

**THE ROLE OF CIVIL SOCIETY ORGANIZATIONS IN THE
IMPLEMENTATION OF THE RIGHT TO INFORMATION ACT:
A CASE OF BANGLADESH**

Harold Sougato Baroi¹

Assistant Professor of Public Administration at Rajshahi University, Bangladesh

ABSTRACT

The Right to Information Act ('The RTI Act') of Bangladesh has been introduced in 2009. Civil Society Organizations (CSOs), particularly the NGOs have played an instrumental role in introducing the Law. This paper suggests that the core objective of the RTI Act which is to ensure people's access to government information has not been accomplished. One of the main reasons behind its poor performance is lack of awareness about the law. The paper argues that the CSOs, especially the NGOs have not played its desired role in creating awareness and motivating citizens to use the law. The paper suggests NGOs can play a more engaging role in the implementation of the RTI Act and to achieve that some of the recently adopted approaches can make a significant contribution.

Keywords: Right to Information, Implementation, NGOs, Civil Society

1. INTRODUCTION

Many countries have introduced Freedom of Information (FOI) Laws in the recent years.² It has also been recognized in international and regional treaties and instruments.³ Many provisions of the bill of rights comprising the International Covenant of Civil and Political Rights (ICCPR) and the International Covenant of Economic, Social and Cultural Rights (ICESCR) have been included in the Constitution of Bangladesh. The introduction of Right to Information Act ('The

¹ Harold Sougato Baroi is an Assistant Professor of Public Administration at Rajshahi University. He can be contacted at sarothi_baroi@yahoo.com

² Ackerman, John M and Imra E Sandoval-Ballesteros, 'The Global Explosion of Freedom of Information Laws' (2006) 58(1) *Administrative Law Review* 85.

³ Ibid.

RTI Act') was a part of Bangladesh's commitment to the ICCPR and ICESCR.⁴ Apart from that, an ever-growing corruption due to a lack of transparency and reason giving among government officials and people's representatives over the years have projected Bangladesh as a corrupt nation.⁵ Not only that, lack of access to information and documents had restricted people's access to various government services and projects. It took a long time to realize and recognize the necessity of legal entitlements in ensuring people's access to information. The CSOs had a major in bringing in the issue and pressurizing the government to introduce the law.⁶ The RTI Act was finally introduced in 2009. Its main objective was to ensure people's access to government information, so that government transparency and accountability is increased, corruption is reduced and people are empowered to take part in decision that determine the social, economic and political aspects of their life.⁷

The empirical finding of this study alongside the finding of existing secondary sources reveal that there is no significant improvement in people's access to government information. One of the reason behind such result is lack of engagement of the CSOs in the implementation of the Act. This paper raises the question- are the CSOs doing enough to strengthen the implementation process of the RTI Law as they done in its making? This paper uses information collected from interviews and consultation with individuals and community groups in Bangladesh to examine how far the RTI Act has been implemented to achieve its desired objective and the gaps in achieving its goals. The study's methodology prefers a qualitative approach in gathering information at the local level. The first part of this paper discusses the present condition of implementation of the Act on the basis of information collected from interviews and consultations and also secondary sources such as reports and

⁴ *The International Covenant on Economic, Social and Cultural Rights*, adopted 16 December 1966, 993 UNTS 3 (entered into force 3 January 1976) https://treaties.un.org/pages/viewdetails.aspx?chapter=4&lang=en&mtdsg_no=iv-3&src=treaty.

UN Committee on Economic, Social and Cultural Rights, *General Comment No. 19: The Right to Social Security (art 9)*, 4 February 2008, E/C.12/GC/19; 15 IHRR 605 (2008) https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-4&chapter=4&clang=en.

⁵ Iftekharuzzaman, M, 'Implementing Right to Information in Bangladesh: Opportunities and Challenges' (Paper presented at the International Conference on RTI Implementation: Law, Institutions and Citizens, Dhaka, 21–22 June 2009); TI, 'Corruption Perception Index' (Transparency International, 2001); TI, 'Corruption Perception Index' (Transparency International 2002); TI, 'Corruption Perception Index' (Transparency International 2003); TI, 'Corruption Perception Index' (Transparency International 2004); TI, 'Corruption Perception Index' (Transparency International 2005)

⁶ Iftekharuzzaman, above n 5.

⁷ The Right to Information Act 2009, p. 7140. Available at http://infocom.portal.gov.bd/sites/default/files/files/infocom.portal.gov.bd/law/ec81a874_3b89_498c_92b5_be30da12af3c/Right%20to%20Information.pdf.

documents collected from information commission and other government departments. The second part of the paper refers to the information collated for the study in order to analyse the role of the CSOs during its implementation. The empirical findings of the study reveal that one of the main challenges of the implementation of the RTI Act is lack of awareness and knowledge about the Act. The government initiatives have been inadequate to reach out to common people and making the law familiar to them. The CSOs who have played a major role introducing the law have not contributed to the extent to which it was required. The last part discusses some successful approaches that the CSOs have adopted in different places and explains how their role in the implementation of the RTI Act can be reassessed and used in community capacity building towards better utilization of the law.

2. THE RIGHT TO INFORMATION ACT IN BANGLADESH: A BRIEF INTRODUCTION

In the last few decades, we observe an increase in FOI laws introduced around the world.⁸ Much of the literature considers this development as a transition towards democratization.⁹ Various international and regional treaties and instruments which include, European Convention on Human Rights and Fundamental Freedoms,¹⁰ Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters,¹¹ African Charter on Human and Peoples' Rights,¹² American Convention on Human Right,¹³ and courts which include the Victorian Civil and Administrative Tribunal,¹⁴ Inter-American Court of Human Rights,¹⁵ European Court of Human Rights,¹⁶ etc, have acknowledged freedom of

⁸ David Banisar, *Freedom fo Information in the World 2006: A Global Survey of Access to Government Information Laws* (Privacy International, 2006).

⁹ Ibid; John M Ackerman and Imra E Sandoval-Ballesteros, 'The Global Explosion of Freedom of Information Laws.' (2006) 58(1) *Administrative Law Review* 85; Louise Krabbe Boserup and Jens Peter Christensen, 'An Introduction to Openness and Access to Information ' (Danish Institute for Human Rights 2005); Amita Bavishkar, 'Is Knowledge Power?: The Right to information Campaign in India' (Institute of Development Studies 2007).

¹⁰ *European Convention on Human Rights and Fundamental Freedoms*, opened for signature 4 November 1950, ETS 5 (entered into force 3 September 1953).

¹¹ *Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters*, adopted 25 June 1998, 2161 UNTS 447 (entered into force 30 October 2001)

¹² *African Charter on Human and Peoples' Rights*, adopted 27 June 1981, 1520 UNTS 217 (entered into force 21 October 1986).

¹³ *American Convention on Human Rights*, opened for signature 22 November 1969, 1144 UNTS 123 (entered into force 18 July 1978).

¹⁴ [2010] VCAT 255 (16 March 2010).

¹⁵ *Claude Reyes v. Chile* 19/2006, IACTHR Series C 151 (2006); 16 IHRR 863 (2009).

information as a key human rights essentials. Bangladesh has included many of the provisions stated in the UDHR, the ICCPR and the ICESCR in the constitution.¹⁷ Even though there are no separate provisions guaranteeing people's right to information in the constitution, the introduction of the Right to Information Act is the part of Bangladesh's commitment toward ICCPR and ICESCR.¹⁸ However, the decision to introduce the Right to Information Act came after continuous efforts of CSOs to exert pressure on the government to ensure freedom of expression is guaranteed.¹⁹ In the first two decades after independence, there have been violations of freedom of expression, freedom of association and free speech occurred during the military presence in government. During this phase, especially in 1983, the Press Council of Bangladesh²⁰ demanded the freedom to publish government information, but it did not succeed. Later, in the early 1990's NGOs and Civil Society have taken the front seat to champion the issue of freedom of expression and the right to information when they applied pressure on the government to become a signatory of the ICCPR and ICESCR.²¹ On 5 October 1998, Bangladesh became a signatory by the ratification of the ICESCR²² and, on 7 September 2000, of the ICCPR.²³ In 1996, the RTI movement led by Mazdoor Kisan Shakti Sangathan (MKSS)²⁴ in Rajasthan, India, inspired NGOs in Bangladesh to discuss a legal right to freedom of information. In 1999, a three-day seminar, led by the Commonwealth Human Rights Initiative, Ain O Salish Kendra and Bangladesh Legal Aid Service Trust was held to analyse the prospect

¹⁶ See *Ta'rsasa'g a Szabadsa'g v. Hungary*, Application No 37374/05, Merits, 14 April 2009.

¹⁷ *International Covenant on Civil and Political Rights*, adopted 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976), art 19.

¹⁸ *Ibid.*

¹⁹ Iftekhazzaman, above n 5.

²⁰ The Press Council of Bangladesh is a quasi-judicial body of media, responsible for regulating the activities of the media in Bangladesh.

²¹ Panday, Pranab Kumar and Golam Rabbani, 'Freedom of Information in Bangladesh: Policy Dynamics, Present State, and Challenges' in Meghna Sabharwal and Evan M Berman (eds), *Public Administration in South Asia: India, Bangladesh, and Pakistan* (Taylor and Francis, 2010).

²² See https://treaties.un.org/pages/viewdetails.aspx?chapter=4&lang=en&mtdsg_no=iv-3&src=treaty.

²³ See https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-4&chapter=4&clang=_en.

²⁴ MKSS is Rajasthan based Civil Society movement which laid the foundation for the right to information in India. MKSS led one of the most significant movements demanding a transparent government operation. There were marches, rallies, hunger strikes and sit-in protests for disclosure of information such as mater rolls (daily record of payment of wages) and expenses-related documents from public authorities. MKSS organised '*jan sunwais*' (public hearings) about government activities and expenditures, exposing massive corruption. Following this successful movement, MKSS began to advocate for the people's right to access to information and called for massive movement for a legislation. This was eventually successful and India introduced the Right to Information Law in 2005.

of access to information in South Asia.²⁵ This seminar played a significant role in strengthening the idea. Later, more NGOs and other representatives of the civil society and citizens joined in and demanded recognition of access to information and legislation.²⁶ In 2002, the Bangladesh Law Commission wrote a draft of the RTI Act; however, it was never enacted. The NGOs and representatives of civil society continued to advocate for the law and, in 2007, a draft was prepared and submitted to the advisors of the caretaker government.²⁷ After consulting with NGOs, civil society actors that include academics and the media, the government finalised the draft and promulgated the Right to Information Ordinance on 20 October 2008 with a Gazette Notification.²⁸ The RTI Act came into effect on 1 July 2009. So, it clearly reflects how NGOs and Civil Society have had an impact in making of the RTI law in Bangladesh.²⁹

In many countries, international stakeholders play a significant role in creating an environment for the adoption of FOI laws.³⁰ There are three ways that international agencies have applied pressure on governments.³¹ First, international non-profit organizations and foundations have provided funds to organize a civil society movement to pass such laws.³² Second, diplomatic pressure is applied to boost a country's democratic credentials as a member of an organisation such as the European Union.³³ Third, international organizations like the World Bank have introduced transparency as a solution to combat corruption and have made it a development agenda.³⁴ Since it gained independence over three decades ago, Bangladesh has been dependent on international aid and its policy agendas have been shaped by the international stakeholders

²⁵ Iqbal, Sohel, 'Challenges of Implementing the Right to Information Act: Experience of Others and Lessons for Bangladesh' in Syeed Ahamed and Ashique Nabi (eds), *Right to Information Act (RTIA) in Bangladesh: Challenges of Implementation* (Right to Information Forum, 2012)

²⁶ Ibid.

²⁷ A caretaker government is a form of interim government that works during the transition from one elected government to another. This happens when an elected government ends its tenure and hands over power to an interim government. A caretaker government is formed with a small group of individuals who are not affiliated with any political parties and whose main role is to hold a free and fair election.

²⁸ Anam, Shaheen, 'How RTI Act 2009 Evolved in Bangladesh' in Syeed Ahamed and Ashique Nabi (eds), *Right to Information Act (RTIA) in Bangladesh: Challenges of Implementation* (Right to Information Forum, 2012)

²⁹ Ibid.

³⁰ Darch, Colin and Peter G Underwood, *Freedom of Information and the Developing World: The Citizen, the State and Models of Openness* (Chandos Publishing, 2010)

³¹ Ibid.

³² Ibid.

³³ Ibid.

³⁴ Ackerman, and Sandoval-Ballesteros, above n 1.

who provide this aid.³⁵ In the case of RTI Act, donors have played a prominent role in influencing the CSOs to apply pressure to introduce the law.³⁶ This article raises the question-are the CSOs doing enough to strengthen the implementation process of the RTI Law as they do in its making?

3. THE STATE OF IMPLEMENTATION OF THE RTI ACT IN BANGLADESH

Since its introduction in 2009, the empirical finding shows that not many applications have been registered. In the first 6 years, according to the official records of information commission, there have been around 67000 RTI applications registered in all the government and non-government departments between 2010 to 2014.³⁷The empirical finding also shows that there has been a declining trend in the registering of information requests.³⁸ At the local level, there have been few written applications made by various government departments. When it comes to public disclosure and publication, there is no significant improvement in disclosure and publication of government information. At the local level, the empirical findings of this study show that there is no arrangement to update relevant information on a regular basis or provide the public access to this information. The study observation shows that apart from a budget board displaying the proposed budget for the financial year and some basic information such as the UP structure, contact details of members and committees, emergency contact numbers, office hours and the names of government officers. In most of the government offices, there is not much of disclosure except citizen's charter which is too outdated and non-inclusive to the common public. Citizen's Charters are made without consulting with the common people on what services citizens require and what could be the best possible ways to get access to these services. Service related information is not easily accessible, especially the information related to Government Safety Net Programs is often disclosed and it is very rare to see people knowing about these services. There is a lack of practice among local council representatives and government officials to make activities and information related to services and projects disclosed. The Right to Information (Publication and Publicity of Information) Regulation, 2010, each public authority must disclose information as mentioned in Schedules 1 and 2.³⁹ At the central level, not all government ministries and departments except the information commission and few other ministries and

³⁵ Anam, above n 25.

³⁶ Ibid.

³⁷ See Annual Report of Information Commission in Bangladesh, available at <http://infocom.portal.gov.bd/sites/default/files/files/infocom.portal.gov.bd/annual_reports/7ae40972_4403_4e2a_b5d1_031fcd7cbd30/Annual%20Report-2014.pdf>.

³⁸ Ibid.

³⁹http://infocom.portal.gov.bd/sites/default/files/files/infocom.portal.gov.bd/law/4a7ad5ff_8ffe_4a2e_9ebb_77e5adda5023/Rulse.pdf.

departments update information on a regular basis. In fact, very few publish annual reports and other service-related documents on their websites.

Further, there is an explicit provision for holding a public meeting. At the central level, only the information commission and very few ministries or their departments hold such meetings to publish information or make it available on their websites. At the local level, the study finds that except *ward shova*⁴⁰ and open participatory budget meetings which have taken place on a regular basis, there are no similar practices at the local level. Union Development Coordination Committee meetings which are held every two months are also attended by government departments, NGOs, professionals and local community members, the study finds that there are very few relevant discussions on RTI related issues especially on proactive disclosures in UDCC meetings.

When it comes of capacity building and knowledge of government staff and representatives responsible for its implementation, the study the number of designated officers from both public and private organizations who received training on the RTI Act was 13,526. Apart from that, 1,034 government officers, 162 teachers and 1,034 journalists and assistant editors were also trained at the district level and the central level.⁴¹Of these, 498 government and non-government officers, lawyers and journalists have undergone the Training of Trainers program.⁴²

The biggest challenge of implementation of the RTI Act is lack of awareness about the Act among common people. The RTI Act gives the citizens the legal entitlements to know about various services and projects run by their governments and hold these authorities accountable. But, to exercise these entitlements, it is important that they have a correct understanding of it. The empirical evidence shows that, although it was enacted in 2009, the majority of people are completely unaware of the Act or don't understand how it works. As shown in the following table, 90 percent of the people interviewed for this study had not heard about the Act.

⁴⁰ *Ward shova* means a meeting that is held at the ward level. It is not mandatory for wards and UPs to hold such meetings under the Local Government Act, 2009. However, over the years, it has become a significant part of the participatory budget process. *Ward shova* is a part of UP planning process. It is represented by the people of the ward who discuss common problems and prioritizes most important ones. Later, key issues from the wards are sent to UP for open budget sessions.

⁴¹ Ibid.

⁴² Annual Report of Information Commission, above n 34.

Table: Public Awareness of the RTI Act

Have you heard about the RTI Act?	
Have not heard	36 (90%)
Have heard	4 (10%)
No comment	–
Total	40 (100%)

Source: Based on researcher's study in 2014–15

One of the main reasons behind lack of knowledge about the RTI Act is an insufficient initiative taken by the government or other actors especially the NGOs and Civil Society to make people aware of the law. The NGOs and Civil society, being the prime advocates of the RTI law have had a major role to promote and publicize the RTI law and make more people encourage in using the law. Also, it is assumed that the promotion of the RTI Act is not only the government's responsibility. NGOs and civil society representatives must also participate in awareness-building and educate not only the public but also NGO workers and other professional groups such as journalists, lawyers, the business community and the media on how to use the law. NGOs and civil society can engage a large group of people through their extensive networks and expertise in awareness-building and public education. However, the study finds that there are very few NGOs working on RTI-related issues which include Manusher Jonno Foundation, HELVETAS, Nijera Kori, D-Net, Article 19, TIB and Nagorik Uddyog. Most of these organizations are centrally located and work with partners at the regional level. Their coverage is not spread across the country. Even though they organize training programs for stakeholders including local government representatives, government officials, professional groups, women and NGO workers, these training initiatives are small in number and the organizations do not have operations spread across the country. Consequently, not all districts have had received training sessions.

One important role of the NGOs is to develop materials that help demand-side stakeholders to understand the access to information process and how to best make use of it. However, the involvement of NGOs and the RTI Forum has been limited to a few training courses, events to observe Right To Information Day and the publication of some success stories. Although they have reached out to millions of people through such activities it difficult to ascertain whether this has had any effect on public awareness. Bangladesh is a hub of NGOs—there are around 26,000 registered in the country. Despite their significant presence, the underlining mission of the RTI has not been included in the operational agendas of most NGOs in Bangladesh. One exception is BRAC, the largest international NGO in the world, based in Bangladesh. BRAC has a wide

network and works at the community level in almost every part of the country. It runs a community empowerment program—a pilot project funded by the World Bank. The program aims to make people understand and use the RTI Act by developing information-seeking behavior, especially among poor women, through activities such as popular theatre, RTI clinics, group discussions, education, and materials. However, the program only operates in two out of the 64 districts, a significantly low number. The study reveals that only 22 percent of NGOs have designated officers for the RTI Act, less than half of the government departments.⁴³ In support of this lack of focus on the RTI, one NGO worker said:

There was a wave [of] NGOs in the 90s. That time, many NGOs were working all over the country. They worked parallel to government and had wide coverage. In the past, NGOs have been involved in many successful cases and projects like immunization, sanitation, safe motherhood, family planning, etc. However, NGOs in Bangladesh now have shifted their focus from their early themes such as education, health to food security [to] climate change adaptation. [The] donor's mandate has also changed. As a result, there are not too many NGOs working on governance issues, more specifically on RTI. Now the problem is, without an adequate budget and manpower it is tough for NGOs to implement awareness-building activities and develop IEC and promotional material. So, have NGOs lived up to the expectation regarding awareness-building and educating people on how to use the law? I would say, they have failed to deliver.

Civil society is also an important stakeholder who can influence and build awareness among people. They can encourage people to make the best use of the RTI through public campaigns such as rallies, public lectures, talk shows and special messages. In collaboration with the media, civil society can ensure citizens are informed about their rights and the benefits of using the law. In addition, media can promote good governance by broadcasting news and government projects with authenticity and fairness. It can put pressure on the government to be more accountable and transparent in its public operations. Unfortunately, the role of media and civil society has been insignificant in building awareness of the RTI Act. A recent study which was carried out to examine Media's response to RTI has shows the top ten mainstream newspapers had published 117 items over a period of one year. Of all the publications 80% were news about events such day observation and meeting, 7% were features on RTI, 4% editorials and only 3% were in-depth reports.⁴⁴

⁴³ Annual Report of Information Commission, above n 38.

⁴⁴ MRDI, "Citizens' access to information in South Asia: Diagnostic analysis - Bangladesh Chapter" (Management and Resources Development Initiative, 2013).

Apart from attending seminars, rallies and holding occasional talk shows, they have not done much to advocate on RTI-related issues or engage more people in the process through awareness-building. There are very few board platforms of civil society that work on governance issues, especially on the RTI. The RTI Forum⁴⁵ occasionally meets to discuss progress, update documents and plan future activities. Further, the Information Commission has signed a Memorandum of Understanding to promote the RTI Act through print and electronic media. However, it has not received much support from civil society and this ultimately weakens the effort to publicise the law among its potential users. As a group, the NGOs, media and civil society are underperforming in their roles to engage the public to use the RTI Act and access information they are entitled to receive.

4. OVERCOMING IMPLEMENTATION CHALLENGES AND THE ROLE OF CSOs: A WAY FORWARD

For the RTI Act to work effectively, it is important to consider how the CSOs are organized and the role they play in influencing people to use the Act. The Civil society can play a major part in bringing about change to the conflicting clauses by putting pressure on the government. Civil society advocacy groups have made a significant contribution to the positive change process in Bulgaria, India, South Africa, the United Kingdom and Israel. These include the Access to Information Programme Foundation in Bulgaria, the National Campaign for People's Right to Information in India, the Open Democracy Advice Center in South Africa and the Campaign for Freedom of Information in the United Kingdom. In Israel, civil society has gone a step further and used litigation to support their advocacy initiatives. The role of civil society is also to identify problems and work out solutions. In India, the 'Save RTI from Amendments' campaign was launched when the government wanted to introduce negative amendments to the laws. The campaign adopted different strategies including signed postcards, petitions, demonstrations, sit down protests and lobbying alongside media and opposition parties. This was a successful campaign, as the government ultimately withdrew its amendment proposals. In addition, the prior advocacy initiatives of MKSS in bringing about the RTI laws is well scripted in the literature. There is no denying that civil society and NGOs need to contribute to engaging different stakeholders in the RTI process and to make the law known to people. Unfortunately, in Bangladesh, key stakeholders such as the RTI Forum,⁴⁶ a network of NGOs and civil society, has

⁴⁵ The Right to Information Forum (RTI Forum) of Bangladesh was formed in 2008 with various NGOs, CSOs, social workers and individuals. The objective of this forum is to create awareness among people and ensure the implementation of RTI in development projects and initiatives.

⁴⁶ The RTI Forum is a network of institutions, NGOs and members of civil society that work to promote the right to information. This includes building and raising public awareness, ensuring the right to information is

not been able to engage enough people from different occupations and groups to create mass awareness about the law or initiate advocacy efforts such as those achieved in India and other countries.

Media has an important role to play in building awareness of the RTI Act among the public. In particular, journalists can make a significant contribution to publicise RTI laws by publishing reports and success stories on RTI issues. The study shows that the role of media has been insignificant in Bangladesh and there are very few reports on RTI in either electronic or print media. The media's participation in the implementation of the RTI Act has been, at best, passive. News about the Act is only published when journalists are asked to attend events organised by the Information Commission. There is also no media involvement in any campaign on RTI-related issues, unlike the Anna Hazare campaign against corruption in India⁴⁷ that was highly publicised in nationwide print and electronic media. In Bangladesh, only a few events have been covered in the media, despite a Memorandum of Understanding between the Information Commission and some media houses and TV and radio stations to publicise the RTI at different levels. It is important to engage media to make more people aware of the RTI Act and encourage them to hold government agencies accountable. An active media is a prerequisite for the successful implementation of the RTI Act in Bangladesh. The CSOs must also take responsibility to create awareness and to identify key stakeholders who can make a significant contribution to the cause.

There are some successful strategies which include-social audit through open hearing, open budget system, Citizens' Report Cards, Multi-stakeholder Consultations, implementation audit, monitoring and documentation adapted by the civil society which have proven to be successful in contributing to better implementation of the RTI in different places, some of which can contribute to overcoming implementation challenges in Bangladesh.

4.1 Social Audit through Open Hearing

Social Audit is a multifaceted process in which organization looks into its social and ethical performance. More, specifically, it is a way to measure and understand to what extent the social objectives of an organization are achieved. From the stakeholder's standpoint, it is a mean to access official records to determine if there is an arbitrary exercise of power or exploitation towards any particular group. However, the most common notion about the social audit is to

included in all development agenda, enhancing capacities and skills on both the demand side and the supply side and monitoring the performance of public institutions.

⁴⁷ Florini, A. , 'Introduction: The Battle Over Transparency' in A. Florini (ed), *The Right to Know: Transparency for an OpenWorld* (Columbia University Press, 2007) vol 3,

examine expenditure related to public works at the local level. One of the great benefits of social audit is it creates awareness about how the decisions are made and how resources are utilized. It promotes collection decision making and participation of the stakeholders in the development process. It is an effective and proven tool for effective implementation of the RTI Act in India.⁴⁸ Social Audit through public hearings was started in 1990 by Mazdoor Kisan Shakti Sangathan (MKSS).⁴⁹ During their campaign for minimum wages in rural Rajasthan, they realized government accounts and records are not available for public scrutiny.⁵⁰ As a result, government officials were reportedly involved in misappropriation by making false entries and charging much more than the actual payments made to the farmers which is why they are not paid their wages appropriately. The public hearing (jan sunwai) does not mean a hearing led by a court or passing a verdict or pushing the guilty, it is a way of holding public officials accountable to the public. In a typical public hearing session, public documents regarding various projects, public works, expenditure, food subsidy schemes are read. MKSS's *Jan Sunwais* have exposed many irregularities in the forms of false payment, fudged master rolls, companies with fake names, asset extortion, etc.⁵¹ One of the benefits of *Jan Sunwai* or public hearing is it ensures direct participation of the community people and allows them to understand how the government projects are made and run.⁵² It contributes to better public access to government information and promotes public accountability. A *public hearing* could be a difficult task to initiate in Bangladesh since there is the possibility that the CSOs may find opponents in public officials and representatives who are involved in different irregularities. However, if there is strong political willingness to overcome the existing implementation challenge, it can a useful tool hold public authorities accountable at the local level.

4.2 Open Budget System

Budget Information System or Open Budget System is another form of a social audit that provides information about the budgets and various activities that local bodies are going to take.⁵³ It involves citizens to participate in the budgetary process.⁵⁴ Public Record of Operations and Finances (PROOF) is one such advocacy campaign jointly run by four organizations

⁴⁸ Sharma, Pradeep 'Civil Society and Right to Information: a Perspective on India's Experience'(UNDP, 2004)

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² Ibid.

⁵³ Wampler, Brian, 'A Guide to Participatory Budgeting' in Anwar Shah (eds), Participatory Budgeting (World Bank, 2007)

⁵⁴ Ibid.

operating the city of Bangalore in India. ⁵⁵ PROOF makes provision for citizens to access budgetary information of the corporation so that they have an understanding about expenditures under different heads. ⁵⁶ In recent times, open participatory budget meetings in Bangladesh have emerged as a successful initiative to promote people participation in decision making and people's access to government information. ⁵⁷ These meetings have helped people understand how government works. It has built confidence in the public to participate in the decision-making process and giving them the opportunity to know, discuss and debate various local issues in an open forum. *Sharique*, a local governance program of an international voluntary organization working in Bangladesh, has been working with local councils and communities to promote participatory open budget and making it a success. ⁵⁸ One of the benefits of *Open Budget System* is it contributes directly to better public access to government information. Mainstreaming *Open Budget System* at various levels of local government administration can contribute to better implementation of RTI Act in Bangladesh. The CSOs can play a vital role in promoting Open Budget System to different stakeholders and making it a success.

4.3 Implementation Audit, Monitoring and Documentation

The CSOs must act as a *Watchdog* in the implementation process of the RTI Act. Their role is to monitor and document not only the irregularities and non-implementation but also the success stories to encourage citizens to know about the law and use it. In the recent times, there are a number of the CSOs have come out to expose government irregularities by disclosing key information about development projects. One such example, is the case of *Public Distribution System* in Delhi, India. Parivartan, a local NGO based in Delhi has exposed false entries to record books showing rations are distributed among ghost families. ⁵⁹ Parivartan conducted a study examining four months worth of records of all shops in a district finds that 142 out of 182 families in the given list had not received a single grain of rice. ⁶⁰ Similarly, there are individual cases of misappropriation of government funds and mismanagement of Social Safety Net Schemes, exposed by initiatives taken by the CSOs in Bangladesh. In a recent study conducted by Sachetan Nagarik Committee (SANAC), a Civil Society Organization operating in

⁵⁵ Folscher, Alta, 'Participatory Budgeting' in Anwar Shah (eds), *Participatory Budgeting in Asia* (World Bank, 2007)

⁵⁶ Ibid.

⁵⁷ Panday, Pranab, *Reforming Urban Governance in Bangladesh: The City Corporation* (Springer, 2017)

⁵⁸ Annet Witteveen, 'Sharique-Story of empowerment and engagement in local governance in Bangladesh' (The poverty-wellbeing platform, 2010)

⁵⁹ Biswarup Sen, *Digital Politics and Culture in Contemporary India: The Making of an Info-Nation* (Routledge, 2016)

⁶⁰ Ibid.

Bangladesh and Transparency International Bangladesh (TIB) have revealed lack of compliance of an irrigation and environmental development project in the sub-district of Godagari under Rajshahi district.⁶¹The project worth BDT15 million was taken under Bangladesh Climate Change Strategy and Action Plan (BCCSAP) by the Barendra Multidimensional Development Authority launched an irrigation and environmental development project, worth BDT15 million aiming to use surface water for irrigation to reduce the demand on underground water.⁶² But, a survey conducted by Sachetan Nagarik Committee (SANAC) and Transparency International Bangladesh (TIB) indicate that 52 percent of local farmers were unaware of the project and 95 percent were unaware of the benefits that the project would bring.⁶³ No designated officer was assigned to the project and there was no information about the project displayed violating the subsection 3(2) of the Right to Information (Publication and Publicity) Regulation 2010, under which, any project that involves government money must display relevant information about the project in an open place visible to the public.⁶⁴ Alongside, the local community was not consulted during the making of the plan or during its implementation. With no participation of the target population, the project ultimately failed. Here the Civil Society played a vital role in exposing the real reason why the project failed and how the project has violated the RTI Act. These cases show what role the CSOs play and how they can contribute to better implementation of the RTI Act.

4.4 Capacity Building through Training and Awareness Building

The most important role that the CSOs can play in the implementation process is to capacitate communities about RTI by raising awareness and making them familiar with the law. Several NGOs and Civil Society Organizations have been contributing towards achieving that objective through innovative ideas and initiatives. Among some successful initiatives, Mahiti Adhikar Manch in Maharashtra, India has taken a unique strategy toward community capacity building.⁶⁵ It has developed an RTI portal promising to provide exhaustive information relating to the RTI applications-how to fill in application forms, RTI rules of different states of India in their respective state languages, the court orders-Supreme Court and High Courts, etc.⁶⁶ It is providing assistance in answering queries of RTI applicants and filling in an application of a first-time applicant to ways in which an RTI application can be filed.⁶⁷ It is also providing all the necessary

⁶¹ TIB, Survey Report, 2013. Available at https://www.ti-bangladesh.org/beta3/images/max_file/fr_cfg_October_13_en.pdf

⁶² Ibid.

⁶³ Ibid.

⁶⁴ Ibid

⁶⁵ Sharma, above n 45.

⁶⁶ Ibid.

⁶⁷ Ibid.

links to information commissions and all organizations that work towards the RTI Act. There is also a section comprising motivational songs and individual stories to encourage people to use the RTI law.⁶⁸ Alongside, there is RTI vehicle which they are using to educate people moving from one place to another.⁶⁹ There are some civil society organizations and NGOs in Bangladesh such as the RTI Forum, Transparency International Bangladesh, **Management and Resources Development Initiative (MRDI)**, Mannusher Jonno Foundation, HELVETIS Bangladesh, etc.. who are currently working towards awareness and capacity Building in Bangladesh.⁷⁰ However, more efforts and initiatives are required to build awareness among people about the law.

5. CONCLUSION

The RTI Act of Bangladesh is a significant law as it gives citizens the legal entitlements to access to government information and hold their representatives in government bodies at various levels accountable. However, the enactment of the law is not enough to ensure that, it requires proper implementation so that people could get to know about the law and use it appropriately. This paper suggests that there is no significant improvement in government information disclosure and there have been very few applications registered in public offices in the first six years since the law has been introduced. The paper claims that one of the reasons behind this is lack of awareness about the law. The study finding shows that the CSOs who have played an important role in the enactment of the law have not played their part sufficiently as it was anticipated from them. Very few NGOs have taken up the role to educate people about the law and make them aware to apply in appropriately. Media both print and electronic have played a limited role in highlighting the law and giving it the right exposure it required in the early years of implementation. It is unfortunate that NGOs with programs running in every corner of the country have not been able to reach out to people with this particular issue. The article suggests NGOs can make a vital contribution in the success of the RTI Act and some of the strategies such as Social Audit through Open Hearing, Open Budget System, Implementation Audit, Monitoring and Documentation, and Capacity Building through Training and Awareness Building can help achieving the cause.

⁶⁸ Ibid.

⁶⁹ Ibid.

⁷⁰ MRDI, above n 41.

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