

A Research Study

‘Citizens’ access to information in South Asia: Diagnostic analysis - Bangladesh Chapter’

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Acronyms

BCCTF	Bangladesh Climate Change Trust Fund
BCS	Bangladesh Civil Service
BELA	Bangladesh Environmental Lawyer's Association
BGMEA	Bangladesh Garments Manufacturers and Exporters Association
BTRC	Bangladesh Telecommunication Regulatory Commission
CFG	Climate Finance Governance
CHRI	Commonwealth Human Rights Initiative
CID	Criminal Investigation Department
DGFI	Directorate General Forces Intelligence
DOs	Designated Information Officers
FD-6	Foreign Donation Fund Release Form
FGD	Focus Group Discussion
GO	Government Organizations
HODs	Heads of Department
IC	Information Commission
LGD	Local Government Division
LGED	Local Government Engineering Department
MJF	Manusher Jonno Foundation
MoU	Memorandum of Understanding
MRDI	Management and Resources Development Initiative
NGO	Non-Government Organization
PA	Public Authority
PIO	Public Information Officers
PROGATI	Promoting Governance, Accountability, Transparency and Integrity
RAB	Rapid Action Battalion
RAJUK	Rajdhani Unnayan Kortripokkho
RTI	Right to Information
SAFE	Social Activities for Environment
SSF	Special Security Force
TIB	Transparency International, Bangladesh
VGd	Vulnerable Group Development
VGf	Vulnerable Group Feeding
WASA	Water Supply & Sewerage Authority
YES	Youth Engagement and Support

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Executive summary

On April 2009, Bangladesh parliament enacted The Right to Information Act, 2009 to empower the people and ensure transparency and accountability in the government, autonomous and non-government and foreign aided organizations. The law shines as a milestone in the path of country's democracy. The law recognizes the people's right to get information.

The country diagnostic study was conducted to assess the status of citizens' access to information in Bangladesh. The study analyzed the demand and supply side of the law, for instance how civil society and other stakeholders are using the law and how it is being implemented by the authority. Based on the findings, the study proposes a set of recommendations for better implementation of the law in Bangladesh.

Using a combination of primary and secondary research methods, this study observed and analyzed the implementation of the right to information in government and non-government offices and the condition of citizens' access to information. Geographically, the study has covered three Divisions/ Departments of three ministries including (I) Local Government Division under the Ministry of Local Government, Rural Development and Cooperatives, (II) Directorate of Relief and Rehabilitation under the Ministry of Food and Disaster Management, and (III) Directorate of Social Welfare under the Ministry of Social Welfare.

The reason for selecting these particular three ministries was these divisions/ departments deal with public welfare activities, infrastructure development and other social safety net programmes and consequently have extensive dealings with the public. It has also been found that these are sectors where the risks of poor governance and misuse of resources and consequently deprivation of the rights of the marginalized groups are high, particularly in the safety net programs like allocating cards for the vulnerable groups, allowances for widows and elderly people, etc. These are the areas where the control and influence of the local dominant group is widely known.

The study covered three districts namely the natural disaster prone Barisal, India-Bangladesh bordering Jessore and food crisis plagued Bogra where numerous NGOs are working. Twenty seven Information Providing Designated Officers of these three offices in nine upazillas of these districts were interviewed. To interview Appellate Authorities, the study contacted three district level officers and three ministry level officers in Dhaka.

The RTI Act of Bangladesh defines a public authority which includes all government organizations and non-government organizations (NGOs) run on government or foreign funding. Therefore, this study has covered 27 NGOs which receive government grants or foreign funds from donors.

The study also integrated observations and comments of the Information Commission of Bangladesh obtained through interviews using specific

questionnaire. On the other hand, this study also incorporates feedback from 50 general citizens and 15 media gatekeepers as users of information. An analysis of one year's media coverage of RTI related news has been incorporated in this study to assess the importance given to Right to Information Act by the media.

Data and information for this study, was gathered through questionnaire based interviews, focus group discussions, news analysis, field visits to government/NGO office premises and case studies. Besides, this study has incorporated information from secondary sources including various RTI related research papers, seminar proceedings, workshop reports and the annual reports of the Information Commission of Bangladesh. Each chapter of the study report is presented with the analysis, comments and recommendations of this research. A summary of the whole study has been given in this part. As this study is based on a relatively modest sample, the findings are not intended to be representative of Bangladesh.

Political commitment and legal framework facilitating citizens' access to information in Bangladesh

The law recognizes right to information as a citizen's fundamental right and the right to information has a legal and constitutional basis. Article 39 of the Constitution of the People's Republic of Bangladesh guarantees the freedom of thought, conscience and expression as one of the fundamental rights of Bangladeshi citizens. The Right to Information Act, 2009 was promulgated in 2009 considering the right to information as a precondition to this fundamental right.

The main purpose of this law is to ensure transparency and accountability of government/NGO authorities run by peoples' money, reduce corruption and establish good governance. Subject to the provisions of this law, any citizen of the country has the right to obtain information (with a few exceptions) from the authority under the purview of the law; and the authority is bound to maintain provide such information request. The access to information is not limited by any law that prevents information disclosure and the RTI Act overrides such laws, i.e. the Official secrets Act 1923, section-5, rules of business, rule 19 that stood in the way of giving information and these helped the bureaucracy from refusing the people to give information for many decades.

As per the RTI Act (Section 3), the rules for giving information under any other law will not be undermined by the rules of this law; if any law conflicts with the provisions of this law on giving information—the RTI Act will reign supreme.

To achieve the goals of the law and in line with the provisions of the law, the Information Commission has been established in Dhaka, the capital of Bangladesh. Information Commission is a statutory independent organization. The commission usually takes complaints from citizens if they are denied to get information. Based on a complaint, the Commission investigates and resolves it as per the law. It also has the mandate to ensure implementation of the rules under the RTI law. The government has appointed Information Commissioners, related officers and

employees, and ensured infrastructural and financial allocations. Initiatives have also been taken to integrate RTI into the mainstream administrative structure. To ensure free flow of information, the websites of all departments and information centres at district, upazilla and union levels have been set up.

In accordance with the provisions of the law one Information Providing Designated Officer at each office of the government and NGOs is supposed to provide information to the citizens. This officer is designated to provide information upon receiving application and costs of information. All authorities are expected to voluntarily disclose certain information and categorize information aiming at providing it against demand. This study analyzes the implementation status of the RTI Act in 39 offices of three ministries.

As, the NGOs are also covered by the Right to Information Act of Bangladesh, the Designated Officers for providing information of 27 NGOs were also interviewed. The study found that while both the government and NGO offices have Designated Officers as per the provision of the RTI Act, the government officers had limited understanding or awareness about the Act. The government officers interviewed under the study had not received training in the last three years and did not have copies of the law. The Designated Officers of NGOs on the other hand had undergone training more than once and they are discharging these duties with satisfaction. The government officers perceive the RTI as an additional duty that has been officially imposed on them.

The government officers under the study said, they received a negligible number of information applications in last three fiscal years from 2009-2012. While the NGO officers said, they received 82 applications during the same period. The Annual Report 2011 of the Information Commission presents a different picture claiming that the government offices had received 7671 and NGOs 137 applications countrywide.

Through spot visits to government and NGO offices, this study assessed the status of proactive disclosure of information. It was found that both government and NGO offices assessed had visible signboards in Bangla and the government offices had citizen charters¹. The respondents claimed that all offices had undergone changes in compliance with the legal provisions of RTI Act. It is noteworthy that the NGO offices have framed information disclosure policy while the government offices have developed their websites.

¹ Prime Minister of UK took this initiative in 1991 to ensure accountability and transparency of the administration and access to information by people. In 2007 Government of Bangladesh made it mandatory in all government offices, particularly in service delivery organizations through a circular. Later it has been included in the right to information act and regulations.

Citizens' access to information, facilitated by the RTI Act

The Right to Information Act, 2009 recognizes the people's right of access to information and ensures legal provisions for free flow of information. To assess the level of exercising information rights, 50 general citizens were interviewed. Through the interviews it emerged that ordinary citizens had little keenness towards seeking information. Of the 50 respondents, 62% had never heard of RTI Act. None of the 50 respondents had ever used the RTI Act, as a result of which they could not provide feedbacks on cooperation of the authority in giving access to information and other related issues. Only 17 respondents felt the need to ask for information. The information that they wanted to know was personal, for example, terms and conditions to get bank loans and more likely information relating to Bangladesh Civil Service (BCS) examination, but insignificantly dealt with accountability or enquiry.

As an experiment, 22 information applications were filed with different government-NGO offices. It was found that while these offices were enthusiastic about giving information on copies of policies, approved project proposals etc.—they were reluctant about providing information about budget allocation, fund management or budgetary expenditure. Out of 22 applications, two complaints on budget allocation and fund management were filed with the Information Commission of which one received verdict on giving information as requested and another is waiting for the hearing.

Also, after analyzing the information commission's Annual Reports 2010-11, the same scenario was found which showed subject of the complaints is more on budgetary or finance related information like salary/wage of workers in the shrimp sector, price list and expenditure of development works.

Journalists interviewed as part of this study, stated that RTI Act can be an effective tool for investigative journalism. The journalists were initially reluctant to use the RTI law for seeking information. The main reasons of journalists' reluctance of using the RTI law were dependency on news source, fear of losing the source, the time consuming process, the lack of support from their news room leaders/media gatekeepers and lack of the knowledge on RTI Act.

Due to continuous systematic motivation from various institutions, the media houses are now encouraging reporters to use the law. The media gatekeepers in their interviews have also recommended further encouraging the policy makers and news room leaders to use the law. The focus group discussion with journalists reveals that they feel discouraged to use the law due to the absence of Designated Officers for providing information, lack of their knowledge about the law and lengthy procedure of disclosing information. Media gatekeepers in their interviews have said that they faced non-cooperation from the Information Commission in lodging complaints. They believe that the bureaucratic attitude of the Information Commission may discourage journalists to use the law.

Role of the Bangladeshi news-media and NGOs as users, facilitators and educators

The media of a country has played a major role in implementing the law, where the RTI became popular. The media plays two important roles in implementing the RTI law. Firstly, by publishing or broadcasting news items on application of the law, evaluation of the information commission and conceptual improvement of the people on the law; and, secondly, by running in-depth investigative story by using the RTI law. This study has analyzed the role of the media in Bangladesh in creating public awareness on using the law and in its own journalistic exercise. In raising public awareness, the media is playing a proper role. The media is covering related stories giving it an important treatment. The stories focus on analysis of Information Commission's Annual Report, first penalty for refusing information by the Commission, research reports findings, recommendations of workshops, seminar on RTI Act and, directives to government bodies and summoning of officers for refusal of information. News content also includes the cases of journalists and other citizens who had attended hearing session at the Information Commission when they were refused information.

However, it is found that the media covers related news only when there is an event and they do not prepare news on the basis of self motivation. There is almost no instance of self-driven news on RTI in the media. The issue of encouraging the use and practice of the law is neglected in the news. Besides, the media has published with importance the news only when they found non-cooperation by the government authority in providing or publishing information.

The NGOs do not use the law directly; however, they are helping their beneficiaries to file information applications. As the law has placed the NGOs in the shoes of the authority, they themselves do not take much initiative to apply for information. In Bangladesh there are RTI practitioner NGOs, which are working for good governance, media and communications, promoting ICT, women and child rights. The NGOs are basically involved in training, publicity and research on RTI Act. However, all of these initiatives are tailored to the wishes of the donor organizations and the purpose of the projects. Some experiences of using information from secondary sources by NGOs were also found. For example the first hearing of the Bangladesh Information Commission was held on the basis of a complaint lodged by the Chief Executive of Bangladesh Environmental Lawyers' Association (BELA).² Several organizations extended help to their marginal beneficiaries in filing application for information. They say that the administration was more reluctant to provide information to the NGO representatives than common applicants. As the NGOs need to have good relationships with the administration at the local level, they do not feel encouraged to use the law.

The government has committed to ensure transparency and accountability through the RTI Act at the offices run by public finance. The fulfillment of this

² BELA, for the very first time, submitted an information request based on the RTI Act to Rajdhani Unnayan Katnipokkha (RAJUK) about approval of the Bangladesh Garments Manufacturers & Exports Associations (BGMEA) building plan, the rationale behind approving BGMEA to construct a building in a public body of water, and the processes etc. Following the RTI Act request, BELA waited for 20 working days, but no information was provided. Then an appeal was made to the Secretary, Ministry of Housing & Public Works (MOHPW) as the appellate authority. This was also unsuccessful. Then BELA made a complaint to the Information Commission (IC).

commitment is supposed to be reflected in the implementation of the law. However, this task cannot be accomplished by the government or the Information Commission alone. The media, civil society and the NGOs must come forward.

Major findings of the study

- General Citizens, particularly the vulnerable segment of society are unaware of this law. They cannot relate the right to information with solution of the problems related to their life and livelihood.
- Information Commission and NGOs have taken initiative on awareness building but it reaches only to a limited segment of population. Media analysis found that the events organized by IC and NGOs are mostly confined within divisional towns and the capital city. But 80% of the country's total population live in village or rural areas. As per IC report 19.24 million SMS in phonetic style were sent. But the number of mobile phone users who can read phonetic SMS has to be taken into consideration in this country of low literacy rate.
- As per the law, there should be an Information Providing Designated Officer at each and every office. Every office covered under this study was found to have a Designated Officer. In that aspect, Bangladesh has made a good progress. According to the report of the Information Commission, till now more than 12,000 such officers have been appointed at government and NGO offices. Their names and identities have been put up at the website of the Commission.
- In terms of nominating officers as Designated Officers (DO) the government offices have maintained minimum level of qualification. The study found that personnel with a status of officer have been assigned as DO at Upazila and district level. At the ministry level, joint secretaries have been designated as Designated Officers. This is a positive sign.
- However, all these Designated Officers do not have clear idea about their responsibilities and have received very limited training on implementing the RTI Act. They have hardly any motivation to do the job and they think they are just carrying out an office order. Government departments do not have sufficient funds or budget allocation to train the officers on RTI Act.
- The overall status of proactive disclosure as per section-6 is unsatisfactory. The authorities are providing information on request which should have been proactively disclosed. For instance detail project proposal, budget, name and contact detail of designated officer is not disclosed proactively.
- The picture at the NGO offices is relatively better, as they have available project funds and development priorities. They participated in training or related programs on RTI Act, sometimes to fulfill donor's requirements. There are number of NGOs who are organizing such trainings for their DOs.

All of them have received training more than once and they are aware about RTI law.

- As regards to voluntary disclosure of information, several efforts have already been initiated. Almost all offices have websites and there is a positive initiative to update these sites. Since 2007, it is mandatory for all government offices to have citizen charters. It has been reinforced by RTI Act, 2009.
- The government and NGO authorities are interested in giving information on policies, approved projects etc. However, both the authorities are reluctant to give information on budget allocation, fund management, budget expenditure etc. Information obtained in response to 13 out of 22 applications supports this finding.
- The websites of the authorities provide broadly generalized information and they do not give information on budget distribution or expenditure. For example, none of the NGO websites contains essential portion of Foreign Donation Fund Release Form, such as approved budget by line item, approved project proposal, project objective etc.
- Four appellate authorities, two each at district and ministry levels, declined to give interviews. Those who gave interviews had little poor knowledge about the law. Due to lack of clear directives, there is a lack of interest about the law among these officers. The attitude and knowledge of the appellate authorities are similar to those of the designated officers. However, there is no directive from the related ministry to the appellate authority.
- The media of the country puts importance on RTI related news and special treatment is given to the event based stories. Reporters hardly produce any news items on their own initiatives.
- There is a positive trend among the journalists in recent times in using RTI law for seeking information. Several journalists have used the law to seek information to be used in reports. But newsroom leaders need to be more sensitive and supportive.
- The Bangladeshi media is ignoring the aspect of encouraging the people to use and practice the law.
- The media is prominently covering non-cooperation by government officers, but hardly have they mentioned non-cooperation by NGOs which are also under the purview of the RTI Act.
- The Information Commission's annual budget is underutilized due to shortage of manpower and willingness to organize advocacy programs. The

commission approved appointment of 76 personnel, but only 39 have so far been appointed.

- The commission feels that not all of its directives are equally being carried out. The Commission had requested the Secretaries of all ministries to appoint Designated Officers for providing information at all government offices—but it was not completely done. Similarly many NGOs also do not have Designated Officers for providing information. The subordinate courts and offices of the law enforcing agencies have not appointed the Designated Officers.
- The Information Commission office is independent from government offices. It enjoys certain degrees of autonomy in terms of its financial and administrative exercises. Still it needs to take approval of the finance ministry and Public Administration Department on financial and administrative matters.
- **Ability to ensure compliance with orders:** As per provision of section 25(12) of the Right to Information Act, 2009 it has been made mandatory for all the authorities to comply with the orders of the Information Commission. On a careful reading of the decisions of the Information Commission it was found that most of the cases admitted for hearing were disposed of on the first hearing date as the Designated Officers provided information on being summoned by the Commission. The Commission has not yet adopted any step to assess the status of compliance of the orders passed by it. So, it is necessary to assess the status of implementation of the orders of the Commission in other cases.
- **Fear of adverse repercussions:** Though there is an over-riding provision under section 3 of the RTI Act, 2009 yet the Designated Officers always play his role in providing information with due fear of the superior officers. It is because of the provisions made in the Official Secrets Act, 1923 which imposes penalty of rigorous imprisonment on the incumbent in cases of illegal transfer of secret information and the Govt. Servants' (Conduct) Rules, 1979 which imposes departmental penalties even up to dismissal from the service. More-over, there is a fear of facing trouble if any adverse comment is made by the controlling officer against him in the Annual Confidential Report on the act done by the Designated Officer. Information Commission has been given the function to suggest the government for amendment of the conflicting laws creating impediments in providing requested information. But, so far it is known that no such proposal has yet been sent by the Commission to the government.
- **Adequate and appropriate penalties for violations of its provisions:** The provision of imposing fines is much lower compared to that of the Indian RTI Act, 2005. Members of the public recommended to enhance the penal provision as they feel that the amount of fine incorporated in the Act is inadequate and inappropriate for the officials.

- There are some confusions and misconceptions among the bureaucrats about the section 7 of the RTI Act, 2009 which exempts some information from the mandate of disclosure for which this section needs to be revised or simplified.

I. Introduction

The citizens' right to information is one of the major basic conditions of a democratic, participatory, transparent and accountable government system. Giving a legal basis for the citizens' access to information is a primary condition. The Government of Bangladesh in 2009 gave this legal foundation by framing the Right to Information Act, 2009 (RTI Act) aimed at ensuring citizens' rights to information in the country. The enactment of the RTI Act is a milestone of Democracy in Bangladesh. Article 39 of the Bangladesh Constitution establishes freedom of speech, thought and conscience as one of the fundamental rights. The RTI Act is an integral part of this fundamental right.

With 150 million people, Bangladesh is the seventh most populous country in the world. After restoration of a democratic government system in 1991, the country witnessed steady economic growth. However, poverty continues to be a serious challenge for the country. While poverty reduction has been remarkable, still 31.5% (47 million) of the total population is living below poverty line³. Bangladesh has achieved significant progress in literacy reduction of gender disparity in education and population growth, but the country's development is challenged by political and administrative corruption. In 2012, a nation-wide survey⁴ by Transparency International Bangladesh found that 63.7% people had experienced corruption while trying to avail government services. 77% of the households who received services from labor migration authority were victims of one or the other form of corruption. Law enforcing agencies (75.8%) and land administration services (59%) occupied the second and the third position respectively in the level of corruption. The households also experienced corruption in other service providing sectors which are education (40.1%) and health (40.2%). According to the survey data, the total national loss due to petty bribery at current price has been estimated at Tk 21,955 crores—which is as high as 13.4% of the national budget or 2.4% of the GDP. This is where implementing the RTI Act could play a positive role.

The pre-requisites for free information flow and exercising rights to information are: 1. Legal foundation. 2. Spontaneous information supplier and seeker. 3. Advanced information management system. 4. Administrative and organizational commitment and ability.

Bangladesh is the world's 88th country that gave legal foundation to the right to information.

The RTI Act in Bangladesh has stepped in its fourth year. This law is the result of a long standing demand and movement of the media and the civil society. Members of the civil society have specially remained engaged through a well-organised movement which influenced the government. The civil society till date is playing a major role in the implementation of the law side by side with the government by creating public awareness and identifying hurdles of implementing the law. India is

³ The World Bank data, 2011

⁴ Corruption in service sector: National Household Survey 2012

a great example of implementing the right to information law. Unlike India, the demand for right to information did not come from the marginalized people in Bangladesh—rather it came from the civil society. That is why the law has to be taken to the grassroots and the people have to be made aware of the utility of the law.

The Information Commission is another important institution in implementing the law. This commission was formed within sixty days of the law as was legally required. Despite its limitations, the Commission had published its third annual report. It is maintaining a reasonable coordination with the government and the civil society for an effective implementation of the law.

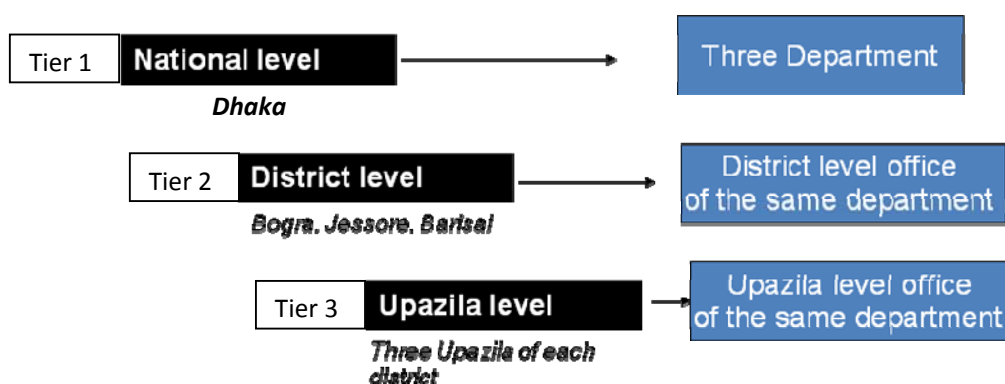
The Asia Foundation (TAF) in partnership with civil society organizations in Bangladesh, Nepal, Pakistan, and Sri Lanka has initiated diagnostic analyses of citizens' access to information in these countries. The study effort will lead to diagnoses at a country and regional level of the state of citizens' access to information, implementation and use and provide recommendations for strengthening the RTI regimes in these countries. In Bangladesh, the study was conducted by the Management and Resources Development Initiative (MRDI) in coordination with the RTI Forum of Bangladesh.

II. Study Methodology

This study mainly reviewed the condition of RTI Act, 2009 implementation with the view to give some specific set of recommendations for its implementation. This chapter depicts the process and methodology used in conducting the study.

1. Sampling

The study was conducted at different levels of government offices i.e. ministry, district and upazilla level.



a. National level government office: The three departments chosen for the study are: i. Local Government Division of the Ministry of Local Government, Rural Development and Cooperatives, ii. Directorate of Relief and Rehabilitation of the Ministry of Food and Disaster Management and iii.

Directorate of Social Welfare under the Ministry of Social Welfare (details of the ministry is given in next part). In identifying the government authority, this study gave emphasis on ministries closely involved with providing various services to the citizens including marginalized communities.

b. District level office of the same department and Appeal authority

The Appellate Authority means a. in case of any information providing unit, the administrative head of its immediate superior office; or b. if there is no superior office of such unit, the administrative head of that unit.

Local Government Engineering Department: The executive engineer is performing as appeal authority of Upazila engineers office. This department ensures rural and urban infrastructure maintenance, small scale water resource development, supplying maps etc.

Relief and Rehabilitation Directorate: District disaster and rehabilitation officer is performing as appeal authority of Upazila project implementation office. It deals with VGF programme, food for work programme, work generating programme for ultra poor communities, rural infrastructure maintenance (TR) etc.

Social Welfare Directorate: The Deputy Director of District Social Welfare office is performing as appeal authority of Upazila social welfare office. It looks after welfare programmes for senior citizens and people with disability.

c. Upazilla level office of the same department:

Upazilla Engineer's Office: The Upazilla Engineer's Office provides the service of maintaining the rural infrastructure.

Project Implementation Office: The Project Implementation Officer ensures services like food for work programme and rural infrastructure maintenance programme.

Upazilla Social Welfare Office: This office provides services like distributing stipends to senior citizens, widows, people with disability and disabled students etc.

d. NGO as authority:

Till April 2012, as many as 2122 NGOs had registered with the NGO Bureau. This study chose 20 NGOs of 10 districts (Pirojpur, Natore, Meherpur, Bogra, Barisal, Rajshahi, Comilla, Barguna, Bagerhat, and Jaipurhat) and seven NGOs from the capital. Of them two large, five macro level and rest of them are grassroots level organization.

2. Profile of the areas and the reasons for selecting them: The areas have been selected for the study considering different dimensions and diversity. The study covers north, south-west and south regions of the country. In northern part Bogra is the business hub, high concentration of NGO activities and also people living in vulnerability are present there. Jessore is the most vulnerable district for Human Trafficking and other human rights abuses. Barisal is prone to natural calamity.

Bogra- Out of 12 upazilla, this study chose three—Sariakandi, Dhunat and Bogra sadar. The district is located in the northern Rajshahi division. Majority of the people of Sariakandi live in shoals of the river Jamuna.

Jessore-Out of eight upazilla in the district located in the southwestern Khulna division, this study picked three- Jessore sadar, Keshabpur and Chowgachha. This district is close to the India-Bangladesh border and is identified as a major route for human trafficking.

Barisal- Located in the southwestern region and also a divisional and district town, Barisal has 10 upazillas. Three upazillas of Barisal sadar, Babuganj and Banaripara were picked for the study. Barisal is a disaster prone coastal district.

3. Data collection :

- a. **Review of RTI related laws and policies:** This was mainly a desk-based work. Its purpose was to find the history leading to the formulation of the RTI Act and review the law and policies related to giving information and analyzing the hurdles of giving information. This also includes the report of the Information Commission, various research reports and the websites of the authorities involved in researches.
- b. **Interviews:** Interviews were taken to assess the implementation of right to information. The interviewees included 34 government authorities, 27 NGOs, 50 general citizens, 4 officers of the Information Commission, 2 of the Appeal authorities and 15 media decision makers. The interview questionnaire was in Bangla which were all field-tested. It is mentionable that there were no authorized officers at four district level offices, one at upazilla level and one authorized officer at the ministry level declined to give interview. Similarly there was no appeal authority at district level and one declined the interview. At the level of the ministry, two appeal authorities (secretaries) declined the interviews.
- c. **Field visits to government and NGO offices under the study:** The field visit was intended to assess the condition of voluntary disclosure of information. As per the law, the authorities are supposed to voluntarily disclose a particular set of information. Following a checklist, field visits were made in 66

government-NGO offices at district level and three ministries and seven NGO offices in Dhaka.

- d. **Focus group discussion:** The purpose of such discussion was to see if particular groups find professional and community problems and if they find any link between such problems and lack of information. In other words, the discussions aimed at getting their opinions on whether they could use the RTI Act to check social corruption and irregularities. The focus groups were- journalists, youths and a group of poor women.
- e. **Interviewing general citizens:** To assess public impression and experience on using the RTI Act, 25 women and 25 men were interviewed. Of them, service holder 21; students 15, labor 4; house wives 4, businessmen 3 and other professional 3. 36 were interviewed in Dhaka and the remaining from villages and small towns⁵. The respondents are from various professions who were asked about their awareness on the law and experience with the law.
- f. **Test filing and tracking of applications seeking information:** To assess the condition of implementation of the law and the authorities' cooperation, 22 information applications were filed with different authorities. The applications were filed by general citizens, journalists and NGO representatives.
- g. **Case studies:** To get impressions on personal experience of using the RTI Act, several case studies were conducted involving those who provided it and those who used it.
- h. **News media analysis:** Six Bangla and four English newspapers were brought under this study. To assess the role of the media in implementing the law, the study monitored relevant news published within a period of one year (September 2011-August 2012). The published reports were analyzed in two ways—how the journalists were using the RTI Act to make investigative reports and what kind of reports were being published to create public awareness on the RTI Act.

⁵ Bogra, Barisal, Jessore, Gazipur, Sirajgonj, Chandpur urban and rural areas

About the authority under this study:

Local government division of the Local Government, Rural Development and Cooperatives Ministry: Local Government Division⁶ is implement development and service-oriented activities i.e. food for work (*KABIKHA*), Money for work (*KABITA*) for poverty alleviation with the objective of making the lives of rural people more comfortable, sound and meaningful. The activities of the LGED are extended up to the grassroots level of the country. The Union Parishad, Upazilla Parishad, Zila Parishad, Municipalities and City Corporations are the Local Government Institutions under this division. In addition, the Local Government Engineering Department (LGED), Department of Public Health Engineering (DPHE), Dhaka WASA, Chittagong WASA, Khulna WASA and NILG are the different Department /Directorate/Institutions of this Division.

Table: Budget (Taka in millions)⁷

Budget Types	Budget 2012-13	Revised 2011-12	Budget 2011-12	Actual 2010-11
Non Development revenue	15,770	14,470	14,720	14,350
Non-development Capital	130	120	130	110
Programmes Finance from non-development budget	280	370	200	170
Total	16,180	14,960	15,050	14,630

Relief and Rehabilitation Department of the Food and Disaster Management Ministry: The vision⁸ of the Government of the People's Republic of Bangladesh is to reduce the risk of people, especially the poor and the disadvantaged, from the effects of natural, environmental and human induced hazards to a manageable and acceptable humanitarian level and to have in place an efficient emergency response management system. Vulnerable group development (VGD), Vulnerable Group Fund (VGF) program and other safety net programs are being implemented under this department.

Table: Budget (Taka in millions)⁹:

Budget Types	Budget 2012-13	Revised 2011-12	Budget 2011-12	Actual 2010-11
Non Development revenue	42,670	39,670	42,670	24,090
Non-development Capital	40	40	40	40
Total	42,710	39,710	42,710	24,130

⁶ www.lgd.gov.bd

⁷ Source: http://www.mof.gov.bd/en/budget/12_13/brief/en/st3.pdf

⁸ www.dmr.gov.bd

⁹ Source: http://www.mof.gov.bd/en/budget/12_13/brief/en/st3.pdf

Social Welfare Ministry: Ministry of Social Welfare¹⁰ is one of the important ministries dealing with human resource development, poverty alleviation, welfare-development and empowerment of the vulnerable and disadvantaged segment of people.

Table: Budget (Taka in millions):

(Source: http://www.mof.gov.bd/en/budget/12_13/brief/en/st3.pdf)

Budget Types	Budget 2012-13	Revised 2011-12	Budget 2011-12	Actual 2010-11
Non Development revenue (including old-age pension)	18,060	17,340	17,410	16,650
Non-development Capital	40	330	330	30
Programmes Finance from non-development budget	170	60	30	20
Total	18,270	17,730	17,770	16,700

II. Background and context for citizens' access to information in the country

Till the 1980's a culture of secrecy created by Bangladesh's colonial history and subsequent military rule, prevented the emergence of a genuine demand for information among the public. Besides, there was a lack of clear constitutional guarantee on access to information; with majority people being illiterate who lack awareness on rights; and there was an attitude that getting information is not a right. In 1980, the journalist community raised demand of freedom of opinion against the military rule as restriction of Press Freedom under a dictator government. The demand for information however was lost due to changes in the political scenario.

Bangladesh experienced military-dominated rules from 1975-1990. In the nineties, after the end of the autocratic regime, democracy returned; the civil society and media raised the issue of right to information in context of good governance and development. Later several civil society organizations echoed the demand. In 2002, the Law Commission presented a working paper on rights to information. During this time a study was conducted to assess public perception on right to information. In 2006, the Manusher Jonno Foundation (MJF) assisted in creating three core groups. The core group on law took the responsibility of preparing a draft on the law. The draft was finalized taking suggestions from opinion exchange meetings at six divisional cities which at present are seven. The Ministry of Information published the draft in its website to get further feedback from the public in a broader context. The Manusher Jonno Foundation published the same in a national daily. Discussions took place with political parties. The two major electoral alliances led by the ruling Bangladesh Awami League (AL) and the opposition Bangladesh Nationalist Party (BNP) recognized the importance of the RTI. The AL in particular committed in its election manifesto to ensure people's right to information.

¹⁰ www.msw.gov.bd

In 2006-08 Bangladesh faced a political crisis again. National Election was postponed due to political clash between leading party BNP and main opposition AL and emergency situation/ laws was declared. Military backed caretaker government governed the country. The government of the People's Republic of Bangladesh agreed to the United Nations Convention against Corruption in February 2007. Massive campaign to reduce corruption was conducted during this period. Further, in 2008, significant changes have occurred nationally with regard to anti-corruption efforts. In 2007, the Caretaker Government declared officially that RTI will be enacted as an Ordinance. At the same time the core group on law submitted the draft to the advisor of law, justice, parliament and information. During this time, about 40 like-minded organizations and people formed a Right to Information Forum that started lobbying with the government to enact the law.

On March 11, 2008, the Ministry of Information organised a roundtable to take opinions and advices before finalizing the draft. Another discussion was organised under the banner "Right to Information: including it in election manifesto and commitment of political parties for its implementation". In October 2008, the president promulgated a Right to Information Ordinance. Features of the ordinance were almost same as the present RTI act 2009.

Later that year, following national elections the RTI Forum started to contact and lobby with the AL led Government. On March 29, 2009 the ninth Jatiya Sangsad (National Parliament) in its first session approved the RTI Act 2009 after some minor amendments. The most important amendment was the supremacy of the RTI Act which would override other laws that restricts information flow. Another amendment was the keeping of an editor level journalist in the Information Commissioner selection committee.

An important aspect of the RTI Act is bringing under its purview NGOs that run using foreign and government funds. An Information Commission was set up in line with the law. But the law does not determine the status of the Chief Information Commissioner and the salary structure.

Article 7 of the law exempted the authorities in 20 situations from giving information. However, Article 9 (9) says whatever restriction is given in Article 7, the authorities cannot completely reject an information application. It may give part of information which falls outside the exemption.

The RTI Act of Bangladesh is a progressive law. In consistency with this law, the government has enacted a Whistle blowers Protection Act, 2011. This law gives all citizens of the country to disclose public interest information to related appropriate authorities and the information provider has been given legal protection.

III. Legal provisions for accessing information

:

a. Transparency provisions guaranteed in the constitution

The 1972 constitution is the highest law of the country Bangladesh. All other laws of the country are framed in accordance with the constitution. Bangladesh constitution has laid out the principles of running the state, peoples' basic rights and the areas of work of the state. Although the constitution explicitly does not talk about right to information, its articles 7¹¹, 11¹², 32¹³ and 39 are considered as the basis of the RTI Act. The preamble of the RTI Act also reflects the principles and basic rights parts of the constitution. The RTI Act preamble was written in vein of the constitution's preamble—especially in mentioning that thought, conscience and freedom of speech are basic rights of the citizens. As per article 7, the people of the country were the owner of all power of the nation. The RTI Act's preamble also mentions that right to information should be ensured for empowerment of the people.

b. Political will:

Despite having constitutional guarantees for the right of access to information, but usually these are unused if specific legislations do not exist. In Bangladesh till 90s there were no political commitments from the government's side to adopt peoples' access to information. After 90s the democratic government lead the country and peoples participation got recognized. Analyzing the history of Bangladesh RTI Act, it can be summarized that the law has been enacted as a result of strong political will. A concerted movement of civil society and political will contributed in enacting right to information act in Bangladesh. The enactment of the law was backed by a clear manifestation of the top level political will. The 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) and Bangladesh Nationalist Party (BNP) recognized the importance of the RTI but the ruling Party AL brought the issue in their election manifesto and as per their commitment they passed the law in the first session of the 9th parliament After immediate enactment of the law, the government formed an independent Information Commission with infrastructural facility and human resources. Also for smooth implementation of the Act, the Ministry of information enacted the rules.

¹¹ All powers of the republic belong to the people. (Article 7)

¹² The republic shall be such a democratic entity in which fundamental human rights will be ensured, dignity of the humans and respect to values shall be ensured. People's participation has to be ensured at all levels of administration through their elected representatives.

¹³ No one shall be deprived of life and individual freedom.

c. Transparency laws

The RTI Act ensures good governance, reduction of corruption and increasing transparency and accountability in government, autonomous, statutory bodies and government and foreign funded NGOs. Other than RTI Act, there are several laws to ensure transparency. These are:

- Public procurement Act 2006: this law was enacted to ensure transparency and accountability in procuring goods and services using government funds; This law also ensures equal treatment and open competition in the procurement process;
- Union Parisad Law 2009- As per this law any citizen of the country has the right to access of information regarding union parisad;
- Record Manual, 1943- As per this regulation, any citizen of the country can seek information for supply of information on land related matters, copies of stamp less papers and copies of documents with stamps by paying a fee and following other process;
- Public Interest related Information Disclosure (providing protection) Act, 2011- this law gives the right to all citizens to disclose information on public interest to appropriate authorities and the information giver is legally protected.

d. Laws creating impediments in delivering information

As per the RTI Act (Article 3), the rules for giving information will not be undermined by the rules of this law; if any law conflicts with the provisions of this law on giving information—the RTI Act will reign supreme. There were particular laws and regulations in the country that stood on the way of giving information and these helped the bureaucracy from refusing the people to give information for many decades. These are the followings:

- **Official Secrets Act 1923 - The Rule 5 says-** ‘If any person having in his possession or control any secret...(means information)...(a) willfully communicates...(b) uses the information...(c) retains the information...(d) fails to take reasonable care of...he shall be guilty of an offence under this section.’ Article 3 of RTI Act 2009 superseded this barrier to access to information.
- **Evidence Act 1872-** No one shall be permitted to give any evidence derived from unpublished official records relating to any affairs of State.
- **Rules of Business 1996 - Rule 19** of the Government Servant Conduct Rules, 1979 in short says, ‘A Government servant shall not, unless empowered by the Government in this behalf, disclose directly or indirectly

contents of any official document or communicate information which has come into his possession in the course of his official duties...., 'No information acquired from official document shall be communicated by a Government Servant to Press, to non-officials or even officials belonging to other Government Offices, unless empowered to do so'. However, this Rule is also not applicable when RTI Act 2009 is in practice.

- **Government Service (Conduct) Rules 1979** - A Government servant shall not, unless generally or specially empowered by the Government in this behalf, disclose directly or indirectly to Government servants belonging to other Ministries, Divisions or Departments, or to non-official persons or to the Press, the contents of any official document or communicate any information which has come into his possession in the course of his official duties, or has been prepared or collected by him in the course of those duties, whether from official sources or otherwise.
- **Rules of Procedure-** The speaker in his/her own discretion can hold secret meetings of the parliament and publish the activities of such a meeting. Nobody else can take any note of such meetings or publish them.

Article 7 of the RTI Act gives out the circumstances of exemption of information. These can act as hurdles if the related authorities lack adequate explanation. Besides, as the law has exempted departmental note sheets or their copies from the definition of information—it might sometimes deprive the demander of the actual information.

IV. Implementation framework

The purpose of the RTI Act is ensuring peoples' access to information and transparency and accountability of all authorities. For this, there should be preparation and cooperation to supply the information. This chapter deals with the institutional preparation, empowerment (like appointment of authorized officers), information preservation, voluntary disclosure of information from the supply side. As the law becomes four years old, it has become important to review how much actually the people can access information and what is the preparation of the authorities.

1. Right to Information Act 2009:

1.1 Right to Information Act: According to the law, every citizen has the right to obtain information from the authority and the authority is obliged to provide the information upon the citizen's request.

The RTI Act has ensured peoples' right to information in a broader context. The law defines information as any book, design, map, agreement, data, log book, order, notice, document, example, letter, report, accounts, project proposal, photograph, audio, video, drawing, film, any electronically created instrument, machine readable document, any other forms of copies or information material or

memorandum on formation of an authority, structure or official activities. However, the definition excluded notes of a file.

1.2 Key features of the act:

Authority: As per the RTI Act, all government, autonomous organizations and foreign and government funded NGOs are considered as authorities under the law. Only Bangladesh citizens can ask for information from these authorities. The authorities are obliged to give the information and for that purpose, they must preserve the information.

Information Providing Designated Officer: A particular officer or authorized officer has been designated by the law to receive and respond to a citizen's request for information. All information providing units must appoint authorized officers within 60 days of enactment of the law. According to Information Commission, till date 12751 Designated Officers have been appointed at government- NGO offices. The names and addresses of these officers have been displayed on the Commission's website. The practice in Bangladesh is that an officer in a department is given the extra responsibility of an authorized officer. The officer receives no extra incentives for this additional responsibility.

The officer must provide information within 20 working days of receiving the application. If s/he is unable to provide the information, s/he must inform the applicant along with an explanation for refusals within 10 days. S/he must also inform the applicant the price of the information within five days, if the price is not pre-determined.

As per the law, the citizen must apply for information in a particular form. Giving and receiving information are all time bound. All applicants must pay a certain amount of money as price of information. The fees of information request and information price are fixed reasonably in Right to Information Regulation, 2009. Certain persons or group of people are exempted from paying this cost.

Appeal authority: The administrative chief of any authority, who is at higher level of organizational hierarchy, is generally the appeal authority. Aggrieved citizens can turn to the appeal authority seeking remedy. The appeal authority will give directives for giving information within 15 days. As per the law the aggrieved citizen has to fill up a preset form and file for the appeal within 30 days.

Regulation on exemption from giving information: The RTI Act exempts disclosure of certain types of information. These includes, for example:

- Information related to state security, foreign policy and information that might affect friendship with another state or weapon cache of the military forces;
- information preserved for financial, commercial and strategic reasons;

- advance information on currency exchange or change of interest rate;
- information that can affect legal or judicial investigation;
- Individual privacy or security related information like bank account of a person;
- Public interest information like advance question paper of public examination, or advance information on employment.

Information Commission- To achieve the goals of the RTI Act, an independent statutory commission has been set up. The commission has been set up to receive and respond citizens' complaints related to the denial of information by authorities under the RTI Act. The Information Commission has been given quasi judicial powers and it has the power to function as a civil court.

Information Commissioner: Bangladesh Information Commission has one Chief Information Commissioner and Two Commissioner. Of the Commissioners, one is Female as per law. The Chief Information Commissioner and other Information Commissioner is appointed for a term of five years from the date of appointment or till s/he attains the age of 67 years, whichever is earlier.

Powers of Information Commission

- Quasi judicial
- Taking complaints, investigating and resolving
- Commission can omit, upon scrutiny, if someone is wrongly accused
- In some cases, it would be able to apply power like a **judicial court** - summon someone to be present at the Commission, invigilate to verify information, gather information of any office, etc.

Activities of Information Commission

The commission's work revolves around information providing authority, applicant citizen, government and civil society.

- When dealing with information providing authority, it would approve suspension of information to be given under clause 7.
- Direct authority to preserve information, its management, publication, and making that available.
- Determine how to obtain information from authority.
- Fixing appropriate price for information
- Provide technical and other assistance to the authority to ensure right to information.
- When dealing with applicant citizens, the commission will frame and publish directives and policy protecting citizens' rights to information and its implementation.
- It would identify obstacles to protection and implementation of the citizens' rights to information and submit recommendations to the govt.

Complaint- Citizen can file a complaint to the Information Commission

- If authority does not assign a Designated Officer.
- If the information request/application is not accepted.
- If the information request is refused.
- If the Authority does not answer or provide information within timeline.

Fine- If it is proved that the authorized officer had created hurdles in the way of giving information; the Information Commission may impose a penalty on that officer at the rate of Tk 50 per day from the due date of giving information. But the fine will never exceed Tk 5000. Other than the fine, the commission may recommend to the related authorities for punitive departmental actions considering the officer's actions as misconduct.

Information Commission's Annual Report - As per the law, the Information Commission will place a report to the President by March 31 every year describing activities of the previous year. The report will talk about the implementation condition, the number of applications and release of information, appeal and resolution, collected price for providing information, complaints and their results, proposals on reforming issues related to RTI of the citizens.

The press and the civil societies may obtain this report to get an idea about the level of implementation of RTI in the country. The Commission has so far published two annual reports available at its website www.infocom.gov.bd.

To get a picture, the study contacted at district and upazilla levels 39 government and 27 NGO offices. Field visits were made to assess how far these offices were following the legal obligations. Beside, interviews were also conducted with the Information Commission.

2. Preparation as an authority

The study covered three Ministries and its District¹⁴ and Upazila¹⁵ level offices.

2.1 Employing authorized officer:

2.1.a. Government authority

As part of the study, 39 Designated Officers of three ministries (ministry, district and Upazila level office) working in three upazillas were contacted and 34 responded.

Table: # implementation status by ministry (central to Upazila level)

¹⁴ District : Bogra, Jessore and Barisal

¹⁵ Upazila: Bogra - Shariakandi, Dhunat, Bogra Sadar Upazila
Jessore- Jessore Sadar, Keshabpur, Chowgacha
Barisal - Barisal Sadar, Babuganj, Banaripara

Name of the Authority	Employing authorized officer	Remarks
Ministry: Local Government Division of the Local Government, Rural Development and Cooperatives Ministry	Yes	
District level Office:	Yes	
Upazila level Office: Upazila Engineer's Office	Yes	
Ministry: Social Welfare Ministry	Yes	Did not give interview
District level Office: District Social welfare Office	Partial (1/3)	Officers in Two out of 3 offices not found
Upazila level Office: Upazila Social welfare Office (3)	Yes	
Ministry: Relief and Rehabilitation Department of the Food and Disaster Management Ministry	Yes	Did not give interview
District level Office: District Project Implementation Office	Partial (2/3)	Officers in Two out of 3 offices found
Upazila level Office: Project Implementation Officer's Office (3)	Yes	

At the district level of government offices, the study found four positions of Designated Officers were vacant. The government officers took the job of being authorized officers as a burden imposed by an office order and they received almost no training on the provision of RTI Act.

2.1.a. NGO authority

All interviewed NGOs have assigned one officer as Information Providing Designated officer. There were 27 NGO officers who responded to the study contacts. The NGO officers enjoy this extra duty and had multiple training on RTI issues. All the respondents know about the law and they have received minimum of two days of training. Almost all the respondents are serving for more than a year as authorized officers.

2.2 Conceptual Status:

2.2.a. Government: The district level government officers clearly expressed their reluctance in giving interviews as they lacked knowledge on the subject. The officers at Upzilla level had even lesser grip over the subject. Half of the 34 officers said they were unaware of the rules and regulations of the law and they did not have the copies of the law.

2.2.b. NGO: Out of the 27 authorized officers interviewed; 25 were aware of the RTI Act's provisions and had the copies of the law in their possession. The copies were mostly provided by their office or training or workshops and 3 got it from websites.

Table: Conceptual status of government and NGO authorized officers

Status	Government (34 respondents)	NGO (27 respondents)
Aware of the provisions of the law	12	25
Have copies of the law	10	25
Received training	1	27

2.3 Preparation as authority:

2.3. a Government: Answering to a question whether the office management has undergone changes in the light of the RTI Act, 21 government out of 34 and 27 NGO officers agreed that it brought changes. The changes include digitization of information, updating websites and development of information management system, particularly storage and retrieval system. The government through its digital program has set up information centres from district to union parishad levels equipped with computers and internet connections. These information centres provide people with everyday information like land registration, birth registration etc—although these information are not sought using the RTI Act in written form. Side by side the district administrations are involved in creating portals on district information. These portals provide background information of all district and upazilla level offices along with citizen charter, names of employees, and project names. However, in most cases, the information is not updated.

Following are the changes:

Development of record maintenance	15
Framing policy of information disclosure	2 (local govt dept officers)
Information digitalization	12

Uploading information in websites	17
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2.3.a NGO: All of the 27 NGO officers responded positively to a question whether the office management has undergone changes in the light of the RTI Act.

Following are the changes:

Record maintenance development	22
Formulation of information disclosure policy	18
Digitalization of Information	8
Updating information in websites	13

2.3 Receiving information application:

According to survey, only three government officers received four applications in the last three years and they had given the applicants full information within 10 days. On the other hand, 15 NGO officers received 82 applications during the same period—the number of receiving application was the highest in 2012.

Table: status of information application at NGOs under the study

Year	2009	2010	2011	2012
Information applications	-	9	30	52

Table: information applications at government offices according to Information Commission

Year	2009	2010	2011	2012
Information applications	-	22959**	7671	

**** This information is misleading(subject to interpretation). The Information Commission gave a clarification later saying that many authorities had reported any form of information demand as information application under the RTI Act. As a result the number of information application was shown very high.**

¹⁶Table: The genres of information that have been requested using the RTI format to the various authorities are

Topic	Details
a) Land	List of khas land (waste land), information about mutation, khatian, vested property act, list of local markets, original copies of deeds, land tax-DCR, information on leasing, etc.

¹⁶ Source: Information commission report 2011

b) Hospital/ Health Services	The rules of employment in the government hospitals, the number of doctors appointed, procedures that have been followed in appointing them, list of the free of cost or low cost health services available in the government medicals, price-list of the charged services, EPI activities, birth control, information of the officers working in the family planning division, emergency departments, disease detection machines, pregnant mother and procedure of taking care during pregnancy, sought justification of charging cost for the Diploma course etc.
c) Government employments, administration and judicial cases	Employee appointment, removal, promotion, training, pension, transfer, time scale, list of permanent and temporary employees, training, income, etc; international crimes, procedure of providing arms license, information regarding FIR; co-operative society registration, stamp vendor, voter id card and cinema hall related information.
d) Local government	The citizen services that are available in different regions, districts, sub-districts and union parishad offices, the amount of the availed budget, implemented allocations and distributed government-aids, number of people enjoying the social security initiatives, number of allocated wells, top to bottom of the development activities, appointing village police, honorarium of the public representatives, information centers and assigning initiators in the unions, permanent committees of union parishad, birth certification, the activities of the City Corporation and wards, conducted services, the accounts of revenue and expenditure, endeavor adaptation, implementation, tender, permitting designs, measures taken against those who violate laws, etc.
e) Education	The number of educational institutions, primary and school final exams, information on primary school development initiatives, teachers training activities, free distribution of books, list of students at secondary level and secondary level scholarships, names and mobile numbers of the principles of secondary and dakhil institutions, SSC examinations results, initiating mid day meal system in educational institutions, etc.
f) Agriculture, fisheries and livestock	Allocated budget for the agricultural department, training, fertilizers, insecticides, seeds and dealer, agricultural equipments, ICM, IPM club related information, improvement of the fisheries division, killing of fishes,

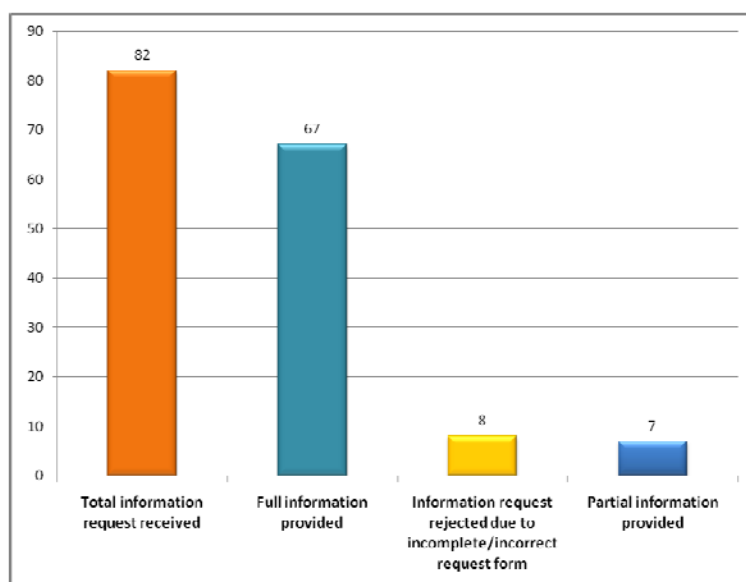
	problem of small fishes, training related to fisheries, bank loans for fish cultivation; animal disease and preventive injections, treatment of duck, chicken and farm animals, etc.
g) Relief	TR, KABIKHA (Food for Work), KABITA (Money for Work), occupation for the poor, relief allocation, allowances for the aged people, allowances for the widow, VGD, DGF and other social security activities and the list of those who enjoy these facilities.
h) Social services and social security	Allowances for the aged, widowed, disabled, freedom fighter, education for the disabled, development of the anthropological people, loans for social services and information related to registered co-operative societies.
i) Others:	National parliament election, e-voting, carrying out activities in the national parliament, implementing the suggestions of the Permanent Committee, question answers related information, loans for struggling businesses, repayment of bank loans, interest removal, implementation of the orders issued by the Court, imported ships in the ship breaking industries, fulfilling the obligations imposed by the environmental department, providing NOC, etc.

2.4 Giving information and carrying out of duties by Designated Officers

2.4.a. Government: Since very few information applications were received by the government offices under the study, the respondent did not say how much time was spent for information management. It was not relevant for the respondents to talk about records of applications, when information was given or how many citizens had applied.

2.4.b. NGO: According to NGO officers, out of 82 applications, eight were cancelled and seven were given partial information and one was refused information along with an explanation. Seven officers said that they had given information within 10 days while seven others said that they took between 11-15 days. Most of the Designated Officers spend a particular time (1-5 hours for 13 officers), while five said they spent more than 10 hours for RTI related works. None of the NGO officers had to attend the Information Commission.

Table: Information flow situation in NGOs



From case studies, the study has gathered information on some government officers' spontaneous reactions and confusions over fixing price of information. The departments that were active in giving information were the environment directorate and Kutubdia Upzilla Engineer's Office. Many officers refused to take applications and some refused right away giving information. These are- Shishu Academy, Vawal College, Upazila Family Planning Office- Barisal, Upazilla Krishi Office-Barisal. In Jessore, when a journalist sought information on e-information service of an Upazila, he was asked to pay a price of TK 4.88 lakh for the information. A journalist in Rangamati said that his relationship with an officer became cold after filing an information application.

2.5 Public Authority and NGO Premises Inspection

The authorities are obliged to voluntarily disclose certain set of information as per the RTI Act. To see if these authorities were following this rule, field visits were made to government and NGO offices. The Study found visible, bangle written signboard in front of the offices. The content of the citizen charter is mainly on the activities performed by the authority, total budget, total number of beneficiaries.

Table: Signboard

	GO (Yes)	NGO (Yes)
Strikingly visible signboard/ citizen charter	13	14
It is in Bangla language	13	14
It is easy to read and understandable	13	13
The information is correct	11	13
Display board containing information of Information Providing Designated officer	nil	17 offices

No government office displayed any information on the authorised officers as they are not aware about the rules of the RTI act section 6 on the description, name and contact of the authorised officer should be displayed for the public.

2.5 a. Information obtained through interviews

Websites are the main sources of the information to be disclosed proactively. District and Upazilla level officers mentioned availability of district and upazilla level information in the websites of the related ministries. The district level pages had the information on projects in the upazilla. But there was no upazilla level information at the ministry websites. But none of the three ministries mentioned the names of designated officers anywhere in the websites.

In case of NGOs, most of the information disclosed are through website except information related to approved project proposals and budget. But in Bangladesh, only ¹⁷5% of total population has internet access to get information proactively disclosed on websites.

Table: Picture of proactive disclosure of information at government and NGO offices

Category of voluntary information	GO	NGO	Source of checking
a. Project profile	18	14	website
b. Audit and review report	13	19	website
c. Annual report	21	21	website and copy
d. Work plan along with budget in work areas	20	13	website and copy
e. Database of beneficiaries	22	12	website
f. Elaborate project output	21	15	website
g. Human resources	24	19	website
h. Information on organisation executive committee	Not Applicable	22	website
i. Contacts: phone, mobile, e-mail etc	16	22	website, office premises
j. Display board containing information of Information Providing Designated officer	0	17	office premise
k. Complaint & complaint resolution book	8	10	office

2.5 b: Review of office websites (Information of April 27, 2013)

To assess the progress of voluntary disclosure of information, the websites of all government offices under the study were reviewed. From the Bangladesh web

¹⁷ As per Internet World Stats June 2012 (<http://www.internetworldstats.com/stats3.htm#asia>)

portal¹⁸, one can enter websites of all government offices of district and upazilla levels. A visit to these sites shows that the Jessore government offices have kept their web pages comparatively more up-to-date than the other district offices (under the study). The websites of the Bogra and Barisal offices were neither updated nor had minimum desired information.

Jessore- Jessore sadar, Keshabpur, Chowgachha	Information available at website
Upazilla Engineer's office	Name, identity contact of Designated Officer
	Citizen's charter.
	Steps of services (only in Chowgachha)
	On going project (without budget)
	Identities of employees
Upazilla social welfare office	Name, identity contact of Designated Officer
	Citizen's charter
	Important project (without budget)
	Identities of employees
	Organogram
Upazilla office of Project Implementation	Name, identity contact of Designated Officer
	Citizen's charter
	Important project, budget, progress
	Identities of employees
	Organogram
Barisal- Barisal sadar, Babuganj, Banaripara	
Upzila Engineer's Office	Citizen charter
	Identities of employees
Upzila Social Welfare Office	Name, contact of Designated Officer (not updated)
	Citizen Charter (But gives info of Comilla)
Upazilla office of Project Implementation	Not updated, information of another district
Bogra- Sariakandi, Dhunat, Bogra sadar	
Upzila Engineer's Office	Citizen charter (brief)
	Names of projects (no budget mentioned)

¹⁸ www.bangladesh.gov.bd

Upzila Social Welfare Office	Identity, contact of Designated Officer (Sadar only)
	Steps of services
	Citizen Charter
	Identities of employees
Upzila office of Project Implementation	Identity, contact of Designated Officer (only sadar)
	Citizen charter (only sadar)
	Identities of employees

3. Findings of interview with appellate authorities

As per the RTI Act, when a citizen is aggrieved by the authorities' refusal to give information, he/she can seek remedy from an appeal authority. The appeal officers under the study did not have to play the role of appeal authority as there had been no appeal application since there had been very negligible instance of receiving applications. As a result, they could not add any value to the study. These officers do not have clear idea about their responsibility as appeal authority. It did not seem that they had good understanding about the RTI Act. In fact they appeared to have knowledge on RTI Act lesser than designated officers.

4. RTI Tracking: test filing of application

To assess the authorities' readiness and activities in giving information, the study experimentally filed 22 applications by 20 general people to 22 authorities. These applications were submitted to the District Administrator's Office, the Bureau of Manpower, Upazilla Krishi Office, Land Office, various government and autonomous schools and college, NGOs working with climate fund, Upazilla Health and Family Welfare Centre, and Police Station. The information sought were copies of different policies, on funds, number of cases filed under various laws, students' admission, sources of funds of schools and colleges, list of allotment of khas land, quantity of full agriculture land, audit reports etc.

No of applications	Status of getting information	Time required to get information
22	- Information given against 13 applications - An authority said it did not have information as per the application - An authority did not receive one application - No response against seven applications; preparation for appeal going on during this study	- Received information in 20 days - Those who did not get information, were not served with a notice declining the request

The experimental filing of applications generated optimistic result. It shows positive attitude of the authorities in giving information. While giving information, they enthusiastically cooperated on giving list of beneficiaries or copies of policies. But the seven applications that received no response were all asking for funds and expenditure. It can be concluded here that although this is the beginning of coming out of the culture of secrecy, there is a lack of openness.

5. Information Commission

The Information Commission was created on 1 July, 2009 as a statutory independent organization to fulfill the goals of the RTI Act. By setting up the organization within its legal time schedule, the government has demonstrated its positive attitude.

The commissions mainly accept citizens' complaints on not receiving requested information, conduct investigation, summon different people and resolve complaints.

4.1 Infrastructure of information commission, manpower, and budget: The Information Commission office is situated at a comparatively advantageous area. Although it does not have its own building, its office premise is large. When the commission was established in 2009, an organogram of 76 persons were approved—but the Commission now has 39 employees. The budget allocation of the Commission in 2011-12 fiscal year was Tk. 720,73000. Of this the commission actually spent Tk 145,19000. The allocated budget is under spent, which reflects the Commission's incapacity to utilize its allocated fund properly. The commissioners still the main spokesperson on behalf of commission; the authority still does not allow any officers to talk publicly.

4.2 Independence of the Commission

Initially when the Commission started functioning, it faced problems in running the office due to lack of manpower and office equipment. It barely started its activities by having some staffs including its secretary on deputation and attachments from other offices. It took some time for the commission to begin hearing of complaints, appoint authorized officers, provide training and create public awareness activities.

The commission is independent from government offices. It enjoys to a great degree the practical autonomy in terms of financial and administrative activities as the RTI Act empowers it not to take prior approval of the government in spending its allocated budget. But in reality the Commission has to take prior approval of the public administration and finance ministries for distribution of its allocated budget.

4.3 Powers of the Information Commission

As per the law, the commission would investigate and resolve if anyone lodges complaints on the following-

- If authorized officers are not appointed and if information applications are not received
- Refusal of information demand

- Failure to provide information within scheduled deadline and if no response is given
- Incomplete, partial and wrong information is given
- Besides the commission can voluntarily conduct investigation on the basis of any complaint

Power exercised by the Information Commission till date in cases of

- Legal obligations of government and NGO offices to appoint authorized officers
- Mandatory disclosure of certain information and certain class of information
- Obligations to change the government record maintenance and management system
- Obligations of government authorities to increase officers' training on rights to information
- Obligations of government authorities in disclosing and supplying annual activities report

As per the RTI Act article 25 (11) (ka) (u), there is provisions to compensate a complainer for harassment by the authorized officer. But till date no directive came in this line.

Ability to ensure recovery of fines: Information Commission Bangladesh imposed fines in only two cases since its inception 4 years back. Fine imposed by the Commission in one case was realized after passing the order. But in another case the order of the Information Commission was challenged by the Designated Officer in the High Court Division where he lost his case. Thereafter he lodged appeal to the Supreme Court of Bangladesh which is now pending for decision.

4.4 Existence of strategic plans, annual work plans, budgets and financing to support implementation of stated policies:

Government is providing sufficient budget allocation to the Commission for its smooth running. However, some restrictions are imposed for taking prior approval from the Finance Division which is contradictory to the provisions made under sections 19 to 22 of the Right to Information Act, 2009. The Commission should be given full autonomy in spending within the budgetary allocation. Commission gives more emphasis on adopting disclosure policy by the authorities. However, this study could not reveal any specific annual work plan or strategic plan except as stated above.

4.5 Formulating regulations

To help fulfill the legal aspects of the law, the Commission framed two regulations— Right to Information (Information Preservation and Management) Regulations, 2010 and Right to Information (Complaints Filing and Disposal) Regulations 2011.

Right to Information (Information Preservation and Management) Regulation: This regulation gives instruction to the authorities for information management and preservation. There are detail instructions for information preservation like - how to categorize, how to maintain standard. The regulation also mentioned to develop specific internal policy for the information disclosures. This regulation is applicable for the authorities who do not have any specific rules, regulations, policy, laws for information preservations and management.

Right to Information (Complaints Filing and Disposal) Regulation 2011: This regulation is about disposal of complaint by information commission. One specific form for filing complains is attached with this regulation.

4.6 Taking complaints and resolution

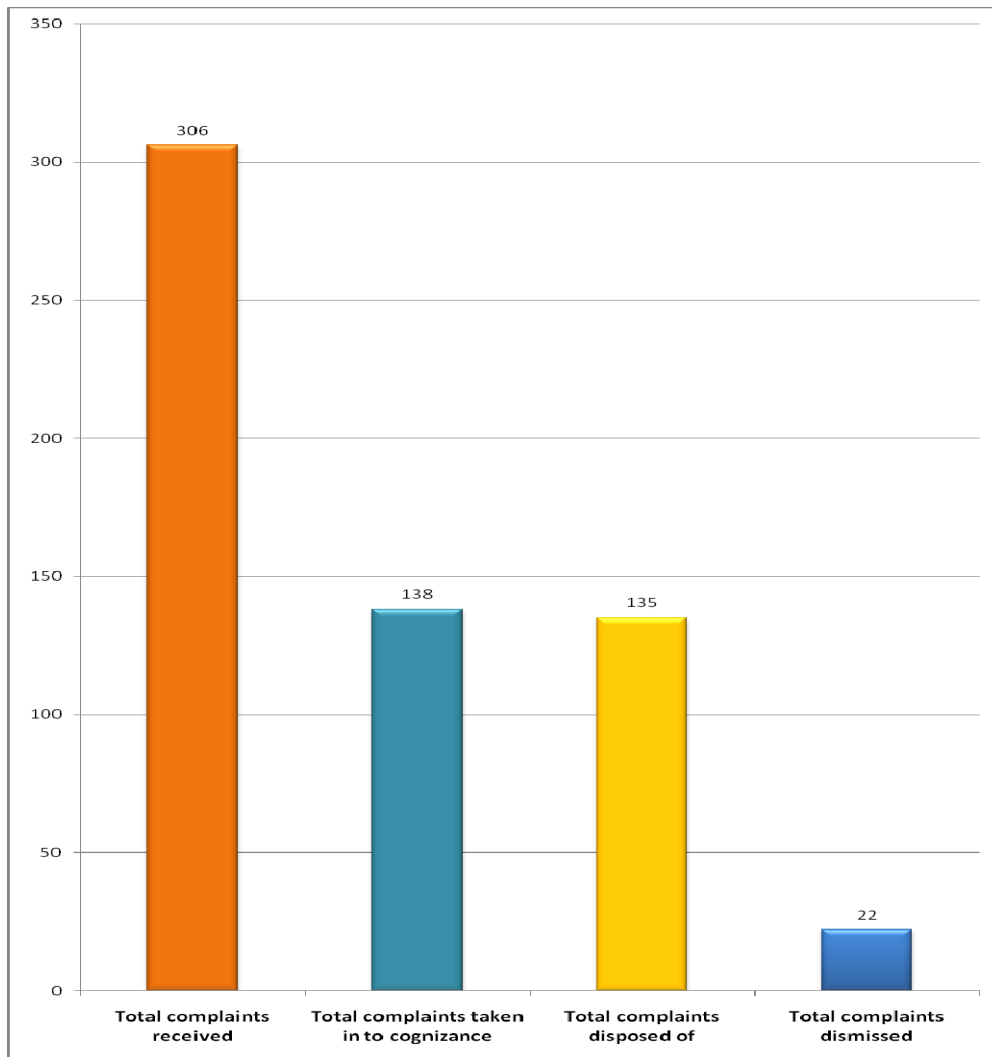
Aggrieved citizens filed a total 306 complaints with the Commission since its inception. Of them, 138 complaints have been taken into cognizance. 102 complaints had faults (including 22 that were dismissed) and 146 complaints were resolved by sending letters. Till December 2012, 135 complaints have been disposed of and three more are under process¹⁹.

4.7 Proportion and quality of hearings:

Out of 306 complaints filed with the Information Commission only 138 cases were taken into cognizance for disposal after hearing in last 3 years i.e. 55% of the complaints were not registered as cases in the Commission due to some minor defects in the procedures to be followed by the complainants. The Commission resolved 146 cases by sending letters to the concerned parties without any hearing. For introducing and popularizing a new law like the Right to Information Act, 2009 the Information Commission should have been more flexible in admitting the complaints for disposal as the spirit of the law is to assist the applicants seeking for information and disposal of complainants by sending letters from the secretariat does not come within the purview of the RTI Act. Regarding the quality of hearing researchers should not make any comment because Information Commission is a quasi-judicial body and acts with the powers under the Civil Procedure Code especially with respect to disposal of complainants.

Table: Complaints received and disposed of

¹⁹ www.infocom.gov.bd



A publication of the Information Commission explained as to why some of the complaints were not admitted-

- The subject of complaint was not covered by the law.
- Lack of appropriate attachments (information application, appeal application)
- Complainant had directly come to the Commission without filing an appeal
- Improper appellate authority

5.6 Challenges of Information Commission in implementing the law

As mentioned by Information commission

- Inadequate manpower: The commission notes that the inadequate filling up of posts is affecting its performance. If it must properly conduct training and coordinate the training and the work of all the authorised officers across the country—the Commission at its head office needs a director general and also set up offices at divisional level. It is necessary to appoint one deputy director along with supportive manpower at the divisional offices.
- The commission may have a secretariat like the election commission or the anti corruption commission and; to keep effective communication with the government—the cabinet division may serve as the liaison ministry for the Information Commission
- Commission cannot take effective measures to compel someone who refuses to attend hearing at the Commission upon summoning her/him.
-
- No provision in the RTI Act to punish anyone for asking for information just to harass the authorities
-
- The provision of penalties/punishment is minimum, it needs to be stronger

Others challenges of Information Commission cited

- **(Designation) Rank of Information Commissioner:** The official designation rank of information commissioner is equivalent to the government Secretaries unlike the other commissioners (Human Rights Commission, Anti-corruption Commission) whose designation is equivalent to that of the (Justice) Judge of the High Court.
- The Information Commission's yearly budget is underutilized due to shortage of manpower. The commission has 76 approved positions, but only 36 have been appointed so far. .
- Officers other than the commissioners and the secretary are hardly involved in interactions and sharing meetings.
- The commission feels that not all of its directives are equally being implemented. The Commission had asked secretaries of all ministries to appoint information providing designated officers at all government offices—but it was not done. Most of the NGOs and CSOs under the jurisdiction of the

act are yet to appoint such officers. The subordinate courts and offices of the law enforcing agencies also have not appointed the officers.

- The Information Commission office is independent from government offices. It enjoys certain degrees of autonomy in terms of its financial and administrative exercises. Still it needs to take approval of the finance and public administration ministries on financial and administrative matters.

Comments and recommendations for this chapter:

Lack of motivation among DOs: The interviewed Information Providing Designated Officers at the government offices lack motivation. The RTI Act has increased their responsibility but offered no incentives. Rather, if they do not give information, they can face departmental punishment and fines. The same applies to the NGO officers. But they feel more empowered and feel they are performing an important duty.

Training of Designated Officers: There is no budget allocation or arrangement for training of officers at the government offices. Their only resource is the Information Commission. The study team believes this job is very time consuming. On the other hand the NGOs have foreign funds and there are many international donor organizations that are interested in RTI Act. Donors are funding for capacity building on RTI act. Thus the NGO sector is ahead of the government in this regard.

Limited information application: The government offices under the study in the last three years received only three information applications; whereas the Commission claimed that during 2011, the government offices all over the country received 7671 applications.

No effective implementation of section 6: The section 6 of the RTI deals with disclosure of information—which is an area that attained little progress in implementation. Through spot visits to the ministries under the study and web site visits, it was found that initiatives were taken to disclose information voluntarily. But the information is not up to date. In many cases, the information disclosed at district and upazilla levels are on limited scale. No website has names, identities or contacts of the designated officer. The citizen charters at district and upazilla levels have just six elements (specific quality, transparency, scope for choice, raising complaints and equal status). One should consider how much of the Information Rights (Information Preservation and Management) Regulations 2010 is being followed in this regard.

Comments on Information Commission:

- o **Flexibility and people friendliness:** The Information Commission should be more flexible and friendly to the complainants. Upon analyzing why complaints were dismissed, it was found that many were dismissed on very small grounds like - copy of the application form is not attached with the complain form, signature of the applicant is missing etc.

- o **Lobbying with the government:** The Commission should give leadership in making the government offices compatible with the RTI Act through interaction meetings and follow-up with the secretaries of the ministries and the divisions arrange sensitizing workshops for the parliament members/political leaders.
- o **Skills development:** The Commission needs to fix a higher target to train Designated Officers. If necessary, it may involve NGOs to help conduct the training.
- o **Awareness building:** The job of creating public awareness needs to speed up through partnership with media and NGOs.
- o **Full independence of the Commission:** The Commission needs to lobby with the government to ensure full independence.
- o **Exemption list and Article 9(9):** The Commission must talk about the exemption list and its explanation; it should be watchful whether the exemption list is being used as a major excuse for not giving information; for this reason, Article 9 (9) should be extensively publicized.
- o **Exercise of power:** The Information Commission has been vested with Civil Court's powers under the Code of Civil Procedure 1908. The Commission exercises this power.

V. Status of citizens' access to information

This chapter discusses how the citizens are exercising the RTI act, their experiences in trying to access information, any challenges or difficulties they face and how they may have used the RTI Act. This discussion is based on interviews of 50 citizens, news decision makers, and focus group discussions with women, youths and journalists and analysis of RTI Act related news and case studies. RTI Act, 2009 ensures the rights of the country's citizens to access information on all activities, important policies, decision making process or revenue and expenditure of all government, autonomous and government and foreign funded organizations. Following are the responsibilities of the authorities in this regard:

- Maintain information in the form of catalog and index
- Preserving information in appropriate process
- Develop internal policy (policy on information declassification) and process to preserve information
- Prepare citizen charter
- Ensure highest use of information and communication technology
- Develop own website
- Computerise all information within a logical timeframe
- Setting up a country-wide network to ensure everyone's access to information
- Obligation of all authorities to follow directives and advices of the Information Commission for release of information, publicity and availability.

The previous chapter gave an account of the status of information release, publicity and availability by authorities under the study (on the basis of field visits).

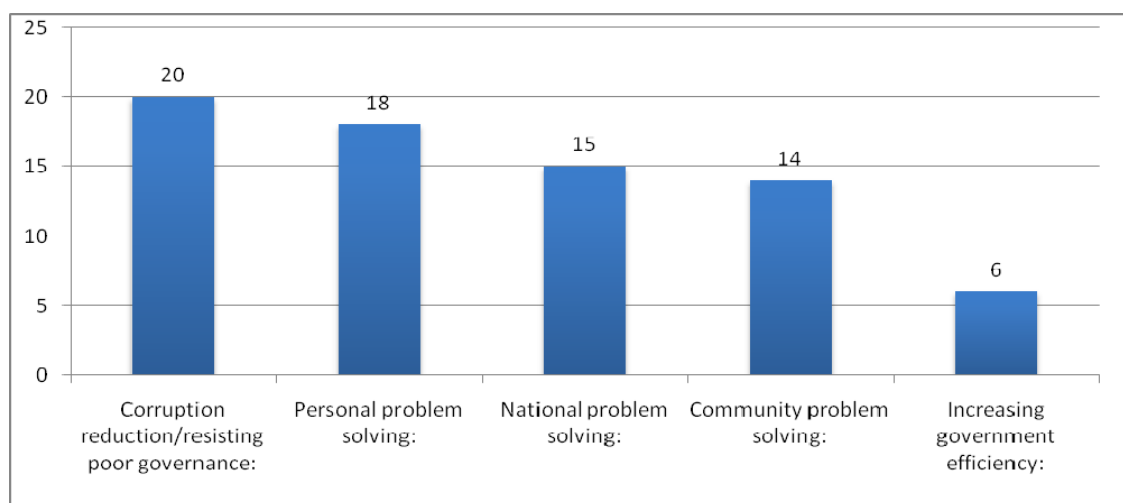
1. Status of citizens' access to information: The picture of general people's exercise of the law is not very encouraging—since the demand for the law did not come from them. This finding is almost common for all over the country. In 2012, RTI Forum conducted one survey²⁰ that revealed the same information. Forty four percent (sample 1010) is found unaware about the law, 12% of those aware about the law filed application for information. Under this study, 50 persons of different professions were interviewed at public places (street corners, buses, launches or at offices) in Dhaka city and the district towns. Only 17 of them felt the need of some information which was not related to transparency or corruption. Seventeen respondents know about the law through mobile messages and televisions. But none of them ever used the law. The respondents believe that access to information will bring in an overall welfare and reduce administrative corruption.

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Only 17 of them felt the need to seek information. What they sought included information on accountability and investigation and most information was based on personal needs like conditions to get bank loans or regarding the BCS exams.

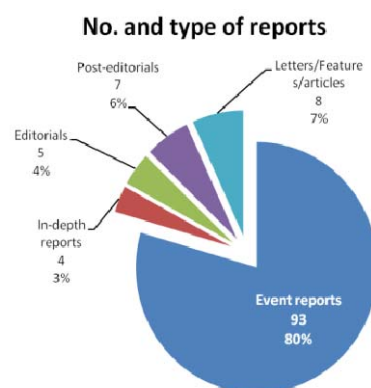
Out of 50 respondents, 44 believe that getting access to government information will have overall benefits. Most of them opined that open information reduces corruption and ensures good governance.

They opined accessing government held information can solve their problems in following ways in their lives:



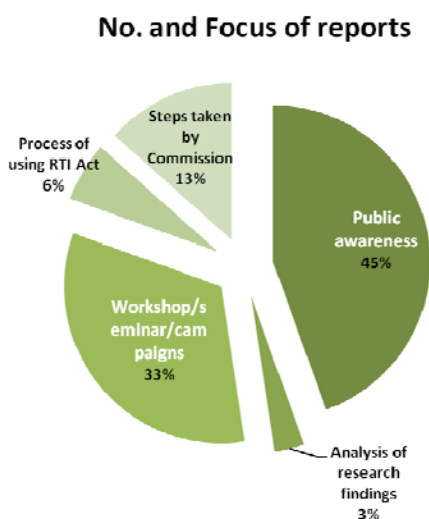
²⁰ Right to Information Act of Bangladesh; Challenges of implementation

Sixty two percent (31 persons: 15 males and 17 females) of the respondents have never heard of RTI Act. Among those who know about it, 11 persons got the information from the television and 5 from mobile messages ²¹and 3 from NGOs. None of the 50 respondents have applied the law and therefore it was not possible for them to evaluate the cooperation or non-cooperation of the authorities in providing information.



2. RTI Act in news media:

2.1 Trends in news: Through analyzing contents of 10 mainstream newspapers published in one year period, a total of 117 news items were found. But most of them were event based (80%) , other share is 7% is letter/features, 7% post-editorials, 4% editorials and only 3% in-depth reports. The news emphasized especially on creating public awareness and the news on event, workshops or seminars were give good treatments. The study shows that the Bangladesh media editorially gives much importance on RTI Act related news. Five editorials were published during this period. The news on events gave special importance on the recommendations made at the events.



The important directives and orders of the Information Commission also drew the attention of the media and these earned a place in the editorial. The media gave much importance on the annual report of Information Commission, the first fine imposed by it and its directives to give information. The media also ran reports with much importance when the government refused to give information especially on public interest information and when the information commission criticized officers for the refusal.

2.2 Media as user of the RTI Act:

The RTI law is being used in journalism around the world as a powerful tool to ensure transparency and accountability by making reports. As an NGO, the MRDI has been continuously providing training and sponsorships to journalists and in the last two years succeeded in creating a positive attitude among journalists. But it was not possible to determine the use of the law in journalism as published investigative reports did not mention use of the RTI Act. Through interviewing

²¹ Nineteen crore 24 lakh SMS were received regarding the RTIA according to the Information Commission's report

media gatekeepers, it was learned that 51 reporters of 15 news media have used the law for getting information from government authorities like the ministries, auditor generals' office and other departments. The information sought was to substantiate make their reports. Of them 18 received information within stipulated time. Thirty-three journalists could make reports using information obtained through applications. Eight reporters lodged complaints with the Information Commission (as per the Commission's records)—and 11 hearings took place till December 2011.

2.3 Media as creator of public awareness on RTI Act: The media is playing moderate role in creating public awareness on the law. There are scopes on reporting to popularize the benefits of using the law and its conceptual understanding among the readers. It has given importance to all news to create public awareness for the law's implementation. The editorials also emphasized on this issue.

2.4 Recommendations of media decision-makers: The news media (including its newsroom leaders and reporters) of Bangladesh is giving appropriate importance on the law. Nevertheless the media decision-makers recommended-

- practical training for journalists to encourage them to use the law
- motivate newsroom leaders
- Orientation and motivational workshops for management personnel
- Sponsoring journalists at first level through scholarships and fellowships
- The media is tilted towards day's report. They need to be encouraged to make more in-depth and investigative reports where the use of the law is useful.
- The bureaucratic attitude of Information Commission discourages journalists. Lodging a complaint with the Information Commission follows a long wait. The Commission needs to be more media friendly and it should understand the needs of journalists separately.
- Although the RTI Act overrides the Official Secrets Act, the government authority appears to be more loyal to the latter. This law should be officially repealed.
- The media needs to be encouraged to create a specific RTI desk
- Journalists need to be supplied with copies of the RTI Act.

3. Focus Group Discussion:

Three specific groups- rural poor women, students and journalists were asked about access to information to solve their professional problems. Analysis shows that the journalists and students could find link between their problems and rights to information. But the rural women could not understand how the right to information could solve their problems. The students-journalists groups argued that by using the RTI Act, the government officers or related authorities become accountable and therefore information could be obtained avoiding any conflict. To make the process of using the law, they recommended allowing online filing of information application and simplification of the application. They believe the culture of secrecy of the authorities and the ignorance of information demander was major hurdles for the law's implementation.

Students: Seven male and four female students of different universities took part in the session. While referring to the problems in the higher education sector the students mentioned discrimination regarding cost and standard of education between public and private universities, faulty grading system and non-cooperation of university authorities for exploring opportunities of further studies in other universities in and outside the country. Participants have been found aware that relevant information can help resolve their problems. They perceived that information on reasons of the problem, actions taken and ways to improve teacher-student coordination would be helpful.

Responding to how RTI Act could help solve the problems, the participants said they would know their entitlements regarding education from the state. Seeking information through RTI Act would facilitate transparency and ultimately reduce corruption and irregularities in educational institutions. Application of the act will compel authorities to provide information and also reduce the gap of communication between teachers and students.

Journalist: The 10 participating district correspondents are aware of the law and three journalists have used the law. In response to five most important problems facing the media and the journalists at local levels are at high risk while reporting on crime and corruption. The problems to produce neutral and objective reports are I. Getting accurate information from the government office, II. Work overload, III. One correspondent has to cover all news beats, IV. Partisan attitude of the journalists and V. Poor pay scale.

They agreed that RTI Act is very much relevant to the profession of a journalist. The Act will help get accurate information in a professional manner. RTI Act is helpful to get into the depth of the news. It helps to receive authentic and officially recognized information. Some of them felt discouraged due to the lengthy procedure. Journalists, due to the nature of their profession, need information urgently in most cases. But collecting information by applying RTI Act takes quite some time. Some also quoted that for journalists 'RTI is farming not hunting'.

Marginalized Women: The women group said they heard about the law for the first time at the discussion. Twenty women from 2 villages took part in the session who are the micro-credit beneficiaries of an NGO. They have never heard anything about the RTI Act. They could hardly relate information which can solve their problems. While identifying their problems they focused on drinking water, communication, sanitation and electricity facilities. They also mentioned hardships of widow, disabled and old age people. When they heard about the RTI Act from the FGD conducting team they felt interested to apply the act to know and claim their entitlements from the authorities. However, they were hesitant about their capability to go through the complicated process of seeking information using the act.

4. Case study: Here are the some salient features derived from fifteen case studies completed. These refer to some of the personal experiences that people have gathered during the process of their applying RTI for gaining information.

- **Achievement of RTI Act:** Abu Bakar, a farmer was not satisfied with the standard of construction work going on at a particular patch of a 5.5 km local road in 2010. He sought information on the road construction from the Local Government Engineering Department (LGED), the public institution, responsible for contracting out the task of rural road work. He got the information and did his own investigation. He challenged the work and mobilized the people in the community to force the authorities to commission a probe. Eventually, the authorities had to cancel the sub-standard work and re-tender the work order.
- With the Bangladesh government declaring a minimum wage for shrimp processing industry in November 2009, SAFE - a local NGO working for shrimp workers right - took interest in inquiring the actual implementation of the wage structure in the sector. SAFE staff sought information from the Department of Labor, Khulna on the number of shrimp processing plants that had implemented minimum wage but they denied. They filed complaint to Information Commission. After series of hearing sessions at the office of the Chief Information Commissioner, in March 2011, the Commission ordered the Deputy Chief Inspector to provide accurate information to the applicant. This request for information has made the concerned department more active. All 37 shrimp processing industries (under SAFE command area) are implementing the government declared minimum wage for their laborers.
- **Cooperation of Designated Officer:** Some designated officers are self motivated and they respect the law. In such cases their career and education background influence their professional responsibility. In two cases two designated officers of Bangladesh Comptroller of Auditor General's Office and Rangamati Hill District Council demonstrated very positive attitude towards the law. One of them had previously worked as journalists while the other as public relations officer.
- Another proactive well informed officer was found at Department of Environment while Ms. Afroze one NGO officer sought information on the approved project proposal and project implementation manual of the Department.
- **Trend:** From the trend of information giving, it was found that the authorities easily cooperate when someone asks for approved project proposal, approved contract, report on an implemented project etc. But when someone asks for decision making process, budget allocation and distribution etc, the responses are not made available within prescribed

deadline. For example - Rezaul a student of Bhawal Badre Alam College filed an application under the Right to Information Act requesting to know about the money spent on some recent construction and repairing works of the college. He was told that he would get information about number of teachers, students etc. but not about the budget.

Some authorities tend to give partial information— depriving the applicant of a desired result. The applicant then turns to appeal to get the full information and sometimes go for lodging complaints.

- **Non cooperation of Designated Officer/ Less empowerment of DO:** Bappy filed an RTI application to Bangladesh Shishu Academy in Dhaka on 27 October, 2012 seeking to know the budgetary allocation spent in financial year 2010-11 on the purpose of repairing the auditorium of the Academy. The designated information officer asked him to explain reason for filing the application. He also discouraged Bappy from applying such queries in future. The Designated Officer does not have any power. Several cases show that the DOs have told applicants that they were unable to provide the information without the higher authorities' permission.
- **Culture of secrecy:** A case study shows that the chief of an NGO faced opposition from his subordinates when he was preparing an information disclosure policy. With every 'push' of a new RTI application being filed, new 'space' is being created within the government bureaucracy that has long been imbued with the spirit of 'maintaining secrecy'. Himel Chakma, a vernacular daily's correspondent's experience shows - the applicant, the authorities in hold of information and officers concerned - all have got something to learn from their respective exercises.
- **Journalists are embracing the Act:** Rashed Mehedi, a Dhaka-based reporter of a daily, who has filed several RTI applications for information in past two years, expresses his firm resolve, "I am hopeful that through further exercises we'll be able to make better use of RTI applications in the future and come up with good pieces of reporting."
- **RTI Empowers Rural peoples:** Thanks to application of right to information act (RTI), 2009, the farmers of Amanulla Union of Chittagong district got a copy of the Union's budget for 2010-11, which came handy in challenging the authority of charging money illegally from them for providing agriculture cards meant for free distribution among farmers.
- **Manik Mukhter** is a villager of Rangpur districts did file two RTI applications with the office of the Rangpur sadar upazila project implementation officer (PIO). In his RTI applications, Manik wanted to know how many people were employed under Haridevpur Union during 2009-10 financial year's employment generation programme; he sought a list of the names of the

people employed; wages they got; criteria for being enlisted in such job-creation projects etc.

In response, the PIO gave Manik a 37-page information. As a result, the people in the neighborhoods got access to some vital information and they became more aware about their rights, entitlements, job eligibility and proper wages.

- **RTI Reveals Facts:** On July 08, 2009 Bangladesh Environmental Lawyers Association (BELA) applied to Rajdhani Unnayan Kortripokkho (RAJUK), Dhaka's real estate regulator for getting information about the Bangladesh Garment Manufacturer Exports Association (BGMEA) Bhavan following RTI. The pieces of information sought included; approval of the BGMEA building plan, the logics behind approving BGMEA to construct a building in public water body, the subsequent processes etc. After getting no response yet another time, BELA lodged a complaint with the Information Commission (IC). Then series of communications continued and a legal notice was served too to the RAJUK Chairman. Finally all this efforts resulted in handing over the requested information to BELA on September 19, 2010. Collected information clearly indicated there had been conditions attached in approval which were not followed

Comments and recommendations for this chapter:

- Encouraging information users: People must be made aware of the law. As major users, journalists and NGOs need to be encouraged through orienting them on how information can help in combating corruption or ensure transparency and accountability.
- Sensitizing the media on investigative journalism: News room and news managers should be encouraged to make more investigative reports. This can make the RTI Act popular as an investigative journalism tool.
- Making role models: Self motivated and enthusiastic DOs must be recognized as role models to encourage others to emulate.
- Developing Info Rights Worker: The NGOs should come forward to develop information rights worker who would work at the grassroots to create awareness about the law, empower them to seek information and facilitate them to receive the same.

VI. Recommendations

On the basis of this study, it can be said that the implementation of the RTI Act is still very slow. One important indicator of the popularity of this law is the number of information applications—which is not so high in the last few years as example under the study in interviewed government office the number is only two. Side by side the Designated Officers were found to have unclear ideas about the law. The general citizens say they did not file any information application and in fact, most of them have not even heard about the law before. The goal of this recommendation is to identify the gaps of implementing the RTI Act and suggest removal of these gaps. The recommendations were given separately for three important stakeholders—information supplier, information demander and Information Commission.

Supply side:

- **Motivation of the Designated Officer:** It was found at various stages of the study that the DOs are not aware of their duties; they lacked training or did not have copies of the law. Furthermore, there is no motivation or incentives for them. To ensure effective implementation of the law, the DOs should be given incentives like additional payment for additional duty and training.
- **Preparedness of the human resources:** The authorities should take initiatives to appoint the necessary trained officers, arrange necessary training, prepare internal policy or update them etc.
- **Training and directives for appellate authorities:** The appeal authorities' level of knowledge on the law is even lesser than that of the DOs. There should be necessary directives and training for the appeal authorities.
- **Formulating information disclosure policy:** All information of an organization should be classified and voluntary disclosure of information should be encouraged. Policy for information disclosure should be formulated.
- **Maximum utilization of the district information portal:** The district information web-portal (website) should be enriched and the government or the information commission should give a clear directive to use it as a major medium for voluntary disclosure of information and information updates.
- **Regular auditing and monitoring of voluntary disclosure of information:** The information commission or a third party should audit or review the progress of voluntary disclosure of information. There should be an auditing system in vein of the financial audit system.
- **Updating information:** The websites under the study had information on various projects—but they are all six months to one year old. The information needs to be updated. If needed manpower should be deployed and trained for this job.

Demand side:

- **Creating demands:** The study shows that people still do not know how the law could be useful. If there is a lack of demand for information, the preparation of the information provider will be slow. The stronger the demand becomes, the easier it becomes to find problems of the law's implementation and make recommendations.
- **Creating public awareness and campaign:** To make people aware of the usefulness of the law to change the ways of their lives, there should be wider campaigns. The Information Commission has till date conducted meetings at 52 districts to raise awareness. Besides different NGOs are

involved in campaign. There should be more use of the media, awareness meetings and fairs and brand the RTI act before the public.

- **Incorporating RTI Act in the school/college curriculum:** Speakers at various seminars and meetings have raised the demand for including the RTI Act in the education curriculum.
- **Simplifying and publicizing information application:** NGO officers have given this recommendation. The people tend to verbally ask for information from different offices. If the application form is simplified under the law, it would encourage people to use the law. Besides the form should be adequately available with all offices for the people.
- **RTI Help Desk:** The NGOs may open help desk to increase use of the law. This has to be widely publicized.
- **Encouraging journalists:** Bangladesh's media is more interested to cover the daily incidents. The journalists must be encouraged to make investigative journalism and for that purpose they should be given practical training and motivational workshops. At first stage, journalists may be sponsored through offering them scholarships and fellowships.
- **Motivating news media managers:** Those who are in charge of the news room should be motivated and there should be lobby meetings and motivational workshops for news management persons.

Information Commission:

- **Ensuring full independence of the Information Commission:** Although the Information Commission was created as an independent and autonomous organization, it has to seek prior approval of the finance and public administration ministry over budget expenditure. The commission must be given full independence.
- **The information commission must exercise power:** The Commission has been given powers of the civil court. It should exercise this power—but not on the complainant.
- **Increasing power of Information Commission:** Power should be vested with the Commission to punish anyone for violation of the RTI Act. If anyone illogically refuses to attend the commission after receiving summon, the Commission should be given the power to issue arrest warrant.
- **The commission must be media-friendly:** Journalists demand that the commission nurtures a bureaucratic attitude which discourages them to go to the Commission to lodge a complaint. Besides one has to wait for a long time—45 days to 75 days—after filing a complaint. The commission must be more media friendly and it should entertain the needs of the media differently.

- **Reconsidering the list of exemption:** Among the south Asian countries Bangladesh's list of exemption in the RTI law is the longest (India 10, Pakistan 5). The Commission must talk about this long list and its explanation; and watch over whether the exemption list is being used as an excuse.
- **Enforcing the Information Commission's monitoring:** Appointment of DOs, status of voluntary disclosure of information need to be closely monitored by the Commission.
- **Full use of the Commission's budget:** The Information Commission must ensure 100 percent utilization of its budget. It must increase expenditure in training, publicity and campaigns.

VII. Conclusion

The Right to Information Act has been given high priority since its enactment in the first session of 9th National Parliament in March 2009 and made effective on July 2009. The preamble of the law refers to the constitutional provision of freedom of thought, speech recognized as fundamental rights. The Act empowers citizens to seek information from any authorities.

The Government has duly constituted the Information Commission, and appointed Chief Information Commissioners. The Commission has also been provided with office premises reasonable enough for a good start. The Government is also allocated a plot of land to the Commission where its own premises could be built.

Required rules and regulations have also been approved and gazettes have been published for smooth implementation of the Act.

But the implementation of the RTI Act is dependent on the use of law to ensure free flow of information, people's empowerment and transparency and accountability. The study shows some progress in terms of preparedness. But the information seeker or users are still unaware of the legal provisions. On the supply side efficiency needs to be developed. On the demand side there should be more awareness. Right to information is an issue of exercise; if the exercise is not continued, the purpose of the law to reduce corruption and establish good governance will remain a far cry. If nobody wants an answer, there will be no accountability. Besides, due to a long practiced culture of secrecy, the people of the country have not yet perceived the power of right to information.

In the fourth year of the RTI Act, there are some good progresses. More than 12000 Designated Officers have been appointed (Information Commission report 2011). According to the Commission report, more than 7000 information applications have been filed last year. Side by side with numerical achievements, attention should be given for qualitative achievements. The Commission needs to closely work with the government to make the law mainstream at all levels of the administration. The Commission should be more people and media friendly.

The NGO and the civil society should continue to play a leading role in implementing the law just like they did in formulating the law. Some notable initiatives have been taken by the NGOs collectively and individually, but these are much below the expectations. The main target of the law should be achieved by creating public awareness and continuous lobbying.

Another important user of the law could be the journalists. The journalism of the country may add a new dimension by using the RTI law in their investigative reports. They can also play a role in making the law more popular.

The promulgation of the law commits to reduce corruption and ensure transparency and accountability. But its actual success depends on its appropriate implementation.

Implementation of the RTI Act, is much more difficult than adoption of the Act; it is a multi-stakeholder challenge; it requires a concerted effort; and then it will yield only when there is commitment and ownership; and internalization of the benefits of the rights to information by the demand side and the supply side.

Annexure

Annex-1

Analysis of Legal Provisions Facilitating Citizens' Access to Information

Right to Information Act 2009			
CRITERIA	STATUS	REMARKS	RECOMMENDATIONS
A. BASIS OF THE LAW			
1. Is it derived from the Constitution ?	Yes	{Preamble RTI Act 2009, Article 39 (1), 2 (a)} Freedom of thought, conscience and speech is recognized in the Constitution of the People's Republic of Bangladesh as one of the fundamental rights and right to information is an inalienable part of freedom of thought, conscience and speech.	
2. Is transparency recognized as a fundamental human right?	Yes	(Preamble RTI Act 2009) The Act made provisions for ensuring transparency and accountability in all public, autonomous and statutory organisations and in other private institutions constituted or run by government or foreign financing and thereby transparency is recognized as a fundamental human rights.	

3. Does it override other acts, especially secrecy acts?	Yes	(RTI Act 2009 Section-3) Act to override. -Of any existing law- (a) the provisions of providing information shall not be affected by the provisions of this Act; and (b) the provisions of creating impediment in providing information shall be superseded by the provisions of this Act if they become conflicting with the provisions of this Act.	The RTI Act 2009 overrides the existing laws conflicting with the provisions of access to information. Still there are some laws which need to be amended such as the Official Secrets Act 1925, Government Servant Conduct Rules, 1979, etc.
4. Does it override future acts?	No		
5. Does the right to information and the institutions set up under it (like the National Tribunal) have Constitutional status?	No	{RTI Act 2009 Section-11, 13 (a)} After the commencement of the Act, an independent Information Commission was established for carrying out the purpose of the Act in accordance with its provisions. The Commission has Quasi-Judicial power and may exercise its powers as per Code of Civil Procedure, 1908 in respect of issuing summons to enforce attendance of concerned persons inspection, receiving evidence, summons for witnesses Or documents, etc.	As per section 17 of RTI Act 2009 rank of the Chief Information commissioner and other then the information commission shall be determined by the Government and the present CIC has been given the State Minister and other information commissioners have the rank of secretary to the government.

B. ASSUMPTIONS UNDERLYING THE ACT			
6. Does it explicitly assert that transparency is the rule, and secrecy the exception?	Yes	{RTI Act 2009 Section-4, Section-6 (1) (2) and Section 7} Subject to certain exemptions under Section 7 of the law, every citizen shall have the right to information from the authority, and the authority shall, on demand from a citizen, be bound to provide him/her with the information as per Section 4. In publishing and publicizing information, no authority shall conceal any information or limit its access as per section 6 of the RTI Act 2009.	
7. Is information accessible to all - not just to citizens?	No	The law has been enacted to make provisions for ensuring free flow of information to the citizens of Bangladesh only.	
8. Is information accessible independent of the reason or purpose for accessing such information?	Yes	Information can be accessed without giving any particular reasons or purpose. The Act doesn't specify any such provisions to provide reasons or purpose for accessing such information.	
9. Is the onus of denial on the denier?	Yes	RTI Act 2009 Section-7 and Section 9 Considering the exemptions under Section 7, the onus of denial lies on the denier, i.e. the Designated Officer.	

10. Is there any obligation for <i>suo moto</i> (proactive) disclosure [timely, accurate, comprehensive, updated, appropriate]	Yes	RTI Act 2009 Section-6 (1) to (7) The Section-6 of RTI Act 2009 is about Publication of information , the law ensures that every authority shall proactively disclose information. This is the most important aspect of the law as in reality there are many information important for the citizens for which nobody needs to apply to obtain as they will be kept open. It has provisions for publishing one annual report with all information like decisions, rules, policies, projects and other information. It also makes provision for inspection of information and copies all publications.	
C. COVERAGE OF THE ACT			
11. Are all levels of government (President/ PM/ Monarch as appropriate) covered?	Yes	Definitions of “Authority” covers up to Upazila level office. It also covers ‘any statutory body or institution established by or under any Act’. The Union Parishad (last tier of local government) has been established as per Unions Parishad Act, 2009. So, Union Parishad is also indirectly covered under RTI Act, 2009.	Union Parishad needs to be specifically mentioned in the definitions of authority to clarify it clearly.

12. Are all wings of the government - executive, legislature, judiciary, military, police - covered?	Partial	Under RTI Act 2009 Section 32 (1) the following bodies are exempted from the Act: 1. National Security Intelligence (NSI). 2. Directorate General Forces Intelligence (DGFI). 3. Defense Intelligence Units . 4. Criminal Investigation Department (CID), Bangladesh Police. 5. Special Security Force (SSF). 6. Intelligence Cell of the National Board of Revenue. 7. Special Branch, Bangladesh Police. 8. Intelligence Cell of Rapid Action Battalion (RAB) forever this shall apply to such information that are pertaining to corruption and violation of human rights in the above mentioned organizations and institutions made under Sector 32 (2)	
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13. Are NGOs / corporate / other private bodies / international organizations, covered?	Partial (NGOs are covered)	RTI Act 2009 Section-2 (b) (v) (vi)} As per definitions of Authority “any private organisation or institution run by foreign aid or in grant; ‘any organization or institution that undertakes public functions in accordance with any contract made on behalf of the Government or made with any public organization or institution’. Also there is a scope for getting information of private/corporate organizations. Although the law exempts private bodies, one can seek information of a private organization that is registered with a government body. The application should be made to the government body. For instance, the private telecommunication companies are registered with the BTRC (Bangladesh Telecommunication Regulatory Commission). While an individual would not be able to seek information from these companies, can obtain from BTRC where information on the telecom companies are available.	
14. Does it provide access to file notings / samples / inspections / basis of decisions / compilations / certified copies / electronic versions / audio-visual material?	Partial	According to RTI Act Section 2 (f), file noting has been excluded in the definition of information. Others are covered in the definition.	File note sheets should be included.

D. EXEMPTIONS			
15. Are exemptions restricted to only where real harm to public interest is realistically anticipated - in keeping with global best practice?	Yes	The Act has defined 20 certain situations under Section 7 of the law in which cases authorities are not obligated to disclose information.	Exemptions situations need to be more clearly defined in cases of ambiguity and overlapping.
16. Does it exempt legitimate privacy and fiduciary interests, and legitimate proprietary or copyright interests?	No	Legitimate privacy and fiduciary interests in cases of law enforcement legitimate proprietary or copyright interests are protected under Section 7 of the RTI Act.	
17. Are there adequate and appropriate public interest override provisions?	Yes	{RTI Act 2009 Section 6 (7)} The authority shall publish and publicize the matters of public interest through press note or through any other means.	
E. PROCESS OF ACCESSING INFORMATION			
18. Is it user friendly in terms of not requiring any forms?	Yes	As per law, application should be written in prescribed format. There is flexibility also; if the form is not printed or made available one may use a piece of white paper.	

19. Is it user friendly in terms of fees being reasonable?	Yes	As per Rules, the cost of information charge will be BDT 2.00 per sheet, CD/DVD will be provided at actual cost, publications will be made available at a reasonably fixed cost, any laws, policies will be provided free of cost.	
20. Is it user friendly in terms of being accessible to the poor, the illiterate, and those living in remote areas?	Yes	As per law, every authority will prepare and publicize a list of information to be supplied free of cost upon instruction of IC. Persons living in remote areas may submit request for information through registered post and illiterate persons may take assistance from any of his/her trusted persons.	
21. Is it user friendly in terms being sensitive to those who are differently abled?	Yes	{RTI Act 2009, section 9 (10)} Where access to the record or a part thereof is required to be provided to a perceptual handicapped, the Designated officer shall provide assistance to such person to enable to access to such information.	
22. Is it user friendly in terms of providing for automatic transfer of requests to the correct public authority?	No	It is the duty of the applicant to select the correct authority. However, if any application is submitted to any incorrect authority, there is no bar in law to transfer it to the correct authority.	

23. Are there appropriate time limits for providing information?	Yes	As per Section 9, information shall be provided to the applicant within 20 (twenty) or 30 (thirty) working days or 24 hours as the case may be, from the date of receiving the request.	
24. Does it provide for user friendly and easily understandable rules?	Yes	For the purposes of this Act till date Ministry of Information and Information Commission made rules and regulations on application procedures, information management, appeal, filing of complaint in Bangla that is easily understandable.	
25. Are the definitions comprehensive and clear?	Yes	All definitions are comprehensive and clear	
F. REVIEW AND APPEAL MECHANISMS			
26. Does it have a decentralized appeal mechanism?	Yes ??	As per law the “Appellate Authority” means- (i) in case of any information providing unit, the administrative head of its immediate superior office; or (ii) if there is no superior office of such unit, the administrative head of that unit. So, appeal mechanism is decentralized.	
27. Does it have provisions for an external independent appeal?	No ??	The provision of the appellate authority was created in such a way that a citizen having complaints about not getting information request can turn to the senior officer of the superior office or same office for remedy.	

28. Are there appropriate time limits for filing and disposing appeals?	Yes	If any person fails to receive information within the time or is aggrieved by a decision of the Designated Officer, he may prefer an appeal to the appellate authority within 30 days which is extendable on reasonable grounds. Time for disposal of appeals is fixed i.e. 15 days.	
29. Does the appellate authority have powers to penalize?	No	Appellate Authority does not have the powers to penalize.	As per Law the Information Commission has the power to penalize.
30. Does the appellate authority have adequate powers to perform its functions?	Yes	The Appellate Authority shall dispose of an appeal within 15 days of receiving application and before issuing any directive would: - hear the parties concerned - consider the grounds of appeal and - instruct Designated Officer to provide requested information, or dismiss it if the appeal application is not acceptable.	

31. Does the appellate authority have adequate independence and resources to perform its functions?	Yes	Law has provided full authority to perform its functions	Appellate authority needs to be trained on the provisions of the Law
32. Is there a mechanism for an institutionalized public review of the functioning of the information regime?	???	As per Section 30 of the Act, the Information Commission will publish its annual report by 31 st March, each year by collecting and compiling information from all departments.	<u>This needs to be more structured.</u>
33. Is there an obligation and empowerment to ensure that the backward linkages in terms of proper record management, record creation and preservation are properly managed?	Obligation-Yes Empowerment-Partial	Regulations have been made by Information Commission for preservation and management of information.	Record Management is very crucial for RTI Act. Bangladesh needs to adopt and modernize the Record Management System in accordance with provisions made in the regulations and also follow international best practices.

34. Are there provisions for forward linkages designed to facilitate the required systemic changes to tackle the problems identified by use of the RTI Act?	Yes	The Functions of the Information Commission include among others- d) to consider the provisions recognized under the Constitution of the People's Republic of Bangladesh or any other law for the time being in force in order to preserve the right to information and recommend to the Government for their effective implementation by indicating the impediments; e) to identify the impediments against the preservation and implementation of right to information of the citizens and recommend to the Government for appropriate solution	No step has yet been taken by the Information Commission. Ditto
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Designated Officers (DOs)

Total target:	39	Respondent:	34
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Note: No DO found in 3 districts offices. One in upazilla level and another DO in the ministry denied to give out information.

Capital:	District	Upazila
3	9	27

Authorities under the study:

1. Local Government Division of the Local Government, Rural Development and Cooperatives Ministry
2. Relief and Rehabilitation Directorate of the Food and Disaster Management Ministry
3. Social Welfare Directorate under the Social Welfare Ministry

District/Upazila level office of the authorities:

1. Upazila Engineer's Office
2. Project Implementation Officer's Office
3. Upazila Social Welfare Officer's office

Study areas

1. Bogra: Shariakandi, Dhunat, Bogra Sadar Upazila (total Upazila 12)
2. Jessore: Jessore Sadar, Keshabpur, Chowgachha (total Upazila 8)
3. Barisal: Barisal Sadar, Babuganj, Banaripara (total Upazila 10)

Summary:

Under this study 34 Designated Officers of three upazilas and three districts of specific ministries were interviewed. Of them there were no Designated Officers in two offices of Bogra district and one ministerial office at Barisal district. Fifty percent respondents do not know about the rules of the law and they did not have copies of the law. Almost all of the respondents have been serving as authorised officers, but only three officers received five applications. All respondents said that they were not enjoying the job and that they were performing the job due to office orders. Most of the respondents said that due to the legal compulsions, their offices underwent changes in terms of information digitalization, updating websites etc. To increase the exercise of the law they recommended training and distribution of information providing manual and disclosure policy. Due to lack of experience of giving information, it was not possible to judge their attitude about giving information. But district level officers displayed their disinterest in giving interviews.

Result:

Conceptual status of the Designated Officers:

- ***Concepts about RTI Act***

Of the 27 officers interviewed at Upazila level, 14 were aware of the provisions of the RTI Act while 12 did not know about the law despite being designated as the authorised officer and one officer declined to answer.

Three offices out of nine at district level had no Designated Officers. These are two at Bogra district and one at Barisal. Out of the remaining six, four did not know about the law.

Of the three Designated Officers at ministry level, one declined to respond, another gave partial interview and another officer who responded know about the law.

- ***Preparation of the Designated Officer***

Of the 34 officers who responded, only 10 had the law in their collection. And 26 came to know about their job as Designated Officer through official orders.

- ***Experience as Designated Officers***

Eight officers have been carrying out their responsibilities for 2-3 years and 10 for 1-2 years. A dozen officers are carrying out duties for less than a year. Eight of the officers are carrying out the duties in a second office—and all of them said they served in the first office for less than a year.

- ***How much are they enjoying the responsibility?***

Fifteen respondents said that they were unwilling to become Designated Officers and seven said that they had mainly accepted the office decisions. But they could not explain why they were unwilling. But two officers said that in the government service, officers had no choice but to accept the official orders.

- ***Scope of training/efficiency improvement***

Only one respondent received training once at the Information Commission. None of the rest had any scope of improving their efficiency.

- ***Information application and management***

Of the respondents, three Designated Officers at Upazila level received only four applications in 2012, and delivered full information within 10 days. They did not have to spend time managing applications as they received almost no application. Therefore, it was not applicable for them to answer questions on maintaining application records, dates of giving information, number of applicants etc.

- ***Changing office management due to RTI Act***

Twenty one respondents said that due to the RTI Act, the office management system had changed. Following is their response:

Development of record maintenance	15
Framing policy of information disclosure	2 (local govt. dept officers)
Information digitization	12
Uploading information in websites	17

- **Hurdles of exercising RTI Act**

While identifying hurdles of exercising the RTI Act, 19 respondents admitted that they lacked knowledge of the RTI Act. Lack of training was a big hurdle for 27 officers and 25 think that they needed a guideline regarding the law. Only two officers identified lack of information applications as a hurdle of exercising the law.

Lack of concept about the law	19
Lack of training	27
Lack of directives/manual etc	25
Very few applications	2

- **Recommendations by respondents**

- o Training of Designated officers
- o Framing information disclosure policy

- **Comments**

- o The government authorities have given appointments of Designated Officers without giving them any training, briefing or even a copy of the RTI Act.
- o The Designated Officers do not completely know what duties they should carry out. They do not know about the law and they do not give the law much importance.
- o Lack of information applications demonstrates how little the general people were aware about the information rights.
- o The relief and rehabilitation ministry seemed to be most reluctant while the local government division seemed to be self-motivated.
- o Although Designated Officers were appointed at Upazila level, the appointments remain incomplete at district level.
- o At the ministry level, joint secretaries have been nominated as Designated Officers. This is a positive sign.

Appellate Authorities/Heads of Department (HODs)

Capital:	District:
3	9

Profile of the respondents:

Appellate Authority: 22

District:

1. Local government division- Executive Engineer/Senior Assistant Engineer
2. Relief and Rehabilitation Ministry- District Relief and Rehabilitation Officer
3. Social Welfare Ministry- Deputy Director

Capital:

1. Local Government Division- Secretary
2. Relief and Rehabilitation Ministry- Secretary (Did not give interview)
3. Social Welfare Ministry- Secretary

Summary:

As per the RTI Act, an aggrieved citizen who was refused information by the Designated Officer may turn to higher authorities for remedy. This authority is called the Appellate Authority. The ministries under this study never had to play the role of the appeal authority. In other words there had been a very few information application and consequently there was no appeal application. As a result, this could not add anything to the study. But it was found out that these authorities did not have a clear idea of their role as the appeal authority and it did not seem that they had good ideas about the RTI Act. The appeal authorities are less aware about their responsibilities than the Designated Officers. As they did not receive application, they could not say much about the hurdles in exercising the law.

• *Appointment of Designated Officers:*

As per the RTI Act, the authorities would appoint Designated Officers. Of the respondents seven could talk about appointing the Designated Officer and said that there was a Designated Officer in all of their departments.

²²The Appellate Authority means:

- a. in case of and information providing unit, the administrative head of its immediate superior office
- b. such unit, the administrative head of that unit if there is no superior officer of

Accepting information application

In the last three years, two district offices received three information applications. Appeal officers said that the answers were given in due time. No other information on this matter could be obtained.

- ***Time spent for RTI Act related works***

Only three officers answered to this question. They said there was an application and it took them 1 to 2 hours.

- ***Voluntary disclosure of information***

Six of the respondents know that as per the RTI Act some information must be voluntarily disclosed. Five of them said that they follow this rule. But there was no direction in this regard.

- ***Awareness among officers and employees on RTI Act***

Five respondents said that all or most of the officers of their departments were aware of the RTI Act.

- ***Recommendations by the respondents***

- o Training of related personnel
- o Supply of necessary manual, directive and policy guidelines
- o Mass awareness campaign to make people at the grassroots aware of the RTI law
- o Regular exercise of the law
- o Legal provision for information provider's privacy and security
- o Highest emphasis should be given in publicising voluntary disclosure of information and there should be directives regarding this with the related authorities.

- ***Comments***

- o The attitude and knowledge of the appeal authorities are similar to those of the authorised officers. But they hold a more negative attitude.
- o There is no directive from the related ministry to the Appeal authority
- o There is an absence of exercise of this law in these districts.

Information Commission

1. Regarding commission's facilities

a. Financial, human resources and structural information:

2011-2012 fiscal year budget: Tk 7 crore 20 lakh 73000. (Till March, Tk 1 crore 45 lakh 19000 has been spent from this budget; source: Information Commission)

Main sectors are:

- i. Basic salaries of employees and officers
- ii. Wage and other expenditure
- iii. Capital expenditure
- iv. Publicity and advertisement
- v. Training
- vi. Research and planning

Comment: There was adequate budget; but no fund was allocated for the Designated Officers to perform their duties.

- **Approved posts for the Commission:** 76
- **Filled up posts:** 39 (inadequate)
 - o One chief commissioner
 - o Two commissioners
 - o And 36 other posts have been filled up

The commission notes that the inadequate filling up of posts is affecting its performance. If it is to properly conduct training and coordinate the training and the work of all the Designated Officers across the country—the Commission at its head office needed a director general and also set up offices at divisional level. It is necessary to appoint one deputy director along with supportive manpower at the divisional offices.

- **Structural facilities given to the Commission**

On office space, furniture, office machinery including computers, phones etc and transports—the Commission feels dissatisfied. The Commission does not have its own office building. It is situated at the third floor of the Archaeology Building on rental. The space and necessary furniture are not adequate. The government has allotted 35 decimal of land in Agargaon, Dhaka. Once the structure is made on that land, and the office moves there—these inadequacies would be addressed.

- ***Delays in providing facilities while setting up the Commission***

At the primary stage of the formation of the Commission, the government made a long delay in giving adequate facilities to run its activities. The commission barely could start its office work with several officers—including its Secretary-- on deputation and attachment from other offices. As a result there was a lot of delay in the appointment of Designated Officers, arrangement of training, public campaigns and conducting the hearing of complaints.

b. Public accessibility and structural facilities

The office of the Commission is located at Agargaon in the capital having easy communication and important bus station around. At the office, the complainants are facilitated by signage, information counter, waiting room, toilet, drinking water, tea and snacks stall etc. Facilities also accommodate persons with disability.

- ***Structural needs:***

Own office building for information commission, high quality library and transportation for officers and employees

- ***Is there any rules and regulation for complaints, appeal and resolution?***

The Bangladesh Information Commission framed a regulation in 2011 on Information Rights (Complaint Filing and Disposal) Regulations, 2011.

2. Independence of the Commission

The Information Commission office is practically independent from government offices. It enjoys certain degrees of autonomy in terms of its financial and administrative exercises. As per Article 21 of the RTI Act 2009, the government would allocate certain amount of budget every year for the commission's expenditure and the commission would not require taking government approval for spending the money once the budget is allocated. ???

- ***Information Commission's recommendation for full independence:***

- o The commission may have a secretariat like the election commission or the anti corruption commission and; to keep effective communication with the government—the cabinet division may serve as the liaison ministry for the Information Commission. ???

- ***Implementation of Commission's directives by the government and other authorities:***

- o The commission feels that all of its directives are not equally being implemented. The Commission had asked secretaries of all ministries to

appoint Designated Officers at all government offices—but it was not done. All NGOs had not given appointments of Designated Officers. The subordinate courts and offices of the law enforcing agencies also have not appointed Designated Officers.

- **Recommendations**

There should be provision for punishment of any authority in the RTI Act, 2009 for violating directives.

3. Applying power by the Information Commission

The RTI Act of the country does not have any provision to pay any complainer compensation for harassment and refusal of information. Accordingly, the commission did not pay anyone any compensation. But it feels that it should have the power to compensate the complainer in case of illegal activities of the authorised officer.

- ***Issues in which the Commission applied its power:***

- o It has exercised power to comply the legal obligation to appoint authorised officers at all government and NGO offices
- o In case of legally mandatory disclosure of certain information or certain class of information for the public
- o in case of the government's obligation to maintain and manage records and also to reform the way the maintenance is done
- o in case of the government's obligation to increase training facilities on information rights for its officers
- o in case of the government bodies' obligations to publish and supply annual activities reports

4. Information Commission and Application of the RTI Act

- ***Hurdles for the commission in implementing the law***

- o The commission cannot take any effective measures to compel a person who has been summoned to attend a hearing but is refusing to attend.
- o As per law, the Commission would deposit its earning through sale of information to the finance ministry. But it has not been determined from which source the authorised officer would spend the money for photocopying or other copying of information that would be given to an applicant. This confusion must be removed

- ***Recommendation by the Commission to strengthen the law***
 - o If any authority violates rules of the RTI Act 2009, there should be provision for punishment of the violator
 - o The Commission should be given the power to issue arrest warrant when an individual served with a summon illogically refuses to attend the commission
 - o There should be rules against complainers who ask for information just to harass the authorities
 - o The punishment provisions in the law should be stronger

- ***Comments:***
 - o The RTI has complete independence and as per the Code of Civil Procedure 1908, it has been given power of the civil court; the commission should increase the exercise of its powers
 - o The Commission must give its leadership to ensure that all government offices comply with the legal requirements
 - o It must expedite more the trainings of authorised officers and building public awareness
 - o The commission itself should lobby more with the government to ensure its full independence
 - o The Commission should talk about the long list of exemption and its explanation; it should be watchful whether the authorities are making this list an excuse for refusal of information
 - o The chief information commissioner's status must be fixed

Public Authority (PA) Premises Inspection

Total offices: 39. Upazila: 27. District: 9. Capital: 3

Summary:

As per the RTI Act, the citizens will enjoy the right to obtain information from the authority and the related authority is obliged to provide the citizen with the information that she/he has requested for. In this light this study observed relevant exercises at both the government and NGO offices.

This study found 13 government offices have clear and understandable signboards. As per the RTI Act, all authorities must deploy an authorised officer for each information unit at different levels (central, divisional, district and upazila levels). The description, name and contact of the authorised officer should be displayed for the public. But the field visits to these 39 offices reveal that none of them displayed the information. Regarding voluntary disclosure of information, these authorities expressed their interest.

Signboard/Citizen Charter

a) strikingly visible signboard/ citizen charter:	13
b) It is in Bangla language:	13
c) It is easy to read and understandable	13
d) The information is correct	11

*These organisations had signboards/ citizen charters

Displayed information on authorised officer:

No office displayed any information on the authorised officers

Status of self-disclosed information

a. Project profile	18
b. audit and review report	13
c. annual report	21
d. Work programme of all work areas	20
e. database of beneficiaries	22
f. Project output details	21
g. Information on human resources	24
i. contact information: phone, e-mail etc	16
j. Display board containing information of Designated Information officer	---
k. complaint book and complain resolution	8

** They mentioned availability of district and upazila level information in the websites of the related ministries. But none of the three ministries mentioned the names of authorised officers anywhere. There was no space for upazila level information at the ministries websites. The district level pages had the information on projects in the upazila.

Relief and rehabilitation: <http://www.drr.gov.bd/district/index>

Local government division: www.lgd.gov.bd

Social welfare ministry:

Example:

<http://www.drr.gov.bd/district/upazila.php?district=dt923&upazila=upa88616>

District Name :JESSORE	Upazila Name :Abhoynagar	Last Update: 2013-04-16				
Programme Name	Allotment (Food/Cash)	Expenses	Total Project	Started Project	Progress (%)	Project Details

iii. Cash for Works	:	Tk				
iv. Test Relief (TR) General	:	129.941 MT.	30.000	76	20	15
16-04-2013	:	59.456 MT.	5.000	31	05	5
16-04-2013	:	59.456 MT.	59.456	34	34	100
16-04-2013	:	129.941 MT.	129.941	54	54	100
v. Test Relief (TR) Special	:	154.000 MT.	40.000	80	20	15
16-04-2013	:	152.000 MT.	152.000	60	60	100

Focus Group Discussions

Summary of The group: Journalist

Location: Jessore,

Date of FGD: 6 April 2013

Ten journalists, all of them male, took part in the session. They are all aware about the RTI Act and are interested in using it. But due to the nature of their profession, they need information urgently, whereas collecting information by applying RTI Act takes quite some time. Some of the participants also expressed their concern about the non-cooperation of information providing authorities. All the participants took part in the discussion enthusiastically.

While responding to the question how RTI Act facilitates their profession, most of the journalists opined that the act is very helpful for in-depth reporting. A report prepared using the information collected through an official procedure of applying RTI Act is supposed to be more authentic and credible. Journalists also mentioned that the RTI Act is particularly helpful in reporting on corruption and irregularities.

The participating journalists also mentioned some limitations and obstacles. They include: some offices have no designated officer (DO), the DOs are reluctant to provide information, often they know very little about the law, information management and storage system is poor and most of all the process of collecting information is quite lengthy for the journalists.

Introduction

The main purpose of the meeting is to determine the felt need for information by the participants as a means to addressing their most important problems. It is possible that the journalists might not immediately recognize the lack of information as an important factor inhibiting the resolution of many of their problems. Therefore it is important to probe the levels of information they have about the genesis and cause of their problems and about the solutions that can be applied. However, it is important to do this in a manner that is not leading or suggestive, as we do not want them to come to the conclusions that we have assumed to be correct.

Once they have talked about the level of information they have relating to their problems, then we can link up their information needs to the RTI Act/Ordinance/law and find out whether they know about it, whether they recognize that it could be relevant to their lives, whether they know how to use it, whether they would like to use it or, whether there are factors that discourage them from using it.

Key Questions to initiate FGD

Q1. What are the five most important problems facing the media and the journalists in Bangladesh?

- Journalists are at high risk while reporting on crime and corruption.
- Most of the journalists are not paid remuneration in accordance with the wage board's decision.
- It is difficult to get accurate information from the government office.
- Reporters are overloaded with work. One reporter has to all cover all the news beats.
- Partisan attitude of journalists is a barrier to producing neutral and objective reports.

Q2. Would access to some information help you in resolving these problems or having these problems resolved?

Yes

Q3. If yes, how? *[Do Not Read Out Options and tick appropriate option]*

1. By knowing why the problem has occurred
- ☒ 2. By knowing who deals with the problem
- ☒ 3. By knowing what action has been or is being taken to solve the problem
4. By knowing what action has been taken on past complaints or requests
- ☒ 5. By knowing how long it would take to resolve the problem
6. By knowing what else you can do to resolve the problem
7. Others (please specify)

Q4. Have you tried to access any of this information from the government/ other agencies? Yes

Q5. If so, what has been your experience?

Government officers gladly agreed to provide information. But in most cases they violated their commitment.

Q6. Have you heard/Do you know about the RTI Act? Yes

Q7. In what way, if any, can this Act help solve your problems/ or how is it relevant to your profession?

RTI Act is very much relevant to the profession of a journalist. The Act will help get accurate information.

Q8. How did you hear about it?

Newspaper _____✓_____ Radio _____
Television _____ Meeting _____
Through government _____✓_____
NGO/CBO/CLUB _____✓_____ Any other (specify) _____

Q9. Has any person whom you know used it? Yes

Q11. Do you all know if he/she got any response?

Three reporters applied for information. Two of them got response, one did not.

Q12. Would any of you like to use the RTI Act? Yes

Q13. If so, for what?

RTI Act is helpful to get into the depth of the news. It helps to receive authentic and officially recognized information.

.....

Remarks of the Field Team

Number of Participants 10

M _____10_____

F _____0_____

Q14. Did the participants recognize the link between access to information and their problems?

Yes

Q15. How universal was this recognition? (only a few, many, most, all)

All

Q16. In your opinion, how many of the participants were aware of the RTI Act? (all, most, many, some, few, none)

All

Q17. How many of the participants showed an interest in using the RTI act (as appropriate) once it was explained to them?

As journalists, participants are all aware about the RTI Act and its use. All if them are interested in using it, though they find some difficulties in the application process.

Q18. Was there anyone who had tried to use the RTI act but been prevented from doing so?

None was prevented from using the RTI Act, but some of them felt discourage due to the lengthy procedure. Journalists, due to the nature of their profession, need information urgently in most cases. But collecting information by applying RTI Act takes quite some time.

Q19. In your opinion, was there an apprehension or fear about using the RTI Act (as appropriate)?

No, there was no fear about using the act. But some of them were skeptical about cooperation of the authorities.

Q20. If yes, was this based on a specific incident or occurrence, or was it a part of the general fear of authority?

NA

Q21. Do you think the discussion in this group was open and all segments of the group were able and willing to speak freely?

All the participants enthusiastically took part in the discussion.

Q22. If not, please describe the constraints and limitations you noticed.

NA

We put the following two questions to the participants for individual response:

1. How can RTI Act be helpful to your profession?
2. What obstacles, do you think, are there in getting information through RTI Act?

Responses to Q1

1. Many offices do not have designated information officer or the application form. Moreover, the designated officers are not much informed about the Act.
2. Getting information instantly is not possible.
3. Bureaucracy in different offices kills time which is very important to the reporters.
4. Wrong/misleading information delivered.

5. In Jessore, many officers do not even know the existence of the Act. Many do not want to give the right information either.
6. They still maintain the 'culture of secrecy'.
7. The designated officers are not cooperative. They know little about the Act.
8. Even the designated information officers, if found, refrains from giving out information.
9. Time-consuming process of the Act in getting information.

Information are not stored properly, thus even if the designated officers are willing to provide information it takes a long time.

Summary of The group: Rural women

Location: Jessore, Date of FGD: 6 April 2013

Twenty women from 2 villages took part in the session. They have never heard anything about the RTI Act. They could hardly relate information with resolving their problems. While identifying their problems they focused on drinking water, communication, sanitary latrine and electricity facilities. They also mentioned hardships of widow, disabled and old age people.

The women agreed that knowing the reasons of the problems and measures taken by authorities would help resolve their problems.

When they heard about the RTI Act from the FGD conducting team they felt interested to apply the act to know and claim their entitlements from the authorities. However, they were hesitant about their capability to go through the complicated process of seeking information using the act.

Most of the participants except one or two were found interested in speaking freely. They seemed happy participating in the session, because they had hardly any chance to interact on any issue related to their life and livelihood.

Introduction

The main purpose of the meeting is to determine the felt need for information by the participants as a means to addressing their most important problems. It is possible that the journalists might not immediately recognize the lack of information as an important factor inhibiting the resolution of many of their problems. Therefore it is important to probe the levels of information they have about the genesis and cause of their problems and about the solutions that can be applied. However, it is important to do this in a manner that is not leading or

suggestive, as we do not want them to come to the conclusions that we have assumed to be correct.

Once they have talked about the level of information they have relating to their problems, then we can link up their information needs to the RTI Act/Ordinance/law and find out whether they know about it, whether they recognize that it could be relevant to their lives, whether they know how to use it, whether they would like to use it or, whether there are factors that discourage them from using it.

Key Questions to initiate FGD

Q1. What are the five most important problems facing the media and the journalists in Bangladesh?

- Journalists are at high risk while reporting on crime and corruption.
- Most of the journalists are not paid remuneration in accordance with the wage board's decision.
- It is difficult to get accurate information from the government office.
- Reporters are overloaded with work. One reporter has to all cover all the news beats.
- Partisan attitude of journalists is a barrier to producing neutral and objective reports.

Q2. Would access to some information help you in resolving these problems or having these problems resolved?

Yes

Q3. If yes, how? *[Do Not Read Out Options and tick appropriate option]*

1. By knowing why the problem has occurred
- ✓ 2. By knowing who deals with the problem
- ✓ 3. By knowing what action has been or is being taken to solve the problem
4. By knowing what action has been taken on past complaints or requests
- ✓ 5. By knowing how long it would take to resolve the problem
6. By knowing what else you can do to resolve the problem
7. Others (please specify)

Q4. Have you tried to access any of this information from the government/ other agencies?

Yes

Q5. If so, what has been your experience?

Government officers gladly agreed to provide information. But in most cases they violated their commitment.

Q6. Have you heard/Do you know about the RTI Act?

Yes

Q7. In what way, if any, can this Act help solve your problems/ or how is it relevant to your profession?

RTI Act is very much relevant to the profession of a journalist. The Act will help get accurate information.

Q8. How did you hear about it?

Newspaper _____✓_____

Radio _____

Television _____

Meeting _____

Through government _____✓_____

NGO/CBO/CLUB _____✓_____ Any other (specify) _____

Q9. Has any person whom you know used it?

Yes

Q11. Do you all know if he/she got any response?

Three reporters applied for information. Two of them got response, one did not.

Q12. Would any of you like to use the RTI Act? Yes

Q13. If so, for what?

RTI Act is helpful to get into the depth of the news. It helps to receive authentic and officially recognized information.

.....
Remarks of the Field Team

Number of Participants 10

M _____10_____

F _____0_____

Q14. Did the participants recognize the link between access to information and their problems?

Yes

Q15. How universal was this recognition? (only a few, many, most, all)

All

Q16. In your opinion, how many of the participants were aware of the RTI Act? (all, most, many, some, few, none)

All

Q17. How many of the participants showed an interest in using the RTI act (as appropriate) once it was explained to them?

As journalists, participants are all aware about the RTI Act and its use. All if they are interested in using it, though they find some difficulties in the application process.

Q18. Was there anyone who had tried to use the RTI act but been prevented from doing so?

None was prevented from using the RTI Act, but some of them felt discourage due to the lengthy procedure. Journalists, due to the nature of their profession, need information urgently in most cases. Bu collecting information by applying RTI Act takes quite some time.

Q19. In your opinion, was there an apprehension or fear about using the RTI Act (as appropriate)?

No, there was no fear about using the act. But some of them were skeptical about cooperation of the authorities.

Q20. If yes, was this based on a specific incident or occurrence, or was it a part of the general fear of authority?

NA

Q21. Do you think the discussion in this group was open and all segments of the group were able and willing to speak freely?

All the participants enthusiastically took part in the discussion.

Q22. If not, please describe the constraints and limitations you noticed.

NA

We put the following two questions to the participants for individual response:

3. How can RTI Act be helpful to your profession?
4. What obstacles, do you think, are there in getting information through RTI Act?

Responses to Q1

1. Many offices do not have designated information officer or the application form. Moreover, the designated officers are not much informed about the Act.
2. Getting information instantly is not possible.
3. Bureaucracy in different offices kills time which is very important to the reporters.
4. Wrong/misleading information delivered.
5. In Jessore, many officers do not even know the existence of the Act. Many do not want to give the right information either.
6. They still maintain the 'culture of secrecy'.
7. The designated officers are not cooperative. They know little about the Act.
8. Even the designated information officers, if found, refrains from giving out information.
9. Time-consuming process of the Act in getting information.

Information are not stored properly, thus even if the designated officers are willing to provide information it takes a long time..

Summary of the group: Students

Location: Dhaka,

Date of FGD: 6 April 2013

Seven male and four female students of different universities took part in the session. While referring to the problems in the higher education sector the students mentioned discrimination regarding cost and standard of education between public and private universities, faulty grading system and non-cooperation of university authorities for exploring opportunities of further studies in other universities in and outside the country.

Participants have been found aware that relevant information can help resolve their problems. They perceived that information on reasons of the problem, actions taken and ways to improve teacher-student coordination would be helpful.

Some of the participating students wanted to from the authority why extra fees are taken and how are they used. But they did not receive any satisfactory response.

Participants came to know about the RTI Act from the newspaper and NGOs. They have never sought information using the act, but they are interested in doing so.

Responding to how RTIA could help solve the problems, the participants said they would know their entitlements regarding education from the state. Seeking information through RTIA would facilitate transparency and ultimately reduce corruption and irregularities in educational institutions. Application of the act will compel authorities to provide information and also reduce the gap of communication between teachers and students.

Regarding the obstacles of applying the act they said, receiving information through this act involves a lengthy procedure. Culture of secrecy is a barrier. Many people do not know properly about the law. People also have fear in their minds about probable adverse consequence of seeking information.

Introduction

The main purpose of the meeting is to determine the felt need for information by the participants as a means to addressing their most important problems. It is possible that the students might not immediately recognize the lack of information as an important factor inhibiting the resolution of many of their problems. Therefore it is important to probe the levels of information they have about the genesis and cause of their problems and about the solutions that can be applied. However, it is important to do this in a manner that is not leading or suggestive, as we do not want them to come to the conclusions that we have assumed to be correct.

Once they have talked about the level of information they have relating to their problems, then we can link up their information needs to the RTI Act/Ordinance/law and find out whether they know about it, whether they recognize that it could be relevant to their lives, whether they know how to use it, whether they would like to use it or, whether there are factors that discourage them from using it.

Key Questions to initiate FGD

Q1. What are the five most important problems facing the higher education sector in Bangladesh?

1. Discrimination exists between public and private universities regarding cost and standard of education.
2. Grading systems in tutorials and exams are not very appropriate.
3. Answer sheets are not returned after the term test. So students cannot identify their weaknesses and lacking.

4. Teachers often miss classes without serving prior notice.
5. Universities do not facilitate communications with other universities in and outside the country for higher studies.

Q2. Would access to some information help you in resolving these problems or having these problems resolved?

Yes

Q3. If yes, how? [Do Not Read Out Options and tick appropriate option]

- ☒ 1. By knowing why the problem has occurred
- ☐ 2. By knowing who deals with the problem
- ☒ 3. By knowing what action has been or is being taken to solve the problem
- ☐ 4. By knowing what action has been taken on past complaints or requests
- ☐ 5. By knowing how long it would take to resolve the problem
- ☐ 6. By knowing what else you can do to resolve the problem
- ☒ 7. Others (please specify) By knowing how teacher - student coordination can be improved.

Q4. Have you tried to access any of this information from the university authorities?

Wanted to know why additional fee is taken.

Wanted to know how the extra-curricular fees are spent.

Q5. If so, what has been your experience?

Did not receive satisfactory answer to query about additional fees.

Q6. Have you heard/Do you know about the RTI Act?

Yes

Q7. In what way, if any, can this Act help solve your problems/ or how is it relevant to your lives?

Not sure about the relevance of the act to our lives.

Q8. How did you hear about it?

Newspaper ☒ Radio _____
 Television _____ Meeting _____
 Through government _____
 NGO/CBO/CLUB ☒ Any other (specify) _____

Q9. Has any person in your university (or elsewhere whom you know about) used it?

No

Q11. Do you all know if he/she got any response? NA

Q12. Would any of you like to use the RTI Act? Yes

Q13. If so, for what?

To get specific and official information about our queries.

.....

Remarks of the Field Team

Number of Participants: 11

M - 7

F - 4

Q14. Did the students recognize the link between access to information and their problems?

Yes

Q15. How universal was this recognition? (only a few, many, most, all)

Most of the students recognized that access to information is essential for solving problems.

Q16. In your opinion, how many of the participants were aware of the RTI Act? (all, most, many, some, few, none)

All the students were about the act, but most of them did not know the details.

Q17. How many of the participants showed an interest in using the RTI act (as appropriate) once it was explained to them?

Recognizing the benefits of the act, all the participating students showed interest in using it.

Q18. Was there anyone who had tried to use the RTI act but been prevented from doing so?

No

Q19. In your opinion, was there an apprehension or fear about using the RTI Act (as appropriate)?

There is no fear, but the students are a bit confused about the process of applying the act since it is new to them.

Q20. If yes, was this based on a specific incident or occurrence, or was it a part of the general fear of authority?

NA

Q21. Do you think the discussion in this group was open and all segments of the group were able and willing to speak freely?

All the group members spontaneously took part in the discussion.

Q22. If not, please describe the constraints and limitations you noticed.

NA

We put the following two questions to the participants for individual response:

1. How can RTIA help solve your problems?
2. What obstacles, do you think, are there in getting information through RTI Act?

Responses to Q1

1. Through this act, we will get to know what the state is doing for us and what sort of assistance can we get from the state regarding our education.
2. Government organization will become more effective due to this Act in ensuring basic needs and safety for the people.
3. Lack of transparency boosts corruption. RTI can help oneself through getting him/her the required information for survival. Also, RTI can be applied in every stance of life.
4. Seeking information through RTI can bring down corruption, irregularities in many educational institutions as well as in other institutions.
5. Citizens of the country should be made aware of the Act
6. The Act should be effectively used.
7. Right information gathered through RTI Act can help solve many problems.
8. We can get answers to many of our questions of which we have the right to know, through this Act.
9. This Act will force the 'culture of secrecy' in many organizations to fall and thus corruption shall proportionately decrease.
10. Information which previously was made unavailable will now be within reach. RTI Act will teach us the value of information in our daily life.

11. Previously, there was no specific authority to place complain upon getting denied of information. But, as there is one now, denial of information can be challenged.
12. This Act will make organizations give out information.
13. Any information under the purview of the Act can be known through the designated information officer.
14. Any citizen, after getting the information, can apply it to better their living.
15. The Act should be included in educational curriculum. Primarily, the basic concept of the existence of the Act will be known to school children and eventually the university graduates.
16. The media should be made active in creating awareness about the Act to the people. An RTI day can be announced.
17. The communication gap between university administration and teachers, students will be minimized through the Act.
18. Transparency within organization will increase through proper implementation and awareness of the Act.

Responses to Q2

1. 'Culture of secrecy' and sense of insecurity among people
2. Twenty days for getting information is a long period. It should be brought down to 5 days.
3. The period of getting the information, i.e. 20 days, for overcoming any problem in daily life may make the people refrain from applying RTI Act.
4. The persons applying RTI Act may face many problems, become victim of bureaucracy.
5. If information is asked about someone with power and authority, the fear of that person's power and the harm he/she may bring may make the applicants refrain from applying RTI Act.
6. The right information may not be delivered.
7. The Act is still unknown to many thus without having adequate knowledge about the Act, many people will not be able to apply it.
8. As the Act requires people to go to many authorities and follow procedures upon denial of information, people may feel discouraged to apply it.

9. Government may not be able to give proper safety to the people; this thought may make people refrain from applying RTI Act.

The application process can be made online, as we live in an information technology age. This will save a lot of time. The current process is very complicated and in fact the illiterate people may not be able to apply RTI Act.

Street Corner Interviews

Total interviewed persons	50
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Capital:	Townships:
36	14

Profile of the respondents

Male:	25	Female:	25
Age:	20 to 40 years- 43 persons; 40-60 years- 7 persons		
Profession:	service holders 21; students 15; labourers 4; housewives 4; businessmen 3; professionals 3		

Summary

There is a lack of interest among the general people to use the 2009 RTI Act. It has not been possible to ensure transparency and accountability in Bangladesh and the government offices widely exercises the culture of secrecy. Despite such situations, the people are not very interested to use this law. Under this study, 50 persons were interviewed. Of them 17 sought regular information—which was plain in nature and did not attempt to ensure accountability. But they believe that access to government information would bring in overall welfare. None of the 50 respondents have used the RTI Act, although 17 of them are aware of the act.

Result

- *Exercising right to information:*

General people have low tendency to seek information. Only 17 of them felt the need to seek information. What they sought included information on accountability and investigation and most information was based on personal needs like conditions to get bank loans or regarding the BCS exams. Forty four respondents believe that getting access to government information will have overall benefits. Most of them opined that open information reduces corruption and ensures good governance.

Personal problem solving:	18
Community problem solving:	14
National problem solving:	15
Increasing government efficiency:	6
Corruption reduction/resisting poor governance:	20

- **Concepts about RTI Act:**

Sixty two percent (31 persons: 15 males and 17 females) of the respondents have never heard of RTI Act. Among those who know about it, 11 persons got the information from the television and 5 from mobile messages²³ and 3 from NGOs. Fifteen of those who know about it find the law to be relevant and that the law has made it easy to access information, that the government is bound to provide information and that it would ensure accountability.

- **Applying the RTI Act**

None of the 50 respondents have applied the law and therefore it was not possible for them to evaluate the cooperation or non-cooperation of the authorities in providing information.

- **Comments**

- o There is a lack of public awareness on RTI Act
- o The general people do not clearly perceive what right to information actually means
- o If this is the picture in the urban areas, the situation in rural areas would be much more frustrating

The response of the citizens match the answers of the authorised officers. Out of 34 authorised officers only three received applications.

²³ Nineteen crore 24 lakh SMS were received regarding the RTIA according to the Information Commission's report

NGO Information Officers

Expected Response		Respondents	27
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Capital:	Districts	Upazilla
7	20 (Pirojpur, Natore, Meherpur, Bogra, Barisal, Rajshahi, Comilla, Barguna, Bagerhat, Jaipurhat)	

NGOs covered in the study

- | | |
|---|--|
| 1. D.Net | 20. Hardcore People Development Organisation |
| 2. Nagorik Udyog | 21. Badhan Manab Unnayan Sangsha |
| 3. Pirojpur Gono Unnayan Samity | 22. Baridra Unnayan Pracheshta |
| 4. Access toward livelihood and Welfare organisation | 23. Prattay Unnayan Sangstha |
| 5. Supra | 24. Jago Nari |
| 6. Manab Unnayan Kendra | 25. Nazrul Smrity Sangsad |
| 7. Manabseba o Samajik Unnayan Sangstha | 26. Research Initiative Bangladesh |
| 8. Light House | 27. Transparency International Bangladesh |
| 9. Grameen Alo | |
| 10. TSSS | |
| 11. Avash | |
| 12. Social Upliftment Voluntary Organisation | |
| 13. Association for Community Development | |
| 14. Rights Jessore | |
| 15. Jagoroni Chakra Foundation | |
| 16. Bangladesh NGOs network for Radio and Communication | |
| 17. Abdul Momen Khan Memorial Foundation | |
| 18. Bangladesh Mahila Parishad | |
| 19. Integrated Social Development Effort | |

Summary

Interviews of 27 authorised officers of 7 NGOs in Dhaka and 20 at district level were taken. All the respondents know about the law and they have received minimum of two days of training. Almost all the respondents are serving for more than a year as authorised officers and they received 82 applications in the last two years. All respondents said that they enjoy being the authorised officer and they support the law. They have provided information in due time in most cases. But while giving information, the biggest problems they faced was incomplete and unclear application and also, applications that sought a lot of information. All respondents said that as per the legal provisions of the RTI Act, their offices underwent changes—specially in terms of digitalisation of information; updating web information, appointment of authorised officers and training. They recommended that to encourage exercising the law emphasise should be given on training and information disclosure manual or policy. They also recommended specific changes in the prescribed application form.

Results

- **Status of concepts and preparation of the authorised officers**

Out of the 27 authorised officers interviewed; 25 were aware of the RTI Act's provisions and had the copies of the law in their possession. The copies were mostly provided by their office or training or workshops and three got it from websites.

- **Experience as authorised officers**

Eleven respondents were serving as authorised officers for the last 2-3 years; 10 respondents for 1-2 years and six officers for less than a year.

- **How much are they enjoying their job**

Responding to a question whether they were willing to work as authorised officers, 21 said that they were willing. Of them 15 said that they support the RTI Act and thus they wanted to become authorised officers.

Four others said that they had accepted the decision of their office although they were not willing. Explaining why they were unwilling they said this was an extra duty and the record system was not very good.

- **Scope of training and development**

Sixteen respondents have received RTI Act related training from NGOs. Of them, 12 persons participated in multiple trainings. The training providers included MRDI, Manusher Jonno Foundation, Nagarik Udyog, Transparency International Bangladesh, Research Initiative Bangladesh and Delhi-based CHRI. The subjects of these trainings included: RTI Act, regulations, responsibilities and duties of the

authorised officers, collection of information, disclosure, information application process, preparing information disclosure policy and its exercise.

- **Information application and information management**

Of the respondents, 15 officers in the last three years received 82 information applications. The highest number received in 2012. Of the organisations, the Transparency International Bangladesh received the highest applications (43).

This information supports the Information Commission's 2011 annual report.

2009	2010	2011	2012
0	9	30	52

Out of the 82 applications, eight were cancelled. Seven applicants were given partial information and in just one case, the authorities refused information by mentioning specific reasons. Seven officers said that they have provided the information in 10 days while seven said they gave it in 11 to 15 days.

Most of the officers spend a specific time for RTI Act related works (13 officers 1 to 5 hours). Five officers said they work for 10 hours a week for this purpose. None of the officers were summoned to attend the Information Commission.

- **Changes in the office management due to provisions of the RTI Act**

Twenty four officers said that due to the RTI Act, the office management system had changed. Following are the changes:

• Record maintenance development	22
• Formulation of information disclosure policy	18
• Digitalisation of Information	8
• Updating information in websites	13

- **Problems faced while responding to the information application**

Incomplete application	9
Application with unclear statement	7
Request for a lot of information	7
A lot of internal follow-ups required	3
Difficulties in obtaining information from colleagues/ high ups	2
Inadequacies and incompleteness of internal records and files	2
Non availability of information sought	0
Compiling information from widely different sources	6
Compressing huge information into a format	1
Others	1

- **Hurdles in exercising RTI Act**

While identifying hurdles of exercising the RTI Act, 20 officers said that they lacked conceptions about the law and 15 of them said there was a need for

training while 10 said there should be a guideline. Nine believe that fewer information application was also a hurdle in exercising the law.

lack of conception of the law	20
lack of training	15
Lack of directives/manual/material	10
Fewer information application	9

- **Recommendations by the respondents:**
 - o People should be aware of the RTI Act
 - o Training of authorised officers
 - o Simplifying the application
 - o Easy availability of information application and the application should have publicity
 - o Besides application, people should be allowed to apply with letters in simple language. The Information Commission should consider this.
 - o Writing the name of the authorised officers in the application form should not be compulsory
 - o examples should be made by self disclosure of relatively sensitive information
 - o applicants would refrain from filing application at random if they require to explain why they need the information
 - o Increase campaign in media
 - o There should be a policy on information disclosure
- **Comment**
 - o The NGO authorised officers have received reasonable training and they have conception about the RTI Act
 - o The NGO sector is ahead in terms of receiving information application.

Annex-9

RTI Application Status

Total=22
applicati
on

Sl. No.	Name of the Applicant	Subject matter for seeking information	Type of Information	Application Date	Acknowledgment Date	Response Date from Designated officer	Response	Appeal date	Action Taken	Response after action taken
1	Golam Mustofa Jibon	How many fair, Jatra and house games were approved by Deputy Commissioner of Sirangonj	1. How many fairs, entertainment programs, Jatra, circus and housie games were allowed to be held while Md. Humayun Kabir was as Deputy Commissioner (DC) in Sirajganj till his transfer? Provide names, contacts and address of those who were allowed to arrange the programs. When and where were the program held? 2. Provide all copies of procedurals of allowing the programs. Also how much fund was received in the name of Locally Raised (LR) fund? In which sectors and how much funds were received? 3. Provide copies of all the documents related to receiving and sector-wise expenditure of the proceedings from the programs according to when, where and how the expenditures were made. 4. How many fairs, entertainment programs, Jatra, circus and housie games were allowed to be held when Md. Aminul Islam was appointed as DC in Sirajganj till now? Provide names, contacts and address of those who were allowed to arrange the programs. When and where were the program held? 5. Provide all copies of procedurals of	9/1/2013	9/1/2013	29/01/2013	Information is not found	7-Feb-13	Appeal submitted by 12th February 2013	Complaint at Information Commission, hearing held and the Judgement was given to provide all the requested information within 7 days from the judgement.

			allowing the programs. Also how much fund was received in the name of LR fund? In which sectors and how much funds were received? 6. Provide copies of all the documents related to receiving and sector-wise expenditure of the proceedings from the programs according to when, where and how the expenditures were made.							
2	Md. Zillur Rahman	Rules for submission of allegation to BMET through Survivors	1. Provide copy of the policy paper of Survivor under BMET about submitting a complain	10/1/2013	10/1/2013	30/01/2013	Information received	8-Feb-13		
3	Firoze Ahmed Sarder	The allocation of government regarding fertilizer, insecticide, seed and modern agricultural equipment at sadar upazilla agricultural office of Joypurhat	1. What is the quantity of genetically modified (GM) fertilizers, pesticides, saplings and modern agri-equipments have been allotted by the government in 2011-12 the Agri-office of Upazila? 2. List of farmers who received this allotment 3. List of farmers who are still cultivating without unnatural means 4. Are there any plans to free the upazila of GM fertilizers? If yes, how long will it take?	10/1/2013	11/1/2013	31/01/2013		10-Feb-13		

4	Nasrin Parvin	How many drop out students are there at Pabna sadar upazilla	1. How many children have dropped out of school in Pabna? 2. Give the list of children's name and details who dropped out of school in 2012.	10/1/2013	13/01/2013	3/2/2013	informati on will be provided when informati on officer will come	11- Feb-13		
5	Aysa Akhter	How many cases filed under Violence against women and children Act and Traficking Act at Panchbibi thana of Joypurhat dist. And their current status	1. From January 2012 till December 2012, how many cases were filed on violence against women and children? 2. From January 2012 till December 2012, what are the status of the cases? 3. From January 2012 till December 2012, how many women and children trafficking cases were filed? 4. From January 2012 till December 2012, what are the status of the cases?	14/01/2013	14/01/2013	4/2/2013	Informati on received	12- Feb-13		

6	Abdul Malek	Total Arable land of Kushumbi Mouja of Tarash upazilla of Sirajganj dist.	I, as a citizen of Bangladesh, want the following information under the purview of the RTIA 2009: Kusumbi Mouza J, L no. 67 1. How much arable land are there? 2. How many and Arable pond are there? What is the level of it? 3. Circular copy issued by Governments for land mutation 4. How many days it take to for mutation process (circular copy)?	6/1/2013	15/01/2013	5/2/2013	Information received	13-Feb-13		
7	Jayanta Bhowmik	Admission fees for the students, management expenditure and the source of income of Ideal school, Dhaka	1. How much is the admission fee according to classess in Ideal School? 2. How many teachers are there in the school? 3. What are the teachers' pay scale? 4. How much expenditure has been made in last two years for management of the school? 5. What was the source of income in the last two years?	13/01/2013	13/01/2013	3/2/2013	Information received	11-Feb-13		

8	Jayanta Bhowmik	Admission fees for the students, management expenditure and the source of income of a school and college, Dhaka	1. How much is the admission fee according to classes in the School? 2. How many teachers are there in the school? 3. What are the teachers' pay scale? 4. How much expenditure has been made in last two years for management and others aspects of the school? 5. What was the source of income in the last two years? 6. Also provide the last two years audit reports.		3/2/2013	23/02/2013	Information not received	5-Mar-13		
9	Kamarullah Sarker	Class, amount and the owner of the land under JL no. 10 RS-1369 under Rampur, Boalia, Rajshahi	1. At present, what is the diameter and class of the land under JL no. 10 RS-1369 under Rampur, Boalia, Rajshahi? Who is the owner of the land at present?	8/1/2013	17/01/2013	7/2/2013	Information received (Application & appeal)	17-Feb-13		
10	Masuk Kamal	Allocated amount by government and non-government organization after Sidr 2007-12 to AVAS, Speed Trust & Rehabilitation bureau	1. Provide copy of how allocation and distribution of relief fund from government and donor agencies for rehabilitation works were used from the tornado Sidr hit year 2007 till December 2012. 2. Also provide copy of allocation of fund area-wise 3. Provide name of the organization through which the rehabilitation work is being done.	14/01/2013	14/01/2013	4/2/2013	Information not received. Appeal date has over. Thinking to submit new application.	12-Feb-13	Appeal will be filed against dist. Relief and Rehabilitation office	No response from appellate authority

		if the zone.								
11	Masuk Kamal	Allocated amount by government of non-government organization after Sidr 2007-12	1. Copy of all bills and vouchers along with details of allocations and spending for rehabilitation works from GO and NGOs from Sidr hit year 2007 till December 2009	14/01/2013	14/01/2013	4/2/2013	Information received	12-Feb-13		
12	Masuk Kamal	Allocated amount by government of non-government organization after Sidr 2007-12	1. How much Government Organizations/Donor agency allocation did Barisal-based NGOs AVAS and SpeedTrust receive for rehabilitation from Sidr Hit year 2007 till December 2009		Information received	12-Feb-13				

13	Mrs. Ferdousi Begum	Allocated amount by government in November 2012 at Shakharia union health and family planning centre	1. List of committee members of Health and family welfare management office 2. List of Government allotment and its distribution through the finance control office in November 2012 3. As per the date of meetings, number of attendants of management committee members during January 2012 till December 2012	8/1/2013	17/01/2013	7/2/2013	Demand side will communicate with the authority on 9th Feb. 13	17-Feb-13		
14	Hosne Ara Joly	1. Rules for the allocation of enemy property	1. Copy of rules and regulations of Enemy property allocation 2. List of names who received Bhooter Diyar Mouja's property in 2011 & 2012. How much land was there? 3. Copy of signed resolution regarding the allocation	16/01/2013	16/01/2013	6/2/2013	Information received for one application and information will be provided for another application	14-Feb-13		
15	Hosne Ara Joly	2. Rules for getting freedom fighter allowance & certificate.	1. Copy of rules and regulation regarding pay benefits for freedom fighters 2. Copy of list of women freedom fighters	20/01/2013	16/01/2013	6/2/2013	Information received	14-Feb-13		

16	Jahanara Beauty	Total arable land in Natore of Dighapatia and the rules for getting arable land	1. How much arable land are there in Dighapatia union? 2. Provide copy of regulation of arable land 3. Provide copy of allotment and names of people receiving the allotment and the quantity	19/1/2013	1/2/2013	21/02/2013	Information received	4-Mar-13		
17	Nasima Sultana Soto	Total agricultural land of Bogra govt. Azizul Haque college and the income in this respect	1. How much agri-land are under the Bogra Azizul Haq Govt Collage? 2. What was the leasing procedure of these lands? 3. How much has been earned from the lease in the last 5 years from 2005? 4. In what name are the earnings being kept? 5. In what ways are the earnings being spent and in which sectors?	21/01/2013	21/01/2013	10/2/2013	Information received	19-Feb-13		
18	Shapla Rahman-Jessore	1. How many cases regarding Violence against Women are under trial in the year 2011-12 at Jessore.	1. Provide list of cases on violence against women during last two years 2011 & 2012. How many of the cases have been solved? 2. If needed, I wish to have copies of some part of some cases through visiting the files	21/01/2013	21/01/2013	10/2/2013	Information received	19-Feb-13		

19	Shapla Rahman-Jessore	2. How many cases regarding Violence against Women filed in the year 2011-12 at Jessore.	1. Provide list of cases on violence against women during last two years 2011 & 2012. 2. I want to see the files of those cases and if needed, provide me copies of some parts of the cases after visiting the files.	21/01/2013	21/01/2013	10/2/2013		19-Feb-13		
20	Rafique-Barishal	Vouchers for the purchase of books for Shere bangla Medical university library in 2008-12	1. Provide copy of purchase documents of Sher-E-Bangla Medical collage library and department books 2. Want to know the capacity of the library and the number of books stored at present in the library	10/2/2013	10/2/2013	3/3/2013	RTI application not received	12-Mar-13		
21	Dilara Rahman	How many cases filed under Violence against Women and Children at Boalia thana of Rajshahi dist. And their current status	1. How many cases were filed on violence against women and children from January 2012 till December 2012? 2. What are the current status of the cases filed?	20/01/2013	23/01/2013	13/02/2013	Information not received	24-Feb-13		

22	Shoeb Chowdhury	Number of students, rules for the appointment of Principals & teachers and Audit report of Biam Lab School of Habiganj	1. In which year was the Habiganj Biam Lab school established? 2. How many students were in the school during 2009 to 2012? Please give the info class-wise 3. Provide a copy of procedure of appointing the principal 4. Provide copy of educational background papers of the teachers 5. How many teachers are there in the school right now? Provide their name 6. Provide copy of procedure of appointing teachers in the school 7. Provide list of teachers who are present in school till January 2013 along with their process of appointment and age. 8. Provide copy of Audit report from 2009 till 2012 along with all other income and expenditure documents.	3/2/2013	6/2/2013	26/02/2013	Information not received	10-Mar-13	No response received from the appellate authority	Filed complain to the Information Commission and waiting for the hearing date.
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Case study 1

From secrecy to disclosure: A Welcome Transition

When Husne Ara Joly first tossed her idea of introducing an information disclosure policy for her non-government organization (NGO), she got some eyebrows raised within her small organization. Her colleagues at Program for Women Development (PWD) had no clear concept about a disclosure policy.

It was sometime early 2012. Husne Ara Joly, Executive Director of Sirajganj-based PWD, shared the idea of having a disclosure policy with her colleagues. Sirajganj is a northern township in Bangladesh.

Noticing that her colleagues were not appreciative of the move, Joly soon realized that it was she who alone had converted, not all she worked with. So she took it upon her to make the colleagues understand the value of her newfound concept.

As she informed them that once such a policy is in place their NGO would share its programme and organizational information with the beneficiaries, in particular, and members of the public, in general, her colleagues at PWD demanded to know the rationale. One of them asked her “Why do we need to disclose our information to others?”

Joly recalls, “There were initial hiccups. I became aware of Right to Information (RTI) Act and also about the obligation of charting out an information disclosure policy after participating in training on the issue. But my colleagues in the organization had no idea whatsoever. They raised the question why should we share our information with wider community.”

Courtesy USAID Bangladesh's Promoting Governance, Accountability, Transparency and Integrity- PROGATI Program, the Management and Resources Development Initiative (MRDI) imparted training on RTI and disclosure policy to many NGO executives like Joly. It not only helped Joly and likes to convert to ‘openness’ from the orthodoxy of ‘secrecy’ but also bestowed upon them the responsibility of converting many of their peers in the non-government and civil society fraternity and barefoot development activists in the grassroots.

Today Joly's PWD is not the only one having an information disclosure policy in effect rather there are many other NGOs, which have successfully pursued the policy in compliance with the RTI Act that Bangladesh enacted back in 2009.

Joly says, “The government functionaries that we deal with now know that we're (PWD) RTI-compliant. This gave us an image boost-up. Others are expressing

intents to follow the suit. It's now spreading to all - our group members, families, relatives, friends and stakeholders - that we're following an information disclosure policy."

"We've adopted the disclosure policy on March 15, 2012. We've spelled out the categories beyond ambiguities that which are the information we would be disclosing voluntarily, which we would on requests and which are the ones that we would mark as 'classified'. Thanks to MRDI imparted training that we could formulate our disclosure policy," says Joly.

Case study 2

Applying RTI in Shrimp Sector

Social Activities for Environment (SAFE) has been advocating for improved worker rights in Bangladesh's shrimp sector since 2003.

With the Bangladesh government declaring a minimum wage for shrimp processing industry in November 2009, SAFE took interest in inquiring the actual implementation of the wage structure in the sector.

It required identifying first the number of units (shrimp processing) in SAFE project area which were implementing the minimum wage so that SAFE could chart out its future advocacy plans accordingly.

But none could anticipate beforehand that getting such a simple piece of information would require it to go through such a long and arduous process.

Asaduzzaman, a SAFE staff, sought information from the Department of Labor, Khulna on the number of shrimp processing plants that had implemented minimum wage. On July 15, 2010 Asad went to the office of the Designated Officer (in this case Deputy Chief Inspector) in person and applied for the information according to the RTI Act.

But the Designated Officer (DO) did not cooperate forcing Asad to make his case heard by the DO's superior, in this case, the Chief Inspector of the Department of Labour.

Failing to get much of a response Asad had to even lodge complain with the Chief Information Commissioner on September 30, 2010.

Later the department concerned gave him information claiming 39 shrimp units implemented the minimum wage though SAFE found out it to be erroneous. In reality, only 34 factories were in operation while the rest were closed.

After series of hearing sessions at the office of the Chief Information Commissioner, in March next year (2011), the Commission ordered the Deputy Chief Inspector to provide accurate information to the applicant. The Deputy Chief Inspector along with two of his colleagues of his were also rebuked by the Commission for such dillydallying.

Asad finally got the information on March 27, 2011. "My constitutional rights can't be overlooked as I am a citizen. My persistent efforts finally gave me the results - the requested information. If you try with patience nothing remains unattainable," said Asad.

This request for information has made the concerned department more active. All 37 shrimp processing industries (under SAFE command area) are implementing the government declared minimum wage for their laborers.

Case study 3

DoE Offers Quick Response

Zinat Ara Afroze is an NGO officer. She had a very pleasant experience of getting quick and positive response after soliciting information through application under Right to Information Act.

Afroze submitted an application to the Department of Environment (DoE) in Dhaka on 23 May, 2012.

She sought information on the approved project proposal and project implementation manual of the Department.

She found the DoE very proactive and officers there well informed about RTI Act.

Immediately after filing the application Afroze received an acknowledgement letter from the authority of DoE. And in due course of time the authority showed the courtesy to the applicant by making her a phone call and inviting her to collect the information Afroze sought for.

Afroze, who is a staff of Climate Finance Governance (CFG) group of the Transparency International, Bangladesh (TIB), also did submit an application on 26 December, 2012 seeking to know some information about the approved projects of Bangladesh Climate Change Trust Fund (BCCTF).

But this time she had to wait longer time as the authorities concerned required the approval of the line ministry first before they could furnish her with the information she sought.

Case study 4

Explain the reason first!

Md. Nasirul Islam Bappy is a member of the Youth Engagement and Support (YES) group of Transparency International, Bangladesh (TIB).

Bappy filed an RTI application with Bangladesh Shishu Academy in Dhaka on 27 October, 2012 seeking to know the budgetary allocation the government organization spent in financial year 2010-11 on the purpose of repairing the auditorium of the Academy.

The designated information officer asked him to explain reason for filing the application. He also discouraged Bappy from applying such queries in future.

Bappy continued following up to know about the fate of his application seeking a simple piece of information. The information officer of the Academy remained nonchalant and did not offer Bappy any information.

At a stage the information officer passed the buck on to the administration manager of the Academy. The new man now suggested Bappy to meet the Director of the Academy and explain why did he filed the application seeking such information in the first place.

Bangladesh Shishu Academy is a public organization run by tax-payers money with a mandate to work for the development of children.

Case study 5

Fighting Graft by Using RTI

Abu Bakar was not satisfied with the standard of construction work going on a particular patch of a 5.5 km local road in 2010. Bakar, a farmer by profession, who resides in a remote southern tip of Bangladesh, called Kutubdia, sought information on the road construction from the Local Government Engineering Department (LGED), the public institution, responsible for contracting out the task of rural road work.

He was refused initially. Thanks to his knowledge about right to information act, Bakar would not give in. Courtesy his association with Bangladesh Disaster Preparedness Centre (BDPC) and Manusher Jonno Foundation and trainings provided through various awareness-raising programmes, Bakar applied RTI to garner the information.

The authorities then were compelled to furnish Bakar with the information and he took the pain of investigating that how the contractor concerned deviated from the work criteria and compromised the standard of the road work. He challenged the work and mobilized the people in the community to force the authorities to commission a probe.

Eventually, the authorities had to cancel the below-standard work and re-tender the work order. The whole RTI exercise and perseverance of Bakar brought the ultimate triumph for a community, who would have otherwise deprived of the services provided by the state by tax-payers' money.

"If people are united and conscious then it is possible to fight against corruption," observed 50-year old right-conscious farmer Abu Bakar.

Case study 6

Know the teachers, not budget

On 29 July 2012, a student of Bhawal Badre Alam College filed an application under the Right to Information Act requesting to know about the money spent on some recent construction and repairing works of the college.

Rezaul Karim, the student, who happened to be also a member of Youth Engagement and Support (YES) group of Transparency International, Bangladesh (TIB), did not get the information.

There was none designated in that public college in Gazipur, a neighbouring district of capital Dhaka, to entertain such info request. Yet, the student was called in and the college authorities reprimanded him for filing RTI application.

Rezaul tried in vain to explain his right as a citizen to know about the budget spent on repair purpose.

Later, a lecturer of the college, whom the authorities bestowed the responsibility to act as an information officer, told Rezaul that had he wanted to know about the numbers of teaching staffs working teaching there, number of students enrolled in the college, he would have been furnished with the information but not about the budget.

Fearing reprisal, Rezaul refrained from filing an appeal to his case.

Case study 7

Misconception in Administration

The sheer high number of information services claimed to have been dispensed in Jessore district under the Right to Information Act (RTI) made a curious journalist in the southwestern township very suspicious.

Asad Asaduzzaman, Executive Editor of Jessore-based daily, *Gramer Kagoj*, Jessore

The Jessore district administration had demanded Tk 4.88 lakh as cost of two information.

Editor Mobinul Haq of our paper *Gramer Kagoj* was surprised upon hearing this and commented, “we need to sell our publishing house to buy that information.” When I told this to MRDI Executive director Hasibur Rahman Mukur over the cell phone, he said, “may be they don’t want to give you this information. Tell them to ask the price from you in writing. Let’s see what they’ve got to say.” They did not give it in writing. But I got the same information for just Tk 1300. Let me explain.

In July 2011, the MRDI and USAID PROGATI jointly conducted an in-house training programme in *Gramer Kagoj* in Jessore. The training was not just helpful, but also remarkable. To utilize the training personally, I got into action. During the training, we received copies of the Information Commission annual report. One small information struck me. That was, “after the RTI Act was passed, 4501 information services were given in Jessore.”

I wondered how did the people of Jessore become so much aware about RTI Act and what kind of services did the administration provide to these people. Out of curiosity, on July 19, 2011 I filed an information request to Jessore District Information Centre asking for an account of these 4501 information services. On the same day I also filed for a list of works under Food for Work, Money for Work, TR etc. While submitting the applications, e-service employee Mrs Elora Martin refused to accept my applications. She said, “you have to address the applications to district administration.” I humbly showed her the sample form from the RTI Act’s gazette. Finally at one point, Elora Martin received the application when Designated Officer Magistrate Nahidul Mostaq intervened.

The next chapter involves running from pillars to posts. After 10 working days, I contacted Elora Martin. She said, my information will be available in the information providing centre in the next room. An employee in that room Asaduzzaman told me, “your file is on the desk of ADC General.” I met ADC General Babu Sanjay Kumar Banik, introduced myself and showed him the received copies of my application. He became somewhat angry, “what would you do with this information?” I answered, “I will use it for my professional works.” He again

angrily said, “meet me after you get a letter in your name.” I started waiting for the letter.

On the 18th working day, magistrate Sharif Nazrul Islam called me over the phone and asked me to meet him at his office. When I went there, he said it would cost me a few lakh taka to get the information. A letter is being issued in this regard. He then said, how can a journalist arrange so much money and asked me to talk to the ADC General before issuance of the letter. Scared, I went into ADC General Babu Sanjay Kumar Banik’s room. I noticed that my file has now become thicker. Magistrate Nahidul Mostak was standing by the table with that file. He was trying to convince the ADC General, a journalist did not have so much money to buy the information. The ADC General became angry seeing me. He said, “since you need the information so much, issue him the letter. Take the letter. Come back tomorrow with Tk 488,004 and take your information. Nahidul Mostak accompanied me out of the room. I argued why would such a simple list cost me so much money? He said, “only the list would do?” I said yes. He said, “okay come back tomorrow. I will see what I can do.”

I returned to my office feeling down and talked to my editor Mr. Mobin and then he suggested me to talk to Mukur of MRDI. Mukur gave me several suggestions and said, “whether you’d take the information or not we will see later. Firstly take the letter asking for Tk 488,004.”

I returned to magistrate Nahidul Mostak next day. I asked him to give me the letter. But he did not give it to me. He nicely said, “what would you do with the letter. This would cause unnecessary problems. It’s better that you take the manual list. It’s not going to cost much.” I tried to persuade him to give me the letter, but he did not agree. So I took the photocopy of the manual list for Tk 1300.

But I utilized an advice of Mukur. I wanted to see the file. In my file I saw the Tk 4.88 lakh cost breakdown signed by the magistrate. It said, “Following is the upazila wise cost for collecting through telephone information from DRR and offices.” It adds, Sadar upazila- Tk 1.60 lakh, Avoyanagar Tk 30,000, Bagharpara Tk 50,000, Chowgachha Tk 35,000, Jhikargachha Tk 35,000, Keshabpur tk 30,000, Monirampur Tk 70,000, Sharsha Tk 60,000, e-service Tk 4X4501= Tk 180,004. Total Tk 488, 004.

As I looked into the information that I got, I saw what I had suspected from the beginning. All the information services were actually e-services. The list talks about who got which land, which are the personal land markers etc. This was done either without understanding what information means in the RTI Act or to get a fake credit to bag some national level award. I wanted to run a nice story. But my editor said, forget it. It’s no use making the administration unhappy.

I did not stop making good reports using the RTI. In addition I had to teach officers the law. Working with this law is fun. But there are problems too. People who knew me well and greeted me with a smile now pretend they do not know me. They do not receive my calls like before. When they come face to face, they would say with an embarrassed smile- are you well Mr Asad?

Case study 8

Partial disclosure not serving the purpose

Transparency International, Bangladesh (TIB) championed the cause of transparency and accountability in Bangladesh. Dr. Iftekharuzzaman in the capacity of TIB's Executive Director also played vital role in spearheading anti-graft campaigns as well as worked for ensuring wider access to public information and furthering the democratic adherence in the country.

When Bangladesh's government's works ministry and an Indian conglomerate, Sahara, having its disputable repute, struck land development deal last year it raised many eyebrows. Dr. Iftekharuzzaman filed a RTI application with Rajdhani Unnayan Kortripokkho (RAJUK), the city's urban development body, on 28 May 2012 to know details about a MoU (Memorandum of Understanding) signed between Ministry of Housing and Public Works of Bangladesh and Sahara India Pariwar.

RAJUK was reasonably prompt in responding the application. But what it deed, in reality, only served the purpose partially as it provided the applicant only a copy of the signed MoU and refrained from responding to the applicant's other inquiries.

RAJUK failed to provide Dr Iftekharuzzaman with the vital information of procedure that had been followed, if at all, in selecting this foreign company for land development in Bangladesh.

RAJUK also avoided giving the details on cost-benefit analysis of the land development project.

Case study 9

Push is on to create new space

Scandinavian welfare state Sweden introduced freedom of information act back in 1766. It was one of the earliest known examples of practicing information rights. Thanks to British colonial legacy, we had, in contrast, an official secrecy act that prohibited officials from divulging information to members of the public.

Starting with Sweden and Finland, the principle of the freedom of information has been approved as part of legislation throughout the world in over 90 countries today, representing nearly five billion people. Bangladesh joined the RTI club only in 2009.

From that legacy of secrecy, which was in force since 1923, to the enactment of Right to Information (RTI) Act in 2009, Bangladesh traversed a long journey of ups and downs. Over the period the balance in favour of protecting state's interests over people's interests has been reversed.

Laws changed, so did the organizational structures within our government and non-government institutions. In compliance to the RTI Act many organizations have adopted information disclosure policies; many others are in the process of doing so, many assigned designated officers to look after the RTI issues, many others are following suits.

Against this backdrop, people on both sides of the divide - those seek information and those provide or are supposed to provide the same - are now passing a phase that can be best described as a 'learning session.' This also has got lot to do with changing mindset.

With every 'push' of a new RTI application being filed, new 'space' is being created within the government bureaucracy that has long been imbued with the spirit of 'maintaining secrecy.'

The newsmen and general members of the public who have had some experiences of filling RTI applications seeking a piece of information or two from different government establishments over the last couple of years or so consider itself a success that there are designated desks, officers there to entertain their queries.

They say it is already a departure from the past that officers, at least, try to provide them with information though not hundred percent and not always.

Himel Chakma, a vernacular daily's correspondent in a hill district, filed RTI applications seeking to know information on number of legally operating brick kilns in his district, Rangamati, and statistics of foodgrains distributed among the poor.

Chakma got some information, for some more he was in the process of filing an appeal while for some other information he required to re-file his application by correctly following the procedures.

His experience shows - the applicant, the authorities in hold of information and officers concerned - all have got something to learn from their respective exercises.

“As we’re practicing it new, we’re learning by making some errors. As the officers are also receiving such applications seeking information for the first time, they’re also learning from such exercises that how to deal with the RTI issues,” comments Himel, who has the privilege to attend a number of MRDI-administered trainings where RTI procedures were taught practically.

Rashed Mehedi, a Dhaka-based reporter of a daily, who has filed several RTI applications for information in past two years, expresses his firm resolve, “I am hopeful that through further exercises we’ll be able to make better use of RTI applications in the future and come up with good pieces of reporting.”

Case study 10

RTI Empowers Rural Farmers

A group landless rural poor, a farm-based community in a union, an administrative unit, in Bangladesh's port city Chittagong, successfully challenged administration in establishing their rights - at least in one instance.

Thanks to application of right to information act (RTI), 2009, that they got a copy of the Amanullah Union's budget for 2010-11, which came handy in challenging the authority of charging money illegally from them for providing agriculture cards meant for free distribution among farmers.

When the union authorities asked them to give a fee of Tk. 20 each for getting the agriculture cards, they challenged the decision and wanted to know why they have to pay for a facility that government provided free.

The Amanullah Union Parishad (Union Council) authorities first told them that the fees were charged as was part of the council's income source under its annual income-expenditure budget provisions.

As they had already a copy of the union's budget in their hand they could easily find out that there were no head like that in budget provision. After being challenged the union council acknowledged that it was not in the budget but still they asked for the money to enrich the union council's income source.

But the union even didn't offer them any receipt against the Tk. 20 they wanted to charge on the farmers. So they got united and mobilized a strong position against such move finally successfully thwarting the illegal move of money collection by the union council.

Case study 11

RTI Reveals BGMEA Bhavan Facts

In early 2011 Bangladesh's High Court declared illegal the construction of the pompous office building of the country's most powerful trade body - Bangladesh Garments Manufacturers and Exporters Association (BGMEA).

The court noted that the BGMEA Bhavan was built on wetlands and ordered bulldozing the magnificent house of the association of country's export-oriented apparel industry.

The High Court gave the BGMEA authorities 90 days to demolish their building, located in capital Dhaka's Karwan Bazar area, after shifting the belongings within the period.

As it followed immediate appeal before the Supreme Court by the garments manufacturers against the High Court verdict, the legal process drags on till date.

But most interesting part is that the High Court verdict through a long and arduous process of right and green activists' pursuing the right to information act (RTI), 2009. The use of RTI has been quite encouraging in the entire process.

On July 08, 2009 Bangladesh Environmental Lawyers Association (BELA) applied to Rajdhani Unnayan Kortripokkho (RAJUK), Dhaka's real estate regulator for getting information about the BGMEA Bhavan following RTI. The pieces of information sought included; approval of the BGMEA building plan, the logics behind approving BGMEA to construct a building in public water body, the subsequent processes etc.

In due course of time Rajuk did not respond prompting BELA to apply again on December 17, 2009 but no avail.

Then an appeal was made to the Secretary, Ministry of Housing & Public Works (MOHPW) as MOHPW is the appellate authority of RAJUK.

After getting no response yet another time, BELA lodged a complaint with the Information Commission (IC). Then series of communications continued and a legal notice was served too to the RAJUK Chairman.

Finally all this efforts resulted in handing over the requested information to BELA on September 19, 2010. Collected information clearly indicated there had been conditions attached in approval which were not followed.

The information garnered through use of RTI helped BELA to move the case to the court. The subsequent developments are all known that led to ultimate verdict by

the High Court. However, the legal process is not all over yet as the issue still pending with the Supreme Court.

Case study 12

Arunendu, Iqbal - Two RTI Torchbearers

People like Arunendu Tripura and Khademul Karim Iqbal are few and far between. They belong to a select group of government functionaries who not only believe in the power of information sharing but also try to practice what they preach in support of information dissemination.

After the enactment of the Right to Information (RTI) Act in Bangladesh in 2009 many organizations have assigned officers to deliver the task of designated information officer in compliance of the act.

Arunendu and Iqbal are such two designated officers who have been assigned by their respective institutions to cater to the needs of the people's right to information.

Unlike many others, who might have chosen to take the new task as 'business as usual' Arunendu and Iqbal took the mission with a passion. They are not looking at the job as just another mundane daily routine imposed on them from the high-ups. Rather, they took it as a challenge.

Obtaining a masters degree in History from the Chittagong University, Arunendu Tripura joined Rangamati Hill District Council as its public relations officer (PRO) in 1991. Through his dedication in work and commitment to public service, he earned a reputation over the years.

His office has made him ICT Focal Person and also made him the Council's designated officer to address RTI issues. In playing his role as designated officer Arunendu received three RTI applications from journalists and two more from public in 2012.

"Here people get information whenever they so require. That's why usually they don't require filling up RTI form to get information," says Arunendu.

Upon receipt of forms seeking information, he moves file to his higher authorities seeking directives on getting information from other relevant departments to prepare the replies.

He says he considers himself as a member of the public and expects certain services from government offices like the one he is serving now. "So I like to create an environment here (Rangamati Hill District Council) where people can get access to all the information they require."

"We've our own website launched, citizen charter in place," declares Arunendu.

“Sometime as people seek information from me I need to collect the same from different departments and in the process if time lapses then the information seekers can always go for appeal.”

So, Arunendu feels it would be good if every organization have a disclosure policy and they abide by the policy in divulging, sharing and disseminating the information under their disposal.

Thanks to his previous career stint as a journalist, none other than Md Khademul Karim Iqbal would have been a better pick for the information job in the Office of the Comptroller and Auditor General (OCAG).

Iqbal is an OCAG Deputy Director (MIS), who was given the charge of manning the information desk where people would come and seek information by filing RTI applications.

“We’ve been putting in our best efforts to comply RTI since the Act’s enactment in 2009. If others don’t go by books, we ring alarm bell in audit objections. So very consciously we try to follow all the government rules meticulously including RTI,” says Iqbal.

“We’ve assigned designated information officers in all of our subordinate offices including 10 audit directorates. We uploaded RTI-related all information in our website,” says an enthusiastic Iqbal.

Case study 13

Getting Back Birth Certificate

Masud Rana is a resident of Nabagram Road in the divisional township of Barisal in southern Bangladesh. He registered himself for his birth certificate during a birth registration campaign in October 2010.

But months gone by, Rana never received his birth certificate. As he enquired with the concerned office under the Barisal City Corporation, Masud Rana found out that it was the responsible public officers who actually lost his certificate and that's why he did not get his one.

It was only natural expectation that the office and the officers concerned would be apologetic and do the needful so that Rana gets his birth certificate. Instead, Rana had to go and ask for his certificate time and again but to no avail.

Eventually Rana took a smart move by filing an application under the Right to Information Act (RTI), 2009 asking for his birth certificate. That really worked. The designated officer, responsible for the birth registration, then requested Rana to withdraw the RTI application and he would cooperate.

Masud Rana later realized that because of his participation in RTI awareness workshop, organized by local civic groups, he could make best use of RTI in establishing his right as a conscious national of Bangladesh.

The officer did act. He finally arranged for Rana getting his birth certificate.

Case study 14

RTI Made Them Informed Citizens

Manik Mukhter resides in a village in northern district of Rangpur. He saw many development works taking place using public fund with people in his area remaining in dark about the actual volume of work.

Government spent tax payers' money on creating seasonal jobs for the rural people by employing them in daily-wage basis works. Manik thought why not he file a RTI application seeking to know the development projects, volume of work, number of people employed under those projects and amount of wages being paid etc.

On October 6, 2010 Manik Mukhter did file two RTI applications with the office of the Rangpur sadar upazila project implementation officer (PIO).

In his RTI applications, Manik wanted to know how many people were employed under Haridevpur Union during 2009-10 financial year's employment generation programme; he sought a list of the names of the people employed; wages they got; criteria for being enlisted in such job-creation projects etc.

In response, the PIO gave Manik a 37-page information on October 26, 2010. As a result through Manik's endeavor, the people in the neighborhoods got access to some vital information and they became more aware about their rights, entitlements, job eligibility and proper wages.

Case study 15

Information Dispel Misconception

Some members of Ansar and VDP, two auxiliary law enforcing forces of the government, in Barisal's Banaripara upazila brought something very important to the notice of a journalist named Mizanul Islam.

Islam, a reporter who works for national daily, listened to them and learnt about their doubt on non-payment of their rightful financial pay packages.

The journalist thought it would be good idea to file an application under the Right to Information Act (RTI), 2009 and he did so sometime in 2010. From the office of the Ansar and VDP at Banaripara Upazila, Mizanul sought to know details about how the members of the auxiliary forces were paid under various projects during the time span from 2004-05 to 2009-10 fiscal.

However, as the designated officer declined to furnish the journalist with such information without the permission of his higher authorities, Mizanul had to go for appeal to the higher authorities of Ansar and VDP. It gave the results.

Instructed by the higher authorities the concerned officer at the upazila-level provided Mizanul Islam the information the latter sought. When Mizanul shared the information with the disgruntled members of the Ansar and VDP, they well understood that it was rather a misconception that they were not rightly paid. So the RTI helped dispel that misconception.

Right to Information Act in the newspapers of Bangladesh

Introduction

The journalist community was involved with creating public opinion for a RTI in Bangladesh from the beginning. The first demand for access to information was raised back in 1984 when in a report by the Press Commission recommended framing a new law on Freedom of Information. Many years later, following demands of the civil society, the government in 2008 approved an ordinance and then in 2009 a law.

But like in any other country, implementing the RTI in Bangladesh has not been easy. The country has to cross a long road ahead in this regard and that can sometimes appear to be frustrating.

Alongside the government, political parties, the parliament, information commission and the civil society, the media is an important stakeholder in implementing the law. There is a conceptual linkage between RTI and media. As the fourth pillar of democracy, the media's job is to exercise the freedom of opinion, reveal corruption and irregularities, observe the transparency and accountability of government and non government institutions, human rights and make way for peoples' participation. Similarly the RTI also aims at reducing corruption through maximum disclosure of information, through transparency and accountability.

Wherever in the world the RTI has become popular, the media of those countries has played a major role in implementing the law. The media plays two important roles to play in implementing the RTI law. Firstly by running news on application of the law, evaluation of the information commission and conceptual improvement of the people on the law and secondly by running in-depth investigative story by using the RTI law. The following analysis is based on these two aspects of Bangladeshi media.

Purpose

The main purpose of this analysis is to determine the role of the media in implementing the RTI law. The news items published in the media have been analysed in two ways: a. how the journalists are using the RTI act for their investigative reporting and b. what kind of reports are being published to increase mass awareness for using the RTI act.

Methodology

This study is based on analysing one year's news along with its contents on RTI act—using certain codes.

Period: news published between September 2011-August 2012

- **Selection of media:** eight mainstream newspapers of Bangladesh
- **Selected newspapers:** Prothom Alo, Samakal, Jugantor, Kaler Kantho, Naya Diganta, The Daily Star, New Age and The Independent
- **Page and Subject:** All news pages (except business, international and Sports), editorial, post editorial included. Event news, feature, editorials

and letters have been monitored. The editorial policy of a media is a major factor in determining which news will get priority in that newspaper and the editorial reflects the priorities of the newspaper. By analysing the editorial, one can determine how much importance the newspaper pays on the RTI act.

- **Treatment or importance:** certain codes were used to monitor what treatment or importance was given to the related news items. These codes include: fold, headline size, use of italics, box or accompanying pictures.
- **Source of news:** Codes were used to determine who covered the news- is it own correspondent- staff reporter or desk report?
- **Subject:** codes were used to determine the following from the news content:
 - o Creating public awareness: the news which will make people aware of the use of RTI Act in their own lives
 - o Research results: news on the results of a research that was based on using the RTI act.
 - o RTI act usage: news related to how to apply for information
 - o Steps taken by the Information commission or the authority: any verdict or directive given by the commission or the authority
 - o Indication of positive change: any news on positive changes brought by the use of the RTI act
 - o Others

Summary

During the one year monitoring period, 117 news and other items on various aspects of the RTI act came out in these eight newspapers. Most of these items are typical and event based reports. There had been no investigative report that mentioned using the RTI.

Result analysis

- The newspapers have given importance to RTI act related events
- Except Naya Diganta and New Age, all mainstream newspapers of both Bangla and English language have given equal importance to the RTI act
- The newspaper editorials also give importance to the RTI Act
- The news items gave importance to increasing public awareness. The news on events or RTI related workshop-seminars were good treatments instead of giving a typical treatment
- Important recommendations were specially highlighted
- The directives and verdicts of the information commission drew the attention of the media and their editorials. The media covered with importance the annual report of the information commission, penalties and other activities.
- The government's refusal to provide information also got importance in news—specially the items dealing with public importance like food for work or money for work. The refusal to provide information by information officers were denounced in the media.
- All the media gave importance to the issue that public awareness is specially required for implementing the RTI act as lack of awareness remains as the main hurdle.

- **Comments**

- o The media can play a special role in creating public awareness. The Bangladeshi media is playing its due role
- o There had been almost no initiative from the media to make a news on their own on RTI issues. They tend to cover only the events.
- o The media ignores the use and practice of this law
- o While the media gave coverage with importance about news on the government's non cooperation in this regard; but there had been no news on non-cooperation by the non-government organisations (NGOs)—although the NGOs are included in the Bangladeshi RTI Act.

- **Limitations**

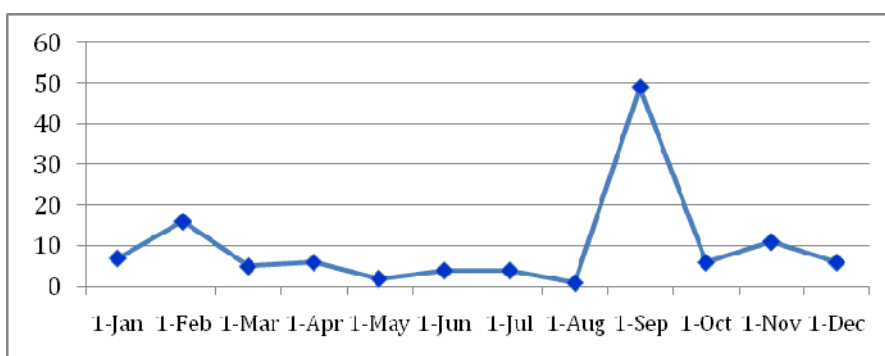
The analysis excludes the readability and clarity aspects of the reports. Usually these aspects are analysed for designing training course for journalists.

News items of only print mediums were seen; the television, radio or online items were not monitored or analysed.

A. Media coverage of RTI

Table 1: newspaper wise news items

Name of newspapers	Number of news
Prothom Alo	17
Samakal	13
Jugantor	14
Kaler Kantho	13
Naya Diganta	7
The Daily Star	15
New Age	9
The Independent	29
Total	117



During the monitored period of Sept 2011-August 2012, there had been 117 items in news pages, editorial and post editorial

pages and in letters columns. The highest 29 items were published in The Independent in English language while in Bangla, the highest 17 items came out in Prothom Alo.

On average, each month saw 14.5 items. The highest number of items came out in September—mainly because there had been a RTI day celebration.

- **Event reports**

The study finds that most of the published items were based on events like workshop, seminars and research report release. During this one year study period, two events have expanded the area of reporting. Firstly in 2011, for the first time the information

Type of news	No of reports
Event reports	93 (79.5%)
In-depth reports	4 (3.4%)
Editorials	5 (4.3%)
Post-editorials	7 (6%)
Letters/Features/articles	8 (6.8%)
Total	117

commission had penalised a government officer for not giving information and also release of the annual report of the Information Commission. Both these events received importance of the media of the country.

During the study period, some journalists had sought hearing at the Information Commission when they were refused information. This incident also received coverage with importance. Besides the media also gave importance to researches by Right to Information Forum and another non government organisation.

Some recommendations and issues came up through the event reports. These are: adding the RTI Act in the text books, criticisms of the broadcast policy, lack of manpower in the information commission, empowering the authorised officer and lack of independence of the Information Commission.

- **In-depth Report**

A few in-depth reports came out during this period. These highlighted the analysis of research result of the Right to Information Forum and the annual report of the Information Commission.

- **Editorial**

Out of five editorials, two hailed the success of the Information Commission and the rest drew attention on the need to increase mass awareness for successful implementation of the RTI Act.

- **Importance of news**

The Bangladeshi newspapers gave good importance on RTI related items. Around half of the published items received double column or more than double-column treatment. There were 20 reports that bagged four to eight column treatments.

Treatment	Number of reports	comments
Single column	42	
Double columns	32	
Four columns	10	
Five	3	
Six	3	
Seven	2	Research result analysis/Special report on 2 years of RTI Act

Eight	2	Series article by an activist on national security and RTI Act
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- **Special treatment:**

Half of the items were given special treatment and of them, 26 had related photographs

Special treatment	No of reports
No special treatment	65
Box	2
Colour headline	1
Insert	22
Report with photographs	26
Lead (other pages)	8
Double treatment	59 (50%)

- **Page placement**

In the post editorial pages, 24 percent items on RTI came out which proves the interest of the newspaper policy on the RTI. At the same time, some items received front and back page importance.

Page placement	No of reports
First page	5
Back page	9
Metro	29
Editorial	6
Post-editorial	28
National	22
Other	18

B. Generating public awareness about the RTI

- **Analysing the focus**

Focus	No of reports
Public awareness	73
Analysis of research findings	5
Workshop/seminar/campaigns	54
Process of using RTI Act	10
Steps taken by Commission	22
Positive changes	0
Others	9

Story focus:

The analysis shows maximum coverage of various workshops, seminars and campaigns which were mainly public awareness building news. Through these news, the readers get to know what is happening in the country regarding the RTI and the suggestions made by

important speakers in this regard. The readers get to know to overall impression about the implementation of the RTI through the news headlines. These items play a role in raising public awareness.

The public awareness building news items included various initiatives by the Information Commission, how the people would be benefited if free flow of information is ensured, people still do not know much about the RTI Act and failure to get information by applying for information.

There had been two researches on the RTI Act implementation status and both these research results were publicised in the media.

One notable issue here is that all items on the RTI had important messages to the government, information commission and the people.

- **Some important issues have increased number of news on RTI Act**

- o Annual report of the Information Commission: after enactment of the law in 2009, the Information Commission published two annual reports which were submitted to the president. The media published them with importance and there were reports that evaluated the information commission itself.
- o Penalty for refusing information: During this period, the Commission for the first time fined one officer for his refusal to provide information. This was prominently covered in the media. The officer later turned to the High Court against this penalty and the High Court gave a verdict in favour of the commission. Many reports, editorials and post editorials covered this incident.
- o Research report: Reports came out on the researched fact that half of the government and non-government organisations are unaware about the law and picture of comparison between urban and rural scenario. This gave readers an idea about implementation of the RTI Act. Stakeholders will get a sense of direction.
- o Discussion/workshop and seminars: from these events some specific recommendations came up in the media. For instance: inclusion of the RTI Act in text books or training of authorised officers. Country-wide celebration of RTI Day also came out in the papers.
- o Directives to government bodies and summoning of officers for refusal of information: Several authorised officers were summoned for refusing to give information. The offices include: Rajuk, BRTA, particular branch of Janata Bank and particular police office in-charges. The Commission had instructed the Security Exchange Commission to appoint an authorised officer and asked five ministries to publish annual reports. These incidents were covered with due importance.

C. RTI for investigative journalism

During the study period, it was not possible to identify investigative reports that used the RTI Act. The reports on corruption that came out during the study period

did not mention use of the RTI Act. However the reports reveal that more than 10 journalists applied for information, but were refused. More than 5 journalists appeared before hearing at the Information Commission. In this way it can be said that the journalists have tried using the RTI Act for their reports.

It can be mentioned that non-government development organisation MRDI has given in-house training to as many as 800 journalists in the last three years on using the RTI Act in journalism. It has provided technical assistance to 25 journalists. Some case studies of reports based on the RTI Act will be discussed later.

Comments:

- o Despite adequate coverage, the reports are mainly event based. There are hardly any items which were generated by the reporters own initiatives.
- o The Bangladeshi media is playing a role of creating public awareness by criticising the law and its challenges; the media is ignoring the aspect of encouraging the people to use and practice the law
- o The media has ignored news on positive changes due to use of the RTI Act
- o The media gave prominent coverage of non-cooperation by government officers while not covering non-cooperation by NGOs which are also under the purview of the RTI Act
- o A complete picture of the media coverage could be found upon analysing the tv news—side by side with analysing the newspaper items.

Media Gatekeepers Interview***Profile of respondents:***

Print-	7	TV/Radio	7	Online-	1
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Summary:

For the study, 15 newsroom managers of Bangladesh's mainstream media organisations were interviewed. All of them have concepts about this law and they made some important recommendations in this regard.

The interviews show that out of these 15 media organisations, journalists of nine of them had used the RTI Act and more than half of them could produce reports by obtaining information using the act. One of those who could not obtain information said that he/she had lodged complaint with the Commission and had bad experience.

The respondents said that the RTI Act has added a new dimension to journalism, but to encourage journalists to use it some more steps needed to be taken. They specially said that the media policymakers must be specially motivated to use the law and side by side the journalists must be given training and sponsorship. The media of the country gives maximum importance to the events of the day. Thus they need to be encouraged to conduct investigative journalism. All of them believe that the RTI Act would serve as a tool for investigative and in-depth reports. Although it's a law, all government offices had not appointed authorised officers and they still hold out the bureaucratic attitude. They also believe that the officers tend to use the exemption list as excuse to refuse information.

To increase use of this law, journalists and newsroom managers as well as media management must be motivated and trained.

Conception about RTI Act and its need in journalism

All the 15 respondents are aware of the scopes of the law. They think that journalists need this law for in-depth and investigative reporting and this law has no use for day's reports.

Use of RTI Act in journalism

According to them, 51 reporters of 15 media organisations have used the law. Of them 18 obtained information as per the scheduled time; and 33 could file reports based on the information obtained—but it took them quite some time. Among those who could not get information, a reporter of an English Daily lodged

complains with the Commission and attended hearing on the refusal to get information on Wage Earners Welfare Fund.

Stance of the media on the RTI Act

Neutral	10
Not much interested	4 (two English dailies and two TV channels)

Steps required to be taken to encourage journalists to use the RTI Act

- Providing practical training and motivation to journalists
- Motivating newsroom managers
- Orientation and motivational workshops for management and newsroom leaders
- The media is bent towards day's reports. They need to be encouraged to go for in-depth and investigative reports which are much more time-consuming than the day's reports
- Journalists are discouraged by some bureaucratic attitude of the Information Commission. They have to wait for a long time after lodging a complaint with the Commission. The Commission should be more media friendly and it needs to understand the needs of the journalists in different light
- Although the RTI Act overrides the Officer Secrets Act, the bureaucracy is more loyal to the latter. This needs to be officerly stopped.
- The media should be encouraged to set up a specific RTI Desk
- Journalists should be supplied with the copies of the RTI Act

New things offered by the RTI Act to the journalists

Positive:

- A legal basis to ask for information
- Assurance of getting information institutionally
- Formal scopes for interaction between officers and journalists
- encouraging investigative reports
- Act as a tool for investigative journalism
- Scopes to make out-of-the box reporting
- Legal basis to challenge government officers
- Scopes to obtain information through institutional complaints and resolution
- It has created the scope of making in-depth and investigative stories that are different. Using government documents one can make ultra authentic in-depth stories giving no scope to various authorities deny the fact that they are exposed in such stories.
- It has created the scope of proving a claim by an authority as false using their own documents

Negative:

- Some additional hassles have been created in obtaining information. The information that can be naturally obtained, sometimes some authorities seek application for giving the same.
- Some authorities refrain from giving information as there is a lack of clarity in RTI Act Article 7 dealing with exemptions

Main hurdles in using the RTI Act

- Work pressure of the day
- Lack of specific or specialised persons for investigative reporting
- Lack of interest of the Information Commission
- Absence of the editorial policy encouraging such reports
- Lack of authorised officers in all offices
- Non-cooperation of related officers
- Prevalence of a secretive culture
- Corruption of the administration
- Long list of exemption from information disclosure
- Delay by the authorities in giving information discourage people from using the law

Recommendations

- Training and motivation for journalists
- Encouraging the media authorities
- Motivation and training of related officers
- Reforming the Information Commission
- Create public awareness
- Encouragement for good performance
- Institutional preparation: appointment of authorised officers, information maintenance and filing system and updating information by the government is needed
- Political decision needed to change the bureaucratic mentality
- The media must play the dual role of creating public awareness and user of the law

NGO Premises Inspection

Total number of offices: 27

District: 7

Capital: 20

Summary:

As per the RTI Act, the citizens will enjoy the right to obtain information from the authority and the related authority is obliged to provide the citizen with the information that she/he has requested for. In this light this study observed relevant exercises at both the government and NGO offices.

To see how much the NGO offices comply with the obligations of the RTI Act, 27 offices were visited. Of these offices, 14 had clear and understandable signboards in Bangla. As per the RTI Act, all authorities must deploy an authorised officer for each information unit at different levels. The description, name and contact of the authorised officer should be displayed for the public. A field level visit revealed that only 12 of these offices have properly displayed this information. In case of self-disclosed information, most authorities express their interest to disclose information.

Signboard/Citizen Charter

a) strikingly visible signboard/ citizen charter:	14
b) It is in Bangla language:	14
c) It is easy to read and understandable	13
d) The information is correct	13

- **Displayed information on authorised officer**

Twelve offices have put on display the name, identity and contact numbers of authorised officers. Six offices have put on display information price list and how the payment should be done.

- **Status of self-disclosed information**

a. Project profile (FD-6)	14
b. audit and review report (included with annual report)	19
c. annual report	21
d. Work programme of all work areas	13
e. database of beneficiaries	12
f. Project output details	15
g. Information on human resources	19
h. Information on executive committee	22
i. contact information: phone, e-mail etc	22
j. information officer	17
k. complaint book and complain resolution	10

Sources

1. Annual Report of the Information Commission 2010
2. Annual Report of the Information Commission 2011
3. Complaints and Appeals in Information Commission, August 2012
4. Right to Information in Bangladesh: Challenges of implementation, by RTI Forum, November 2012
5. Ensuring Right To Information in Bangladesh: Role of the Media, Presentation paper of Dr. Iftekharuzzaman, Executive Director, Transparency International Bangladesh, September 2012
6. Right to Information Act: Structure and Application, MRDI 2012
7. Right to Information and the journalists' experiences, 2011
8. Website of Ministry of Finance of Government of The People's Republic of Bangladesh (www.mof.gov.bd/en)