

## Efficacy of right to information (RTI) act in ensuring transparency in Bangladesh

### Bangladeş'te şeffaflığın sağlanmasında Bilgi Edinme Hakkı Yasası'nın etkinliği

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Araştırma Makalesi/Research Article

DOI: 10.5281/zenodo.14565745

Gönderi Tarihi/Received  
09/12/2024

Kabul Tarihi/Accepted  
20/12/2024

Online Yayın Tarihi/Published  
31/12/2024

Atıf/Cited in: Tabassum, N., (2024), Efficacy of right to information (RTI) act in ensuring transparency in Bangladesh, *Sosyal Bilimler Akademik Gelişim Dergisi (SOBAG)*, 2(2), 49-55.

## ABSTRACT

Transparency entails ensuring that information, processes, and decisions are visible and comprehensible to the public. Transparency fosters accountability, trust, and public participation in decision-making processes. The right to information enables individuals to hold governments accountable for their actions and fosters transparency and accountability in governance. Ensuring citizens have access to government information promotes transparency in public institutions. It is important for governments to proactively share information and promptly respond to citizens' information requests in order to maintain transparency. This article aims to evaluate the effectiveness of the Right to Information Act in Bangladesh in promoting transparency. This study relies on secondary data sources. Data are collected from websites, newspapers, published articles, and reports. The article highlighted various obstacles to RTI in enhancing transparency in Bangladesh, including a tendency to conceal information, the mindset of government employees, legislation like the Official Secrets Acts and Section 7 of the RTI Act.

**Key Words:** Transparency, Accountability, Governance, Effectiveness, Citizens, Public Officials

## ÖZET

Şeffaflık, bilgilerin, süreçlerin ve kararların halk tarafından görülebilir ve anlaşılabilir olmasını sağlamayı gerektirir. Şeffaflık, hesap verebilirliği, güveni ve karar alma süreçlerinde kamu katılımını teşvik eder. Bilgi edinme hakkı, bireylerin hükümetleri eylemlerinden sorumlu tutmasını sağlar ve yönetimde şeffaflık ve hesap verebilirliği teşvik eder. Vatandaşların hükümet bilgilerine erişiminin sağlanması, kamu kurumlarında şeffaflığı teşvik eder. Şeffaflığı korumak için hükümetlerin proaktif olarak bilgi paylaşması ve vatandaşların bilgi taleplerine derhal yanıt vermesi önemlidir. Bu makale, Bangladeş'te Bilgi Edinme Hakkı Yasası'nın şeffaflığı teşvik etmedeki etkinliğini değerlendirmeyi amaçlamaktadır. Bu çalışma ikincil veri kaynaklarına dayanmaktadır. Veriler web sitelerinden, gazetelerden, yayınlanmış makalelerden ve raporlardan toplanmıştır. Makale, RTI'nin Bangladeş'te şeffaflığı artırmadaki çeşitli engellerini vurguladı; bunlar arasında bilgi gizleme eğilimi, hükümet çalışanlarının zihniyeti, Resmi Sırlar Yasası ve RTI Yasası'nın 7. Bölümü gibi mevzuatlar yer almaktadır.

**Anahtar Kelimeler:** Şeffaflık, Hesap Verebilirlik, Yönetim, Etkinlik, Vatandaşlar, Kamu Görevlileri

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## 1. INTRODUCTION

Despite the fact that there is no globally acknowledged definition of transparency, it is broadly acknowledged that transparency is associated with the right to know and people's access to information. It is one of the fundamental principles of good governance. Transparency is a crucial component of good government for combating corruption and informing citizens. People are empowered by information. The more informed citizens are, the more valuable their engagement in government discourse will be. Right to Information Act was taken in Bangladesh in 2009 to ensure transparency and accountability of public, autonomous, statutory organizations and other private organizations run on government or foreign fund to reduce corruption and ensure good governance (Adnan, 2021).

## 2. CONCEPTUAL FRAMEWORK

### • **Right to Information Act, 2009**

The adoption of the Right to Information (RTI) Act, 2009, in Bangladesh, is the culmination of a lengthy process. The Press Council advocated to the government in 1983, with the goal of bolstering the democratic system, the introduction of a legislation ensuring the common people's right to information. The Law Commission proposed to the government a draft framework of the Right to Information (RTI) Act in 2003. At the time, civil societies, representatives of NGOs, print and electronic media, journalists, legislators, educators, and many more raised their voices and established a platform in support of the RTI Act. Following this campaign, the RTI Ordinance was promulgated on October 20, 2008, and was sent to Parliament for ratification. The following elected government passed the Right to Information Act, 2009 in the first session of the 9th Parliament, and the Act was published in the Bangladesh Gazette on April 6, 2009 (Sajal, 2015).

### • **Right to Information and Transparency**

In the following ways, right to information can ensure transparency in a country (Zinia, 2018) :

- ✓ Corruption is more likely with a government that acts in utmost secrecy. A transparent government, on the other hand, is one that acts with greater openness. As a result, it is possible to conclude that the right to information can play a significant role in empowering citizens to combat corruption in the country.
- ✓ The right to information plays an important role in bolstering democracy's foundations. A democratic government must function in such a way that the general public is aware of its goals, objectives, policies, and programs and is willing to help the government achieve them. Greater secrecy in government activities would encourage nepotism, corruption, oppression, power misuse or abuse, and a disconnect between the government and the people. As a result, the importance of information in making the government responsive to citizens' needs cannot be overstated. Transparency in government operations is regarded as a crucial component of democracy, and the right to knowledge is regarded as a basic democratic right.

- ✓ There is little dispute that the right to information is a useful tool for enlightening citizens. It is a citizen's right to have access to government and private agencies and documents, as well as to learn about what is going on in the government and private sector.
- ✓ The right to information eliminates the needless secrecy regarding the decision-making process of government and assists to improve the quality of the decision making in public policy and administration. It informs people about the decisions of government and the grounds upon which the decisions are taken so that people can make good judgements regarding the public policies and respond according to influence the formulation of policy.

### **3. DISCUSSIONS**

- **Efficacy of RTI in Ensuring Transparency in Bangladesh**

The RTI Act now allows impoverished and indigent women in rural communities to obtain information on government safety net programs like as VGD, VGF cards, and maternity health vouchers. Farmers and fishermen are now looking for and receiving information that can help them improve their lives and livelihoods. The RTI Act is being used by environmentalists to enhance accountability in environmental governance. Natural disaster victims are receiving information on aid and rehabilitation. People from underprivileged and excluded communities, such as dalits, are now receiving information and exercising their rights (Sajal, 2015).

There are two sides to every coin. Similarly, the RTI Act has two sides: on one hand, it benefits farmers, fishermen, environmentalists, and so on, while on the other, it fails to properly enforce transparency in Bangladesh. Now, we will briefly assess the efficacy of the RTI Act in ensuring transparency in Bangladesh.

- **Citizen's Awareness**

Despite the fact that the RTI Act was passed in 2009, most individuals are unaware of it. Because the RTI Act is not widely known. If government took necessary steps to make people aware of it, then the people would demand information from public, statutory, autonomous and other private organizations run on govt or foreign fund. According to a survey conducted by the Management and Resources Development Initiative, 78 percent of our country's youth are uninformed of this act. Many young people believe that filing an RTI application will result in harassment and threats from the relevant officials (Anon., 2021).

How can this act ensure transparency in our country if most people are unaware of its existence? If people demand information, numerous incidents of corruption and irregularity would emerge, which is something that public, statutory, autonomous, and other private entities do not want.

- **Attitude of Public Officials**

Some public officials are still uninformed of the RTI law, despite the fact that their numbers are dropping, and many more feel little need to follow it, despite the fact that it was enacted twelve years ago. Despite the fact that many government personnel had received training, they had little

understanding of the true spirit of the RTI law (and) were continuously looking for ways to avoid compliance (Naz & Bari, 2021).

Government officials appear to be struggling to accept the reality that there is now a legislation that allows citizens the right to demand from them all non-exempt information at their disposal, without providing any explanation. They are dissatisfied that the RTI Act has withdrawn their previous authority to withhold any relevant information from the general public (Naz & Bari, 2019). If the public officials' intention is not to follow the RTI act, then how can this act ensure transparency?

- **Culture of Hiding Information**

There is a culture of keeping information hidden in our country. According to a survey conducted by the Manusher Jonno Foundation, 59 percent of RTI Act applicants did not receive a response from the relevant authorities (Alif, 2019).

Despite the existence of this act, Bangladesh's culture of information concealment makes the RTI Act ineffective in ensuring transparency.

- **Section 7 of RTI act**

In 2019, the World Bank conducted a Right to Information Survey, which revealed that journalists are the most common requesters of information from public and private authorities for their investigations. However, they do not receive information because of Section 7 of the RTI Act, which states that no authority will disclose information affecting state security, intellectual property rights, the safety of an individual or institution, international relations, and so on. As a result, it has been noticed that journalists are unable to conduct proper investigations into corruption. As citizens of Bangladesh, everyone has the right to seek and receive information from public and private entities, with the exception of information related to national security. However, Section 7 of the RTI Act has 20 situations on which citizens cannot access information. So, despite the fact that RTI was implemented to ensure transparency and good government, it is unable to serve its purpose (Hossain, 2020).

On June 7, 2021, Saad Hammadi, a human rights activist, filed an RTI application to the respective official of the police headquarters asking for information on how many cases have been filed under the Digital Security Act and how many people were detained since the DSA was implemented. But he hasn't received the information yet. Even if the number of cases filed and detained is revealed, there is no reason to believe that public safety or the judicial procedures will be jeopardized (Anon., 2022). Because of section 7 of RTI Act, people are deprived of getting access to information for which transparency is not being ensured by this act.

- **Officials Secrets Act**

The Official Secrets Act of 1923 poses a barrier to accessing information from government entities in Bangladesh. For example, an investigative journalist named Rozina Islam was detained under the Official Secrets Act. She was suspected of photographing documents linked to government agreements to purchase COVID 19 vaccinations. However, as an investigative journalist, she is obligated to uncover the practice of irregularities and corruption. But, despite waiting for a long

time, she was still unable to obtain information from the secretariat. As a result, it is clearly obvious that where there are abnormalities and corrupt activities, government personnel refuse to share information (Tithila,2021). Though access to information is a democratic right, the existence of the Official Secrets Act makes the RTI act ineffective in ensuring transparency.

- **Digital Security Act**

The RTI Act is extremely advantageous to journalists who conduct investigative reporting. However, the Digital Security Act of 2018 has created a barrier because it considers collecting any information via digital devices to be "Breaking Government Secret," for which the offender must be penalized. As a result, producing investigative reports is not only difficult but also dangerous for journalists. Not only journalists, but also ordinary citizens, are concerned about this act because sharing any information related to criticizing the government online permits security officials to arrest without a warrant. A group of ordinary citizens and journalists have been using the RTI Act to obtain information from the relevant agencies in order to make the departments credible, transparent, and responsible to the public. However, after the enactment of the Digital Security Act, those opportunities have been considered impassable (Rahman & Rashid, 2020).

- **Information Commission**

The Commission's main responsibilities include issuing directives and guidelines, conducting research and advising the government on how to improve the access to information regime and comply with international instruments, developing institutional capacity, undertaking promotional activities, and dealing with complaints (Sajal, 2015). However, because the Information Commission has not undertaken sufficient research on RTI, it is unable to advise the government on how to strengthen it further. It did not perform enough RTI promotional initiatives. If the Information Commission, which is primarily responsible for the implementation of the RTI Act, fails to perform its duties efficiently, how can the RTI Act ensure transparency?

#### **4. RECOMMENDATIONS**

- ❖ The RTI Act should be made more widely known among citizens. Advertisements on television and billboards can be very effective in these campaigns.
- ❖ Researches should be conducted on the effectiveness of the RTI Act.
- ❖ The Information Commission's organizational capacity should be strengthened.
- ❖ Officials in government should be forced to abandon their culture of secrecy. They should also adjust their attitude regarding the act's implementation.
- ❖ Rules, laws, and regulations that make it difficult to share information must be amended.
- ❖ The media, non-governmental organizations, and civil society organizations should work together to promote the law's provisions and urge people to use it.
- ❖ It's vital to establish an RTI Implementation Cell. This Cell will assess the status of implementation and the official's work execution rate in order to determine the overall degree of implementation.

## 5. CONCLUSION

People have the right to seek information from public, autonomous, statutory organizations and other private organizations run on government or foreign fund by virtue of Right to Information Act 2009. This act has the potential to decrease corruption while also informing citizens. However, this act is ineffective in promoting transparency in Bangladesh due to citizens' unawareness of the act, public officials' attitudes, a culture of concealing information, section 7 of this act, the Information Commission's failure to perform its roles properly, the Officials Secrets Act, and the Digital Security Act. As a result, necessary steps should be taken to ensure the effective implementation of this legislation.

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