

Sharing Power with People

Proceedings of the conference on
**Right to Information: Law,
Institution and Citizens**

Held on June 21-22, 2009
Dhaka Sheraton Hotel
Dhaka, Bangladesh

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Freedom of information is a fundamental human right as declared by the United Nations in 1948. The law on right to information enables citizens to seek information from the duty-bearers who are legally bound to provide the information. Bangladesh recently joined more than 70 nations when it enacted the Right to Information Act with the objective to ensure people's access to information which is vital for transparency and accountability, two major ingredients of a true democracy. The Right to Information Forum brought together experts, academics, researchers, media professionals, government officials, NGO activists and other social actors in a two-day conference in Dhaka on June 21-22, 2009 to discuss how to implement the law effectively and to define the role of different stakeholders. Delegates from India, Pakistan, the United Kingdom and Mexico were invited to share their knowledge and experience of implementing the law in their countries. Apart from the inaugural and concluding session, there were two plenary sessions, six workshops and a special session attended by editors of the newspapers and television channels. They took part in a threadbare discussion to guide the policymakers in implementing the law and making it truly beneficial for the citizens.

Inaugural session

At the opening session, Agriculture Minister Matia Chowdhury read out a message from **Prime Minister Sheikh Hasina** for the conference. In her message, Honorable PM Sheikh Hasina said Awami League in its election manifesto pledged to ensure free flow

of information, and that is why they enacted the RTI law and are now committed to its implementation. Bangladesh's constitution guarantees that every citizen has the freedom of thought, conscience and speech irrespective of religion, race, caste and sex, she mentioned.

The Honorable PM Sheikh Hasina further said right information at the right time helps the poor to improve their condition. "I want this law to work for the poor and disadvantaged people. The law has considered the needs of certain special groups like the people with disabilities, indigenous groups, poor and marginalized people," she noted.

The Honorable PM Sheikh Hasina said no law is perfect at the initial stage, but it can gradually be made perfect. "Let us not be too critical about the law at this stage. I urge you to uphold the spirit of the law and start implementing it with positive attitude. I hope that this law will help improve the image of Bangladesh in the world community as a country committed to setting up a transparent and accountable governance system," she said.

Matia Chowdhury said free flow of information is a vehicle for development. Farmers can grow better crops if they have right information about agriculture inputs and process. The minister urged the media to expose both sides of a story, because partial truth or 'half-truth' cannot provide the people with full access to information. If they know both sides of a story, they can take better decisions.

Information Minister **Abul Kalam Azad** said information could be an effective tool to check corruption. He assured that the present government is committed to implementing the RTI Act properly to ensure transparency and accountability in governance. The act is set to be effective from July 1, 2009 and formation of a fully independent Information Commission was under process, he said.

In the welcome address, **Shaheen Anam**, Executive Director, Manusher Jonno Foundation (MJF) and Convener of RTI Forum, congratulated the government for passing the RTI Act, paving the way for people to get information from the government authorities as a right. Stressing the need for ensuring people's access to information, she said denial of information has made them marginalized. Once the law is made effective, people will demand information as a right and hold local functionaries accountable for their actions, and thus the politicians also will be more accountable. "We believe the RTI law will assist the government to fulfill their election pledge of a corruption-free Bangladesh," she said.

Shaheen Anam observed that the first challenge to implement the RTI law lies in changing the mindsets of people who use information as power and are extremely reluctant to share it with people. She said the government will have to take the lead in implementation of the law but can take help from NGOs and other stakeholders. Shaheen Anam suggested a network of the designated government and NGO officials to create a common platform of capacity building and sharing experiences on RTI.

In his keynote address, **Dr Iftekharuzzaman**, Executive Director, Transparency International Bangladesh (TIB), said the most important element to implement the law effectively is the political will, the degree of commitment of the government. To implement the RTI Act, he suggested a plan of action with specific timeframe and formation of an inter-ministerial committee to coordinate and monitor the implementation. NGOs and other institutions should develop their own time-bound implementation and monitoring plans.

Iftekharuzzaman said some specific commitments are needed to ensure right to information. These are making the parliament effective, annual disclosure of wealth statement of the prime minister, ministers, members of the parliament and their families, independence of the judiciary and the Anti-Corruption Commission, reforms to make administration people-friendly, keeping police above political influence, competitive market system, strong measures against illicit money, effective human rights commission, appointment of Ombudsman and introducing citizens' charters in every department. He also suggested reviewing the too long exemption list in RTI Act.

About the Information Commission, Iftekharuzzaman said the commission should be headed by a person who has the highest degree of credibility, public trust, professional excellence and capacity, leadership quality and dynamism. The commission must be proactive and independent and should have sufficient financial, human and technical resources. He said that RTI Act should be constantly reviewed and analyzed to ensure that it actually facilitates and not restricts the peoples' access to information.

Chairperson of Manusher Jonno Foundation, **Syed Manzur Elahi**, who chaired the inaugural session, said the role of the media is very crucial in providing accurate information to the people. He also said RTI act has been passed with a goal to establish transparency, accountability and good governance.

Day-1

Plenary Session

Key Steps Towards Effectively Implementing an RTI Law, Lessons from International Experience

Moderator:

Tahseen Sayed, Operations Adviser, World Bank.

Panelists:

Aruna Roy, Executive Director, Mazdoor Kisan Shakti Sangathan (MKSS), India.

Shailesh Gandhi, Commissioner, Central Information Commission, India.

Juan Pablo Guerrero Amparan, Commissioner, Mexican Federal Access to Information Institute.

Rasheda K. Chowdhury, former Adviser of the Caretaker Government and Executive Director, CAMPE.

Andrew John Ecclestone, Honorary Senior Research Fellow, Constitution Unit, University College London, UK.

Panelists in this session shared their views and experiences on RTI and made suggestions for effective implementation of the RTI law to fulfill its objectives. They said right to information is a tool of sharing power with the people. Though it is fundamental to a participatory democracy and its objective is to empower people with information, it will surely experience strong resistance from those now enjoying the power. The government and other authorities working in the public domain must ensure people's access to information as per their need, the panelists suggested. They said the law should make it clear that disclosure does not hurt the government, rather increases acceptability of and trust in the authority. For smooth functioning, the designated officials will have to be trained well enough to carry out their duties.

Taking the floor first, **Aruna Roy** cautioned against strong resistance from the authorities while implementing the RTI law. "It is sharing sovereignty. As custodians of power, many may try to resist it and sometimes it may appear unexpected," she said. To overcome such resistance, she suggested a series of dialogues between different stakeholders. Ensuring people's right and access to information is essential for a clean and responsible government, social justice and equality, she noted.

"To fight poverty, you need right to know," Aruna Roy said. She observed that service delivery system in South Asia has failed to deliver. So there is a need for mounting pressure on the agencies for better service. Citing an example of success achieved through social audit, she said 3 crore rupees was returned to the people of Andhra Pradesh after irregularities were unearthed through the use of RTI law.

Shailesh Gandhi was very critical of the long list of exemptions in RTI law. "The Bangladesh law has 20 instances while the number is 10 in India. We should bear in mind that it is a law for giving information, not to restrict," he said.

Shailesh Gandhi was doubtful about government role to promote the law. "I don't believe the government would do a lot," he said, urging NGOs and civil society to create awareness among the people and sensitize the officials for effective implementation of the RTI law.

Based on the experience of the process of his own appointment, the Indian information commissioner suggested setting up a transparent process and not politicizing it.

Juan Pablo Guerrero from Mexico said besides training up officials in charge of implementation in different offices, building an efficient in-house system for managing requests and transmitting records would also be challenging tasks for the Information Commission.

About strategic plans for smooth functioning of the commission, he said, "Persuade users to trust the system, ensure acceptance and compliance by public servants, promote the RTI and handle as many requests as possible."

Juan Pablo Guerrero stressed the need to fight the culture of secrecy using the RTI law.

Sharing his experience in Mexico, Dr. Guerrero said a poor community in his country used the law to halt a federal construction project on their land, by proving there was no environmental impact study, as required by law, on the project.

Rasheda K. Chowdhury suggested involving teachers, health workers and agriculture extension workers for making people aware of RTI. She suggested that the RTI Forum could develop materials and have its own information database. "It can also publish annual report on how the government agencies are doing."

Andrew Ecclestone emphasized the need for developing an internal communications strategy to ensure that all staffs are aware of the law. He suggested implementation of the law as a process of permanent change, not just a project for one or two years.

Government has to have dialogue with the media and make sure they get necessary information, he said and noted that it should not blame the media much for publicizing wrong information without providing them with adequate information.

During the **question-answer session**, one of the participants raised a question on how to protect the information seekers if he or she is threatened. Aruna Roy replied that the RTI activists in India are putting pressure on the government for a law styled 'Whistleblowers Protection Act'. She said if there is transparency there would be no need to worry about blackmailing by any information.

On a query about managing information requests, Andrew Ecclestone said, "The best strategy is to publish as much information as possible proactively. It'll keep off backlog."

Replying to a question on how to enable people with disabilities to use the law, Aruna Roy said the law could be made usable for the visually-challenged people by translating it into Braille. Shaheen Anam, Executive Director of Manusher Jonno Foundation and Convener of the RTI Forum, expressed the hope that the issue of the disabled people would be addressed while formulating the relevant rules.

Wrapping up the discussion, the chair, Tahseen Sayed, said that the objective of the RTI is to share power with people to let them make informed decisions regarding matters relating to their lives. While the culture of secrecy and bureaucratic attitude remain key hurdles to overcome, political will is a must for successful implementation of the law. She also emphasized the role of a vibrant civil society and media in this regard.

Workshop 1

RTI Act: Scope for Legislature and Courts, International Experiences

Moderator:

Shahidul Huq, Additional Secretary, Ministry of Law, Justice and Parliamentary Affairs

Panelists:

Zahid Abdullah, CPDI, Pakistan

Barrister Manzoor Hasan, Director, IGS, BRAC University

Barrister Tanjib Ul Alam, Dr Kamal and Associates

Panelists in this session observed that the RTI law, like a touchstone, can help people realize their fundamental rights and thus can improve the lives, especially of the disadvantaged and marginalized. Though there are some laws that have been used over the years to block the passage of information, there are many elements in other laws, rules and practices in the parliament, courts and government offices, which recognize people's access to information and proactive disclosure so that people can make informed decisions in matters relating to their lives. The participants also indicated that the RTI law can be used as a tool for making people aware about their access to justice and for removing their fear about the judicial system.

Shahidul Huq, the moderator, pointed out that people are denied essential information at every stage. Even the lawyers and doctors do not disclose all the information to their patients or clients who need to know the information.

Zahid Abdullah from Pakistan said RTI can play a pivotal role in ensuring transparency at difference spheres. He said pressure by the media and civil society in Pakistan using the RTI law forced the parliamentary standing committees to change their attitude towards disclosing information on demand. Citing the recent example of the exposure of expense scandal of the British MPs through the use of RTI, he said the right to information law can be used as a powerful tool to serve public interest.

Barrister Manzoor Hasan noted that RTI law is a legislation having the potential to ensure further accountability in governance and facilitate a more democratic environment. "In the efforts to overcome the democratic deficits, which often manifests in the lack of accountability and answerability on the government's part, we must acknowledge the causal relationship between a more democratic Bangladesh and step towards setting up the institutions of RTI and its commission," he said.

Pointing out that the marginalized are not able to fully exercise their rights as citizens, and consequently are the weakest when it comes to bargaining accountability with the governing institutions and structures, he said the RTI can reverse the imbalance.

While identifying the obstacles to the implementation of RTI act, Manzoor Hasan said that the Information Ministry, the governing body responsible for implementation of the RTI law, was lagging behind on its own deadlines of implementation of the law.

The constitutional text of the ministerial oath bars cabinet members to divulge public information and the conduct rules of the public servants also deters the bureaucrats from doing the same, he said. "We need to look into it vigorously," he noted.

Discussing the RTI law, Manzoor Hasan expressed the apprehension that the provision of exemption for matters concerning 'national security and sovereignty, confidential information received from foreign governments' creates scope for misusing the provision as an excuse for not disclosing information. "The rationale for not disclosing demanded information would have to appear convincing that they qualify to fall under the exceptions, rather than just straight assertions that they are," he stressed.

In his presentation **Barrister Tanjib UI Alam** pointed out that Article 39 of the Constitution guarantees freedom of thought and conscience. At the same time he regretted that only certain segments of the population have access to information since there are specific restrictions on disclosure of information. Barrister Tanjib said the parliamentary standing committees have the power to ask a ministry to furnish information. He also mentioned the requirement of providing information on wealth of parliamentary election candidates, which are open to inspection by any person.

All procedural laws provide for access to information to an aggrieved person seeking redress against any government decision and it is the duty of a public officer to supply a copy of required documents to the aggrieved person, Barrister Tanjib UI Alam said.

He mentioned that the Environment Conservation Rules require the Department of Environment to supply, when required, information and data on quality of water, hazardous wastes and quality of air. In the judgment of the Advocate Abdul Momen Chowdhury versus Election Commission case, the Supreme Court has recognized access to information as part of the fundamental right to freedom of expression, he said.

During **question-answer** session, Zahid Abdullah said the media and the civil society will work for the people to keep an eye on the performance of the authorities and the Information Commission and thus keep pressure on them. A number of the participants said the very fact that people are asking questions will make the government, government agencies and other organizations operating in public sphere more accountable. Besides access to information in the judiciary, the opportunity to critique judgment will strengthen justice system, they observed.

Shahidul Huq, the moderator, said the government or the courts have so far taken little preparation to implement the RTI law, and that at least six months from now on might not be enough for preparation. He suggested that lawyers could set up help centers to assist people aggrieved of not getting necessary information or for being provided with wrong information by the authorities.

Workshop 2

Role of Right to Information Commission: Functions with other Stakeholders, Reporting Mechanisms and Performance Interaction Indicators

Moderator:

Saber Hossain Chowdhury, MP

Panelists:

Venkatesh Nayak, Project Coordinator, Commonwealth Human Rights Initiative, India

Shailesh Gandhi, Commissioner, Central Information Commission, India

Juan Pablo Guerrero Amparan, Commissioner, Mexican Federal Access to Information Institute

Venkatesh Nayak said the Information Commission will basically play an advisory role and set guidelines for the authorities to provide information as sought by people to make the law truly effective. The Commission must be well aware of what is happening

around the globe on RTI, and should advise the authorities to implement those and create awareness among people to use the law, he said.

Venkatesh said the commission should also suggest how to remove the inconsistencies in certain provisions of relevant laws like the Official Secrets Act and Rules of Business to ensure free flow of information. It will also provide technical assistance to the authorities to effectively implement the RTI Act and adjudicate the complaints of those who fail to avail information from the authorities even after seeking it.

Stating that full autonomy of the Information Commission is missing in the RTI law, Venkatesh said ranks and salaries of the commissioners must be specified for the sake of a strong commission, otherwise there might be confusion and the commissioners and the staff will not be competent enough to deliver what they should. "If you don't have enough competent officials, the commission can't function," he emphasized.

Venkatesh Nayak said it must be made clear where the complainants would go – to the Information Commission or the Appellate Authority – in case the applicants don't get information they sought from the designated information officer.

Shailesh Gandhi said Information Commission has to play the most crucial role for effective implementation of the RTI law, but for that, there should be a time limit. For example, 95 percent of the complaints must be solved in 90 days. He said in India, the Central Information Commission directed the Food Commissioner to put all the information on the Internet about who applied for ration and who benefited.

About the capacity of the government officials to inform people, Gandhi suggested that the civil servants must have certain level of computer literacy and that they should put the information about their activities on the website.

Gandhi also said there should be a provision in the RTI Act stating how the officials responsible will defend themselves when complaints will be placed against them for not providing information to any applicants.

While discussing the role, authority and functioning of the Information Commission, he said that it would be a problem if all the three commissioners have to sit together to decide on a complaint. There should be a provision that each commissioner will be able to decide on any particular complaints, he suggested.

However, **Juan Pablo Guerrero Amparan** from Mexico said it is more representative if three sit together to decide on any complaint.

Guerrero Amparan narrated how the government and the Information Commission in Mexico work and the positive and negative aspects of their system. Applicants in Mexico request directly to the government agencies, which respond in 20 working days. There are also special liaison units in charge of searching for documents. Internal Information Committee (top level authorities) intervenes if the liaison unit classifies or does not find information. Mexican Administrative Court of Appeals (IFAI) has investigative powers and calls for public hearings when necessary.

He noted that IFAI manages the electronic system for requests and appeals and can verify classified information at any time and can initiate a process of responsibility against rules violators. The time framework for response and complaints is clearly established and monitored. INFOMEX, an Internet-based program, allows anyone to request information from the federal government, follow-up on the request, retrieve the agencies' responses and file a complaint to IFAI, he explained.

Responding to a query on the disabled persons' access to the law, Juan Pablo Guerrero said in Mexico there is no specific system for disabled persons to use Mexican RTI law, which is written in local language.

Asked how the information is provided to people at local level, he said there are offices of the federal government. Besides, anyone can request for information from any part of the country since they can apply through the Internet.

Responding to a question **Venkatesh Nayak** and **Shailesh Gandhi** said there could be a provision in the RTI Act that the officials will regularly and proactively publish the information they have and keep them in a particular place so that people can get photocopies for free. Such proactively providing information is always preferred.

In his concluding remarks, **Saber Hossain Chowdhury MP** said since the RTI law has just been enacted, it is still a learning process. Once it starts functioning, things could be corrected and modified for better implementation of the act. He said there is a strong civil society who believes in empowering people for democracy.

Saber Hossain also said, "If you look at our Constitution, freedom of thoughts and conscience is there. But, it does not have any meaning if we do not practise it...As power belongs to people, they have the right to know about what is going on in the government. RTI act is just an entry point towards empowerment."

Workshop 3

Creating a culture of openness and participation by using the RTI Act

Moderator:

Shaheen Anam, Executive Director, MJF

Panelists:

Badiul Alam Majumder, Global Vice President, The Hunger Project, Bangladesh

Sirajul Hossain, Deputy Director, National Institute of Local Government (NILG)

Shaukat Mahmud, President, National Press Club

Aruna Roy, Executive Director, Mazdoor Kisan Shakti Sangathan (MKSS), India

The culture of secrecy is one of the key obstacles to smooth and effective implementation of the RTI law in Bangladesh. Panelists in this session stressed the need break out of this culture and ensure wider participation of informed people in the process of elections, development and other activities.

Before focusing on the topic of the workshop, **Shaheen Anam**, moderator of the session, said for effective implementation of the RTI Act it is essential to change the attitude and mindset of concerned officials from the culture of secrecy into the culture of openness. She said the government and development agencies should promote the culture of openness by providing accurate information to the citizens as per their need.

Dr. Badiul Alam Mazumder stressed the need for transparency in the electoral process and people's access to information about their candidates seeking their vote. He said people must have access to information and all the information should be true and crystal clear among them so that they can take part in the whole electoral process at the grassroots level. People at this level always want to know about the electoral candidates, their background, educational qualifications, economic conditions and the voting process that help them choose the right person to represent them. But the candidates are reluctant to disclose true information and prefer to maintain secrecy.

Sirajul Hossain focused on government initiatives at the union level to inform people about the activities of the local government institution. He said the government has launched Local Government Support Project in 2,200 union parishads with the objective to strengthen the local government institutions and keep people informed about development activities. He mentioned that all programs and activities of local government are documented and publicized through the notice board at the union parishad offices. Besides, leaflets, posters and brochures have been printed depicting all necessary information about the programs and activities of local government. By distributing these materials among the people, the local government institutions are encouraging people's participation in the local development.

Shaukat Mahmud emphasized keeping budgetary allocation for implementing the RTI Act, which is scheduled to start functioning from July 1, 2009. He said the government has not yet declared any budget for this. He suggested that selection process of the commission members should be transparent.

Aruna Roy said the smallest administrative unit is the real machinery of the government. In order to know what is actually happening at the grassroots level, it is essential to conduct social audit, she suggested. Citing example of India, she said the government has initiated social audit at the lowest administrative unit and formed Janata Information Center at Panchayet where people get all information as per their demand. People also get information from the website.

In the open discussion, the participants mainly from non-government development agencies shared their experiences at the grassroots level and made some recommendations including dissemination of knowledge and information on RTI through mass media like radio and television, leaflets, posters, billboards, newspapers and discussion meetings, establishing a network between the government and NGOs at the local levels, and establishing cultural changes and openness through training of all stakeholders. They stressed the need for greater role of the NGOs working in rural areas to promote the cultural changes to establish openness and transparency.

Editors' meeting **The Role of Media in Implementing the RTI Act**

Moderator:

Dr. Debapriya Bhattacharya, Centre for Policy Dialogue (CPD)

Guest of honor:

Dr. Hossain Zillur Rahman. Former Adviser to Caretaker Government & Executive Chairman, Power and Participation Research Centre (PPRC).

At the outset of the session, **Dr. Debapriya Bhattacharya** said economic theories like demand-and-supply are also applicable for the people's access to information. He suggested that the media professionals should play a vital role in creating a demand among the people about their fundamental right to information. At the same time, it is the media professionals who will ensure the supply of accurate information to the mass people about government policies, decisions and planning for better understanding by the people and better transparency of the government activities.

In an open discussion **Aruna Roy** and **Shailesh Gandhi** from India, **Abdullah Zahid** from Pakistan, **Marcos Mendiburu** from The World Bank, **Juan Pablo Guerrero** from Mexico and **Andrew John Eclestone** from the UK shared their experiences with the editors of different newspapers of Bangladesh.

Mahfuz Anam, Editor of The Daily Star, said RTI Act will create a demand for information among the media people. Through this law, the media will preserve the right to information from the government machineries for disseminating it to their readers and audience. He suggested that the government should develop information data bank, archives and websites so that people can know all information from these sources. Political will and commitment are essential for successful implementation of the RTI Act, he observed.

Matiur Rahman, Editor of the Bengali daily Prothom Alo, said the media should play an active role in supporting implementation of the RTI Act. He advised all media persons for creating awareness on RTI among the people.

Dr. Hossain Zillur Rahman, former Advisor of Caretaker Government, said effective implementation of RTI Act depends on good governance. The Information Commission members should come forward with good leadership capabilities, otherwise people will not get any benefits from this law, he said.

Dr. Zillur Rahman noted that people from all walks of life like local government agencies, NGOs, media and civil societies should campaign for people's right to know. He requested the editors and journalists to educate people through mass media on the RTI law.

Among others, **Muzammel Hossain**, **Golam Tahabur**, **Shaymol Dutta** and **Moshiul Alam** from different newspapers and news agencies and **Badiul Alam Majumder** from non-government organization Shujan took part in discussion in this session. Apart

from suggesting media's watchdog role in the implementation of the RTI law, they said bureaucratic attitude should be changed for its effective functioning. The government's commitment is vital for implementation of the law. People should know each and every steps of the government regarding RTI and media has a vital role to play in this regard.

During the open discussion, the participants came up with many intriguing comments and a number of suggestions for ensuring people's access to information through implementation of the RTI Act. They said all information regarding RTI Act and related issues should be truthful. Bureaucrats believe transparency is good for others but not for him/her. This attitude should be changed. The participants said honest bureaucrats are very much enthusiastic to provide necessary information to the people according to their need, but others always try to suppress information.

The discussants said people should be involved in the implementation plan of RTI Act so that they can own it. People must understand what it RTI and how it will benefit them. The media should persuade the government for appointing honest, sincere and dedicated Information Commission members, they suggested.

In his concluding remarks, **Dr Debapriya** stressed the need for training of journalists, creating a demand for information through media, popularizing the RTI Act, proper monitoring of the implementation plan and other crosscutting issues of RTI.

He said a code of conduct for the media can be introduced on RTI and related issues.

Apart from the government institutions, non-government organizations should also recognize people's right to know and provide them with accurate information in appropriate time when they want to know, Dr Debapriya said.

He advised the media people to establish good relationship with politicians, businessmen and civil society so that they can help people in realizing their right to information.

Dr Debapriya said the media has a key role in sensitizing the issue of RTI so that people's access to information and other services is ensured. If people are made aware of it, they will be able to sensitize the service providers regarding availability of services, which is a basic right of the people. People will then periodically evaluate the services available and talked with the service providers about it. Through dialogues the people will make aware the service providers about their role and responsibilities.

Thus the media can be a very effective advocate for popularizing RTI, he noted.

Dr Debapriya, the moderator, wrapped up the discussion with the editors mentioning some other observations and suggestions. He said the media should be both supplier and seeker of information. It should start preparing themselves now for seeking information from the authorities utilizing the RTI act. At the same time, bureaucrats should change their mindset regarding the supply of information.

Implementation of RTI Act is a challenge and people should be made aware of it through the print and electronic media. The law should be published in dailies and also televised in common and understandable language for better understanding, he said.

Dr Debapriya further said the media should play a vital role in selecting knowledgeable, honest, sincere and devoted Information Commission members.

He suggested that the RTI Act should be amended according to the demand of the people. In this case government can consult or seek advice from other stakeholders.

Day-2
Plenary Session
**Potential Uses for Information and Communication
Technology (ICT) to Protect People's Right to Know**

Moderator:

Dr. Atiur Rahman, Governor, Bangladesh Bank

Speakers:

Ananya Raihan, Executive Director, D.Net.

Zahid Abdullah, CPDI, Pakistan.

Mahboob Zaman, Managing Director, Data Soft System Bangladesh Limited.

A. Munir Hasan, Programme Implementation Specialist, Access to Information Programme, Prime Minister's Office.

The Right to Information Act has been designed to benefit the people, especially those who do not have the voice to demand their rights and who, in many cases, are not aware of their rights. Panelists in this session observed that implementing the law stands a real challenge due to the existing culture of secrecy and lack of will from those who consider information as power. Moreover, information storage, management and dissemination systems in different offices are very poor.

The participants suggested that the government has to have required infrastructure, informed personnel and necessary facilities including data bank, IT and archive. Adequate resource mobilization needs to be done involving private and public actors. The Information Commission should provide web-based interactive services including a system of online filing of requests, appeals and complaints and online posting of information requested. A plan of action should be prepared for implementation of RTI law, capacity building of the officials and the people as well, they suggested.

The RTI law will ensure the right share of resources for just distribution, **Dr Atiur Rahman** said before inviting the speakers for their presentation. He, however, pointed out that implementing the law in the country would be a real challenge.

In his presentation titled 'Enhancing Access to Information for Rural Community', Ananya Raihan focused on 'Pallitathya' model, a project they started in rural areas in 1993 to ensure people's access to different kinds of information available online.

On how 'Pallitathya Kendra' has become a public access point, he said, "Going there, people watch and listen to presentations on different issues, for example use of pesticides. Students go for learning technology, children gather to listen to storytellers and edutainment. Women learn on how to protect their rights." At the Kendra, the rural people can talk with the experts through mobile phones and email their queries.

Saying that the infrastructure in rural areas is ready for RTI, he said, "Public access venues like Pallitathya Kendras will make the RTI law meaningful."

Zahid Abdullah noted that ICT can contribute a lot to the restructuring of the existing power structure to empower people, especially the disadvantaged.

Sometimes, he said, the media cannot fulfill people's expectation, and people can get necessary information with the help of ICT.

While making his presentation, Mahboob Zaman said that it is certain that implementation of the RTI law will see strong opposition. . By letting people access information, there are those who fear that they will lose their exclusive grip on information and the authority as well, he explained.

He noted that digital divide exists not only in between countries but also in different spheres of a country, which may appear as an obstacle to RTI implementation.

Citing example of advantage of ICT, he said, automation at the Chittagong Port, where his firm was involved, reduced vessels' turnaround time from 11 days to 2.5 days.

He stressed on establishing an appropriate infrastructure so that people from anywhere in the country can use RTI to get necessary information.

Munir Hasan said an information regime needs to be established for successful implementation of the RTI law. He however differed with the popular opinion that the bureaucracy is a big hurdle to overcome to ensure people's access to information.

"Now all the laws and forms are available online. Job applications are now received online. People now can download even passport form online," he said.

Replying to a question regarding online publishing of decisions at different government offices, Munir Hasan said many things could be uploaded immediately once the Digital Signature Act is passed.

Venkatesh Nayak, Project Coordinator, CHRI, India, said the authorities should publish every decision proactively in the fullest.

On a query on establishing technical infrastructure, Munir Hasan said the government has plans to connect all offices with ICT up to the upazila level by 2010. Besides, by 2015, the government will have at least 1 information center in each village.

The participants in the session recommended that the central and local government should facilitate networks like D.Net to reap best from the RTI law. They demanded information disclosure by public officials up to the union parishad level. For proper management of information and requests, officials have to be trained well as many of the government officials do not have good knowledge of computer and ICT. They suggested establishing a network of the designated government and NGO officials for capacity building and sharing experiences.

Workshop 1

Addressing RTI Needs for Rural Areas, Strategies and Mechanisms (case presentation)

Moderator:

Anisatul Fatema Yousuf, Director, Dialogue & Communication, CPD

Speakers:

Venkatesh Nayak, Commonwealth Human Rights Initiatives (CHRI), India

Ranjan Karmaker, Executive Director, Steps

Bazlur Rahman, Bangladesh National Network for Radio and Communication (BNNRC), Bangladesh

Manzurul Ahsan Bulbul, Head, News & Current Affairs, ATN Bangla

Venkatesh Nayak shared his experience of the rural level RTI program in India and said right to information reduces the distance between the government and the people at the grassroots level. He mentioned that rural people in India are getting information about ration cards, food grain quota, market time and functions of vigilance team through leaflets, billboards, signboards and websites. Their right to ask questions at the local level is established. People are getting all necessary information from the designated persons. Community based organizations are educating people through orientation program on RTI. Local government has fixed a particular day for providing the people with all information about government policies, planning and decisions on agriculture, livestock, and market condition.

Ranjan Karmaker from Steps highlighted the non-government organizations' role in making people aware of their rights and mentioned the programs of his organization. He stressed the importance of ensuring people's right to information for promoting gender equality, human rights, women's participation in politics and good governance, and to prevent sexual harassment, trafficking etc. Ranjan suggested that NGOs can organize awareness programs through door-to-door discussion, mass gathering, cultural program, campaign and video screening. The organizations working in rural areas should function through networking with the government institutions, he said.

Ranjan emphasized social audit in order to bring about positive changes in the functioning of local government institutions carrying out development activities.

Bazlur Rahman from BNNRC said in order to build a strong civil society it is needed to ensure good social governance and for smooth functioning of social development activities it is needed to ensure good economic governance. He informed the audience that for establishing a knowledge-based society, his organization initiated a community radio program through which they disseminate information. He suggested arranging dialogues between community people and local government agencies and monitoring budgetary allocation for local government agencies,

Manzurul Ahsan Bulbul from ATN Bangla said RTI Act has given authority to the people to know correct information from the government institutions and development agencies. Both government organizations and NGOs should try to sensitize grassroots level people about their rights including their right to information, he suggested.

In a democratic society, he said, people should be well informed about their rights and responsibilities. He suggested organizing capacity building training for all the stakeholders at the local level on RTI. He requested the respective government and development agencies to provide information to the people in time. The media could be a strong partner for popularizing RTI Act, he said, suggesting that there must be good relationship between the media and local level organizations.

In the **open discussion**, the discussants came up with a number of suggestions that include -- the government and NGOs should distribute free copies of the gazette notification of RTI to rural people for clear understanding; community radio should broadcast information on people's rights through local languages for indigenous communities; and community based organizations should make people aware of RTI.

Anisatul Fatema Yousuf, moderator of the workshop, said majority of the people of Bangladesh live in rural areas. So it is needed to disseminate knowledge and information on RTI to the rural people. In this respect she requested the local government institutions and development agencies to come forward to educate people on their fundamental rights and RTI Act.

Workshop-2 **Capacity Development, Record Management and Building a Communications Model for Effective RTI Implementation**

Moderator:

Marcos Mendiburu, World Bank

Speakers:

Shailesh Gandhi, Commissioner, Central Information Commission, India

Juan Pablo Guerrero Amparan, Commissioner, Mexican Federal Access to Information Institute

Kelvin Smith, IRMT, UK

Ashraful Hossain, MDS, Bangladesh Public Administration Training Center

Speakers in this workshop highlighted capacity building of the officials who provide information to the people and of the people who seek information from the officials. They stressed the importance of management of data and records in a very organized manner so that officials can easily get information, when required, and provide it quickly to applicants. Some of the speakers suggested that a national plan of action has to be prepared for successfully implementing the RTI Act.

Kelvin Smith suggested keeping documents in order under different categories, saying that if documents are kept in disorder, neither the information providers nor the receivers will benefit from it, rather it will create chaos. A sound record management policy would help maintain data in a better way. The officials need training on the whole process of record management – how to preserve them and how to use them.

Kelvin Smith said a survey can be done on the record management practices to understand them and accordingly train the officials concerned to improve the existing systems. "Without a good record management, RTI is not going to be implemented properly," Mr. Smith said, suggesting keeping records both in paper and digital format. He warned that keeping records only in digital format might cause problems because in the future software or technology may change.

According to Juan Pablo Guerrero Amparan, in Mexico, anyone, anytime, anywhere, can request information via Internet with even anonymity and the officials focus on whether the information is public or not; they are concerned about who is requesting, thus generating trust in the RTI regime among citizens and efficiency in its functioning. It reduces risk of harassment or retaliation by officials to requesters. Accessibility is enhanced by publicizing information already released through the Internet. "This has made a difference in culture where the government discloses public information on various issues once deemed as secret," he noted.

Juan Pablo Guerrero said the challenges of electronic records are lack of specific regulation on electronic records based on international standards and electronic signatures and validation in order to assure certainty and security of electronic records. Therefore, every work the officials do should be preserved. Classified information could be preserved for certain period of time.

Ashraf Hossain said as implementing the RTI law in Bangladesh is now the main challenge, for a good start, a national plan of action should be prepared on the basis of dialogues with the government and NGO officials. "We should not get into a war over using the RTI act and create an environment where information providers feel embarrassed. If the officials are embarrassed, RTI law may be counter-productive."

He said it is therefore imperative that the officials are trained enough. A joint effort by the RTI Forum under the leadership of the Ministry of Information could formulate the plan of action for implementing the RTI act, and the Information Commission can monitor and make suggestions for better effectiveness of the law.

Shailesh Gandhi said the prime objective of RTI act is to deepen democracy, which has been shallow for decades in this part of the region. In Bangladesh, it is the civil

society, media and the NGOs who campaigned for the government to pass the RTI act, which is more important for the grassroots people. The most important task, therefore, now is to explain to the grassroots people about its use.

He said there is no set standard for record management, but experiences in India suggest that keeping unnecessary information is useless. Therefore, the authorities first should decide which information should be preserved and which shouldn't. Unnecessary information could be destroyed. Authorities should think of how the open sources of information could be used in most effective ways for the public.

During the question-answer session **Lutful Huq** from Bangladesh Archives and Record Management Association said the government keep records only in papers and keeping information in digital formats in the government offices is still a dream. Besides, there is no policy for record management. Only an Archive Ordinance is there, but it is not known by most of the people and government officials. Even records in the upazila or union parishad levels are not maintained for long. Those are destroyed after a short period. The only documents preserved are land records, he noted.

Learning that the government in Bangladesh keeps records in papers, **Kelvin Smith** said it is good. "Don't rush into digitized format. First you have to see if the records are in order. If so, it will be easier to transfer into digital format," he said.

As a question was raised how information could be best used for the rural people, **Marcos Mendiburu** said the information demanded mostly by the rural people could be kept separately so that officials could quickly provide them with it.

Workshop 3

Designing an Effective Information Commission

Moderator:

Farooq Sobhan, President, Bangladesh Enterprise Institute (BEI)

Panelists:

Shahnaz Huda, Professor, Department of Law, University of Dhaka

Tahmina Rahman, Director, Article 19 Bangladesh

Andrew John Eccelstone, Honorary Research Fellow, Constitution Unit, University College London, UK

As specified in the Right to Information (RTI) law, a truly independent Information Commission (IC) needs to be formed to fulfill the objectives of ensuring people's right to information, panelists in this session suggested. They stressed that the IC should remain above political influence and have financial autonomy. It has to earn the trust and confidence of both the information seekers and the officials responsible for providing information.

The IC members must be trained adequately so that they can carry out their duties properly. By publishing its reports regularly, the IC should show standards for others. The participants also proposed that the IC can send its report directly to the parliamentary committees instead of, as is in the law, submitting the reports to the President who sends it to the parliament.

At the outset of the discussion, the chair, **Farooq Sobhan**, pointed out the importance of RTI in achieving the government's objectives to build a digital Bangladesh and ensure good governance. He said RTI is integral part of both the objectives. Therefore, a good Information Commission must be formed and it should function effectively.

In her presentation, **Prof Shahnaz Huda** of Dhaka University said those who would be appointed to the IC must be chosen on the basis of their expertise and the selection must be free from any political influence. She said, "People want to see that they don't have to embrace the fate of vice-chancellors of public universities who have to quit with the installment of a new government."

About transparency in the selection process, Shahnaz Huda said people were not notified about the formation of the selection committee and if 'such reputation' continued, it might harm the very essence of the RTI law. She suggested that the Chief Information Commissioner and the Information Commissioners should be appointed in a transparent way.

At this point, the moderator commented, "Three of our independent commissions are limping due to inappropriate selection and lack of resources."

Tahmina Rahman said that the IC, besides acting as the oversight body for the implementation of the RTI law, needs to conduct promotional activities for proactive disclosure of information and assist different offices in producing quality publications.

She criticized a number of exemptions from disclosure "which make the law falling short of expectations on international standard."

Tahmina Rahman suggested a review of the RTI law so that the IC gets its budget directly from the parliament as is the case in Canada. She stressed constant monitoring of the IC performance and considering suggestions from the NGOs and civil society bodies.

Andrew John Eccelstone said, "The Information Commission needs to protect its integrity." While discharging their duties, the IC members should remain free from all kinds of political influence, he suggested.

Pointing out that an Information Commissioner of Mexico was made a minister of the federal government, he said that the members of the commission should remain above such ambition.

For proper handling and investigation of information seekers' complaints, the IC has to have capable investigators and enjoy the trust and confidence of both the requesters and the officials, he said.

Andrew suggested that the IC should have its own policy, research and evaluation units. The IC should encourage the authorities to keep the information flowing and by disclosing more information proactively, the authorities can ensure that less people turn up with inquiries.

During **question-answer session**, Andrew said, the IC should have a countrywide network where the investigators with local expertise investigate the complaints and send their reports to the commission.

Tahmina Rahman said that NGOs and civil society organizations working at villages could be engaged in demand creation and disseminating information. She reiterated the need for education for the public officials and duty bearers at different offices for proper management, publication and dissemination of information.

The participants suggested that the Information Commission, once it is in place, should sensitize the government's vision to promote good governance. They also said the civil society, NGOs and media should keep up pressure for a truly independent commission because if the people from bureaucracy are there on the commission, there will be conflict of interest which might mar implementation of the law. They suggested that the Information Commission should advocate putting all government actions on website and letting people know the progress of their files. The commission can also encourage the agencies to put the answers to people's queries on the website so that others with similar queries do not have to submit requests again for the same answers.

Concluding Session

Chairperson:

Shaheen Anam, Convenor, RTI Forum and Executive Director, MJF

Chief Guest:

Barrister Shafique Ahmed, Minister for Law, Justice and Parliamentary Affairs

Special Guests:

Professor Rehman Sobhan, Chairman, Center for Policy Dialogue (CPD)

Anwarul Islam, Joint Secretary, Cabinet Division

Shailesh Gandhi, Commissioner, Central Information Commission India

Welcoming all to the concluding session, **Shaheen Anam** said the objective of the conference was to share experiences and ideas on how to develop capacity of the information providers and the receivers to better implement the RTI act. A number of ideas have come up in the sessions and those would be forwarded to the ministries of information and law for consideration. Shaheen Anam then presented some major recommendations experts made in the workshops.

Shailesh Gandhi said the journey Bangladesh began with the RTI Act will help deepen democracy more than ever before. The country has joined over 70 countries, which have enacted such a law. Sharing his experience, he said in India it was the grassroots movements that pressured the government to enact the RTI act, but in Bangladesh it is the civil society and media that campaigned for the act. But the act will not really benefit people unless the grassroots use it. Therefore, the civil society and the media should go to the villages and teach people how to use the RTI law.

Khondokher Anwarul Islam, **Joint Secretary** of the Cabinet Division said the government is on the way to formation of the Information Commission. There is no scope for the commission to be unfair, he said, adding that the Selection Committee will be headed by the Chief Justice who will be accompanied by two MPs – one from the ruling party and the other from the opposition. There is no involvement of the Information Ministry.

He said it is an advantage that all the ministries and departments already have citizen charters and the Public Procurement Rules have been made effective. These are related to public information, which are already in the Internet. If officials do not do their job properly, proceedings will be taken against them. Besides, most of the government publications are available for sale at markets and could be easily collected. If those are not available, only then people can apply for those to the authorities, he said.

Professor Rehman Sobhan said traditionally governments in this part of the world had a mindset that information is their property, which could not be shared with people. Even today, ministers do not know about his ministry, he or she has to depend on the media.

The RTI law will break such tradition because now all have similar right to information, which will ensure good governance. Terming that RTI law is a great political resource, Professor Sobhan said the politicians can render a great service by empowering people with information, which in turn always help the politicians.

Stating that the present government announced to build a digital Bangladesh, he said this means use of technology for people. The government has opened up a window by enacting the RTI law through which people can learn about the public expenditures and the policies. He said many times information is concealed and marketed. Once it is opened, vested quarters cannot market information and thus people could be empowered and any problems could be solved quickly.

Referring to India's experience that it had used RTI to check corruption in the Employment Guarantee Act, he said the RTI act could help reduce corruption in Bangladesh also. "We must also generate people of such nature who can facilitate use of RTI law," Professor Rehman Sobhan noted.

Barrister Shafique Ahmed said the core value of Bangladesh's constitution was democracy and secularism, but military regimes again and again took over power and changed the original shape of the constitution. Now the Awami League government has

enacted the RTI act to empower the people, and institutionalize democracy. For this, establishing rule of law is imperative, but it requires people's right to know and independence of judiciary. The present government is committed to do it. "Passing the RTI law is the manifestation of how sincere this government is," he said.

Barrister Shafique said there was no complaint that the government was hiding information. "I assure you if any confusion is there, come to me, my door is open."

The minister said the government will surely consider the recommendations to be forwarded by the RTI Forum after the conference.

Recommendations from the conference

During the two days' deliberations, the participants made a host of recommendations for effective implementation of the RTI law in Bangladesh. The recommendations are categorized based on the following seven broad issues:

A. RTI: Conceptual and Some Practical Issues

- RTI is a tool for sharing power with the people. The process of empowering people should start from the grassroots level by providing them with all information they need.
- People's awareness is necessary to get the maximum benefit from the RTI law. They should be sensitized and made aware that they can demand information as a right. Stakeholders have a role to play in this regard.
- RTI can strengthen democracy and help establish participatory democracy though facilitating free flow of information.
- The needs of diverse groups of people, including people with disabilities, should be considered while implementing RTI law.

B. RTI Law Implementation: Legal Aspects

- Rules and regulations should be formulated in detail for information request procedure, proactive disclosure, exemption criteria and delivery of service. The guidelines should consider needs of the poor and disadvantaged people.
- Based on the implementation experience, the exemption list should be reviewed in order to remove confusion and protect the spirit of disclosure.
- Certain provisions of other relevant laws (such as Official Secrets Act, Rules of Business etc.) that contradict with the RTI law should be repealed.
- There should be legal protection for the whistleblowers.

- Courts should create instances that the information seeker regarding court's proceedings will not fall under its law relating to contempt of court.

Comment [W1]: Unclear – please rewrite.

- Appointment process of judges in the Supreme Court should be transparent
- Documentation system of the court should be improved (computerized) so that it can answers the queries under RTI.
- Mental setup of judges should be changed (personalizing the business of courts by the judges may hinder people taking benefits of RTI regarding court issues)
- RTI must be well aware to the mass people in order to get its benefits
- Decision-making process of Parliamentary Standing Committees should be open.

C. Formation, Role and Functions of the Commission

- There must be transparency at all levels, from selection of the members of Information Commission. The process should be transparent. It should be free of political consideration. Competence and honesty should be two major criteria for selecting commissioners.
- Ranks and salary of Information Commission members should be clearly specified in the RTI act to make sure that no confusion or conflict arises out of it.
- Information Commission should act as protector of the law and support to create mechanism for mass awareness.
- Information Commission can create awareness among people to help them reap benefit from the RTI act.
- Each of the commissioners should have the authority to decide on complaints. It should not be mandatory that three commissioners must sit together to decide on the complaints.
- The commission should have the authority to interpret the law.
- Different staff should be assigned to promotional functions and complaints/appeals.
- A system should be put in place for resolving complaints against the commission.
- The provision of determining the rank, remunerations, allowances and facilities of the commissioners should not be used as a tool to control the commission. The budget should come directly from the parliament.

- By publishing its reports regularly, the Information Commission should set standards of transparency and accountability.

D. Capacity Development and Communication Model

- Training of government officials and all other stakeholders is essential for efficient record keeping, data management and setting internal and external communication strategies.
- It is not necessary to create a specialized service only to maintain records and provide information. Officials within the departments should be trained for this job.
- A network of the designated government and NGO officials could be created for capacity building and sharing experiences.
- The information most demanded by the rural people can be specified to ensure easy access to the applicants.
- As implementing the RTI law is a big challenge now, a plan of action should be prepared (Maybe with the coordination of RTI Forum) for this.

E. Role of media in implementation of RTI law

- The media can help create a demand on right to information and supply proper and actual information to the people who need it, by monitoring the implementation of RTI law and presenting best examples.
- The media can be an advocate for promoting and popularizing RTI.
- Journalists should be trained on RTI law.
- A code of conduct for the media can be introduced on RTI and related issues
- The media can highlight positive stories and success stories on RTI.
- The media should publish information available from both sides of an issue, otherwise partial truth will be exposed.
- The media should establish good relationship with politicians, businessmen and civil society so that they can help people in realizing their right to information.
- The media should publicize the RTI law in common and understandable language for better understanding.

F. Use of ICT and information management

- Civil servants must have certain level of computer literacy and they should be able to put information on the website regularly about the activities of the government departments concerned.
- Union Parishad should be brought under ICT network. The government's present plan is to take it up to upazila level.
- The government should set up information database and preserve records in papers as well as in digital format.
- A sound record management policy is needed to help maintain data in a better way. The officials need training on the whole process of record management – how to preserve them and how to use them.

G. Implementation: Some common challenges

- Political will is a must to ensure effective implementation of the RTI law and people's access to information. Government must be sincere about making the law truly beneficial for the people.
- To check corruption, social audit can be introduced. In India it is proved to be a useful tool of ensuring transparency and detecting irregularities in public expenditure at the grassroots level.
- The government does not have required infrastructure, informed personnel and facilities including data bank, IT and archive. Adequate resource mobilization needs to be done involving private and public actors.
- Mindset is a big hurdle. Government officials think it is their duty to keep information secret and not to disclose them. People's mindset should also be changed. They should know information is their right, not a favor.

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