy or interpretation not published in the Register; staff manuals and instructions that affect public and indexes. The agencies are obligated to provide records not included in the above categories, upon request which reasonably describes the record. The request has to be in accordance with the rules in place regarding time, place, fees and procedure to be followed. The Act contains minimum tests for fees. Fees have to be limited to reasonable standard charged for search, duplication and review when requested for commercial use. Fees can be waived or reduced where it can contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester. Government agencies must respond in 20 working days.

There are nine categories of exemptions, including national security, internal agency rules, information protected by other statutes, business information, inter and intra agency memos, personal privacy, law-enforcement records, financial institutions and oil wells data. Appeals of denials or complaints about extensive delays can be made internally to the agency concerned or to the federal courts. (Banisar, 2002:43) There are perhaps thirteen primary issues which govern the citizen's right over information: secrecy, privacy, confidentiality, publicity, commerciality, accessibility, reciprocity, integrity, interoperability, responsibility, liability, commonality and equity. How many of these issues apply to government is debatable, for it may be argued that all government rights are secondary to the public interest. However, the FOIA addresses issues concerning retention of certain information in its exemptions. Whether these exemptions are abused by government is hotly contested by a mix of advocates drawn from both government and citizenry. The U.S. FOIA, which is 40 years old, "is plagued by chronic backlogs, unjustified

rejections and inconsistent responses, according to interviews with open government advocates and lawmakers and a new study by the National Security Archive," reports the *Austin American-Statesman*. (Source: Sourcewatch, Encyclopedia). As a result The Electronic Freedom of Information Act Amendments were signed by President Bill Clinton on October 2, 1996. *'The statement issued by President Clinton upon signing the 1996 FOIA amendments into law on October 2, 1996 are as follows: 'The legislation I sign today brings FOIA into the information and electronic age by clarifying that it applies to records maintained in electronic format. This law also broadens public access to government information by placing more material on-line and expanding the role of the agency reading room. As the Government actively disseminates more information, I hope that there will be less need to use FOIA to obtain government information'*

Agencies submit an annual report to the Speaker of the House of Representatives and President of the Senate, detailing number of refusals with reasons thereof; the number of appeals and their results with reasons where disclosure confirmed; the names and titles of persons responsible for denial of request and the instances of participation for each person; report of disciplinary action taken against an officer or employee primarily responsible for improperly withholding records; copy of every rule and fees schedule made by the agency; fees collected and any other efforts to administer the Act fully. The Attorney general has to make an annual report on the cases arising under the Act, the matter of each case, the deposition of such case, the cost, fees, and penalties assessed under the concerned sections. (Source: Website, Welcome to National Campaign for People's Right to Information (NCPRI), India). The FOIA applies only to Federal Agencies (All agencies of the government). However, all of the states, as well as the District of Columbia and some territories, have enacted similar statutes to require disclosures by agencies of the state and of local governments, though some are significantly broader than others, many combine this with open meetings laws, which require government meetings to be announced in advance and held publicly.

Commonalities

Recently the U.S. legislation has extended their time for delivering information up to 20 days, which is a common picture with Bangladesh. There are some commonalities in list of exemptions but our list of exemptions is too long than other countries. Commonalities are few than differences.

Differences

The RTI Act-2009 is a uniformed one in nature but the U.S. Freedom of Information Law has weakness in uniformity. All 50 states, the District of Columbia, and some territories have some form of freedom of information legislation. Among the most extensive are Florida's Sunshine Laws². In 2002, Investigative Reporters and Editors, in conjunction with the Better Government Association, conducted a comparison of the relative strengths of each state's open records laws. Their overall conclusion noted, "Unfortunately, state FOI laws have proven to be almost uniformly weak and easy to undermine. The uniformity of our law can be a strength in our case. The 'Electronic Freedom of Information Act Amendments of 1996' is a unique feature of U.S. law which reinforces an important link between the United States Government and the American people for making government more accessible than ever.

Lessons from Comparative Study

The U.S. FOIA is the most heavily used access law in the world. The U.S. government last year processed more than two million requests under the FOIA. Among many other news-making releases this year, for example, an environmental group won a federal judge's decision under the FOIA to obtain documents on the Bush administration's energy policies that Vice President Cheney had vowed to withhold. Electronic application of the law can be a lesson for Bangladesh. The fundamental determinant of successful FOIA

² The Florida Constitution – the document which sets forth our rights as citizens of this great state – provides that the public has the right to know how government officials at all levels spend taxpayer dollars and make the decisions affecting their lives. As such, the principle of open government is one that must guide everything done in government for its public.

implementation in the United States has been agency culture.³

So, the lesson from the U.S. experience for new implementers of FOIA laws is that the key factor in setting agency culture³ on FOIA is the top official assigned to implement the law, and the reinforcing mechanisms for the bureaucrats who process FOIAs. In U.S. a civil servant worked in the Health and Human Services Department (HHS), named Russell Roberts used the new law both to protect his own integrity against political appointees above him, and to build constituencies outside the agency for more accountability. Roberts created a 'FOIA career ladder' at HHS, in which could rise to the highest level of the civil service just by superior performance in handling FOIA requests and managing efficient FOIA processes. Through salary increases and promotions based on FOIA work, HHS developed a series of widely-admired FOIA officers who served as models for other agencies. Roberts ultimately founded a professional association for government FOIA officers, the American Society of Access Professionals (ASAP), to train each other in best practices and advance the status of FOIA officers. I am proud to be a member and a former elected officer of ASAP, and it is time that the Society lived up to its name as an 'American' organization, by helping government officials, journalists and civil society create fraternal societies in each country in the hemisphere. "The U.S. FOIA provided the leverage that compelled the State Department to release 4,667 previously secret documents on the 'dirty war' in Argentina." (Access to Information Americas, A conference paper in Inter American Dialogue: 2003, 31-33) So a professional association for government FOIA officers, like U.S. can boost up the motivational level of our officers.

A Comparative Table of exemptions among Bangladesh, India & U.S is given below. This table compares the main exceptions of the three countries like India, Bangladesh & U.S. Each box in the table contains two different types of information. First, provides the test used to determine whether information

³Agency culture is a complex sociological phenomenon with multiple variables including leadership, mission, external prestige, stakeholder relationships, esprit de corps, and comparative resources. Agency culture is not necessarily unchanging, but as every anthropologist knows, such cultures persist in the face of change, and even mutate in unexpected ways.

falling within the scope of an exception may be withheld, which may be referred to as the 'harm test'. For example, in some cases information may be withheld only if it is reasonably expected to harm the protected interest, or it is likely to cause prejudice to it. In some cases, no harm is required (i.e. the law establishes a class exception in relation to a whole category of information). In that case, the table indicates that there is "no harm test". Then, each box sets out the elements which make up the exception and which effectively define its scope in the relevant jurisdiction. Each box also provides a reference to the section, article or paragraph of the law/policy where the exception in question is found. In some cases, the law in question does not contain the exception being considered, in which case this is stated in the table. In other cases, the exception effectively included within the scope of other exceptions. In this case, the table notes in the appropriate place that there is no separate exception.

Comparative Table of Exceptions

Exception	India	Bangladesh	United States
Future Publication	Test: - no harm test Elements: - likely to be published within 30 or already published (9(b) and (c))	Test: - no harm test Elements: - likely to be published within six months after the Act comes into force and thereafter on a periodic basis, not less than once every two years 4(1)	no such exception
National Security	Test: - prejudicially affect Elements: - sovereignty and integrity, security of the State, strategic	Test: prejudicially affect	Test: - classified in the interest of classification specifically authorized and properly classified under an Executive

	scientific or economic interest (8(a))	Elements: - sovereignty and integrity, security of the State 8(b)	Elements: - national defense Test: - classified FBI records Elements: - pertaining to foreign intelligence or international Terrorism ((c)(3))
International Relations	Test: - prejudicially affect Elements: - conduct of international relations (8)(a))	Test: - prejudicially affect Elements: - conduct of international relations 8(b)	Test: - classified in the interest of - classification specifically authorized and properly classified under an Executive Order Elements: - foreign policy ((b)(1))
Economic Interests	- Trade or commercial secrets protected by law or information, the disclosure of which would prejudicially affect Elements: - legitimate economic and commercial interests or the competitive position of a public authority (8(f))	Elements: information including commercial confidence, trade secrets or intellectual property 8(d)	- no harm test Elements: - related to examination or operating reports of an agency responsible for financial institutions ((b)(8))
Law enforcement	Test various Elements: - prejudicially affect order, detection and investigation of an offence - may lead to an incitement to commit an offence - prejudicially affect fair trial or adjudication of a pending case (8(b))	Test various Elements: - information which would impede the process of investigation or apprehension or prosecution of offenders 8(h)	Test various Elements: - for law enforcement purposes - reasonably expected to interfere with enforcement proceedings - deprive of right to fair trial - invasion of privacy - disclose confidential source - disclose investigative techniques ((b)(7))

Court Records	no separate exception	Test various Elements: - information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court 8(b))	courts are excluded from the ambit of the Section (s. 551(1)(B))
Decision-making and policy formulation	Test: - no harm test Elements: - Cabinet papers including records of deliberations of the Council Ministers, Secretaries and other officers 8(d)) - Minutes or records of advice including legal advice, opinions or recommendations made by any officer of a public authority during the decision making process prior to the executive decision or policy formulation (8(e))	Test: - no harm test Elements: - cabinet papers including records of deliberations of the Cabinet, Secretaries and other officers 8(i)	Test: - no harm test Elements: - related solely to internal personnel rules ((b)(2))- - inter- or intra-agency memos which would not be available to private parties in the course of litigation ((b)(5))
Health and Safety Exception	Test: - prejudicially affect Elements: - public safety (8(b))	Test: - prejudicially affect Elements: -	Test: - reasonably be expected to endanger Elements: - compiled for

		public safety 8(g)	law enforcement -life of physical safety of an individual ((b)(7)(F))
Personal Information	Test - unwarranted invasion of Elements: - privacy (9(d))	Test - unwarranted invasion of Elements: - privacy 8(J)	Test - clearly unwarranted Elements: - personnel and medical files - personal privacy ((b)(6))
Information provided in confidence	no separate exception	no separate exception	no separate exception (see Commercial Interests)
Legal Privilege	No separate exception	No separate exception	
Commercial Interests	Test: - Trade or commercial secrets protected by law or information Elements: - would cause unfair gain or loss to any person	Test: - Trade or commercial secrets protected by law or information Elements: - would cause unfair gain or loss to any person	Test: - privileged or confidential Elements: - trade secrets commercial or financial information ((b)(4))
Statutory Prohibitions	Law takes precedence over other laws (14)	Law takes precedence over other laws 3(b)	Test: - leaves no discretion or established particular criteria for withholding Elements: - specifically exempted from disclosure by statute ((b)(3))

(Complied from Mendel, 2003: 135-145)

4.3 Conclusion

However the RTI India has certain weaknesses that hamper implementation. A number of high profile disclosures revealed corruption in various government schemes such as scams in public distribution systems (ration stores), disaster relief, construction of highways etc. The law itself has been hailed as a landmark in India's drive towards more openness and accountability. In case of U.S. the wide use of that law made that law as successful one. So in case of Bangladesh, it need to focus on large scale use of the RTI Act- 2009 at all level of the citizen's. Popularizing the Act among the citizen's requires wide publicity about the usefulness and procedure of getting information among the user of the law. From the experience of U.S. Bangladesh can try to make RTI Act-2009 more effective by electronic application. And government can follow the principle of maximum disclosure, so that government can avoid the cost of providing information to the citizen. Data store in electronic device needs resource, but Bangladesh have to start for systemic capacity building both from the organization level and human capital level, which means capability, knowledge, training and motivation of the related personnel. In the study to understand the level of preparedness of the government and to assess the awareness of the citizens, data has been analysed and the findings would help in facilitating the process of implementation of the Act-2009.

Chapter- 5

Preparedness in Bangladesh

5.0 Prelude

Supply and demand is both essential parts of the information access equation- and it is primarily the government's responsibility to ensure that the supply side functions effectively and efficiently. If officials are still resistant to openness, applications will be processed poorly. If information is still not managed properly, applications will be processed slowly. If systems are not in place to track the handling requests and their disposal, applications may get lost and may simply not be dealt with at all. It is the responsibility of governments to ensure that all of these issues are handled at the outset of the implementation of any new legislation. It is important to set good precedents from the beginning. The initial efforts to implement a new access law will require considerable financial and personnel commitments. Effective implementation of the RTI Act-2009 requires both preparation and commitment from the Government side and to make citizen aware about the use and utility of the law. The law aims at nothing short of a cultural change in the way public administration has been functioning. This requires systematic capacity building and sensitization not only of civil servants but also media, lawyers and NGOs in a campaign mode in which civil society has an important role to play.

5.1 Supply Side Considerations

At the organizational level, cumbersome administrative procedures and discretionary powers with the bureaucrats need to be reformed. Streamlining the chaotic system of archives and records and improving internal management of information are essential pre-requisites for effective law enforcement. Proper records management is an essential pre-requisite for an effective right to information regime. With the spread of information technologies, this has become much easier now than it ever was. The bureaucratic culture of secrecy is another major hurdle in effective implementation of right to information. By providing poor quality information or in a form or language that is not citizen-friendly; officials can thwart the whole process of moving towards a more transparent regime.

The World Bank Institute published book the Right to Tell in 2002, in

which contributors Roumeen Islam and Nobel Prize laureate Joseph Stiglitz argue that enacting a Freedom of Information Act can be a signal of a government's commitment to openness, but that these laws can be effective only if there is a genuine commitment to transparency, or political will, backing them up. (Macdonnell, n.d.) The enactment of the right to information law signals an important shift in the attitude of the government and recognition to move from the culture of secrecy to greater openness. Effective implementation of the law requires action both on the supply side and the demand side. On the supply side, there are problems that relate to organizational inefficiencies and there are others associated with bureaucratic obstruction and inertia. On the supply side the preparation from the government or culture of openness is necessary.

Readiness of the Government

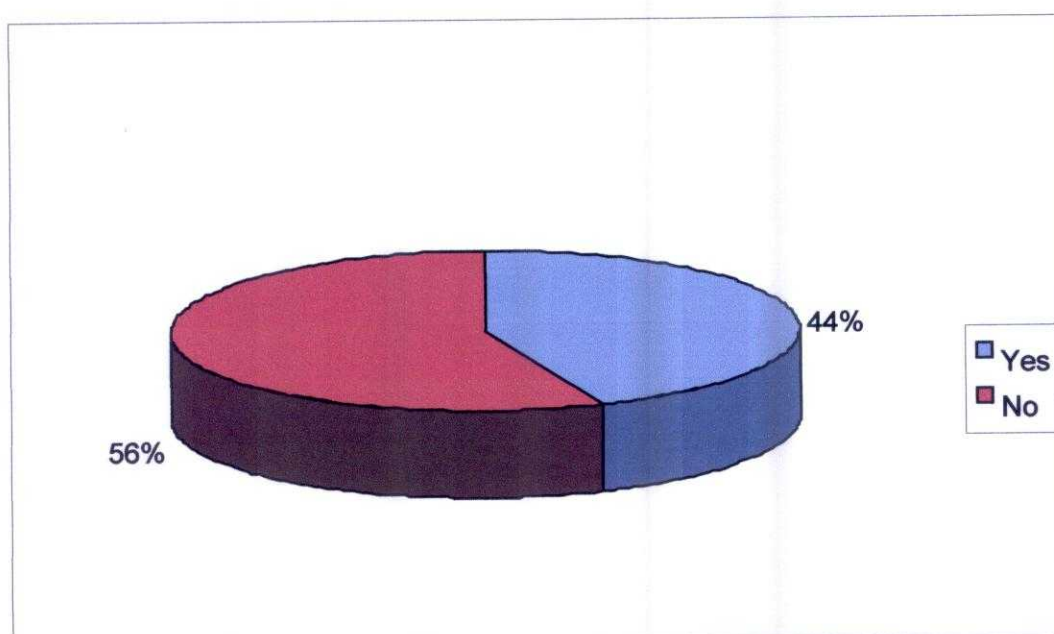
The RTI Act became enacted from 1st July 2009 after passing it from the parliament in 29 March of this year. By this time The Information Commission has started its function in the office compound of National Institute of Mass Communication (NIMCO). Headed by retired secretary M. Azizur Rahman, The Information Commission has formed within the stipulated timeframe of this Act. The other two commissioners are retired secretary Md. Abu Taher and Professor Sadeka Halim. Government is now preparing draft of a regulation with the help of The Information Commission, which will be approved very soon. Then the Information Commission will make a procedure. Within this time the Government has finished the job of posting an assigned officer in various Ministries, Departments & offices for providing information. The Information Commission has not yet started its functioning in full sewing because they are in the initial stage in terms of their other requisites. But they have started work for raising awareness among the mass people through discussion and views sharing with government officers and other classes of people of the society..

Providing Information under the Act:

In Bangladesh though government has started in providing Information,

government has to go a long way in terms of systemic capacity building & sensitization of the citizens. Government started providing information from 1st July of this year, having all the lacking in logistics support, record keeping, training of the officers and in other fields. The commitment towards the culture of openness will help in overcoming all of those shortcomings, people deserves that. To assess the readiness of the government I have interviewed 25 Government officers who are assigned for providing information with the questionnaire (Annexure 1). The data which I found from the study was as follows according to the questionnaire:

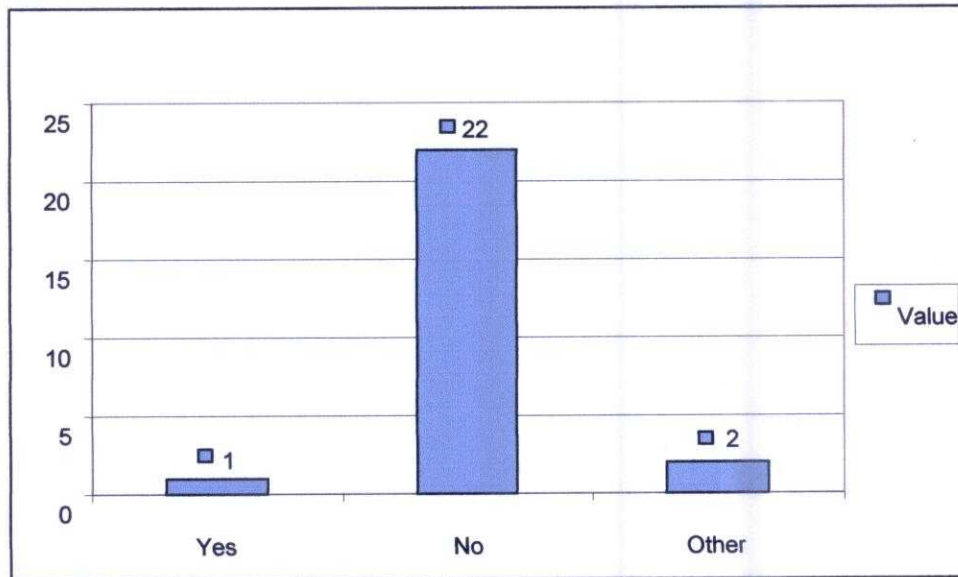
Graph-1: Providing Information under RTI Act- 2009



It came out from the study that 44% of respondents replied “yes”. It means that they have started providing information under the RTI Act- 2009, of which two of them mentioned that they provided information verbally & have not yet get any application though they are ready to provide Information. And the rest 56% of respondents did not started providing information under this Act. This data show that the supply side of this Act has not yet started its function in full pledged. The reason may be the lack of demand from the citizen, which can be

assessed by the number of application they got for providing information.

Graph-2: Application for Providing Information

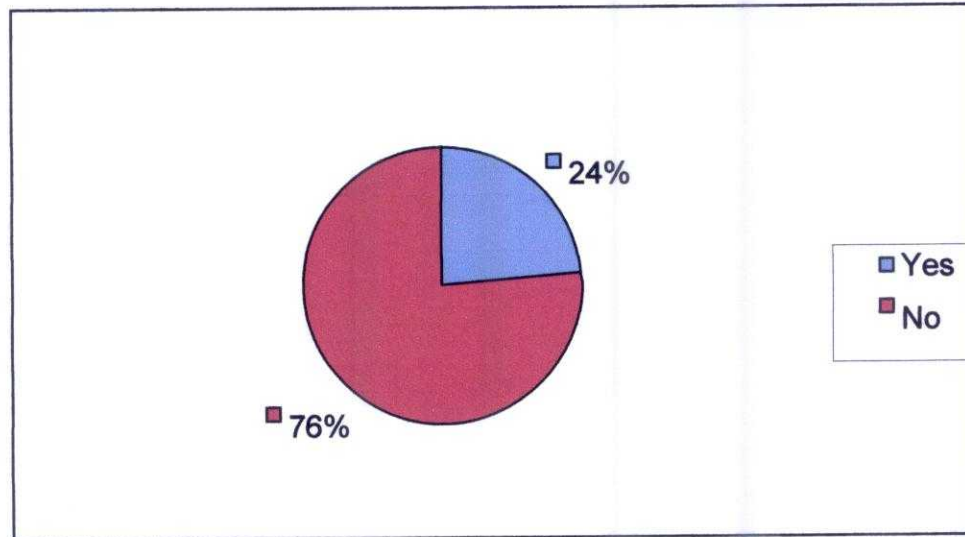


This graph depicts that out of 25 authorized officers 22 numbers responded that they have not yet got any application under RTI Act-2009. Two of them provided information verbally. And only one of them has got one or two application per week. This data in this graph shows that the demand side of this Act is very marginal. What section of people are using this Act-in response to that question fifteen officers responded as N/A, seven officers gave no reply and others replied as human rights activist, press related personnel & journalist are using this RTI Act-2009. These findings make it clear that the wide use of this Act has not yet started.

Capacity of the Government for service delivery:

In terms of training, logistic support, condition of record keeping, it is viewed that the preparation from the government side is not sufficient. The officers who are responsible for providing information have to elevate their capacity in terms of human capital and organizational capital. So Government has to allocate additional money for capacity building in the following area like training, logistic support and record keeping.

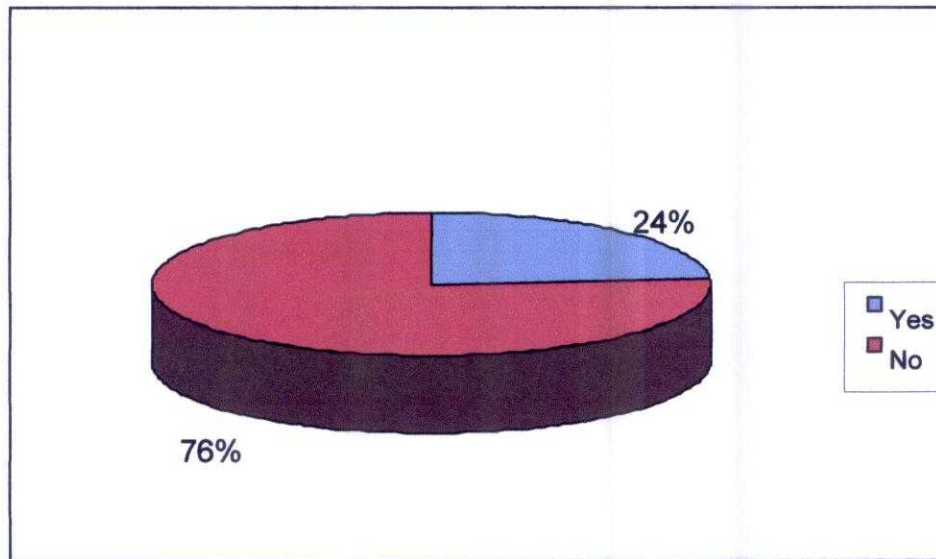
Graph-3: Training of Authorized Officers



To understand the level of readiness of concerned officers in providing information 25 officers were asked, among them 14 officers (76%) replied that they have not received any training. Only 6 officers (24%) received two days workshops & orientation program. So this data make it clear that capacity building of the government officer need to give emphasis.

Logistic Support

Graph-4: Logistic Support for Providing Information



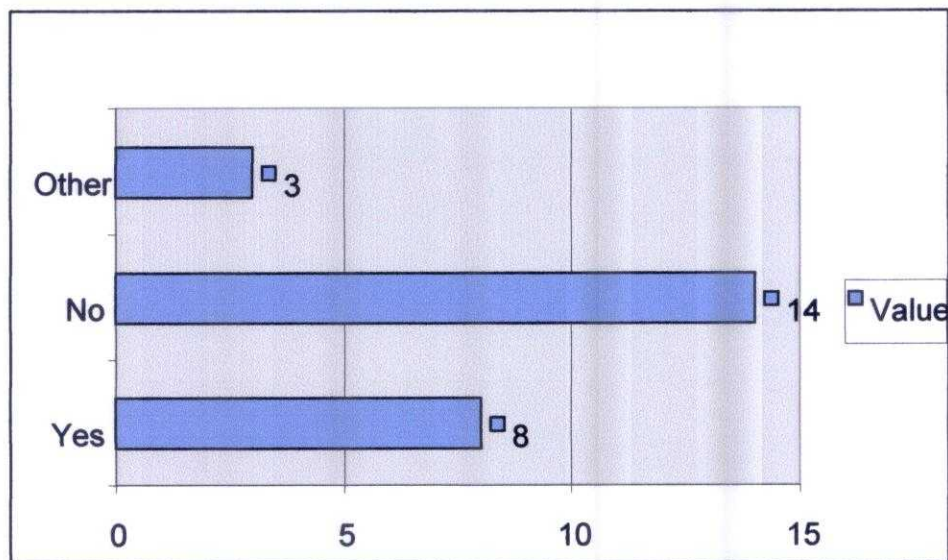
It was found from the above graph that in replying this question seventy six percent of respondents don't have logistic support for providing information, and the rest twenty four percent only have logistics in this regard. This indicates that from the supply side government have lacks in logistic support.

Record keeping

This study finds that the condition of record keeping is not satisfactory. Fourteen (14) officers out of twenty five (25) replied as “No” in this regard as well as eight (8) officers replied “Yes” and three respondents (3) said about computerization of all government record.

This finding is shown in the following graph:

Graph-5: Condition of Record Keeping



Problem in Service Delivery & Handling of those Problems & the Oversee Mechanism:

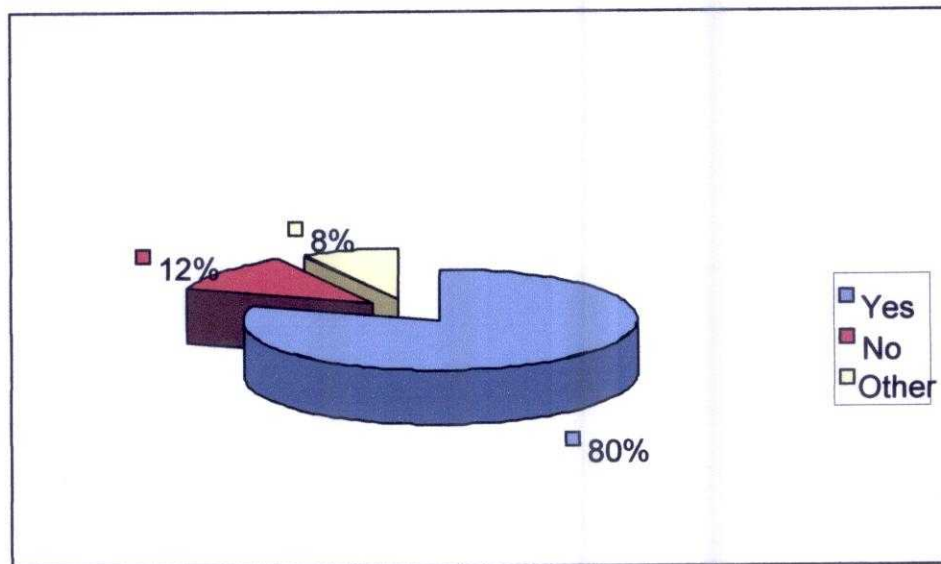
The problem in providing information like record keeping /absence of computer facilities/ lack of manpower/ public interference - 10 officers out of 25 perceived record keeping and lack of manpower as problem, not applicable eight (8), and two (2) views lack of modern facilities and four (4) lack of training as problem in providing service.

In replying to the question how they can handle those problem twenty (20) officers out of the total number responded as not applicable as they have not yet started providing Information, one (1) replied by implementing a project under Ministry of Information, one (1) by coordination, one (1) by manually & taking much time, and two (2) replied that no problem has raised yet as the applicants are few. The oversee mechanism is not clear or defined or not known to twenty (20) officers, one (1) replied as public awareness and four Officers not responded in this question. The data portrays that officers themselves are not very much aware about the whole process of giving Information under the Act. The level of awareness of the citizen as well as of the officers is important for implementation.

Perception about the RTI Act-2009:

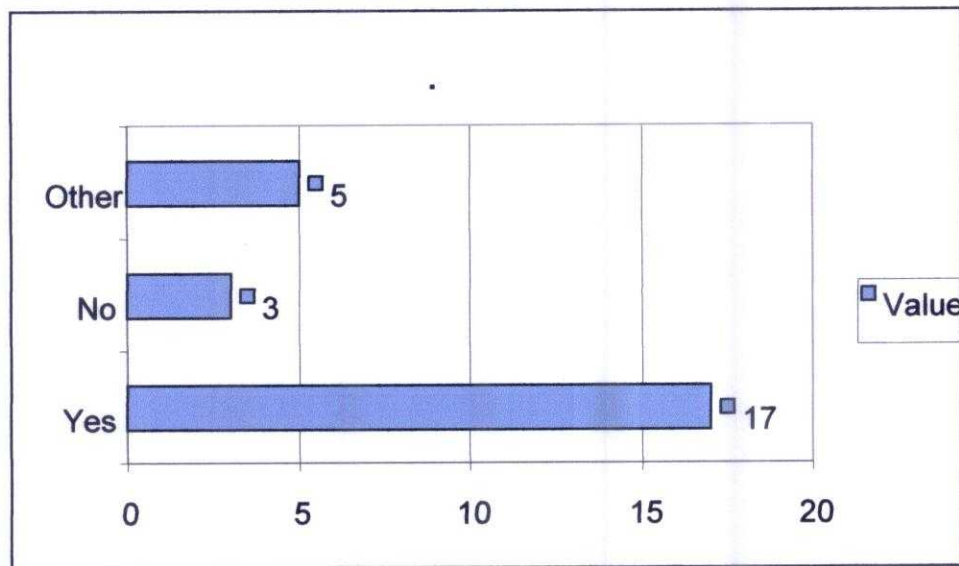
Corruption is one of the major problems of our country. Asked about the effect of RTI on corruption India's Chief Information Commissioner (CIC) Wajahat Habibullah in an interview with *The Daily Star*, March 30, 2008 said: 'RTI alone cannot eradicate corruption, but it can be used as evidence to fight corruption.' The respondent of my study perceived this Act as an instrument in attaining good governance in the country through ensuring transparency and accountability in the government. The Act will help thus in reducing corruption and in return it can facilitate the process of poverty reduction in the country.

Graph- 6: The Act as a Safeguard against Corruption



Eighty percent of the total respondents perceived this Act as a strong safeguard against corruption; twelve percent responded as 'No' & eight percent of the respondent replied as 'Other'. This eight percent of respondent opined that the matter of corruption depends on personal commitment and this Act can play a very minimum role in this regard. So as the majority of the respondents perceived this Act as a strong safeguard against corruption, it can predict that proper use of the Act can reduce corruption in the country.

Graph-7: Tool for bringing Transparency & Accountability in the Government



The Act as a tool which will carry transparency and accountability in the government, seventeen officers perceived so, three officers responded as 'No,' five officers perceived that the Act will bring transparency & accountability partially in the government and the transparency and accountability in the government depends on personal commitment.

Tool for Poverty Reduction

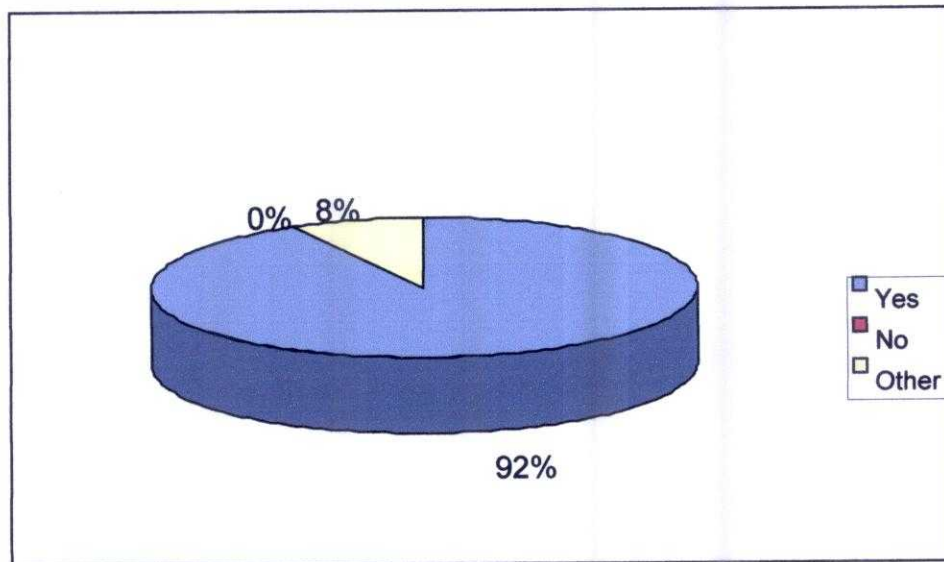
Some thought not in large scale but to some extent it will help in poverty reduction. By empowering people and safeguarding misappropriation of public resources the Act will help in poverty reduction. The Act will make people more informed about government decisions, programmes, so there will be a chance to reduce poverty. By knowing the system people can prevent corruption and in return it can facilitate the process of poverty reduction.

Feelings of the Civil Servants about the Act

As the civil servants are the focal point in providing service to the citizens, their feeling or attitude towards the law is important for service delivery. How do they

feel about the Act or are they comfortable with this law-in replying this, the findings came out that most of the respondents which is ninety two percent of the total are comfortable with this law and only two of them responded slightly in a different way. This data is shown in the following graph, is a clear indication that the almost all officers have a positive attitude towards this law.

Graph-8: Comfortability with this law as Civil Servant



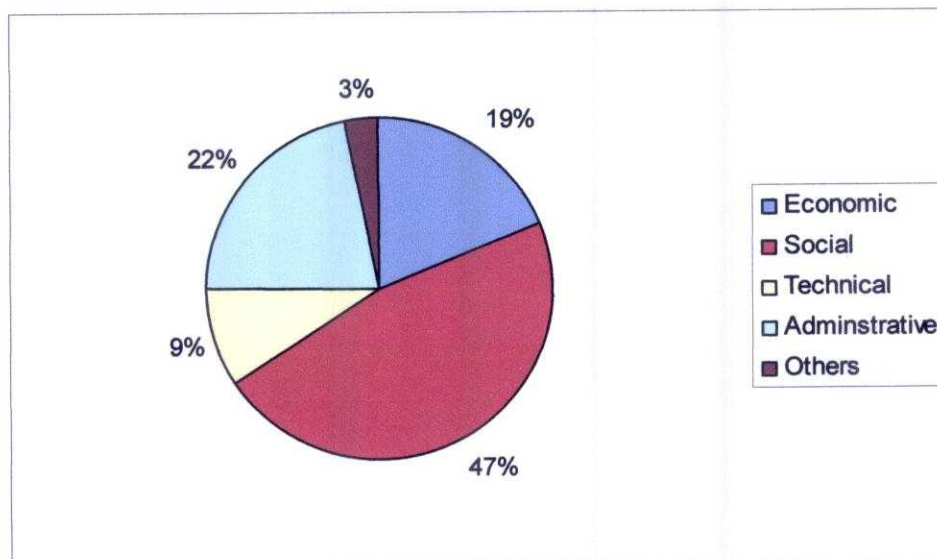
Adding Values to Public life

The RTI Act-2009 will help people in uplifting their lives by ensuring good governance. The officers in the issue of adding values to public life responded in the subsequent way. Among the respondent fifteen officers out of twenty five think that they are adding values to public life by these process and eight officers replied as not yet because they have not started providing information and two officers replied as 'no'.

Expectation of Benefit from the Act:

The Act will bring some benefit to the country. In searching what kind of benefit does it bring like (1) Economic (2) Social (3) Technical (4) Administrative (5) Others- the findings are, forty seven percent officers expressed their views in favor of social benefit, twenty two percent for administrative benefit, nineteen percent for economic benefit, nine percent technical benefit and then three percent others. Social benefit is perceived as highest. So this Act has a social dimension which encompasses a wide variety of benefit. The data are in the following graph:

Graph: 9 Expectations of benefit from the Act



The impeding factors and Effective Implementation of the Act:

The study finds out the following opinion regarding impeding factors are lack of skilled manpower, lack of awareness, insufficient record management or record keeping & dishonesty as most significantly and then, politicization, lack of motivation among service providers, logistic support, resistance of Public officials to the second highest position, and lastly lack of computerization, official secrecy Act, lack of government will, absence of computer facilities were viewed as impeding factors to the effective implementation of the RTI Act-2009.

The respondent group gave their valuable opinion about the effective implementation of this Act. They opined that Right to information is a new service and privilege for the poor which will help to enjoy people's right. Training & logistic support to be provided to the focal point seven officers gave this opinion, five officers put emphasis on creating awareness programme like seminar & symposium and make it easy to the public, strengthening office record keeping was the concern of three respondents, skilled manpower and motivation of concerned service providers was also a concern of two, and the rest gave their opinion for effective implementation on the following issues:

1. Skilled manpower
2. Motivation of concerned service providers
3. Computerization of all the documents and training about the best ways of service providing
4. More use of the Act
5. Proper knowledge
6. Well established Information technology that means networking wide area and local area network.
7. The function of government machineries
8. A body to monitor the whole process

From the findings it depicts that maximum number of respondents opined that training & logistic support to the focal point can ensure effective implementation of the RTI Act. And after that create awareness programme like seminar & symposium and make it easy to the public and strengthening office record keeping was also given same weightage. Skilled manpower and motivation of concerned service providers was also given importance.

The respondent gave opinion that this Act as an important instrument to make government transparent and accountable and it is fine but effective implementation must be ensured everywhere. Logistic support, preparation, and awareness are not sufficient to implement it effectively. RTI is being implemented in almost in all developed countries. So we also should be bolstering to implement RTI properly and sincerely.

5.2 Demand Side Considerations

On the demand side effective implementation requires popularization of the law

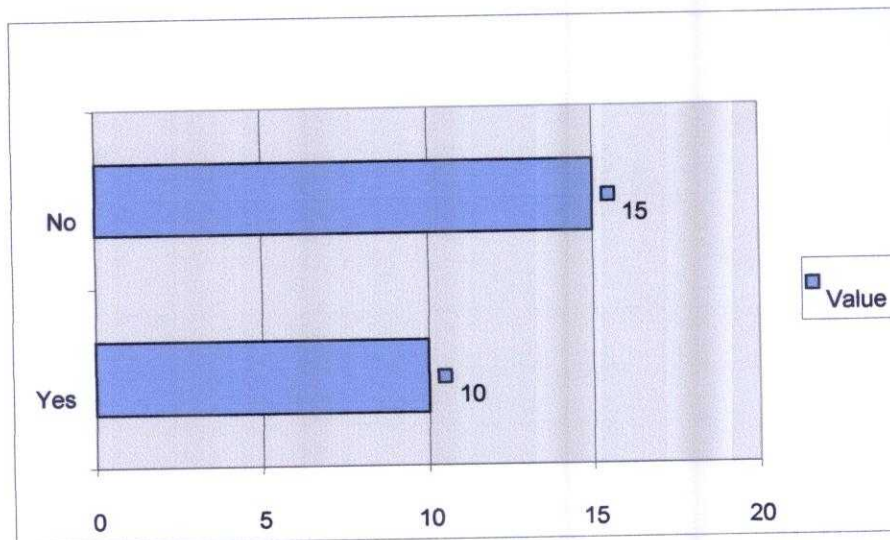
among the citizen. The organization of citizens at grassroots level and networking of civil society groups at the macro level must continue for the right to information to become a ground reality. Lack of awareness among officials and citizens about the right to information law is the single biggest roadblock in its effective implementation. This is also a major cause of bureaucratic resistance. The law aims at nothing short of a cultural change in the way public administration has been functioning. This requires systematic capacity building and sensitization not only of civil servants but also media, lawyers and NGOs in a campaign mode in which civil society has an enormous role to play.

Civil society's role does not end with legislation. It should work with the government and other stakeholders for joint capacity building initiatives. Aruna Roy of MKSS (Majdur Kisan Shakti Sangghatan) India in a interview with Prothom Alo (Daily Newspaper 5-7-2009) said that, the effective implementation of RTI in Bangladesh depends on the extend of the use of this Act. The people of all classes of the society need to come forward in using this Act. So maximum use of the Act is important for effective implementation, and citizen's awareness about this Act can ensure that use. In my project to understand the level of awareness of the citizen's I interviewed twenty five citizens in a random basis. The findings which I have got are presented here followed by questionnaire:

Awareness of the Citizens:

Citizens are the user of the Act. If they remain ignorant about the Act the target of the Act will not be achieved. They must know about the Act and also the process of applying and the next steps. Here the education level of the citizen is important. In my study I tried to understand the level of awareness of the citizens about the RTI Act-2009. The findings are as follows:

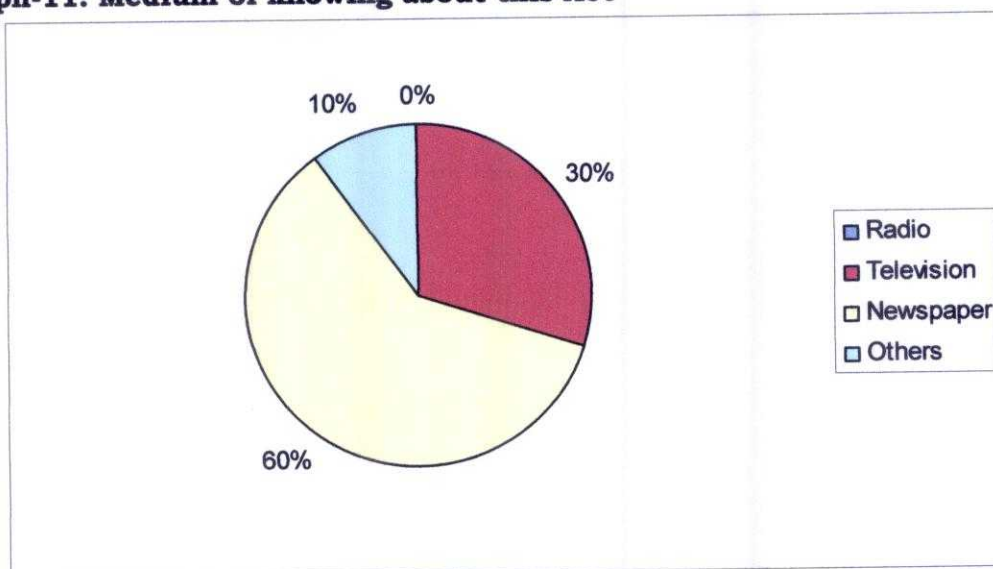
Graph-10: Awareness of the people about this Act



Among the twenty five respondents fifteen replied that they do not know about the Act, and ten responded as “Yes” this means sixty percent of the respondents are not aware about the Act. So for effective implementation of the Act awareness and sensitization of the citizens should take priority. Because when people became aware about the benefit and use of the Act, they would be interested in using the Act.

The way of knowing about the Act:

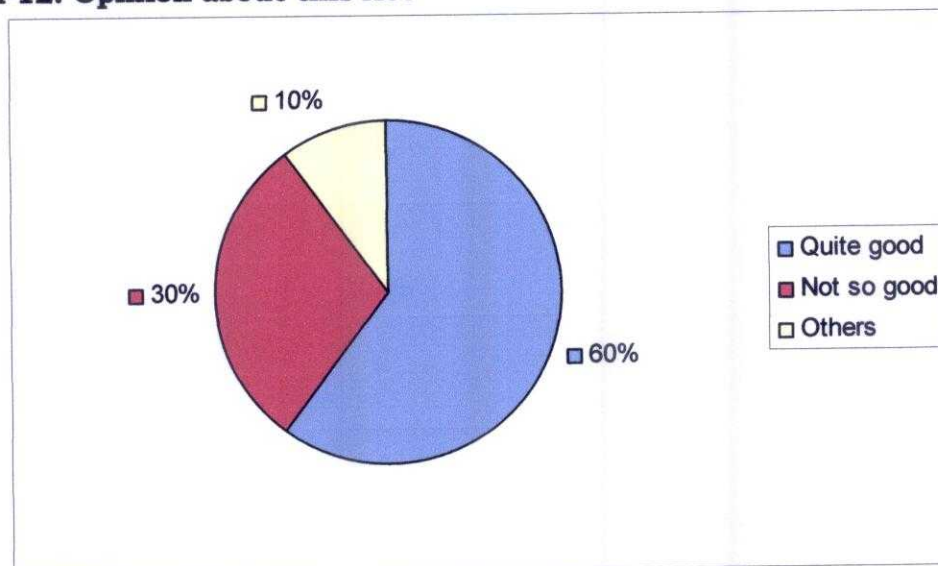
The people who are aware about the Act they were asked about the way or means through which they came to know about the Act. In replying that the findings came out that sixty percent of the respondents came to know about the Act through Newspaper, thirty percent by Television & ten percent by Radio (Graph-11). This finding has also an implication that as majority of the respondent came to know about the Act by newspaper other powerful media are not being utilized properly. So if other means are utilized for creating awareness, it will bring a positive result.

Graph-11: Medium of knowing about this Act

Opinion of the Citizens about the Act:

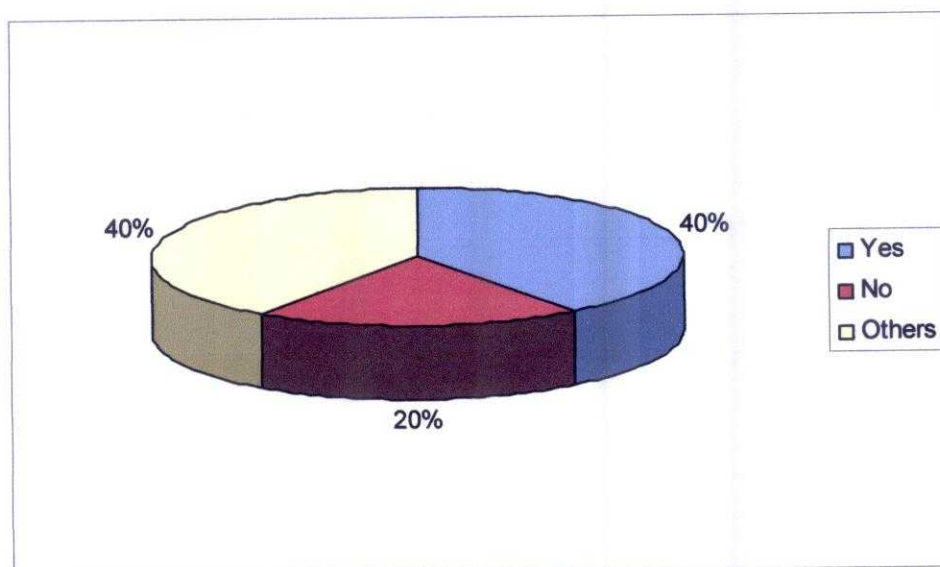
How the beneficiary perceived the Act is important for effective implementation. Their opinion about the Act, opinion about the time limit of getting information and the effect of the Act in the government is viewed in the following graph

Graph-12: Opinion about this Act



Among the respondent those who are aware about the Act they replied the Act as quite good which is sixty percent of the conversant respondents, not so good is perceived by thirty percent of them and others is ten percent. This ten percent only heard about the Act, they don't have any clear idea about the Act. The respondent when asked to give opinion about the time limit of getting information under the Act they did not contributed much in giving clear response of that question. The findings are shown in the following graph:

Graph-13: The Time Limit of Getting Information

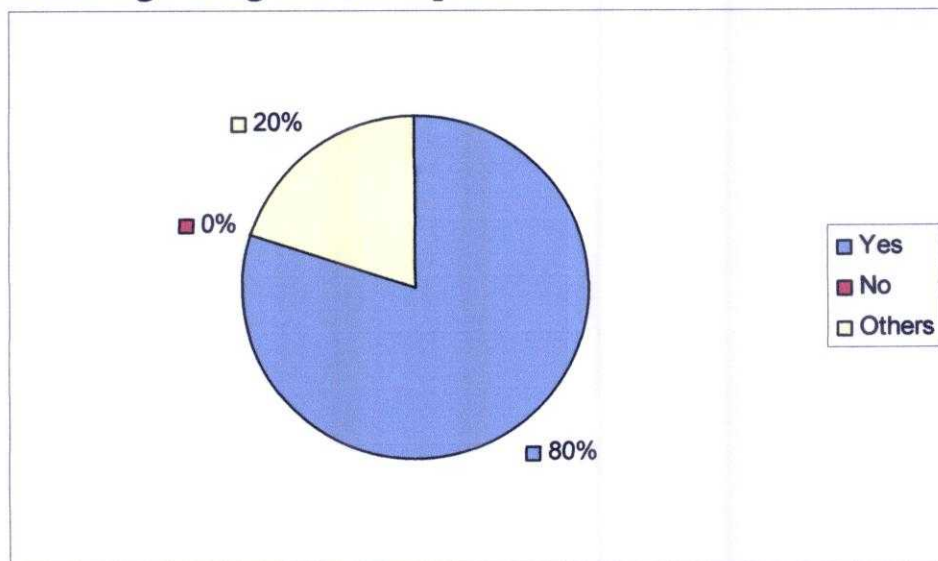


When the respondent gave their opinion about the time limit of getting Information whether is it all right or not, forty percent replied as 'Yes,' forty percent replied as 'No' and twenty percent 'Others.' This data shows that the conversant respondent don't have sufficient idea about the Act. So all the necessary steps should be taken by the government and other community to give people a clear perception about the Act.

Safeguard against Corruption & Tool for Transparency

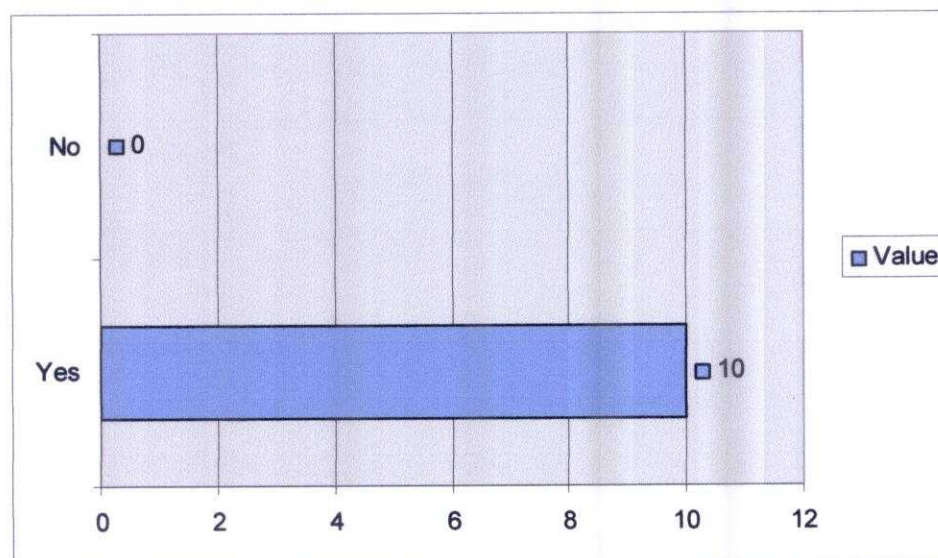
Like the assigned government officers the majority respondents of the citizens group also perceived the Act as a strong safeguard against corruption and a tool for Transparency in the Government. The findings are shown in the following two graphs:

Graph-14: Safeguard against Corruption



Eighty percent of the respondents who knows about this Act perceived the Act as a safeguard against corruption and only twenty percent replied differently that the matter of corruption depends on personal commitment.

Graph-15: A tool for Transparency in the Government

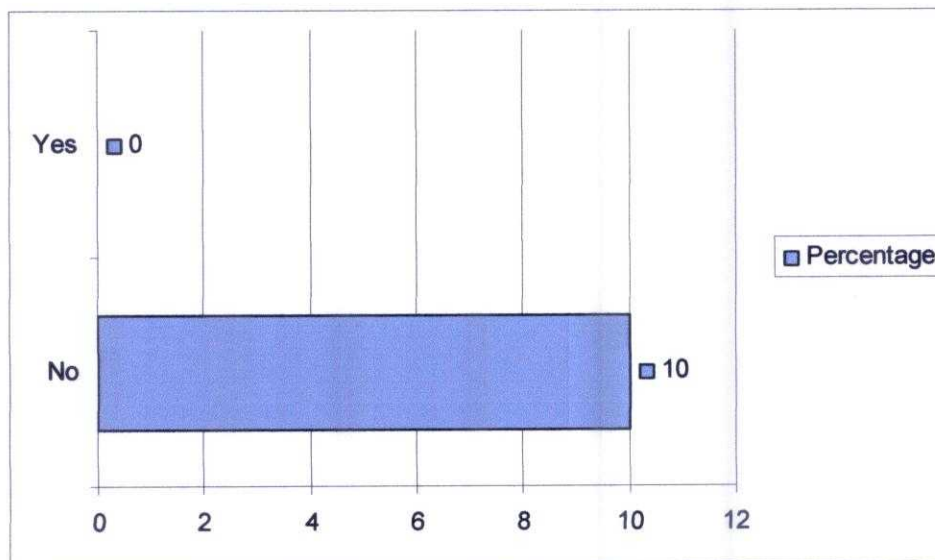


Total ten respondents out of twenty five who are concern about the Act, opined that the Act is an effective tool in attaining transparency in the Government. So, in the question of transparency in the government the Act will conclusively help a lot.

Use of the Act:

The more use of the Act can enhance the effectivity of the Act. For getting better result more use of the Act need to be ensured.

Graph-16: Use of the RTI Act-2009



The data in the above graph shows that among the concerned respondents who are aware about the Act the total ten in number, no one has used this Act. This finding depicts the very poor side of the use of the Act by the citizen till now.

From the findings of the study it became clear that the demand side of the RTI Act is not to the required level. Sensitization of the citizens about the utility and implication of the Act, need to be clarified through using different means. For effective implementation of the Act awareness of the citizens should take priority because they are the user of the Act. The more use of the Act can enhance the effectivity of the Act. Among the concerned respondents out of ten no one has used this Act. So my study explored that the ground reality is that lack of awareness and sensitization of citizen may be a roadblock in the effective implementation of the Act and at the same time government has to take action plan in a comprehensive way to improve the capacity as well as to facilitate the demand side. Not only the preparation from the government and the awareness of the citizen is important for implementation, but also the civil society has a big role to play.

5.3 Civil Society Monitoring of RTI Legislation

Governments can slide back after passing the legislation and laws can become dead letters if not used and monitored by citizens. Constant monitoring can ensure that citizens' feedback is available and hurdles are removed. Monitoring can also help identify departments that receive a large number of requests and initiate action to aggregate information and provide the same in a pro-active manner through websites or any other means of communication. A survey was conducted in 2003 in six states of India (Tamil Nadu, Goa, Delhi, Karnataka, Rajasthan and Maharashtra) showed a low level of awareness and use of the Acts, even among those people that applied under the Acts, a very small percentage actually got the information. The states of Delhi, Goa and Karnataka were better in implementing their Acts. These were also the states with a higher level of awareness and use of the acts (Sharma, 2004:19). So a higher level of awareness and use of the Acts facilitate the process of effective Implementation of the Act.

5.4 Independent Oversight Bodies

Post-legislation monitoring of the legislation can also be institutionalized. This is a very important forum, represented, among others, by citizens' groups, media and civil society to ensure that the government does not backtrack after passing the legislation. The monitoring body can review cases of non-compliance to identify the underlying causes and then address those causes to overcome non-compliance. Right to Information Forum (RTI Forum) which is comprised of 30 plus organizations and individuals, was launched on 21 August 2008 to work with government and other stakeholders to expedite enactment of the RTI law. The RTI Forum was formed as a loose coalition to lobby for the enactment of the RTI Law and monitor its implementation. The mission of this Forum is to build capacity among its members to facilitate the use of the RTI as an empowering tool for the people particularly poor and disadvantaged; mainstreaming Right to Information in all development agenda; building awareness on the law and its use and supporting public authorities towards an accountable and transparent work culture. Thus this Forum can work as a independent oversight body.

It is a pity that records management is considered to be a relatively unimportant activity in public administration entrusted to the junior officials. In India and Bangladesh, a posting to the records section will be seen as a punishment posting fit only for inefficient and unwanted government officials. This mindset has to change. The spread of information and communications technologies has made it a lot easier to store loads of data in a systematic manner amenable to quick and inexpensive retrieval.

For effective implementation of the RTI Act-2009 a strategic framework and a plan of action with specific time frame need to develop. In developing the strategy all stakeholders, especially the civil society, NGO, media and others must be involved in a participatory process, as leading position taken by the Government. In Bangladesh The Ministry of Information is the mother ministry in implementing the law. The success of this law, to some extent, depends upon the activities of the Ministry. The Ministry has taken a project of eighty crore Tk. named "Campaign on Right to Information for ensuring awareness, good governance accountability and transparency" for making people aware about the Act and for giving training to the officers and staffs. For effective implementation of the Right to Information Act the strategy matrix which is shown down on the table can be applicable in our country. On the basis of the strategy, action can be taken, depending on some actors. And if there is a good synthesis among the three, it would bring a tremendous impact in effective implementation of the Right to Information Act-2009 in Bangladesh.

Table: 1-The Strategy Matrix

STRATEGY	ACTIONS	ACTORS
Regional Campaigns/ Public Awareness	Networking and Coalitions: ☐ Advocacy ☐ Workshops ☐ Model Legislation ☐ Public Education	NGOs, Donor Agencies, Media Government
Research and Documentation	Knowledge and Outreach : ☐ Position Paper ☐ Empirical Linkages	Academia, Regional Resource Centre
Capacity Building	Concepts and Tools: ☐ Workshops ☐ Support Networks for Clean Government ☐ Material Development	Regional ResourceCentres, Donor Agencies, Regional Networks
Monitoring	Comparative Assessment: ☐ Regional & Intra Country Benchmarks ☐ Indices / Communicative databases	Regional Resource Centers , Media

(Source: 3rd annual conference of the ADB/OECD Anti Corruption initiative
for Asia-Pacific Tokyo, Japan 28-30 November 2001)

5.5 Implementation of RTI legislation

Effective implementation of the Right to Information Act is more important than passing a law. Successful implementation is the most challenging part for the Government. Without effective implementation, a well drafted law will fail to meet the true essence of access to information. However, without a strong political commitment to implementation, backed by proper resources and strategies to breakdown long-standing cultures of secrecy, the effectiveness of the law will be severely impeded.

The proposed Right to Information (RTI) Act must protect government whistle blowers and government officials must change their mindset accommodating the new law in their daily activities in order to make it effective, said India's Chief Information Commissioner (CIC) Wajahat Habibullah in an interview with *The Daily Star*. March 30, 2008 Habibullah said the government must put in place all institutional mechanisms before the RTI takes effect and raise public awareness to have an effective law from the start. He said there are no clauses in the Indian RTI to protect government whistle blowers and "we have been using our own influence". "Your law can build on this to help protect whistle blowers," he added. (Source, Internet)

He also said the law automatically changes the mentality of government officers, as there are significant institutional barriers that the RTI helps break down. Democracy and the RTI are intertwined, he said, explaining that the Official Secrets Act, 1923, shared by both Bangladesh and India, serves to protect the government. "But in a democracy if the public is the government, obviously such an Act is anachronism," he observed. Citing the RTI, Habibullah said: "This act actually seeks to bring the government closer to the people and actually gives the people a sense of participation, and opportunity to participate in the governance, which is the essence of good democracy. 'Farmers, classless people and slum dwellers are also using RTI for their benefit as they are better aware of their rights and government welfare provisions. NGOs and activists have been able to use the RTI to work with farmers and slum dwellers to ensure they receive their full due.

Asked about the effect of RTI on corruption, the Indian commissioner said: 'RTI alone cannot eradicate corruption, but it can be used as evidence to

fight corruption.’ He added that although it is not specifically designed for the press, RTI has a provision that binds government officials to release requested information within 20 days. Citing India's experience of not having everything in place before, he said the Commission started its work and the RTI took effect, which led to a lot of negative press coverage.

Although the passing of a law is an extremely important part of securing the right to information it is not the final step. Any law still has to be implemented. There are a number of considerations which affect the effective implementation of right to information legislation. The five important factors are as follows:

- i. Building public awareness on the right to information
- ii. Promoting an informed civil service on the implications of the legislation
- iii. Encouraging cultural change within the civil service that official information belongs to the people
- iv. Developing an efficient and well organized information management system
- v. Establishing an effective regulatory machinery including the courts and an information commission or ombudsman (Puddephatt, 2004: 27-30)

Building Public Awareness:

Government supported public information campaigns are an extremely important complement to a law – and it is essential if the goals of access to information legislation are to be realized. Many Governments recognize that maintaining their own websites and developing effective national information and communications strategies to make information available is an essential part of open and transparent government. The Internet in particular has opened up new possibilities for governments to interact with citizens. There is growing interest among donors and recipients alike in the possibilities of e-government. Combined with the right to information it undoubtedly opens up possibilities for greater public participation in decision making at all levels. This may in turn require support for programmes that assist people to use information technologies to look for, find and analyze information.

The media have an important role to play, as does civil society in raising awareness on the right to information. Frequently the media can be indifferent

to the right to information, undercutting as it does their own privileged access to the official world. If the media can be persuaded to see the right to information as a means to report on substantive issues in a way they have not been able to before, then they are likely to stimulate public interest. With civil society, active groups who are monitoring the law – like ODAC (Open Democracy Advice Centre) in South Africa or AIP (Access to Information Programme) in Bulgaria can contribute considerably to public awareness of the importance of this legislation. The most effective implementation however, will come when people themselves demand it. Usually such demand is driven by a pressing social need of some kind – such as the demand for information about a major public health or environmental issue – or education.

Promoting an Informed Civil Service:

Even the most effective civil service will require a period of adjustment, although it is important that any preparation period is not allowed to be used to simply delay the implementation of the law. How a right to information law should be promoted will vary from country to country, depending on how the civil service is organized, how effective the internal information systems of the government are, general levels of literacy and the degree of awareness of the general public. The law itself should set out how it is proposed to address the culture of secrecy within government. An important element of this is the provision of right to information training for employees. It is important to institute or support such training programmes so that countries are able to take advantage of the opportunities offered by the law and so that the law is seen as a positive benefit to officials, rather than another burden.

Encouraging Cultural Change:

Where state capacity is weak or there is a long history of single party control, public officials may regard the files they hold as their own personal property and remove them at the conclusion of their employment. Within traditionally secretive bureaucracies, information itself is a form of power and officials may be reluctant to share it with other officials or even be transparent about the information they hold. This is a formidable challenge to effective government, let

alone an effective right to information system. This is where training programmes are so important – to try and tackle the ingrained mindset that may go back for several generations.

Developing an Effective Information Management System:

If a right to information law is to be effective, a number of institutional supports are required. This is true for both national and local levels. Processing requests for information must be facilitated through effective decentralized structures and mechanisms. A big challenge is likely to be the chaotic nature of the information and public records system itself, the lack of proper archives and the lack of any consistent system for managing information across the government as a whole. This need not imply any conscious desire to obstruct the process of implementation but merely be a reflection of existing institutional weaknesses. In some countries for example there is no common information system extending across the public service as a whole – so that managers and politicians genuinely do not know what records they might possess. One of the significant advantages to any government of implementing access to information legislation is the drive it gives to providing a more effective internal information system. It is a stepping stone to wider institutional reform. It is of significant importance that broader initiatives aimed at addressing the modernization of the public administration put emphasis on strengthening information and records management systems.

Establishing the regulatory and enforcement machinery:

The role of the courts is crucial. Sometimes, courts undermine the intent of the law, so citizens give up. In addition, independent bodies that process information requests can succumb to political pressure or are made ineffective by lack of funds. The strength of the legal system – which is the ultimate enforcer of any law, is therefore very important. Without independent judges and a culture of rule of law this reform, like any other, will be difficult to have effect. However, the courts themselves are rarely the first line of defense in implementation – they are too expensive and remote in most countries. It is therefore important to establish an administrative mechanism of some kind –

either an information Commissioner, or by using an existing office such as that of the Ombudsman such an office could be given a wide variety of powers. In the first instance it should be able to hear simple administrative appeals against refusals to release information and it should have the power to demand the release of the information if the appeal is upheld. It can also be given the power to investigate systemic problems in the release of information and make recommendations to a public body as to how it might improve its procedure and processes. It can also have the power to make an annual report to the parliament or Congress, setting out how effective the law has been and recommending any changes in the law that may be necessary to make its operation more effective.

This office should be backed up by clear legal powers to enforce the law. This is necessary because in many countries, the access and enforcement mechanisms in the legislation will have been designed to be weak or unenforceable. Governments with a long history of secrecy will tend to resist releasing information. Public officials weaned on secrecy will tend to regard information as power and be reluctant to give it up. They also delay the processing of information request or impose unreasonable fees to discourage access. In order to deal with this problem, some reform minded governments have included tough penalties in the law for officials who refuse to release information. Whether imposing penalties on individual officials is an appropriate means of enforcing the law is controversial. Many find it more useful to specify in law that the managers of the public body are responsible for ensuring that the right to information is guaranteed – making individual officials liable may encourage managers to push responsibility down the line to those too weak to resist but too powerless to change the policy. It may be better in the long run and more effective for the public body as a whole to be the subject of legal sanction if the law is broken, rather than penalize individuals.

Challenges Ahead

Common challenges of implementing an information law may include difficulty in adjusting the mindset of the bureaucracy and people who hold the information; mismanagement in record keeping and lack of capacity in relation

to record keeping; insufficient resources and structure; existing rules; inadequate staffing in terms of training, motivation and skill; lack of awareness among the citizen; and the absence of the rule of law. Policymakers must have political will to implement the RTI Act in an effective way and tackle the operational challenges of the law. Information Commission should be strengthened to minimize the effect of the exemption in the law regarding disclosure of information. But government should allocate special fund in the national budget for RTI implementation and functioning of Information Commission. The role of media will be identified through discussion so that it can be used as a tool to ensure effective implementation of the RTI Act and its utilization in the development work. The implementation of the laws fails to measure up to their intention; while many countries have adopted solid legal standards for freedom of information, real access to information often remains circumscribed by the vagueness and interpretability of the laws, cumbersome bureaucratic procedures, frequent reluctance by government officials to provide access to information, and judiciaries' failure to enforce the legal frameworks. Encouragingly, however, freedom of information is today on a much more solid footing in many countries of the region than only a decade ago. This is a particularly positive development given that access to accurate information is key to combating corruption and, as such, to promoting genuinely responsive and representative democracy.

Resource Constrains:

Implementation of information laws can take an enormous amount of energy and resources. The resource demands are significant, particularly in societies where a culture of secrecy has dominated the past and where there are no process already in place to facilitate the archiving and retrieval of documents

Changing Bureaucratic Mindset:

Entrenched cultures of secrecy in the political and bureaucratic hierarchies can slow down the drive towards openness. The instinct towards withholding information, which is often deeply rooted in environments where secrecy has allowed officials to remain unaccountable, can be difficult to overcome.

Nonetheless, if an access law is to be effective, ways will have to be found to encourage bureaucrats to implement the law in the spirit of openness and accountability. At the very least, innovative ways will need to be developed which ensure that officials comply with the letter of the law.

In Bangladesh governments are accustomed to working in a secret manner. Bureaucrats have developed a sense of ownership about the records under their custody. Therefore a fundamental mind shift of bureaucracy is necessary.

Government System Building:

In order to respond to requests, an adequate information management system must be designed and established. In our context systematization of information requires computerization of all records.

Capacity Building:

Successful implementation of the Act requires systemic capacity building of the responsible officer and related workforce. Systemic capacity building covers training, motivation, and a complete preparation of the Government as a whole.

Supporting the Demand Side:

To make people aware about the use and benefit of the Act is also a challenge for the implementation. In this process civil society can play an important role.

Conclusion

Governments increasingly recognize the importance of access to information for enhancing democratic engagement, building confidence in government institutions and strengthening their credibility and effectiveness. RTI is not just a necessity for people- it is an essential part of good government. So for the sake of the interest of the government, they should promote the implementation of RTI by taking necessary steps both from the supply side & demand side. The Act became enacted from the 1st July of this year. Though it is too early to evaluate the achievement of the Act, the study aims to assess the preparation or readiness of the Government. The findings of the study give a indication that government have to go a long way by facing all the challenges and creating a enable environment, as government have the authority, resources & access

Chapter- 6

Conclusion and Recommendation

6.0 Conclusion & Recommendation

Knowledge is true organ of sight, not the eyes. Panchantantra (c.5th century). When data is digitized it became information. And when better level of understanding adds value to that information it became knowledge. We are now living in the information age. And the world is moving towards knowledge age. We want to be a knowledgeable citizenry by using information as a resource just like land, labour & capital. For achieving the vision 2021 we need to ensure the proper use of that organ (knowledge) by effective implementation of the Right to Information Act-2009. The global scenario of the Right to Information Act, the international principles of the RTI and as well as the experience from India in implementing RTI, can guide the Government to move in the right way. So it is a challenge for the present governments to translate the intent of information laws into real, uncompromised access to information. Passing a Right to Information Act is the first step towards establishing good governance and ensuring an accountability regime in governmental institutions. The government has made all the initial steps to make the Act as a functional one.

Developing a plan of action is the first step. An immediate way of signaling the government's commitment to implementing a new access law is by developing and publishing a detailed plan of action identifying key implementation tasks, the agency or agencies responsible for actioning them and strict timelines for completion. Government action plan need to be developed by a lead agency given overall responsibility for implementation (commonly referred to as the nodal agency). This ensures that implementation activities are consistent across the government. It will also ensure that the bureaucracy cannot "pass the buck" on their responsibilities for implementation because the nodal agency will be responsible for monitoring all government implementation activities.

In Bangladesh the Ministry of Information is taking the lead in developing an action plan, which is in effect a roadmap for implementation. However, any action plan needs to be developed participatorily, to promote whole-of government ownership of the final plan and its activities. One of the

most important elements of any plan is deadlines. Clear dates need to be included for completion of various implementation steps. The nodal agency must then monitor these deadlines and ensure that any slippage is queried, explained and if necessary, sanctioned. In line with the previously discussed five important considerations for effective implementation of RTI legislation, we have to do the following things in our context. The sooner it is done the quicker will be able to derive the benefits. To get the maximum output from this legislation political will is a must which will create an enabling environment, keeping Government as an enabler.

Creating Public awareness

The government of Bangladesh should start "public awareness" campaigns. The government should inform the public of their right of access to information; including specifically how they can apply. This should be seen as part of promoting a culture of openness and responsiveness within government. These campaigns need to employ a variety of communications mechanisms in order to reach the widest possible segments of the public, including those in rural areas and those who are illiterate. Governments also need to proactively produce and distribute literature in a variety of forms, including through Government department websites, on how citizens can use the legislation. Internet can be a good source for public awareness as well as citizen's participation in the governance.

The effective use of the media can be a better way for creating awareness. The findings came out from the study that, sixty percent of the respondents came to know about the Act through Newspaper, thirty percent by Television & ten percent by Radio (Graph-2). This finding has also an implication that as majority of the respondent came to know about the Act by newspaper other powerful media are not being utilized properly. So if other means are utilized for creating awareness, it will bring a positive result. The civil society has a two-way stake in the implementation of the RTI in Bangladesh – as providers of information and as campaigners for implementation on both demand and supply side. Indeed it is incumbent upon the NGOs as a sector and individually as separate entities to lead the process by adopting policies and time-bound

implementation plan emphasizing more on proactive disclosure than on providing information on request. The civil society must also take active role in partnering with the Government in campaigning for supply side capacity building. India is the best examples of civil society's role in enforcing people's right to information.

Encouraging Cultural Change

The most challenging task for operationalising the Right to Information Act would be to bring about major changes in our administrative system to evolve and facilitate a new culture of openness. Ministers, parliamentarians and senior bureaucrats should encourage taking up the issue of right to information proactively and consistently pledging their unequivocal support for a new openness regime. Revamping of administrative system in this direction would require multi-pronged measures which include:

- Review and revision of some of the basic concepts of civil services retained since the days of colonial administration, such as civil service anonymity.
- Formulation of a comprehensive training policy with a view to inculcating right attitudes among the civil servants in the context of open government. Such training should deal with why access to information is important, the scope of any law, and the procedures by which people request information and how requests should be responded to, how to maintain and access records.
- Suitable change in the prevailing practice of classification of government documents. This calls for a well-planned information policy as an important part of government's public relations policy.

Strengthening information and records management systems

Implementation of Act will require an efficient information management system with the help of sophisticated information technology. The cost of providing information could be high, while acknowledging the cost constraints as a genuine problem, the benefits that may be derived from an efficient system of information management in government departments would also need to be duly assessed and analyzed. Moreover with the increasing use of information

technology (e- governance) in our government offices, it should no longer be very difficult in near future to evolve an efficient and useful system of information management in government. The following number of institutional supports is required for making information & record management system strong.

1. Skilled manpower
2. Motivation of concerned service providers
3. Computerization of all the documents
4. Proper knowledge
5. Well established Information technology that means networking wide area and local area network.
6. Make catalogue and indexes of all government documents
7. All proceedings must start to be recorded for better government accountability.

Finally for effective implementation of the RTI Act-2009 government should computerize all information on a mandatory basis. Bangladesh should also "digitalise" all information, which would significantly assist the press. Data store in electronic device needs resource, but Bangladesh have to start for systemic capacity building both from the organization level and human capital level, which means capability, knowledge, training and motivation of the related personnel.

Establishing the regulatory and enforcement machinery

For effective implementation of RTI legislation we need a strong Information Commission. The Commission must be headed by Commissioners who have the highest degree of credibility, public trust, professional excellence and capacity, leadership quality and dynamism. It must be sufficiently resourced by financial, human & technical support. It should be independent and proactive. Beside this, to serve as per the requirement of the citizens, Government should improve the information management system in various offices, as well as the attitude & mentality of the officer's need to change. Information Commission office need to be set up in the divisional cities so that people can get the benefit of the Act without any delay or long process. For all this purposes Government

need to allocate additional money in the budget and at the same time government has to take action plan in a comprehensive way to improve the capacity.

Secondly review and revise suitably such legislations as the Official Secrets Act, 1923, and the Evidence Act, 1872, so as to replace the inhospitable provisions therein with suitable provisions encouraging dissemination of information and limiting the clauses relating to withholding of information. Suitable amendments in the Conduct Rules for government servants should also have to be made to enable them to disseminate to the people as much information as much possible. So to undertake a comprehensive review of all laws on the statute book in the light of the transparency imperatives established by the RTI Act is a must.

Bangladesh should meet international standards and practice by which governments can achieve maximum openness, in line with the international principles. The whistleblower protection needs to be included in the Act. Promotion of open Government in The RTI Act, 2009, by giving sufficient focus to civil service as a key factor for promoting the goals of the legislation.

A well crafted law needs to be based on the principle of maximum disclosure and minimum exceptions. The list of exemptions should be short and other laws should not be permitted to extend them. Furthermore, the Act should not limit access only to government information but should also cover private organizations, voluntary organization, autonomous body, media, newspaper and political parties, NGOs as is the case of South African act. In practice, lack of genuine political commitment to openness will undermine the law by sending conflicting messages to those responsible for administering the new legislation. Political will to recognize the people's right to information, the role of the civil society organizations and the media would be significant in ushering in a new era of open, transparent government. So keeping political will strong is important for implementation. Although the enactment of a RTI act is the government's prerogative; as demonstrated in India's example, civil society must be actively involved in raising both political and public awareness in all levels of society about the benefits of such a right. The independent and creative role of Judiciary is important for effective implementation of the Act just like

India. RTI and an effective Information Commission will require active support and enforcement from the courts and law-enforcement institutions. Independent judiciary and law enforcement agencies are a sine qua non for implementation of the RTI Act. Without an independent judiciary the right to information can turn out to be illusory. A prerequisite for building an RTI-supportive national integrity system is one in which key institutions of democracy are independent of partisan political influence supported by a firm constitutional jurisprudence favorably disposed to the concept of RTI.

Any fees for gaining information should not be so high to deter the potential applicants. The Act should also provide strict time limits for processing requests and these will be enforceable. The enforcement mechanism will include powerful, independent and impartial appeal authority and the provision for penalty and justified sanction on willful withholding of information. Any person denying providing information must give reasons for doing so.

The effectivity of the Act depends on the wide use of the Act. The people belongs to all class of the society should come forward to use the Act. From the capital city to remote village this law needs to be used. In popularizing the Act, the forces which played important role in the formulation of the Act should have more contribution than ever before. In India government officials are the largest users of the RTI, as they can follow up on their pension, promotion and a host of other rules and regulations inside the government. In Bangladesh the Government officers can come forward to make the Act popularize, by using the Act. so that government can avoid the cost of providing information to the citizen. A professional association for government officers who provides information, like U.S. can boost up the motivational level of our officers.

Implementation of RTI, as mentioned before, is much more difficult than adoption of the Act; it is a multi-stakeholder challenge; it requires a comprehensive approach; and it will yield result only when there is a full-fledged and committed ownership of all stakeholders, especially internalization of the benefits of the concept of the right to information by the demand side as well as the supply side - those who need the information and those who hold

them. However, proper investment in the system at the outset will reap its own rewards over time. Opening up government will streamline many governance processes, improve bureaucratic efficiency, reduce corruption, support economic growth and foreign investment and result in better-targeted development initiatives. All of these outcomes have tangible financial benefits – as well as contributing to the overall health of the national democratic polity.

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Annexure # A.

Draft Right to Information Bill 2009__

An Act to establish a mechanism to secure access to information under the control of the government and public authorities in order to ensure transparency, accountability and good governance in the sphere of public authorities.

PREAMBLE

- WHEREAS in a democratic society access to information is recognized as a part of the fundamental rights to freedom of expression;
- AND WHEREAS citizens in a democracy should be empowered to understand and exercise their right to information;
- AND WHEREAS without access to information it is not possible to prevent corruption and lack of accountability in the administration of public authorities;
- AND WHEREAS protection of certain classes of information under the control of the Government is necessary for the public interest;
- AND WHEREAS it is necessary to provide for a balance between the two competing interests;
- NOW THEREFORE it is expedient to harmonise the laws restricting access to information and the need for accountability and transparency by allowing access to information under the control of public authorities.

BE IT THEREFORE ENACTED by the Parliament of the People's Republic of Bangladesh, as follows: -

CHAPTER I

1. Short title, extent and commencement:

(1) This Act may be called the Right to Information Act, 200__.

(2) It extends to the whole of Bangladesh.

(3) It shall come into force at once save sub-sections (1) of Section 5, sub-section 1 of section 14 etc. _____ shall come into force on the 180th day of the enactment of this Act.

2. Definitions:

In this Act, unless the context otherwise requires,

(a) "Information" means any material *be it in any form, including any advice, circular, contracts, data, documents, e-mails, file noting, log books, materials, models, memos, opinions, orders, papers, press releases, records, reports, samples, works held in any electronic form*, any correspondence, memorandum, book, plan, map, drawing, diagram, pictorial or graphic work, photograph, film, microfilm, sound recording, video tape, machine readable record, and any other documentary material regardless of physical form or characteristics, and any copy thereof and any information relating to any private body which can be accessed by a public authority under any other law for the time being in force.

(b) "Information Officer" means the Public Relation Officer or any other officer or employee of any Public Authority who is designated as the officer responsible for discharging functions and responsibilities under this Act and in the absence of any Public Relation Officer or designated officer or employee the head of the relevant Public Authority or any section, department, directorate, wing, division and administrative unit thereof shall be deemed to be the Information Officer.

(c) "Public Authority" means any authority or body or institution established or constituted:

- (i) by or under the Constitution;
- (ii) by any other law made by Parliament;
- (iii) by notification issued or order made by the Government or any other body having the authority to issue such notification including any body owned, controlled or substantially financed directly or indirectly by the Government; and shall include any Non-government Organization and

political party having allocation of a symbol by the Election Commission;
and

(v) bodies that undertake public functions on behalf of the Government and/or under a contract with a Government body in relation to that contract; and

(vi) private bodies where the information is necessary for the exercise or protection of a human right

(d) "Right to information" means the right of access to information and includes inspection, taking notes, and extracts, and obtaining photo copy or certified copies of documents or records, *taking certified samples of materials, obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or any other device* of any Public Authority.

(f) "third party" means a person other than the citizen making a request for information and includes a public authority.

CHAPTER II

3. Right to information:

(1) Subject to provisions of this Act, every person shall have the right to information *held by or under the control of any Public Authority*.

(2) Every Public Authority shall maintain all its records *in a manner and form which facilitates the right to information under this Act* and to make available to any citizen requesting information from it and shall not withhold any information or limit its availability.

(3) The Information Commission shall develop guidelines on proper record keeping and management which must be followed by all bodies subject to the Act

4. Publication of Information by Public Authority:

(1) Every Public Authority shall cause to be published, *not more than six months after the Act comes into force and thereafter on a periodic basis*, not less than once every two years, publication(s) containing:

- (a) particulars of its organization, functions and duties; the powers and responsibilities of its officers and employees; description of its decision making process and responsibilities, including channels of supervision and accountability; the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;
- (b) statement of the classes and categories of documents and records in its possession;
- (c) the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;
- (d) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;
- (e) statement about the conditions upon which citizens can acquire from it any license, permit, grant, allotment, consent, approval or other benefits of any nature or upon which transactions or contracts of any category can be entered with it;
- (f) a directory of its officers and employees;
- (g) the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;
- (h) the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;
- (i) the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;
- (j) particulars of recipients of concessions, permits or authorisations granted by it;

- (k) statement about the facilities provided for access to information, including the working hours of a library or reading room, if maintained for public use; and the name, designation and location of the *Public Information Officer* to whom requests for information may be addressed, as well as about appellate/review authorities;
- (l) all relevant facts in the formulation of important policy decisions and announcing decisions that affect the public;
- (m) information on any new project, policy, scheme, programme or enactment of law that may be undertaken by it that may affect people generally or sections of people particularly and which the people concerned must know for the sake of natural justice and promotion of democratic principles;
- (n) **information relating to contracts entered into by them, including the objectives of the contract, the expected outcomes, benefits to accrue to the public, goods acquired or rented, the amount of money involved, the name of the contractor(s) or individuals to whom the contract has been awarded and the periods within which the contract is to be completed.**
- (o) details in respect of the information, available to or held by it, reduced in an electronic form;
- (p) the names, designations and other particulars of the Public Information Officers;
- (q) such other information as may be prescribed by the Commission.

(2) It shall be the duty of the every officer of a public authority to give reasons for decision to affected or interested persons.

(3) For the purposes of sub-section (1), every information shall be disseminated widely and in such form and manner which is easily accessible to the public, including in the form of publicly visible notices and on websites of public authorities where such websites exist.

(4) All materials shall be disseminated taking into consideration the cost effectiveness, local language and the most effective method of communication in

that local area and the information should be easily accessible, to the extent possible in electronic format with the Information Officer, available free or at such cost of the medium or the print cost price as may be prescribed.

Explanation.—For the purposes of sub-sections (3) and (4), "disseminated" means making known or communicated the information to the public through notice boards, newspapers, public announcements, media broadcasts, the internet or any other means, including inspection of offices of any public authority.

5. Duties of Information Officers

(1) Every Information Officer shall deal with requests from persons seeking information and render reasonable assistance to the persons seeking such information.

(2) The Information Officer may seek the assistance of any other officer as he or she considers it necessary for the proper discharge of his or her duties.

(3) Any officer, whose assistance has been sought under sub-section (2), shall render all assistance to the Information Officer seeking his or her assistance and for the purposes of any contravention of the provisions of this Act, such other officer shall be treated as an Information Officer.

6. Procedure for Access to Information:

(1) A citizen desiring to obtain any information from a Public Authority under this Act shall make a request in writing or in any other form including electronic means in English, Bangla or the local language of the area where the request is being made, to *the Information Office* specifying the particulars of the information, document or record and the mode of access, i.e. inspection, copying or taking note of, sought.

Provided that where such request cannot be made in writing, the Information Officer shall render all reasonable assistance to the person making the request orally to reduce the same in writing.

(2) An applicant making request for information shall not be required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him.

(3) The Information Officer receiving a request for information will be required to provide a written acknowledgement of receipt of the request, including the date it was received, the name and contact details of the Information Officer and a receipt for any fees paid.

(4) Where an application is made to a public authority requesting information-

(a) which is held by another public authority; or

(b) the subject matter of which is more closely connected with the functions of another public authority, the public authority, to which such application is made shall transfer the application or such part of it as may be appropriate to that other public authority and inform the applicant immediately about such transfer.

Provided that the transfer of an application pursuant to this sub-section shall be made as soon as practicable but in no case later than five days from the date of receipt of the application.

7. Procedure for providing information

(1) Subject to section 8, the Information Officer, on receipt of a request under Section (1) shall, as expeditiously as possible, and in any event within no more than 30 days of the receipt of the request, either provide the information on receipt of such fees as may be prescribed or reject the request for any of the reasons specified in sections 8.

Provided that where the information sought for concerns the life or liberty of a person, the same shall be provided within forty-eight hours of the receipt of the request.

(2) If the Information Officer fails to give decision on the request for information within the period specified under sub-section (1), the Information Officer

(4) Where access to the record or a part thereof is required to be provided under this Act and the person to whom access is to be provided is sensorily disabled, the Information Officer shall provide assistance to enable access to the information, including providing such assistance as may be appropriate for the inspection.

(5) Where access to information is to be provided in the printed or in any electronic format, the applicant shall, subject to the provisions of sub-section (6), pay such fee as may be prescribed:

Provided that the fee prescribed under sub-section (1) of section 6 and sub-sections (1) and (5) of section 7 shall be reasonable, shall in no case exceed the actual cost of providing the information such as making photocopies or taking print outs and shall be set via regulations at a maximum limit taking into account the principles that fees should not be set so high that they deter applications and that fees should cover only the cost of reproducing the requested information, not the cost of searching for or compiling the requested information;

Provided further that no fee shall be charged from the persons who are indigent as may be determined by the appropriate authority.

(6) Notwithstanding anything contained in sub-section (5), the person making request for the information shall be provided the information free of charge where a public authority fails to comply with the time limits specified in sub-section (1).

(7) Where a request has been rejected under sub-section (1), Information Officer shall

(a) communicate to the person making the request,—

preferred, and

(iii) the person's rights with respect to review of the decision regarding non-disclosure of the information, amount of fee charged or the form of access provided, including the particulars of the appellate authority, time limit, process and any forms that might be required;

(b) Refund any fee that might have been paid by the person

(8) Information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question.

CHAPTER III

8. Exemptions from disclosure of information:

(1) Notwithstanding anything contained in this Act, there shall be no obligation to give any person, –

- (a) information, disclosure of which may prejudicially affect the sovereignty and integrity of Bangladesh, the security, strategic, scientific or economic interests of the state, or relations with a foreign state or lead to incitement of an offence;
- (b) information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;
- (c) information, the disclosure of which would cause a breach of privilege of Parliament;
- (d) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the

- (f) information received in confidence from a foreign Government;
- (g) information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;
- (h) information which would impede the process of investigation or apprehension or prosecution of offenders;
- (i) cabinet papers including records of deliberations of the Cabinet, Secretaries and other officers:

Provided that the decisions of Cabinet, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over:

Provided further that those matters which come under the exemptions specified in this section shall not be disclosed;

- (j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the third party has effectively consented to the disclosure of the information or the Information Officer is satisfied that the larger public interest justifies the disclosure of such information,

Provided that the information which cannot be denied to the Parliament shall not be denied to any person.

- (k) disclosure of the information would be contrary to the public interest by reason that the disclosure would be reasonably likely to impair the ability of the Public Authority to obtain similar information in the future for the purpose of administration of a law or the administration of matters administered by the Public Authority.

occurred or happened twenty five years before the date on which any request is made under section 6 shall be provided to any person making a request under that section:

Provided that where any question arises as to the date from which the said period of twenty five years has to be computed, the decision of the Government shall be final, subject to the usual appeals provided for in this Act.

9. Rejection of Information

(1) Without prejudice to the provisions of section 8, an Information Officer may reject a request for information where such a request for providing access would involve an infringement of copyright subsisting in a person other than the Government;

(2) Subsection (1) of section 9 does not relieve the public authority of complying with its obligations under section 10 of this Act

10. Partial access to information:

(1) Where a request for access to information is rejected on the ground that it is in relation to information which is exempt from disclosure, then, notwithstanding anything contained in this Act, access may be provided to that part of the record which does not contain any information which is exempt from disclosure under this Act and which can reasonably be severed from any part that contains exempt information.

(2) Where access is granted to a part of the record under sub-section (1), the Information Officer shall give a notice to the applicant, informing—

- (a) that only part of the record requested, after severance of the record containing information which is exempt from disclosure, is being provided;

- (d) the details of the fees calculated by him or her and the amount of fee which the applicant is required to deposit; and
- (e) his or her rights with respect to review of the decision regarding non-disclosure of part of the information, the amount of fee charged or the form of access provided, including the particulars of the senior officer specified under sub-section (1) of section 19 or the Information Commission time limit, process and any other form of access.

11. Public Interest Disclosure

Notwithstanding the provisions of this Act and any law of Bangladesh to the contrary, a Public Authority shall give access to an exempt document where, in taking account of all the circumstances of the case, to do so is in the public interest, having regard to both any benefit and to any damage that may arise from doing so in matters such as, but not limited to:

- (a) abuse of authority or neglect in the performance of official duty;**
- (b) injustice to an individual;**
- (c) danger to the health or safety of an individual or of the public; or**
- (d) unauthorized use of public funds.**

CHAPTER IV

The Information Commission

12. Information Commission :

(1) The Government shall, by notification in the Official Gazette, constitute a body to be known as the Information Commission to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.

(2) The Information Commission shall consist of—

- (a) the Chief Information Commissioner; and

- (a) a Judge of the Appellate Division, nominated by the Chief Justice, who shall be the Chairperson of the Committee;
- (b) the Chairman, Public Service Commission; and
- (c) the Chairman, University Grant Commission.

(4) The general superintendence, direction and management of the affairs of the Information Commission shall vest in the Chief Information Commissioner who shall be assisted by the Information Commissioners and may exercise all such powers and do all such acts and things which may be exercised or done by the Information Commission autonomously without being subjected to directions by any other authority under this Act.

(5) The Chief Information Commissioner and Information Commissioners shall be persons of eminence in public life with wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration and governance and the appointment committee shall strive to achieve a mix of individuals with diverse professional experiences in the composition of the Information Commission as a whole

(6) The Chief Information Commissioner or an Information Commissioner shall not be a Member of Parliament or hold any other office of profit or connected with any political party or carrying on any business or pursuing any profession.

(7) The headquarters of the Information Commission shall be at Dhaka and the Information Commission may, with the previous approval of the Government, establish offices at other places in Bangladesh.

reappointment:

Provided that no Chief Information Commissioner shall hold office as such after he has attained the age of sixty-seven years.

(2) Every Information Commissioner shall hold office for a term of five years from the date on which he enters upon his office or till he attains the age of sixty-seven years, whichever is earlier, and shall not be eligible for reappointment as such Information Commissioner:

Provided that every Information Commissioner shall, on vacating his office under this sub-section be eligible for appointment as the Chief Information Commissioner in the manner specified in sub-section (3) of section 12:

Provided further that where the Information Commissioner is appointed as the Chief Information Commissioner, his term of office shall not be more than five years in aggregate as the Information Commissioner and the Chief Information Commissioner.

(3) The Chief Information Commissioner or an Information Commissioner shall before he enters upon his office make and subscribe before the Chief Justice an oath or affirmation according to the form set out for the purpose in the First Schedule.

(4) The Chief Information Commissioner or an Information Commissioner may, at any time, by writing under his hand addressed to the President, resign from his office:

Provided that the Chief Information Commissioner or an Information Commissioner may be removed in the manner specified under section 16.

(a) the Chief Information Commissioner shall be the same as that of a Judge of the Appellate Division;

(b) an Information Commissioner shall be the same as that of a Judge of the High Court Division of the Supreme Court of Bangladesh:

Provided that if the Chief Information Commissioner or an Information Commissioner, at the time of his appointment is, in receipt of a pension, other than a disability or wound pension, in respect of any previous service under the Government of Bangladesh, his salary in respect of the service as the Chief Information Commissioner or an Information Commissioner shall be reduced by the amount of that pension including any portion of pension which was commuted and pension equivalent of other forms of retirement benefits excluding pension equivalent of retirement gratuity:

Provided further that if the Chief Information Commissioner or an Information Commissioner if, at the time of his appointment is, in receipt of retirement benefits in respect of any previous service rendered in a Corporation established by or under any Act or a Government company owned or controlled by the Government, his salary in respect of the service as the Chief Information Commissioner or an Information Commissioner shall be reduced by the amount of pension equivalent to the retirement benefits:

Provided further that the salaries, allowances and other conditions of service of the Chief Information Commissioner and the Information Commissioners shall not be varied to their disadvantage after their appointment.

the salaries and allowances payable to and the terms and conditions of service of the officers and other employees appointed for the purpose of this Act shall be such as may be prescribed.

16. Removal of Information Commissioners:

(1) Subject to the provisions of sub-section (3), the Chief Information Commissioner or any Information Commissioner shall be removed from his office only by order of the President in the manner applicable in respect of a Judge of the Supreme Court as provided in Article 96 of the Constitution.

(2) The President may suspend from office, and if it is deemed necessary also prohibit from attending the office during inquiry, the Chief Information Commissioner or Information Commissioner in respect of whom a reference has been made to the Supreme Court under sub-section (1) until the President has passed orders on receipt of the report of the Supreme Court on such reference.

(3) Notwithstanding anything contained in sub-section (1), the President may by order remove from office the Chief Information Commissioner or any Information Commissioner if the Chief Information Commissioner or an Information Commissioner, as the case may be,—

(a) is adjudged an insolvent; or

(b) has been convicted of an offence which, in the opinion of the President, involves moral turpitude; or

(c) engages during his term of office in any paid employment outside the duties of his office; or

If the Chief Information Commissioner or a Information Commissioner in any way, concerned or interested in any contract or agreement made by or on behalf of the Government or participates in any way in the profit thereof or in any benefit or emolument arising there from otherwise than as a member and in common with the other members of an incorporated company, he shall, for the purposes of sub-section (1), be deemed to be guilty of gross misconduct.

CHAPTER V

Powers and functions of the Information Commissions and appeal

17. Powers and functions of the Information Commission:

(1) Subject to the provisions of this Act, it shall be the duty of the Information Commission to receive and inquire into a complaint from any person,—

(a) who has been unable to submit a request to a Information Officer either by reason that no such officer has been appointed under this Act, or because the Public Authority has refused to accept his or her application for information;

(b) who has been refused access to any information requested under this Act;

(c) who has not been given a response to a request for information or access to information within the time limit specified under this Act;

(f) in respect of any other matter relating to requesting or obtaining access to records under this Act.

(2) Where the Information Commission is satisfied that there are reasonable grounds to inquire into the matter, it may initiate an inquiry in respect thereof.

(3) The Information Commission shall have the power to initiate of its own accord complaints and inquiries, as appropriate, against any public authority or Information Officer; the Information Commission's powers of complaint and investigation will extend to individual cases as well as patterns of non-compliance by any public authority or Information Officer.

(4) The Information Commission shall, while inquiring into any matter under this section, have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of persons and compel them to give oral or written evidence on oath and to produce the documents or things;

(b) requiring the discovery and inspection of documents;

(c) receiving evidence on affidavit;

(d) requisitioning any public record or copies thereof from any court or office;

(e) issuing summons for examination of witnesses or documents; and

(f) any other matter which may be prescribed.

rules may provide for all or any of the following matters, namely:

- (a) the cost of the medium or print cost price of the materials to be disseminated under subsection (5) of section 7;
- (b) the salaries and allowances payable to and the terms and conditions of employment of officers and other employees under section 16;
- (c) the procedure to be adopted by the Information Commission in deciding appeals under section 19;
- (d) any other matter which is required to be, or may be, prescribed.

18. Examination of Record:

Notwithstanding anything inconsistent contained in any other Act the Information Commission may, during the inquiry of any complaint under this Act, examine any record to which this Act applies which is under the control of the public authority, and no such record may be withheld from it on any grounds.

19. Appeal :

(1) Any person who, does not receive a decision within the time specified in sub-section (1) or clause (a) of sub-section (3) of section 7, or is aggrieved by a decision of the Information Officer, may within thirty days from the expiry of such period or from the receipt of such a decision prefer an appeal to such officer who is senior in rank to the Information Officer in each public authority:

Provided that such officer may admit the appeal after the expiry of the period of thirty days if he or she is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) A second appeal against the decision under sub-section (1) shall lie with the Information Commission within ninety days from the date on which the decision should have been made or was actually received:

(c) reject the application.

(8) The Information Commission shall give notice of its decision, including any right of appeal, to the complainant and the public authority.

(10) The Information Commission shall decide the appeal in accordance with such procedure as may be prescribed.

CHAPTER VI

20. Penalty:

(1) Where the Information Commission, at the time of deciding any complaint or appeal is of the opinion that the Information Officer has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-section () of section — or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of taka two hundred and fifty taka each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty-five thousand taka:

Provided that the Information Officer shall be given a reasonable opportunity of being heard before any penalty is imposed on him:

Provided further that the burden of proving that he acted reasonably and diligently shall be on the Information Officer.

(2) Where the Information Commission, at the time of deciding any complaint or appeal is of the opinion that the Information Officer has, without any reasonable cause and persistently, failed to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 6 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed

information which was the subject of the request or obstructed in any manner in furnishing the information, it shall recommend for disciplinary action against the Information Officer under the service rules applicable to him.

21. Right of legal representation:

The parties to an appeal may either appear in person or authorize one or more legal practitioners or any of their officers to present their cases before the Information Commission. *To the extent possible, the Commission should operate more like commissions of inquiry searching for the truth rather than promoting adversarial hearings.*

22. Application of the Limitation Act 1908 (Act IX of 1908):

Subject to the provisions of this Act, the provisions of the Limitation Act, 1908 (Act IX of 1908) shall, as far as may be applicable, apply to an appeal filed under this Act.

23. Recovery of penalty and compensation:

Any penalty or compensation payable under this Act, if not paid, shall be recoverable *from the salary of the public official or as arrears of land revenue* under the Public Demands Recovery Act, 1913.

24. Indemnity:

No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.

25. Primacy of this Act:

The provisions of this Act shall have effect notwithstanding anything

inconsistent therewith contained in the Official Secrets Act, 1923, and any other law for the time being in force or any instrument having effect by virtue of any law other than this Act.

26. Suit Barred:

No court shall entertain any suit, application or other proceeding in respect of any order made under this Act and no such order shall be called in question otherwise than by way of an appeal under this Act.

27. Annual Report by the Commission:

(1) The Information Commission shall, as soon as practicable after the end of each year, prepare a report on the implementation of the provisions of this Act during that year and forward a copy thereof to the Government and make this report available for public perusal through appropriate means, including through its website, if such a website exists

(2) Each Ministry or Department shall, in relation to the public authorities within their jurisdiction, collect and provide such information to the Information Commission, as is required to prepare the report under this section and comply with the requirements concerning the furnishing of that information and keeping of records for the purposes of this section.

(3) Each report shall state in respect of the year to which the report relates,—

(a) the number of requests made to each public authority;

(b) the number of decisions where applicants were not entitled to access to the documents pursuant to the requests, the provisions of this Act under which these decisions were made and the number of times such provisions were invoked;

(c) the number of appeals referred to the Information Commission for review, the nature of the appeals and the outcome of the appeals;

(d) particulars of any disciplinary action taken against any officer in

respect of the administration of this Act;

(e) the amount of charges collected by each public authority under this Act;

(f) any facts which indicate an effort by the public authorities to administer and implement the spirit and intention of this Act;

(g) recommendations for reform, including recommendations in respect of the particular public authorities, for the development, improvement, modernisation, reform or amendment to this Act or other legislation or common law or any other matter relevant for operationalising the right to access information.

(h) recommendations for reform, including recommendations in respect of the particular public authorities, for the development, improvement, modernisation, reform or amendment to this Act or other legislation or common law or any other matter relevant for operationalising the right to access information.

(i) The government may, as soon as practicable after the end of each year, cause a copy of the report of the Information Commission referred to in sub-section (1) to be laid before the Parliament.

(j) If it appears to the Information Commission that the practice of a public authority in relation to the exercise of its functions under this Act does not conform with the provisions or spirit of this Act, it may give to the authority a recommendation specifying the steps which ought in its opinion to be taken for promoting such conformity.

28. Provision on Duties of Govt.:

The government shall respect and protect the right to information as defined in this Act and support efforts made in good faith by civil society to achieve the objects of this Act.

Annexure # B

Questionnaire for Government officer

NOTE: This questionnaire has been prepared for the partial requirement of the Masters in Governance and Development program run by Institute of Governance Studies (IGS) of BRAC University.

Profile:

- a. Your name (optional to mention):
- b. Designation:

1. Have you started providing information under the Right to Information Act 2009?

☐ Yes☐ No

2. How much application for providing information you get every week?

3. Have you been provided with any training for serving under the Act?

4. Do you have sufficient logistic support to provide information under this Act?

5. What kind of problem you are facing?

Record keeping /Absence of computer facilities/ Lack of manpower/ Public interference

6. How are you handling those problems?

7. What are the oversee mechanism?

8. Is the record keeping is okay?

9. What is your opinion about the effective implementation of this Act? (Please write your opinion)

.....

10. What will be the impeding factors to the effective implementation of this Act? (Please write your opinion)

.....

11. Do you think this Act will act as a strong move against corruption?

(1) Yes (2) No (3) Others.

12. Do you think you are adding much more value to public life by this process?

(1) Yes (2) No (3) Others.

13. What section of people is using this Act?

A. Educational background

S.S.C/Graduation/Post Graduate

B Profession.....

14. Do you think this law will bring transparency and accountability in the government?

15. As civil servant are you comfortable with this law?

16. What kind of benefit do you expect from this Act?

(1) Economic (2) Social (3) Technical (4) Administrative (5) Others

17. How much benefit the RTI will bring about?

(1) Much (2) Little (3) Very little (4) No

18. Do you think this Act will help in poverty reduction in Bangladesh?

How.....

19. What is your opinion about this Act?

Annexure # C

Questionnaire for Citizen

NOTE: This questionnaire has been prepared for the partial requirement of the Masters in Governance and Development program run by Institute of Governance Studies (IGS) of BRAC University.

Profile:

- c. Your name:(optional to mention)
- d. Occupation: (1) Business (2) Government services (3) Private Services (4) Others.

1. Are you aware of The Right to Information (RTI) Act 2009? (If answer is yes then proceed to the rest of the question)

Yes

No

2. How do you come to know about this Act?

(1) Radio (2) Television (3) Newspaper (4) Others.

3. What is your idea about the Act?

- (1) Right to know
- (2) Right to get Government information
- (3) Right to get Government and others offices information (4) Others.

4. What kinds of benefit do you expect from this Act?

(1) Economic (2) Social (3) Technical (4) Administrative (5) Others.

How.....

5. How much benefit RTI will bring about?

(1) Much (2) Little (3) Very little (4) No

6. Do you know from where and how you can get information?

(1) Yes (2) No (3) Others.

7. Do you think the time limit of getting information is all right?

(1) Yes (2) No (3) Others.

8. What is your opinion about this Act?

(1) Quite Good (2) Not so good (3) Others.

9. What is your opinion about the effective implementation of this Act? (Please write your opinion)

.....

10. What will be the impeding factors to the effective implementation of this Act? (Please write your opinion)

.....

11. Do you think this Act as a strong move against corruption?

1) Yes (2) No (3) Others.

12. Do you think this Act will bring transparency in the Government?

1) Yes (2) No (3) Others.

13. Will it bring accountability in the Government?

.....

14. Have you used this Act?

1) Yes (2) No (3) Others.

15. In what situation you have used that?

16. Do you think civil society can play a role of effective oversight body?

1) Yes (2) No (3) Others.

17. Do you think this Act will help in poverty reduction in Bangladesh?

How.....