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RESEARCH ARTICLE

RIGHT TO INFORMATION ACT AND GOOD GOVERNANCE IN BANGLADESH: A SOCIOLOGICAL ANALYSIS.

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Abstract

Including 'Right to Information (RTI)' as a constitutional and legislative right in Bangladesh provides fundamental political principles and establishes the structure, procedures, powers and duties of the government to disseminate necessary information. The right to information is a deep-seated and unquestionable right. Right to information and good governance are intertwined concepts. To strengthen, stabilize and broaden the working of the participatory policy making and democratic system, these concepts are two paths to the same goal. Policy makers should be held accountable for their decisions in order to ensure good governance. Similarly, the right to information and increased levels of transparency serve the public interest by contributing to quality governance. In this regard, Right to Information Act 2009 is considered as a strong mechanism to ensure transparency and accountability of all public, autonomous and statutory organizations in Bangladesh. It is also an effective mechanism to promote good governance and combat corruption in these organizations.

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Introduction:-

Social scientists all over the world support the notion that right to information is essential to run a democratic society and promote participation, transparency and accountability. The spread of democratic principles and forms of government has contributed greatly to demands for transparency (Dhiraj, 2004). Empowered citizens want to know what their elected officials are doing. On the other hand, voters are more likely to exercise independent judgments if they feel confident about their views. This process requires the citizens be informed. Social scientists also explain that right to information laws help to improve how government bodies work. Public policy making process is more likely to be based on objective and justifiable reasons by the exercise of right to information laws. Recognizing the need for legislative framework to facilitate the right to information, an appropriate law on the freedom of information is vital in order to strengthen good governance and democracy in a country. It is also necessary to make government responsible for- (a) ensuring transparency and accountability in line with its public officials and (b) providing necessary information to the public in a timely and accurate manner. It is common for independent countries to include 'right to know' provisions in their national constitution.

According to United Nations, over 80 countries have constitutional provisions granting their citizens the right to information¹. Right to information provisions are included in most constitutions of countries in transition, especially

¹<http://unfccc.int/resource/docs/2011/cop17/eng/09a02.pdf#page=16>

in Latin America and Central and Eastern Europe. Existing constitutions in many countries have also been amended to specify the outline of public's right to information, such as in Finland and Norway. One of the most expansive right to information provision can be found in the constitution of South Africa². Even in a number of jurisdictions where the right to information is not explicitly stated in the constitution, including India, Japan, Korea, Pakistan, Israel, and France, the highest courts have found that there is a right of access to information found in the constitution, typically as an element of free expression or freedom of the press.

From explicit constitutional safeguards to individual departmental orders that allow for access to information, the right to information can be protected through a variety of legal mechanisms. Information can be obtained through the provisions in citizens charters adopted voluntarily by departments or through executive orders for example. Although any country has the constitutional guarantees, ideally legislation should still be passed in details to specify the content, context and extent of the right. In response to the policy demand, a Right to Information Act was passed in Bangladesh in 2009; however, freedom of thought, conscience and speech is accepted in the Constitution of the People's Republic of Bangladesh as one of the fundamental rights.

According to the preamble of the Right to Information Act 2009, if the right to information of the people is ensured, the transparency and accountability of all public, autonomous and statutory organizations and of other private institutions constituted or run by government or foreign financing shall increase, corruption of the same organizations shall decrease and good governance shall be established³. It is expedient and necessary to make provisions for ensuring transparency and accountability in all public, autonomous and statutory organizations and in other private institutions constituted or run by government or foreign financing. Right to Information Act, 2009 promotes the need for systems as an internal assessment mechanism. Such mechanisms help to ensure that the transparency becomes progressively more effective over time. The creation of an effective feedback mechanism to identify problems is definitely enhancing good governance in Bangladesh.

Objective and Methodology:-

This paper has been written based on secondary materials i.e. related journals, books and reports. Most of the data are qualitative in nature and the qualitative descriptive method has been applied for in depth analysis. The aim of this paper is to review the theoretical and legal framework of Right to Information, Act 2009 in order to access its significance and role in promoting good governance.

Theoretical Framework:-

Right to Information:-

Information refers to any memo, book, design, map, contract, data, log book, order, notification, document, sample, letter, report, accounts, project proposal, photograph, audio, video, drawing, painting, film, any instrument done through electronic process, machine readable record, and any other documentary material regardless of its physical form or characteristics, and any copy thereof in relation to the constitution, structure and official activities of any authority⁴. People can legitimately claim access to information through information act (GOB, 2009). By maintaining adequate records and providing an infrastructure for giving information, government should facilitate this access to information.

Strengthening relations with citizens is a sound investment in better policy-making as well as ensuring accountability. It allows governments to mobilize new sources of policy ideas, information and resources. It contributes to build public trust in government, raise the quality of democracy and strengthen civic capacity. It also helps to strengthen representative democracy to ensure political accountability. Right to information⁵ is intended to foster a culture of openness - making government more accountable and enhancing public participation in the

²Progress report on the study on indigenous peoples and the right to participate in decision-making, A/HRC/EMRIP/2010/2, 17 May 2010

³ Act. No. XX of 2009

⁴ Article 2(f) of Right to Information Act, 2009.

⁵The phrases 'access to information', 'freedom of information', the 'right to know', and the 'right to [official] information' denote the same concept that information held by governments is in principle freely and openly accessible by all, subject only to narrow exceptions. Usage of these terms depends on context, culture and language. For example, more recent rights-based approaches in East Asia prefer the 'right to know', while more traditional approaches in North America and the United Kingdom use the term 'freedom of information'.

democratic decision-making process. It opens the door to more informed public discussion and understanding of the process of government (Amos et al, 2001).

An act may establish a right of public access to information and imposes obligations on public authorities to disclose information, subject to a range of exemptions. It will assume a central role in government's dealings with the public, applying equally to matters of routine and controversial issues.

3.2 Rights-based Approach

Rights-based approach is a development approach to achieve a positive transformation of power relations among the various development actors. This practice minimizes the distinction between human rights and economic development. Individuals should have access to information held by the government as a matter of right is well established in international law. According to this principle, governments do not hold information for themselves; rather, they hold it on behalf of the public. This means that individuals should be able to access information while some of the information may be withheld for reasons of security or to protect another overriding public interest (Open Society Justice Initiative, 2006). This should be an exception and these exceptions should be narrowly defined in law. The rationale for the right to information is manifold as well as being of importance in its own regard. The right to information is also vital to the functioning of democracy. Without information, people cannot make informed choices or participate in decision making processes in any meaningful way (UN-REDD, 2013). The right to information is also a gateway to the enjoyment of other rights, including economic and social rights and the right to development. Finally, the right to information is vital in ensuring accountability of governments and other powerful actors in society.

Cross-Cutting Issues Of Information And Human Rights:-

Human rights⁶ are interdependent and interrelated. Each one contributes to the realization of a person's human dignity through the satisfaction of his or her developmental, physical, psychological and spiritual needs. The fulfillment of one right often depends, wholly or partly, upon the fulfillment of others. For instance, fulfillment of the right to health may depend, in certain circumstances, on fulfillment of the right to development, to education or to information (Bogado et al, 2008). All people have the right to participate in and access information relating to the decision-making processes that affect their lives and well-being.

Rights-based approaches require a high degree of participation by communities, civil society, minorities, women, young people, indigenous peoples and other identified groups. Guaranteeing the right of access to information can play an important role in advancing the rights of communities, including the rights of marginalized groups such as indigenous people and women. Right to information reinforces the rights to consultation and participation, and the provision of information is one of the defining pillars of the right to free, prior, and informed consent (UN-REDD, 2013). It has also been shown to advance social and economic rights, by fostering more equity and better access to basic social services and protection.

Theoretical Interface of Right to Information and Good Governance⁷:-

Good governance is an indeterminate term to describe how public institutions conduct public affairs and manage public resources. The concept of good governance often emerges as a model to compare ineffective economies or political bodies with viable economies and political bodies. The concept centers on the responsibility of governments and governing bodies to meet the needs of the masses as opposed to select groups in society⁸.

⁶Human rights are universal and inalienable; indivisible; interdependent and interrelated. They are universal because everyone is born with and possesses the same rights, regardless of where they live, their gender or race, or their religious, cultural or ethnic background; inalienable because people's rights can never be taken away; indivisible and interdependent because all rights – political, civil, social, cultural and economic – are equal in importance and none can be fully enjoyed without the others. They apply to all equally, and all have the right to participate in decisions that affect their lives.

⁷UNDP Practical Guidance Note on Right to Information, 2004: <http://www.undp.org/oslocentre/docs04/RighttoInformation.pdf>; the Model Inter-American Law on Access to Information, OEA/Ser.G CP/CAJP-2840/10 Corr.1, 29 April 2010: http://www.oas.org/dil/CP-CAJP-2840-10_Corr1_eng.pdf; Draft Model Law for African States on Access to Information, African Commission on Human and Peoples Rights, 2011: http://www.achpr.org/files/instruments/access-information/achpr_instr_draft_model_law_access_to_information_2011_eng.pdf; ARTICLE 19: A Model Freedom of Information Law, London, 2001: http://www.article19.org/data/files/pdfs/standards/modelfreedom_of_informationlaw.pdf; ARTICLE 19, Freedom of Information Principles, 1999: <http://www.article19.org/data/files/pdfs/standards/righttoknow.pdf>.

⁸ <http://www.unescap.org/resources/what-good-governance>

The principle of open government is fundamental to the realization of right to information in the era of good governance. Right to information requires that governments must govern in a culture of openness and participation, on behalf of and including the public at large and communities directly affected by their actions. This is a cultural shift for many civil servants accustomed to governing in virtual secrecy and without involving the public – but it is a shift that must be made.

The right of access to information may be limited to protect certain overriding public interests. Right to information legislation may therefore establish certain exceptions to the right of access. However, such exceptions need to be very narrowly drawn so as not to undermine the right to information regime itself. For example, information may not be refused when its release would be embarrassing to the government; however, it may be refused if the government can show that its release would do real and irreparable harm to national security. Right to information laws need also to provide the procedure by which individuals may make access requests. These procedures should be drafted so as to facilitate access and make this as easy as possible. Thus, there should be no overly burdensome bureaucratic hurdles to pass, and if fees are payable these should not be set at such a level as to deter access. These procedures should also set clear time limits within which information needs to be provided.

In recognition of the fact that they hold information on behalf of the public, right to information laws should require that the government provides access to the widest possible range of information. Governments should proactively publish information that is of public interest in a wide range of areas. In particular with the advent of the internet, States should seek to proactively publish information on issues such as budgets and information that affects the environment. Over time, more and more information should be published proactively; when States hold information electronically, there is no good reason not also to provide public access to that information over the internet.

A refusal by a public body or civil servant should not be the end of the matter. Individuals should have the possibility of having an access request reviewed, both through administrative review but also by access to an ombudsman or a court with a power to overturn a refusal. Again, procedures for this should be of a low threshold and easy to use. Newly enacted right to information laws require a sea shift in governmental attitudes and are successful only when accompanied by training efforts and when implementation is actively supervised by a body that has the authority and power to do so. Public officials will need to be persuaded that openness, not secrecy, is the most effective way of government and this will take a sustained effort.

3.5 New Access to Information Policy

The World Bank implemented the first phase of its new policy on Access to Information on July 01, 2010, to increase its effectiveness, efficiency, and accountability. New information that will be available includes decisions of project concept review meetings, project supervision missions, and mid-term project reviews. It also includes a provision that will allow for the declassification of certain types of restricted information over time, after 5, 10, or 20 years, recognizing that sensitivity of the information declines over time. It also introduces the right to appeal (UN-REDD, 2013).

Legal Framework:-

International Legislations:-

The Universal Declaration of Human Rights 1948 grants to everyone the right to seek, receive and impart information and ideas (Article 19)⁹. The European Convention on Human Rights of 1959 repeats Article 19 of the Universal Declaration of Human Rights 1948. The same right is guaranteed by the International Covenant on Civil Political Rights of 1966. Other major international legislation dealing with right to information include the American Convention on Human Rights (1969), the African Charter of Human and the Peoples Rights (1981) and the European Union Directive on Processing of Personal Data (1995)¹⁰.

Sweden enacted its first laws on this subject in 1766. France introduced a law on right to information named La déclaration des droits de l'homme at an early stage of the revolution in 1789. In the first amendment of American Declaration of Independence 1791 contains a similar right. Finland was the first to adopt modern legislation in 1951. USA followed in 1966 with the Freedom of Information Act. After a sharp rise from 1980 to 2001, now 80% of the Organization for Economic Cooperation and Development (OECD) member countries have legislations on this subject (Banisar, 2006). However, Austria, Netherlands, Hungary and Poland have enshrined citizen's right to

⁹ <http://www.un.org/en/documents/udhr/index.shtml#a19>

¹⁰ http://www.humanrightsinitiative.org/programs/ai/rti/articles/rti_key_deepening_democracy_development.pdf

access information in their constitutions. In designing these laws, all the countries face a common problem. They have to balance the right of access to information with the individual right to privacy and the need to keep confidential information which would harm the public interest if disclosed (Blumkin and Gradstein, 2002).

Formulation of Right to Information Act in Bangladesh:-

In the early 1980s, the demand for a law on right to Information in Bangladesh was first expressed by the Press Council as a reaction to the curtailment of Press Freedom under the dictatorial regime. Later a number of civil society organizations started to have discussions on the necessity of adopting a law on right to Information in Bangladesh. In 2002, Bangladesh Law Commission prepared a working paper on Right to Information (Right to Information Forum, 2012). Studying the experiences of other countries, civil society organizations started a mission to facilitate the ratification of a law on right to Information in Bangladesh. These organizations also took initiatives for technical assistance in catalyzing Right to Information in Bangladesh. With the active participation of civil society organizations, a process of knowledge and awareness building was started through developing various communication materials, theme song and commissioning research in the meantime. To expand the support base and raise demand for a law on right to Information in Bangladesh, these organizations also facilitated three core groups- (a) Law Drafting Core Group, (b) Policy Advocacy Core Group and (c) Awareness/Capacity Building Core Group. Comprised of noted legal experts of Bangladesh, the Law Core group provided inputs, feedback and reviewed the draft several times (Right to Information Forum, 2012).

After a series of regional and national level consultation meetings, the draft was formally submitted to the Law, Justice and Parliamentary Affairs and Information Advisor for its review and consideration in March 2007. The former Care Taker Government of Bangladesh officially took initiatives to enact RTI as an Ordinance in December 2007 and provided necessary instruction to the Ministry of Information (MOI) to prepare the draft law with assistance from the draft submitted by the civil society. Meanwhile, Ministry of Information (MOI) formed a working group combining experts from government and civil society organizations to draft and finalize the law (Right to Information Forum, 2012).

In March 2008, Ministry of Information (MOI) organized a national seminar to share the draft of the law and put it up on the website for comments before finalization. Unquestionably this participatory approach of policy formulation initiated by Government of Bangladesh enriched the content of this law.

In September 2008, the Council of Advisors approved the Right to Information Ordinance. In October 2008, it was passed as an Ordinance by the President. After the 9th Parliamentary Election, the civil society organizations again started to lobby with policy makers for the enactment of RTI law. Finally, the Cabinet approved the RTI law on March, 2009 and it was passed in the very first session of 9th Parliament with few changes recommended by the special committee (Right to Information Forum, 2012).

Table 1:-Legal Framework of Right to Information in Bangladesh

| Element | Characteristics |
|-----------------------------|--|
| Constitutional protection | Freedom of thought, conscience and speech is recognized in article 39 of Constitution of the People's Republic of Bangladesh. |
| Law | Right to Information Act was enacted in 2009 (Act. No. XX of 2009). |
| Right to access | 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 with the information (Article 4 of RTI Act, 2009). |
| Preservation of information | In order to ensure right to information, every authority shall prepare catalogue and index of all information and preserve it in a proper manner (Article 5 of RTI Act, 2009). |
| Publication of information | Every authority shall publish all information pertaining to any decision taken, proceeding or activity executed or proposed by indexing them in such a manner as may easily be accessible to the citizens (Article 6(1) of RTI Act, 2009). |
| Exception | Any secret information that may, if disclosed, cause a threat to the security, integrity and sovereignty of Bangladesh is not mandatory to publish (Article 7 of RTI Act, 2009). |
| Request for Information | Applicant's personal details, description of desired information and how it |

| | |
|----------------------------|---|
| | should be delivered will be submitted in a printed form by the authority (Article 8(2) and 8(3) of RTI Act, 2009). |
| Procedural guarantees | Authority will provide the information to the applicant within 20 working days from the date of receiving the request (Article 9(1) of RTI Act, 2009). If more than one unit or authority are involved with the information sought for, such information may be provided within 30 working days (Article 9(2) of RTI Act, 2009). In case of life, death, arrest or release from jail, it is 24 hours (Article 9(4) of RTI Act, 2009). |
| Independent Commission | The Information Commission shall, by regulations, frame instructions to be followed by the authority for publishing, publicizing and obtaining information and all the authority shall follow them (Article 6(8) of RTI Act, 2009). |
| Obligations for disclosure | Every authority shall publish a report every year containing necessary information (Article 6(3) of RTI Act, 2009). |

Government enacted Right to Information Act, 2009 to make provisions for ensuring free flow of information and people's right to information¹¹. Freedom of thought, conscience and speech is recognized in the Constitution of the People's Republic of Bangladesh as one of the fundamental rights in article 39. Right to information is an inalienable part of freedom of thought, conscience and speech (Panigrahi, 2005). As all powers of the Republic belong to the people, it is necessary to ensure right to information for the empowerment of the people.

Role of RTI Act in Promoting Good Governance in Bangladesh:-

Contemporary Issues of Governance in Bangladesh:-

Governance is an umbrella concept. It refers to the method of exercising power in the management of resource for the development of a country in efficient and transparent way. It encompasses numerous political, administrative, economic and social issues related to the government and administration. The meaning of governance has been shifting over time. At the time of Plato and Aristotle, governance referred to the comprehensive task of running government and administration. In recent times, governance has taken different meanings and dimensions. The World Bank (1991) defines governance as the exercise of political authority and the use of institutional resources to manage state problems and affairs. March and Olsen (1995) have stated that governance presumes a perspective on politics and government and a way of thinking about how things happen in a polity. Hyden (1999) describes governance as the measures that involve setting the rules for the exercise of power and setting conflicts over such rules. According to Landell and Serageldin (1991) governance means how people are ruled and how the affairs of the state are administered and regulated. It refers to a nation's system of politics and how this system functions in relation to public administration and law.

In the modern times, quality of governance is considered as the principal prerequisite to solve many problems of socio-economic development in the developing countries like Bangladesh. There are contemporary political, administrative, financial and social issues of governance in Bangladesh. Legitimacy of political system, effectiveness of parliament, mass participation in the polity, independence of Election Commission, dynamic and efficient leadership etc can be considered as the political issues of governance in Bangladesh. Budget making process, equal distribution of wealth, resource and tax justice are the core financial issues of governance in Bangladesh (Kalimullah and Nour, 2014).

Transparency and accountability of government, efficiency of public bureaucracy, responsiveness of government, independence of judiciary, combating corruption, independence and effectiveness of anti-corruption agencies, strength and autonomy of local government, rule of law, efficiency of administrative system, decentralization etc are the major administrative issues of governance in Bangladesh. Strong and vibrant civil society, respect for human rights, freedom of press and media, sound education system, women empowerment etc are the important social issues of governance in Bangladesh (Hye, 2000). Despite the long list of administrative, political and financial challenges of governance, Bangladesh has contemporary success in various societal issues.

¹¹ Right to Information Act 2009 is considered as a strong mechanism to ensure transparency and accountability of all public, autonomous and statutory organizations in Bangladesh. It is also an effective mechanism to promote good governance in these organizations and combat corruption of the same organizations.

Bangladesh has made considerable progress in reducing poverty and improving the lives of its people (Dhiraj, 2004). The population growth rate has brought down. It is a major social achievement of governance in Bangladesh. There is a satisfactory GDP growth rate in recent times. Literacy rate and the rate of primary school enrollment have also increased. Recently, Bangladesh has made noteworthy progress in controlling public expenditures, mobilizing revenues, closing loss-making state enterprises and exerting more discipline on other state owned enterprises under the era of public management.

The Ministry of Communication of the Government of the People's Republic of Bangladesh has created a database containing information about contractors and tenders. It has also established a project monitoring system for tracking progress of projects. Planning Commission of Bangladesh under the Ministry of Planning of the Government of the People's Republic of Bangladesh has developed an internal network, capability for video-conferencing, a digital library, and has created software for interfacing between the development and revenue budgets. Many government agencies have prepared Citizen's Charters and send those to the field offices to display prominently.

Another positive side of governance in Bangladesh is that there is independence in print as well as electronic media. Women have empowered them by various government initiatives such as free education up to intermediate level, monthly allowance for girl's students, education for elderly, etc. Most recently, Bangladesh has achieved momentous advancement in IT (Information Technology) and other private sector development. Strong political commitment of the leadership is necessary to manage the continuity of development process in Bangladesh.

The political leadership requires clear and long-term vision. The executive branch of the government also needs to act promptly to restore discipline in the governing system through positive instruments of order, protection, provision, redress and rule (Kalimullah et al, 2014). The role of civil society is also very crucial in governance of Bangladesh. Chambers of Commerce and Industries, domestic and international NGOs, etc are making some headway in pressuring the government to pursue administrative development. The government has to promote private sector as well as civil society organizations to help articulate the voice of citizens in demanding better governance (Khan, 2009). Finally, adaptation of an incremental approach along with the comprehensive and radical approach is necessary for Bangladesh to meet the challenges of governance now.

Inauguration of the Access to Information (A2I) Project:-

In line with the RTI Act, the government of the People's Republic of Bangladesh has inaugurated the Access to Information (A2I) project to improve the state of governance and participatory development. Supported by UNDP, Access to Information (A2I) project is hosted by the Prime Minister's Office and the Cabinet Division of the Government of Bangladesh. It seeks to improve the convenience, accessibility and quality of public services for underserved communities and groups delivered mostly by Upazillas in Bangladesh. However, Bangladesh faces numerous obstacles to the effective delivery of public services such as widespread manual processes, resistance to change by civil service and a lack of transparency. These aggravate citizens in their attempts to avail of government information and services.

Public information services delivered through mobile phone/internet can be accessed from either common access points such as Union Information and Service Center (UISC) or from other commercially available internet kiosks. It would virtually eliminate the need for long distance travel, corruption ridden face-to-face interactions and need for intermediaries. It has simplified administrative service delivery processes and reduced the burden on the government significantly. Public Private Partnership (PPP) based service delivery points have already been piloted in Union Information and Service Centers (UISCs). It will play important role to bring private sector service providers in facilitating access to service in a transparent and accountable manner (Kalimullah and Nour, 2013). The new system is going to remove most of the barriers of accessing administrative services by women, elderly people, ethnic minorities, the disabled and underserved communities.

The objective of the project is to increase transparency, improve governance, and reduce the time, difficulty and costs of obtaining government services for under-served communities of Bangladesh. This is to be achieved by: (1) strengthening existing e-services and launching a second generation of integrated, inter-operable e-government applications; (2) sensitizing government officials, training service providers and expanding digital literacy among the general public; (3) forging strong policy and strategy links to ensure implementation of needed legal and regulatory changes in support of the project; and (4) promoting innovation in the delivery of e-services. The overall

objective of the project is to provide support in building a digital nation through delivering services at the citizen's doorsteps. The project aims to improve quality, widen access, and decentralize delivery of public services to ensure responsiveness and transparency¹².

The establishment of Union Information and Service Center and Access to Information (A2I) project under the Prime Minister's Office and the Cabinet Division of the Government of Bangladesh explores the opportunity of Public Private Partnership (PPP) in the service delivery of the rural local government sector. Rural local government in Bangladesh has limited jurisdiction over developmental functions. Most of the developmental functions are made responsible under the legal framework, such as: family welfare, education, public health, social welfare, etc. These are administered by different agencies of the national government (Kalimullah and Nour, 2013). For example, the Union Parishad has no authority other than reviewing and reporting to the Upazilla Nirbahi Officer (UNO).

Union Parishads virtually have limited scope to get involved in the implementation of development projects initiated by these agencies at the local level. The exact relationship between the field level units of various government departments and the local government is vaguely defined. In such circumstances, Public Private Partnership (PPP) in service delivery at Union Parishad and Upazila Parishad will strengthen the financial capacity and independence of the local government bodies in Bangladesh. It will also help to increase the organizational capability of the particular local government units (Kalimullah and Nour, 2013). Moreover, it will increase the utility of Public Private Partnership (PPP) in Bangladesh.

Promoting the Components of Good Governance:-

Accountability is the process through which any public or private organization makes a commitment to respond and balance the needs of stakeholders in its decision-making processes, activities and delivers against this commitment (Blagescu et al, 2005). Right to Information Act, 2009 promotes accountability and influences both the administration and service delivery of the government and private sector organizations¹³. It increases credibility and legitimacy of the government being accountable to provide information¹⁴. It strengthens governance structures and leads to learning and innovation. It also ensures that citizen's needs are addressed in government policies and practices by the participatory approach. Theoretically, there might not be right or wrong answers in the field of accountability. However, by working together and sharing lessons through the application of RTI Act, government starts to address some of the practical challenges of balancing the often conflicting needs of citizens.

Right to Information is now a fundamental element to ensure good governance in Bangladesh. Proper use of this law is necessary to ensure that public monies are expended for the purposes which they are appropriated and that government administration is transparent, efficient and compliant with the law (Friedmann, 2003). Public acceptance of Government and the roles of officials depend upon trust and confidence founded upon the administration being held accountable for its actions in the era of good governance. Proper use of the Right to Information Act, 2009 can enhance public confidence in government and the public sector and helps to ensure that government is properly responsive to the interests of the people. Public officials are accountable for their decisions and conduct to their supervisors, agency, Minister, Parliament and ultimately to the people.

Right to Information Act, 2009 can promote four types of accountability in Bangladesh- (1) upward accountability – public officials to provide information to and to take orders from superiors; (2) outward accountability –public officials to be open to external scrutiny and to be responsive to the public, (3) downward accountability –public officials to be accountable to those they manage, and (4) inward accountability –public officials to obey their personal conscience and to act in conformity with the community's moral standards (Blagescu et al, 2005). To be properly accountable agencies should ensure that their policies and processes are as clear and transparent as possible and that they keep comprehensive records of their activities according to the Right to Information Act, 2009.

Information is held by government agencies on behalf of the people in Bangladesh. They have a right to know what has been or is being done or contemplated by government, unless there are good and lawful reasons for access to be restricted according to the Right to Information Act, 2009. The purposes of any information law are to enable public

¹² <http://www.a2i.gov.bd/content/a2i-components#sthash.XVwDM1gs.dpuf>

¹³ Article 2(b) of Right to Information Act, 2009.

¹⁴ Subject to the provisions of Right to Information Act, 2009 Article 4, 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 with the information.

to effectively participate in the development and implementation of laws and public policy and promote accountability (Roberts, 2005). Right to Information Act, 2009 gives the public a legally enforceable right to be given access to an agency's documents in some circumstances. It indubitably promotes good governance in Bangladesh. Right to Information Act, 2009 facilitates four types of information disclosure such as- (1) proactive disclosure – the voluntary publication of useful information¹⁵, (2) informal disclosure – the automatic release of information on request¹⁶, (3) formal disclosure – release in response to an RTI application¹⁷ and (4) reporting – the publication of summaries of affairs, statements of affairs and RTI information in annual reports¹⁸. Given the importance of transparency to the accountability of government, the clauses of the Right to Information Act, 2009 are unique in the era of good governance.

Transparency refers to an organization's openness about its activities. It is about the extent to which an organization provides information on what it is doing, where and how this takes place, and how it is performing (Sobel et al, 2006). This constitutes basic information necessary for stakeholders to monitor an organization's activities. RTI act enables people to identify if a public or private organization is operating inside the law, whether it is conforming to relevant standards, and how its performance relates to targets. In turn, this enables people to make informed decisions and choices about the public organization. Transparency not only refers to the organization giving an account to stakeholders, it also encompasses responding to their requests for information (Sathe, 2006). It is about providing people with the information they need in order to engage in the decisions that affect them. Transparency is not a one-way flow of information, but an ongoing communication between organization and stakeholders over information provision. Related clauses of Right to Information Act, 2009 are the effective mechanisms to promote transference in Bangladesh.

Influence as a new component of good governance is about more than how much power people have to bring about change within an organization (Snell, 2005). Right to Information Act, 2009 empowers the people to influence the public organizations by seeking necessary information. An organization needs to understand the needs and interests of key stakeholders to be accountable. This is best achieved through engagement and a participatory approach to decision-making (Krishnan, 2001). The organization needs to establish mechanisms that enable people to input into decisions that affect them.

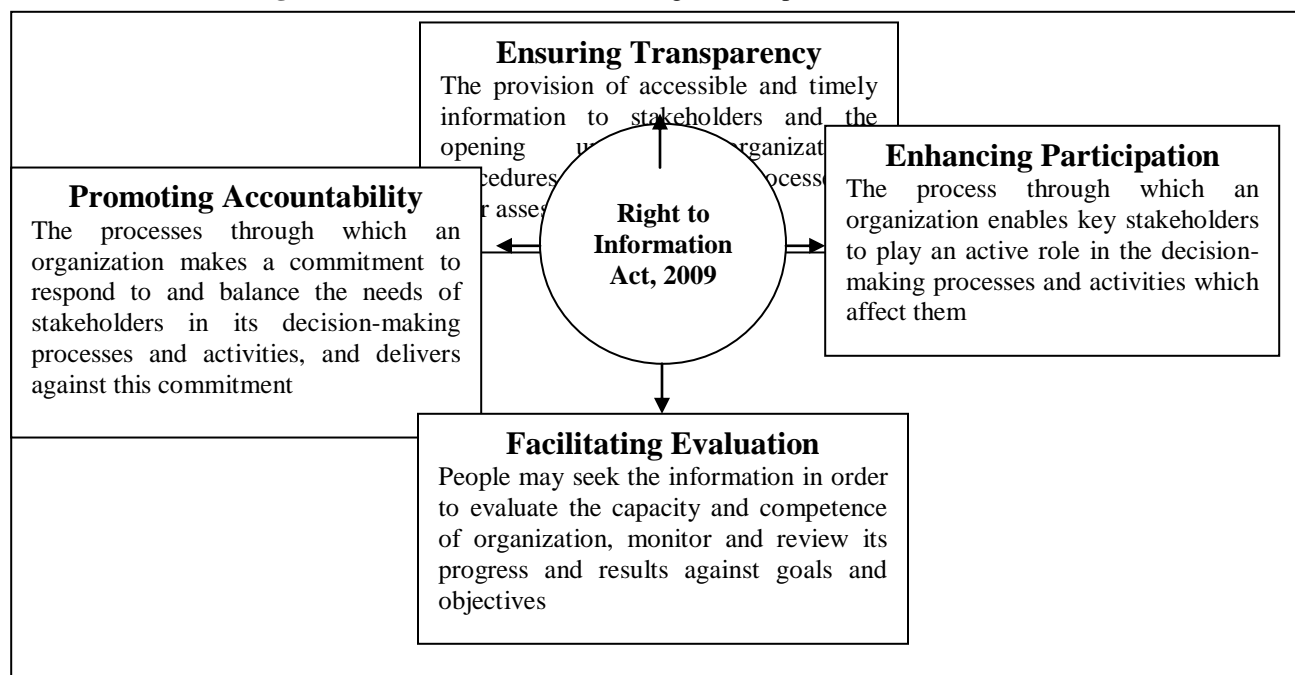
Right to Information Act, 2009 can establish an ongoing communication between organization and people over information provision. It has the capability to engage people at the operational level, the policy level and/or the strategic level. This act can ensure public organization's commitment to be accountable. It can also enable people's input into the broader organizational policies and strategies and not confine engagement to operational issues. Participation under the provisions of Right to Information Act, 2009 must lead to positive change in public service delivery.

¹⁵ Article 6(1) of Right to Information Act, 2009.

¹⁶ Article 6(6) of Right to Information Act, 2009.

¹⁷ Article 8 of Right to Information Act, 2009.

¹⁸ Article 6(3) of Right to Information Act, 2009.

Figure 1:-Role of RTI Act in Promoting the Components of Good Governance

Right to Information Act, 2009 is a strong mechanism through which government enables people to address complaints against its decisions and actions, and through which it ensures that these complaints are properly reviewed and acted upon. Enabling people to seek and receive response for grievances and alleged harm is a critical aspect of accountability. This is the mechanism through which people can hold government to account by querying a decision, action or policy and receiving an adequate response to their grievance (Roberts, 2002). This act also facilitates the evaluation of public agencies in Bangladesh.

Evaluation is the processes through which an organization, with involvement from key stakeholders, monitors and reviews its progress and results against goals and objectives; feeds learning from this back into the organization on an ongoing basis; and reports on the results of the process. People may seek the information in order to evaluate the capacity and competence of public agencies in public service delivery. This process ensures that public organization may both learn from and be accountable for its performance.

Case Study¹⁹:-

Hasan Eusuf Khan lives in Gazipur. His mother Khurshid-Un-Nahar complained against the officers and staffs of Sub-district Land Office on the ground of corruption to the Deputy Commissioner. The Deputy Commissioner ordered the Sub-district Executive Officer to investigate the truth. After the completion of the investigation, the Sub-district Executive Officer submitted a report to the Deputy Commissioner. Afterward, Hasan Eusuf Khan requested to the SA branch of the Deputy Commissioner's Office to show the report, but the authority denied availing him the file as that was an official investigation report. Therefore, he was compelled to use the RTI Act, 2009 to retrieve the information. As the RTI prescribed application format was not available, he used white paper to make the application and submitted that in the Deputy Commissioner's Office. The Office suggested him to apply to the Designated Officer of the Sub-district Office. After going to the Sub-district Office, he learned that the Sub-district Youth Development Officer was the only Designated Officer for all Sub-districts (according to Act, there should be individual Designated Officer for each Sub-district). Hence he appealed to the Sub-district Youth Development Officer. Since the Designated Officer had little knowledge about the RTI Act, after receiving the application he forwarded that to the Sub-district Executive Officer and the authority held the application without taking any action. When Hasan Eusuf Khan went to the Sub-district Office, he came to know that the Sub-district Executive Officer did not take any action regarding his application as he was unaware of it. Therefore the Sub-district Officer referred him to the Sub-district Youth Development Officer from where he was able to obtain his desired information. The

¹⁹ Annual Report of Information Commission, 2011 (English Version).

information he attained using the RTI Act, resolved many of his land related complexities. Hasan Eusuf Khan submitted another application to the Deputy Commissioner's Office to know the actions taken against the accused officers/staffs. The Deputy Commissioner's Office responded that since the matter was subjected under divisional judgment, the information was exempted by the section 7 of the RTI Act (Information Commission, 2011).

Promoting Digital Governance by Effective Information Management:-

During late 1980s and early 1990s, the digital governance began. At that time, the existence of official Internet Web pages providing government information and guides to some public services was common to associate digital governance procedure. This narrow view has been transcended in recent years. Digital governance is now more often conceptualized. It refers to the use of new information and communication technologies to provide public services, improve public administration performance and enhance democratic values (Heeks and Bailur, 2007).

Many digital governance programmes around the world carried out in order to reorganize the services delivery process. The use of ICT in public sector and its impact on efficiency is mainly associated with improving internal operating systems, data collection and transmission, financial systems, payment processes, human resources management and internal communications to generate savings. The major driver behind both the need and the urgency for records management is the impact of the digital governance and its attendant telecommunications and computer industries, which has spawned a new technocracy. Virtual transactions are now the norm in commerce, industry and government in the developed world. As a result, donors are including computerization in technical assistance projects, hoping, with a single stroke, to provide an opportunity for economically disadvantaged countries to leapfrog onto a higher level of economic development for a relatively low level of investment. Digital governance is expected to bring large productivity gains in government service, with greater transparency and accountability.

There is a perception that the impressive development in the information and communications technology (ICT) for creating records has not been matched by a technological development for managing them in developing countries. Computer-hackers all around the world have been able to disorganize and disrupt electronic systems that were considered to be safe and secure. Digital records are far more vulnerable than paper records, and must be carefully managed to ensure their accuracy and to maintain an audit trail of their handling. The rapid growth in digital governance and the increasing tendency to use computers to streamline administration has highlighted the requirement for access to information in paper and electronic formats. It is often assumed that computers solve information problems. Digitalization is expected to bring large productivity gains with greater transparency and accountability. In addition, the convergence of digital development with advances in telecommunication capabilities has revolutionary consequences for global trade and investment.

Conclusion:-

Right to Information Act, 2009 is an act of public benefit in Bangladesh. Right to Information is related to people's basic right to speak out and express their opinion. It is also a political right. Right to Information Act, 2009 is an effective tool to make Government and private organizations accountable to mass people, establish good governance through bringing transparency and prevent corruption in all sectors. Right to information is essential for the institutionalization of democracy and establishing human rights. The access to information is a fundamental human right and a precondition to transparency and accountability in the public sector. Therefore, central and local governments have an obligation to create an infrastructure and procedures to make information available to individuals and groups. They must do so while balancing the need for guarding public interest as well as protecting the privacy of individuals. Enforcement of Right to Information Act and establishment of Information Commission expresses the promise of the ruling government to establish democracy, human rights and good governance in Bangladesh.

In addition to seeking information on government's performance, people can also seek information from the private sector and civil society in formulating policy and improving service delivery through the Right to Information Act, 2009. Government can become more responsive to the needs of the people in Bangladesh. On the other hand, by setting up channels for communication and participation, government may also be opening themselves up to criticism. As a result, all stakeholders in the governance process need to be realistic and patient in moving towards a workable partnership. It may promote good governance in Bangladesh in a sustainable way. Right to Information Act facilitates dialogue among government, civil society and the media about access to information in Bangladesh. To implement this act properly, civil society organizations launch programmes to educate citizens about what information is available, and how to obtain it, as well as about what is not available and why not. This act also

sensitizes government officials about the importance of well-managed and accessible information. With reference to specific target beneficiaries, this act promotes designing of systems to organize and control current records and information, and introduce programs to ensure that the infrastructure is in place. In some cases, proper implementation of this act may result in revising financial orders, accounting manuals and disposal schedules to take account of new procedures and information requirements. As a final point, information on government decisions and actions and information obtained through consultations need to be disseminated to the public. According to the Right to Information Act, 2009, ordinary citizens and business and civic groups can monitor government performance as well as participate in an informed manner in formulating future public policies and programmes. The freedom of expression is needed to voice alternative or dissenting views. Based on the overall discussions, it can be concluded that Right to Information Act, 2009 definitely improved access to information, transparency and accountability of the public and private sector organizations in Bangladesh.

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