



C o n f e r e n c e R e p o r t o n

Right to Information

National and Regional Perspectives

December 13 - 14, 2005

মানুষের জন্ম
manusher jonno

.....
promoting human rights and good governance

People's Right to Know

Conference Report on Right to Information National & Regional Perspectives

13-14 December 2005

Venue

Bangladesh Institute of Administration & Management (BIAM)
63, New Eskaton, Dhaka 1000

মানুষের জন্য
manusher jonno

.....
promoting human rights and good governance



Copyright ©2006

Dhaka, July 2006

Desktop Design & Publication Management

S M Zubair Ali Khan - MJF

Wasiur Rahman Tonmoy - MJF

Dr. Shamim Imam - MJF

Sanjida Sobhan - MJF

Farzana Naim - MJF

Published by

Manusher Jonno Foundation

Manusher Jonno Foundation

House 122, Road 1, Block F, Banani Model Town, Dhaka 1213, Bangladesh

Tel : +88-02-8824309, 8811161, 9893910, Fax : +88-02-8810162

E-mail : info@manusher.org Web : www.manusher.org

Cover Design

Sajedur Rahman, VERVE

Photo

MJF Archive

Printed by

transparent

189 elephant road (3rd floor) hatirpool, dhaka 1205, bangladesh

tel : +88-02-8626626, 0187 101445, e-mail : transparentbd@yahoo.com

Contents

Acronyms

Preface

Acknowledgement

Programme Schedule

Introduction	1
Conference on Right to Information National and Regional Perspectives	
PLENARY	
Slogan that Sparked the RTI Movement	
Recommendations Presented in the Conference	
Workshop on Socio-Political Context of the People's Movement in Right to Information	7
Workshop on Women and Right to Information	11
Workshop on Access to Information : Violation of right and justice	14
Access to Information and Poverty Alleviation	17
Roundtable on "Right to Information : Role of Media"	20
People's Right to know Workshop on International Trade and Development : Right to Information	24
Workshop on Empowering Local Government in Ensuring Access to Information	26
Workshop on "Implementation and Monitoring of Right to Information Act"	29
Concluding Session Right to Information: National and Regional Perspective	31
Annex	
<i>A. Conference Papers & Case Study</i>	33
<i>B. Photo Gallery</i>	108
<i>C. List of Participants</i>	112

Acronyms

AoA	Agreement on Agriculture
BFES	Bangladesh Friendship Education Society
BIAM	Bangladesh Institute of Administrative Management
BLAST	Bangladesh Legal Aid and Services Trust
BRDB	Bangladesh Rural Development Board
CHRI	Commonwealth Human Rights Initiative
CHT	The Chittagong Hill Tracts
CPD	Centre for Policy Dialogue
D-Net	Development Research Network
GATS	General Agreement on Trade in Services
MJF	Manusher Jonno Foundation
MKSS	Mazdoor Kissan Shakti Sangathan of India
MMC	Massline Media Centre
NCBP	National Coalition for Beijing Plus
OSA	Official Secrets Act
PGC	Public Grievances Commission
PIL	Public Interest Litigation
PPRC	Power and Participation Research Centre
PRSP	The Poverty Reduction Strategy Paper
RTI	Right to Information law
STD	Step Towards Development
TNC	Transnational Corporation
UNO	Upazila Nirbahi Officer
UP	Union Parishad
UP	Upazila Parishad

Preface

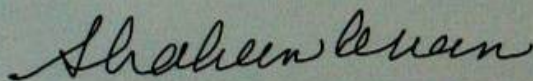
The report on right to Information is the outcome of a conference that MJF organized on December 13-14 which brought together about 300 participants from all over Bangladesh including national and regional experts. The objective of the two days conference was to deliberate together strategies, modalities and mechanism in order to galvanize support for the enactment of the Right to Information Act.

Regional as well as national experts came together to debate and share ideas on the different aspects of RTI. Papers were presented and discussions held on critical issues related to RTI such as women, local government, trade, livelihood, etc. the role of media and implementation of the RTI act was debated in a roundtable discussion with a large number of national editors participating.

Personalities such as Aruna Roy from MKSS who spearheaded the RTI movement in Rajasthan India spoke on the peoples movement that led eventually to the enactment of the Act. Maya Daruwala from the Commonwealth Human Rights Initiatives (CHRI) presented her experiences of implementation and monitoring of the Act. National experts and grass root level development discussed how lack of information had an adverse impact on the livelihood of people.

Manusher Jonno Foundation is playing a facilitating role in bringing different stakeholder together on this issue. It firmly believes that the RTI Act must be rooted and owned by the general population. For this a massive campaign must be started which should be led by grass root level people. There must also be a proper mechanism to monitoring implementation once the Act is enacted.

This report is a humble attempt to bring to the general public the ideas, thoughts and aspirations of grass root level workers, activists, media personalities, legal experts on the possibilities and potential of a law on Right to Information.



Shaheen Anam
Executive Director
Manusher Jonno Foundation

Acknowledgement

Shaheen Anam

ED, MJF

Prof. Wahiduddin Mahmud

Member, Governing Body, MJF

Dr. Kamal Uddin Siddique

Principal Secretary, Prime Minister's Office

International Guests

Aruna Roy

Mazdoor Kissan Shakti Sangathan of India

Kishali Pinto Jayawardena

a Lawyer and Media Columnist of Sri Lanka

Maja Dhun Daruwala

Director of Commonwealth Human Rights Initiative of India

Shailaja Chandra

Chairman, Public Grievances Commission, Delhi, India

Sohini Paul

Program Officer, CHRI, India

Paper Presenter & Participants

Press and Electronics Media

Hasibur Rahman Mukur, MRDI

BIAM Authority

Cultural Troops

Volunteers

PROGRAMME SCHEDULE

Day 1

Tuesday, December 13, 2005

Venue: BIAM Auditorium, 63 New Eskaton, Dhaka

09:00 am - 09:30 am : Registration and Welcome Tea

10:00 am - 13:00 pm : **PLENARY**

**Right to Information
Experiences from the Region**

Chairperson : **Hameeda Hossain**
Chairperson
Manusher Jonno Steering Committee

Sharing Experiences from the Region : **People's movement in Right to Information:**
Indian Experience by

Ms. Aruna Roy
Mazdoor Kisaan Shakti Sangathan
India

**South Asian Experiences in establishing
Right to Information**

Ms. Shailaja Chandra
Chairman, Public Grievances Commission
India

Shaheen Anam
Team Leader, Manusher Jonno
Bangladesh

Kishali Pinto Jayawardena
Attorney-at-Law and Media Columnist
Srilanka

Maja Dhun Daruwala
Director
Commonwealth Human Rights Initiative (CHRI)
India

Open discussion

13:00 pm - 14:00 pm : **LUNCH**

Parallel Workshops

1. Socio Political context of people's movement in Right to Information

Venue	:	Karnafuli Hall
Time	:	14:05 pm - 17:00 pm
Moderator	:	Dr. Zafrullah Chowdhury Chairman, Gono Sayshtha Kendra
Paper Presenter	:	Dr. Atiur Rahman Chairperson, Unnayan Shamunnay
Panelists	:	Khushi Kabir Coordinator, Nijera Kori Abu Naser Khan Convenor, Poribesh Banchao Andolon Zinat Ara Begum Programme Manager, Manusher Jonno
Case Presentation	:	COAST TRUST <i>Open discussion</i>

2. Women and Right to Information

Venue	:	BIAM Auditorium
Time	:	14:05 pm - 17:00 pm
Moderator	:	Salma Khan Chairperson National Coalition for Beijing Plus (NCBP)
Paper Presenter	:	Mahbuba Nasreen Professor, Sociology Department Dhaka University
Panelist	:	Habibur Rahman Gender Advisor, Care Bangladesh Ayesha Khanam General Secretary, Bangladesh Mohila Parishad Ruma Sultana Program Manager, Manusher Jonno
Case Presentation	:	Steps Towards Development <i>Open discussion</i>

3. Access to Information: Violation of Rights and Justice

- Venue : Kudrat-E-Elahi Hall
- Time : 14:05 pm -17:00 pm
- Moderator : **Shamsul Bari**
Executive Director
Bangladesh Legal Aid and Services Trust
(BLAST)
- Paper Presenter : **Dr. Borhan Uddin Khan**
Professor, Department of Law
Dhaka University
- Panelists : **Alena Khan**
Executive Director
Bangladesh Society for the Enforcement of
Human Rights (BSEHR)
- Barrister Tanjib Ul Alam**
Supreme Court
- Banasree Mitra Neogi**
Program Manager, Manusher Jonno
- Case Presentation : Mass Line Media Center
- Open discussion**

4. Access to Information and Poverty Alleviation

- Venue : Multipurpose Hall
- Time : 14:05 pm – 17:00 pm
- Moderator : **Abdul Mueyed Chowdhury**
Executive Director, BRAC
- Paper presenter : **Dr. Ananya Raihan**
Executive Director
Development Research Network (D-Net)
- Panelists : **Simeen Mahmud**
Senior Research Fellow
Bangladesh Institute of Development Studies
(BIDS)
- Shihabuddin Ahmed**
Sector head, (LSRR) Action Aid
- Arifur Rahman**
Programme Manager, Manusher Jonno
- Case Presentation : **Reza Selim**
Project Director, Amader Gram
- Open discussion**

5. Freedom of Information and Role of Media: A Round table meeting

Venue	:	Meghna Hall
Time	:	14:05 pm -11:00 pm
Moderator	:	Dr Hossain Zillur Rahman Executive Chairman Power and Participation Research Centre (PPRC)
Discussant	:	Representatives from media Maja Dhun Daruwala Director Commonwealth Human Rights Initiative (CHRI) Kishali Pinto Jayawardena Deputy Director, Law and Society Trust

Day 2

Wednesday, December 14, 2005

Venue: BIAM Auditorium, 63 New Eskaton, Dhaka

9:00 am to 9:30 am : Registration and Welcome Tea

Parallel Workshops

1. International trade and development: Right to information

Venue	:	Karnafuli Hall
Time	:	10:00 am -13:00 pm
Moderator	:	Dr. Rushidan Islam Research Director Bangladesh Institute of Development Studies (BIDS)
Paper Presenter	:	A.K. M Masud Ali Executive Director, INCIDIN Bangladesh
Panelists	:	M. M. Akash Professor Department of Economics, Dhaka University Quazi Faruque General Secretary Consumers Association of Bangladesh (CAB) Farzana Naim Adviser, Manusher Jonno
Case Presentation	:	Md. Shahidullah Project Coordinator, Karmajibi Nari Open discussion

2. Empowering Local Government in ensuring access to information

Venue	:	Multipurpose Hall
Time	:	10:00 am -13:00 pm
Moderator	:	Dr. Tofael Ahmed Professor Department of Public Administration Chittagang University
Paper Presenter	:	Dr. Salahuddin Aminuzzaman Professor Department of Public Administration Dhaka University
Panelist	:	Badiul Alam Majumdar Country Director, Hunger Project Dr. Zarina Rahman Khan Professor Department of Public Administration Dhaka University Dr. Zahirul Huq Deputy Chief, LGD Sheela Tasneem Haq Program Manager, Manusher Jonno
Case Presentation	:	Democracy Watch Open Discussion

3. Implementation and monitoring of Right to Information Act

Venue	:	Meghna Hall
Time	:	10:00 am - 13:00 pm
Moderator	:	Syeda Rezwana Hasan Executive Director Bangladesh Environmental Lawyers Association (BELA)
Paper Presenter	:	Sohini Paul Commonwealth Human Rights Initiative (CHRI) Dr. Iftekharuzzaman Executive Director Transparency International Bangladesh
Panelist	:	Shahdheen Malik Advocate Supreme Court Kartick Chandra Mandal Program Manager, Manusher Jonno Open Discussion

Concluding Session

Wednesday, December 14, 2005

Venue: BIAM Auditorium, 63 New Eskaton, Dhaka

Time: 15:00 pm. - 16:30 pm

Chairperson	:	Professor Wahiduddin Mahmud Professor Department of Economics, Dhaka University
Recommendations from the Conference	:	Manusher Jonno
Special Guest	:	Maja Dhun Daruwala Director Commonwealth Human Rights Initiative (CHRI)
	:	Kishali Pinto Jayawardena Deputy Director Law and Society Trust
Chief Guest	:	Dr Kamal Uddin Siddiqui Principal Secretary Prime Minister's Office
Vote of Thanks	:	Shaheen Anam Team Leader Manusher Jonno

Introduction

Manusher Jonno (MJ) funds and gives technical support to organisations working on human rights and good governance and also sensitizes institutions to fulfill people's rights. It believes that access to information is a key development issue that enhances the people's ability to take decisions for their livelihoods. A wider availability of information can check corruption and thereby improve poverty and strengthen democracy. From this view, the MJ has initiated a dialogue process involving the civil society, academics, NGO workers and government officials for a wider campaign to establish the people's right to information. It believes that not only the public sector, but the private sector and the NGOs also need to become transparent and accountable to stakeholders whenever their work involves public funds or public services.



As part of this objective, the MJ organised a two-day conference titled Right to Information: National & Regional Perspectives on December 13-14, 2005 at Bangladesh Institute of Administrative Management (BIAM) that brought a number of international and national experts, lawmakers, NGO workers, media practitioners and professionals together to exchange ideas on how a movement for right to information can be waged.

International personalities who participated in the conference are:

- Aruna Roy, Mazdoor Kissan Shakti Sangathan of India
- Shailaja Chandra, chairman of Public Grievances Commission of India
- Kishali Pinto Jayawardena, a lawyer and media columnist of Sri Lanka
- Maja Dhun Daruwala, director of Commonwealth Human Rights Initiative of India

Shaheen Anam, team leader of Manusher Jonno shared regional experiences regarding the right to information at the plenary. Dr Hameeda Hossain, chairperson of Manusher Jonno Steering Committee, chaired the plenary. There were seven parallel workshops and a roundtable on different aspects of the right to information to be rounded off with a concluding session. The specific issues that the workshops and the roundtable dealt with are:

- Empowering local government in ensuring access to information
- Implementation and monitoring of right to information act
- Access to information and poverty alleviation
- Access to information and violation of rights and justice
- Right to information and the role of media (Roundtable)
- Socio-political context of the people's movement in right to information
- International trade, development and the right to information
- Women and right to information.

Six papers were presented by Dr Atiur Rahman, chairperson of Unnayan Shamunnay; Dr Borhan Uddin Khan, professor of law at Dhaka University; Dr Ananya Raihan, executive director of Development Research Network (D-Net); AKM Masud Ali, executive director of INCIDIN Bangladesh, Sohini Paul of Commonwealth Human Rights Initiative; and Dr Salahuddin

Aminuzzaman, professor of public administration at Dhaka University.

The closing session was chaired by renowned economist Dr Wahiduddin Mahmud of Dhaka University while Maja Dhun Daruwala and Kishali Pinto Jayawardena were special guests. Dr Kamal Uddin Siddiqui, Principal Secretary of the Prime Minister's Office, was the Chief Guest.

The speakers at the workshops unanimously pointed out that free flow of information is vital for development, poverty alleviation and establishing a vibrant democracy. They felt that without the right to information, all other kinds of rights get eroded. The conference urged the government to immediately scrap all laws that stand in the way of information flow and to enact a Right to Information law. The international participants enriched the conference by sharing their experience of struggle for the right to information. They showed how people's small initiatives can turn into a mass movement if people from all spheres of life can be pulled together. They also showed what could be the pitfalls in the process of struggle.

The participants of the conference also made sets of recommendations both on broad and specific issues.

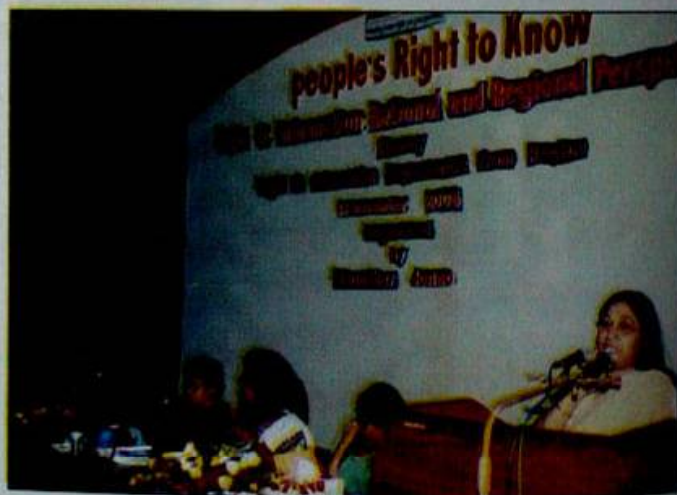
Cultural programs were organised both at the plenary and the concluding session. Pot songs on the importance of free flow of information and how black laws can curb people's rights were performed at the plenary while Udichi singers performed patriotic songs at the concluding session.

It is also to be noted that the CHRI and Manusher Jonno (MJ) want to work together in Bangladesh, also a member of the commonwealth, to realize the people's right to information. This collaboration comes from the converging interests of the two organizations in promoting rights of the citizens. The CHRI is an international NGO working for the practical realization of human

rights in the countries of the commonwealth. It believes that freedom of information lies at the root of the rights discourse and so the Right to Information (RTI) is fundamental to the realisation of rights as well as effective democracy, which requires informed participation by all.

Conference on Right to Information National & Regional Perspectives

Synopsis: People's movement is needed to realise the right to information, which will bring transparency and accountability to both government and private functioning. Any law to this effect must be drafted in consultation with the people to make it meaningful. A proper implementation and monitoring mechanism is needed to make the law operational.



At the plenary of the two-day conference on 'Right to Information: National and Regional Perspective', resource persons including jurists, media professionals, rights activists, academics, bureaucrats, NGO leaders and other eminent civil society members from India, Sri Lanka and Bangladesh shared experiences about the movement for the right to information.

Manusher Jonno (MJ) organised the two-day conference on December 13-14 at the

Bangladesh Institute of Administration and Management (Biam) as a part of its ongoing campaign to institute people's right to know. It was presided over by MJ Steering Committee Chairperson Hameeda Hossain.

The panellists were Maja Dhun Daruwala, director of the Commonwealth Human Rights Initiative, India; Mazdoor Kisaan Shakti Sangathan leader Aruna Roy of Rajasthan; Chairperson of Delhi Public Grievances Commission (PGC) Shailaja Chandra; legal consultant to the World Bank Kishali Pinto-Jayawardena from Sri Lanka and MJ Team Leader Shaheen Anam.

While welcoming the guests as the chairperson of the plenary, Dr Hameeda Hossain, chairperson of Manusher Jonno Steering Committee, said the people's limited access or no access to information is an issue of concern for South Asia, particularly for Bangladesh, as the people are suffering not only for the archaic laws but also for the government's repressive policies.

Aruna Roy described how the movement to ensure people's minimum wage and protect land rights in six Rajasthan districts turned into a war on widespread corruption and then into a campaign for access to information. The campaign aimed to ensure social audit and bring transparency and accountability to all levels of administration. The local Rajasthan movement for the right to information eventually became a national campaign.

Aruna said the Rajasthan movement showed involvement of the grassroots is important to realise the right to information.

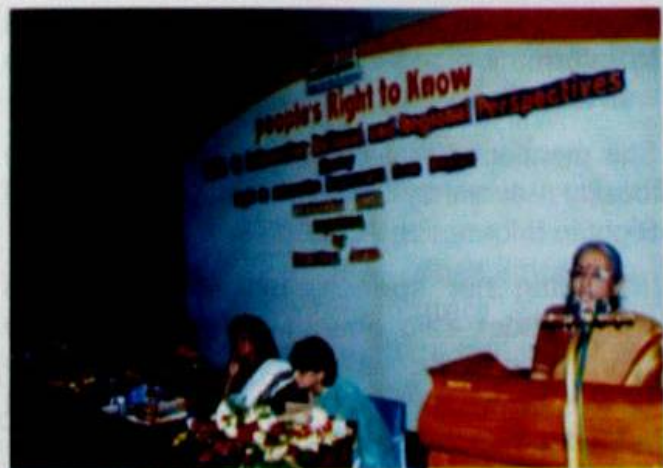
The Rajasthan campaign began when Majdoor Kishan Shakti Sangathan (MKSS) discovered that false bills are being made showing minimum wages to non-existent workers. Such bills were also audited and vetted by the departments concerned.

Later, MKSS held a public hearing where the fraudulent practices came out in the open

despite opposition from the administration. Four agendas came out from the public hearing: 1) All government records at the Panchayat (local government) level should be transparent, 2) All spending should have social audit since financial audits can be fixed; 3) Government servants and politicians have to be accountable to the people; and 4) Development funds must be used for the people.

The campaigners also went to Delhi to hold public hearings.

"As the demand was made from the grassroots, we put pressure on the political parties to include the issue of the right to information in their manifestos," Aruna said, adding that the campaign compelled the political parties to implement their commitments.



Aruna also said in brief that a number of heavyweight journalists lent their weight behind the Rajasthan movement for the right to information. When the movement was at its peak and a public hearing on the extent of corruption in public work billing was held, the vice president of India who was also the former chief minister of Rajasthan promised in parliament that he will allow transparency in information to satisfy the people in the movement. It was quoted by a newspaper Dainik Navojyoti. When Aruna and her partners in the movement pressed for more information on minimum wage and public work billing, they showed the clipping of the newspaper to the government officials in

support of their demand. Later, the movement organisers staged a 40-day sit-in in Rajasthan to make a point that when public representatives make a statement, that should be implemented. During this event, many eminent journalists like Nikhil Chakraborty, Kuldip Nayar, Prabhas Joshi, Ajit Bhattacharya, Medha Patkar visited the demonstration. Nikhil Chakraborty in a statement to encourage the demonstrators said this movement is as important as the one for independence since it was a fight against corruption within the government.

Finally, the local movement turned into a national campaign for the people's right to information in 1996 and demands were created for change in the Rajasthan law and formulation of a new national law for information. Finally, the first draft of the right to information act was made in 1996 which was later passed by parliament.

She mentioned that corruption in the Rajasthan locality reduced by 50 percent after the national Right to Information Act 2005 was enacted.

In ending her speech, the veteran Indian rights leader said enactment of the right to information law does not bring any adversity for the government or bureaucrats, rather it helps them in their functioning.

Slogans that Sparked the RTI Movement

Aruna Roy mentioned some popular slogans raised during the Rajasthan movement for the right to information which became popular and congealed the population under the movement. The movement raised the slogan "Amader taka, amader hishab (Our money, our account)" when a movement was launched against false billing in the name of public works. Later, the movement for the Right to Information picked up the slogan "Hum janengey, hum jiyengey (If I know, I will live), which in Bangla was "Amra janbo, amra banchbo (We will know, we will live).

Shailaja Chandra, Chairperson of the Public Grievances Commission (PGC), a forum to redress public grievances, then spoke and illustrated how the Delhi Right to Information Act 2001 has helped her commission mitigate grievances. "My experience in Delhi shows the law has made government officials more accountable," she noted.

The PGC was set up in 1997 to examine public complaints against inaction, harassment, extortion, corruption, abuse of power and authority by officials. If the commission is satisfied that the department or organisation concerned has not properly attended the grievance, or a corrupt practice appears to have taken place, it takes up such cases for detailed scrutiny. The PGC then calls for hearing of both sides and if it is satisfied that an injustice or corruption has taken place, it sends a report to the government recommending punishment of the officials concerned.

She said the PGC is now quite popular and receive around 1,700 complaints a year and so far, it has dealt with 9,000 cases. It helps reform the system as it can make grave complaints into larger issues by taking up matters with the higher authorities.

Shailaja said a section of the government officials are honest and hardworking and it is the PGC's challenge not to offend these officials while doing its duty. On the other hand, it is also important to make people aware of the existence of a body like the PGC where they can come for redress of injustice caused to them.

She said the Right to Information Act is an important tool to address public grievances and people have already been asking for information on maintenance of public property, quality of materials used in roads and so many other things which matter their daily life.

The conference host, Shaheen Anam, said access to information is widely recognised as a fundamental human right. The Bangladesh

Law Commission, she said, drafted the proposed Right to Information Act 2002 without any consultation with the socio-political stakeholders. The draft tells nothing about repealing the Official Secrets Act. She also listed a number of other restrictive laws and legal provisions including the Evidence Act, the Rules of Business, Penal Code and Code of Criminal Procedure that need to be amended to provide the people free access to information.

Anam condemned the tendency among both the government and non-government quarters to carry on "the culture of secrecy" and urged all, from the grassroots to the social elite, to join and bolster the campaign for the legislation.

She said the media have been playing an important role in disseminating information despite threats and attacks from vested quarters.

"The people here in Bangladesh do not exactly know the implications of the right to information. They do not know who they will complaint to if denied the desired information, who will address the complaints and who will give solution," Anam said. She asked the civil society to spearhead the campaign for access to information.

She observed that the demand for the law will have to come from the people in such a manner so that the government will be compelled to recognise it as the need of the hour. Only then the government will take necessary steps for its enactment, she said.

Anam, however, reminded all that the Right to Information law should not be restricted to public institutions only. "Private organisations, NGOs and businesses should come under the same standards of disclosure law," she stated.

"A law carries value only if it is properly implemented. So it is crucial to develop some mechanism for proper implementation of the law," she reminded.

The situation in Sri Lanka regarding the access to information is much similar to Bangladesh, observed Kishali Pinto-Jayawardena. There, too, archaic Official Secrets Act and Press Council Law keep information confined to the people in power.

"Open criticism of public affairs and persons wielding public authority underpins the right to free _ expression and information which has been historically acknowledged as the matrix of all other rights and freedoms," Kishali's keynote on 'Right to Information in Sri Lanka: Critical Scrutiny of Existing Laws and Proposed Law Reform' said.

"As far as Sri Lanka is concerned, the need for a radically changed information regime is very apparent," Kishali said.

She talked on the necessity of reforming Sri Lankan media law as the Lankan newspapers have had harsh experience of the arbitrary operation of censorship laws.

The Public Security Ordinance is frequently used to restrict freedom of _expression and information. The law does not make distinctions between matters threatening national security and matters that ought to be placed in the public domain.

Pinto-Jayawardena was a member of the team that drafted a right to information act and submitted it to the information minister and prime minister of Sri Lanka in 2001. But, the document has been put on hold since then, she regretted.

Kishali concluded that substantive legal reform, significant discussions and debates in the public arena should be done for realising the people's right to information.

Maja Dhun Daruwala, director of the Commonwealth Human Rights Initiative, India, said access to information and access to justice are two interlinked issues and one compliments the other. She said lack of information disempower people by keeping

them completely in the dark about government affairs. This is why the backing of a law is needed to force public offices into giving put information. And not only that, there should be an automatic system under which the government offices should disseminate information even if no-one demands them. Maja said any decision to withhold information must be based on the principle of maximum disclosure and any non-disclosure must be based on the consideration that such information may harm the public.

Maja stressed the need for information disclosure because it cuts down the discretionary power of the public officials and reduces chances of misuse of power. So there must be a system to collect, store and dissemination of information.

She said empowered citizens can go for social auditing of the government's works and this is the next struggle that many countries are facing today.

After ending their discussion, the panellists attended to participants' queries.

Some of the questions asked in the session are as follows:

1. Why the movement for the right to information in India started in Rajasthan districts and not in the more enlightened parts of the country?
2. How such a movement can be launched in Bangladesh?
3. What role the civil society should play in waging such a movement?
4. What are the detailed provisions in the Indian Right to Information Act for flow of information?
5. At what stage is the Bangladesh's Right to Information Act?
6. How the proposed law envisages access to information?

7. Is the content of the proposed law available and, if so, where is it available?

Most of the participants inquired about the Indian movement for the right to information act while some others wanted to know how such a movement can be launched in Bangladesh. Some participants asked for details about the content of the proposed act for Bangladesh.

Recommendations Presented in the Conference

1. Launching of a people's movement from the grassroots to the national level is important for realising the right to information. The NGOs and the civil society should join hands in the campaign.
2. Pressure should be mounted on the public representatives to make them fulfil their public commitments.
3. The law should ensure maximum disclosure of documents.
4. Participation of the people and the civil society is important in drafting, implementing and monitoring the law.
5. The Right to Information law should be placed above the Official Secrets Act.
6. The law should mention punishment for violators.
7. A report must be submitted to parliament every year about the implementation of the law. Incentives may be given to the departments / ministries concerned for providing better services.
8. NGOs may give information/alternative reports to the government regarding implementation of the law.

Workshop on Socio-Political Context of the People's Movement in Right to Information

Synopsis: Access to information is a must for development and democracy where media have a big role to play in disseminating information to the people to hold the public offices to accountability and transparency. To ensure unhindered information flow the right to information law is a must and a massive campaign encompassing people from all walks of life has to be launched to realise that right.

The workshop on Socio-political Context of the People's Movement in Right to information was held on December 13 as part of the conference on Right to Information: National & Regional Perspectives at BIAM.

Terming the right to information as a fundamental right, speakers at the workshop said the demand for the right should come from the people after they understand why it is so important for them.

Reviewing the international contexts and sharing the local socio-political experiences, they emphasized formulation of a law for access to information and urged the people from all walks to life to form a massive movement for enactment of the law.



Keynote Paper

Dr Atiur Rahman, chairperson of Unnayan Shamunnay, presented the keynote paper in the workshop and said the right to information has become an integral part of the right to development through participation in decision making.

The present IT era with its technological capacity has put information, a global resource of unlimited potential for all, at the centre of development, he remarked. Information belongs to the people and not to the government or the civil servants as it is generated with public money by public servants for the benefit of the people they serve.

Lack of information denies people their opportunity to develop their potential to the fullest and realize the full range of their human rights, Dr Atiur said. Democracy and national stability are enhanced by policies of openness, which engender greater public trust in their representatives.

In a healthy democratic atmosphere media act as a watchdog, scrutinising the powerful and exposing mismanagement and corruption. But when media are unable to get reliable information held by the government and other powerful interests, they cannot play their best role, Dr Atiur stated.

On the issue of the right to information, he cited Article 39 of the constitution that guarantees freedom of speech and expression to every citizen, and freedom of the press.

"But the present rules and regulations prohibit government officials from discharging any information," he said. "A culture of secrecy and undemocratic practices has also resulted in poor documentation of information, which raises the risks of information loss and opportunity for tampering with documents."

He said similar behaviour of secrecy is also exhibited by the non-government sector.

Conference Report on Right to Information

Lawmakers, who are not aware about the people's right to know, rarely play their prerogative role. The people also have a right to know the profiles of election candidates and here the judiciary can play a significant role to establish access to information as a right.

He observed that the media can play a pivotal role in influencing and promoting transparency in the society. They can bring to public attention hundreds of examples of misuse of power, lack of transparency and bad governance that affect the people's lives everyday.

Media's attention should not only be directed at the public offices, they should also highlight problems in the private sector and the NGOs.

"There is an urgent need to raise awareness on the right to information and embark on a national campaign so that the need for enactment of the law would be felt strongly," he said. "The people must understand the need for such a law, they must know how and why this law will affect their lives."

It is, however, very important to ensure that this law is not drafted by a ministry or by some bureaucrats as the people's ownership of the law is important for its implementation.

The gender aspect of the right to information should not be ignored as the women face added constraints to access information due to their exclusion in decision making both in private and public sphere, he cautioned. (Paper annexed)

Panelists's Discussion

Panellist Zinat Ara Begum, programme manager of Manusher Jonno, said India's experience in enacting a right to information law should work as a lesson for Bangladesh. She emphasised launching of a massive

awareness programmes at the community level on the issue.

Convenor of Paribesh Banchao Abu Naser Khan criticised the government and the bureaucrats for not helping the environmental campaign with information.

He felt that developing local level leadership is important to launch any movement such as the right to information campaign.

Coordinator of Nijera Kori Khushi Kabir said information is an immensely potential tool to build awareness among the people and motivate them to act. But those who are supposed to disseminate information keep their doors shut to the people. She demanded immediate scrapping of the Official Secrets Act.

Khushi mentioned that rights, even though in smaller scales, could be realised in many cases through citizens' movement participated by the NGOs.

She praised the move of the Supreme Court to ask the government to submit reports on the progress of the investigations on the recent bombings in the country.

Aruna Roy highlighted the need for the Right to Information Law and said it helps cut corruption and arbitrary use of power by the government.

She said many of the social evils such as communal troubles, gender violence etc are created because of misinformation and the access to free information is a way to tackle these issues.

She asked the workshop attendants to make the issue of right to information an election promise and continue their struggle for information.

Case Study

Coast Trust presented two case studies in the session that showed how NGOs can act as intermediaries to channel livelihood

information to the poor, who can then get organised to have their rights realised. (See annex)

In both cases, officials of the Coast Trust played the major role in channelling information to the villagers who then got organised.

The NGO officials gathered information from the government offices where the poor have little access and supplied these to the villagers. These case studies showed that when people are deprived for a long, they have need the support of an organisation to claim back their rights.

Open Discussion

Taking part in the open discussion, Harun Ar Rashid Lal of Solitary Organisation called for initiatives to mitigate Monga in the northern districts and curbing corruption in distribution of food among the Monga affected people, making people aware of their rights to food.

Kazi Saiful Aspea Bhuiyan of Hunger Project said behaviour of the political parties and politicians often deny the people the most basic right to know the budgets of the parties. Most political parties including the major ones did not submit their budget details to the authorities although the election commission asked them to do so.

Mosharraf Hossain of Action on Disability and Development said involvement of the grassroots people in the movement for the right to information is important for success of the campaign.

K M Rabiul Alam of MCC stressed that when steps will be taken to involve the grassroots people with the movement for the right to information, the socio-cultural aspect must be kept in mind in choosing the proper tools for communication with the grassroots people.

Mazharul Islam of UC said a national forum should be formed for the movement for the

right to information. He also said roles of different stakeholders in the movement should be defined.

Sirajuddin Belal of BEPZA mentioned about the discriminations in the education system and pointed out that the disabled are left out of the primary education. He said information about such issues is important for a balanced development of the country.

In reply, Sohini Paul of CHRI, explained how the government offices work in India for the disabled and the uneducated people. She said the Freedom of Information Act in India also ascertains that the public offices have manpower to read out and fill applications for the uneducated and the disabled. There are also brail versions of applications available.

Rajkumar Shaw, an indigenous person, expressed the fear that if his community people get engaged in a movement such as the right to information, it would create tensions with the local government. He said such problems should be taken into consideration first before involving the communities.

Golam Mostafa of Gono Kalyan Trust felt the need for a strategy to motivate the lawmakers and bureaucrats in taking up the right to information issue.

Khushi Kabir of Nijera Kori proposed drafting a Right to Information Law by the citizens and then put pressure on the government for its enactment. She also suggested not to be influenced by and dependent on the donors for this task.

Supporting Khushi's suggestions, Naser said the initiative for such a law should be participatory for a broad-based ownership and local volunteers should spearhead the movement.

In a similar tone, Dr Atiur proposed formation of a national platform involving the NGOs and political parties to work on the issue to be lead by the civil society. The issues must be

communicated to the youths who would also give feedbacks on their aspirations.

Moderator Dr Zafrullah Chowdhury, chairman of Gono Saysshtha Kendra, concluded the session by urging the people to come forward in support of the right to information as it would cut down corruption significantly. He said secrecy is the oxygen for corruption which should be dealt with systematically. Separation of the judiciary is also a must to establish good governance as an ancillary to free flow of information.

He said transparency at all levels of the government, private sector and the NGOs is very vital to check corrupt practices. For transparency, free flow of information to the people is important where the media can play a pivotal role. He was also critical of some NGOs who do not maintain transparency in their accounts and works. Such behaviour undermines their credibility and put their work to question.

Recommendations of the workshop

1. People have to be made aware about their right to information and the importance of the law.
2. The demand for such a law has to come from the people.
3. Citizens should draft the law with the aim to have a maximum disclosure of information.
4. The gender aspect of the right to information should be considered equally and women representatives to be involved in the drafting, implementation and monitoring of the law.
5. To form a national platform for lobbying and creating pressure on the government to enact the law.
6. To scrap some of the laws that block free flow of information including the Office Secrets Act.

7. To create pressure on the political parties to include right to information in their election manifesto.
8. Lawmakers should be included in the right to information campaign.
9. The Right to Information Law should apply not only to the public institutions but also to the private organisations.

ANNEX

Case Study

Coast Trust presented the following two case studies from Bhola on the importance of access to information.

In the first case, the old poor people living on the embankment of Char Fashion could not enrol their names on the old people's stipend (Bayashko Bhata) list as they did not have any participation in the local Union Parishad (UP). The UP prepared the list according to their own choosing.

A worker of the social justice department of the Coast Trust came to know from an upazila social welfare official that the UP is preparing a new list for the stipend. He shared the information with the poor and they further learned that the list had been already prepared but no one could say how many cards were allocated for the upazila as the UP chairman and the secretary kept it a secret.

Following this, the residents of the locality met the officials concerned to get their names enrolled, but they were refused.

All the residents gathered in front of the UP office during the finalisation of the list and the UP chairman was compelled to enlist five names from the gathering in the face of protest.

The second case deals with the right of the poor to Khas land. When a char, known as

Dhalchar, surfaced in the Bay of Bengal, two officials of the Coast Trust went to get applications from the local land office for settlement of the char people. But the land officials refused to give the applications, saying a local influential took all the forms and sold them to his favoured people although these were not for sale.

The people of Dhalchar then staged an agitation in front of the land office. After this the land official gave them applications free of cost.

Workshop on

Women and Right to Information

Synopsis: Women, discriminated against in every sphere of life, need more and more information to mitigate their problems. But the existing system does not facilitate free flow of information and so a concerted campaign for the enactment of the right to information law is needed.

The session on Women and Right to Information moderated by Salma Khan, Chairperson of the National Coalition for Beijing Plus (NCBP), discussed the limited access to information by women in Bangladesh, especially in the rural areas, and the role that information can play in the advancement of women.

Mahbuba Nasreen, a professor of the Sociology Department of Dhaka University, in her keynote recalled that the first general assembly of the UN in 1948 considered information as a basic human right. But the people in Bangladesh, especially the women, have very limited access to information due to gender discrimination. She argued that women's access to information is very crucial to overcome the challenges of achieving gender parity. Prof Mahbuba observed that

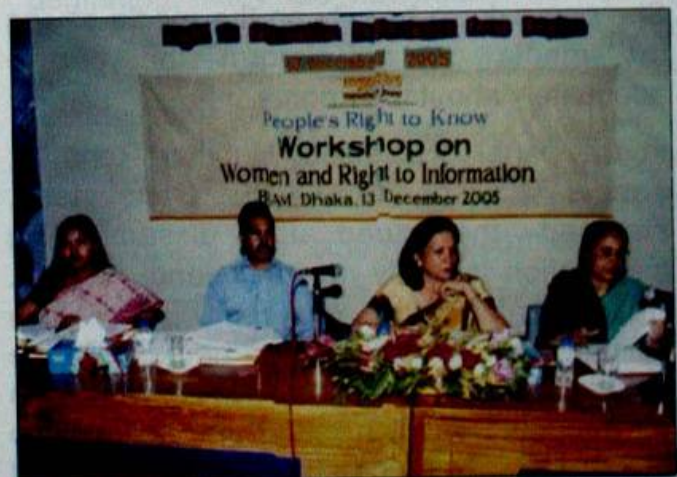
women have an equal right to information, lack of which contributes to their unequal status in the society.

"In Bangladesh, poverty has a gender bias and women are the poorest of the poor," she stated. "Throughout their lifecycles, poor women suffer more than men from poverty, hunger, malnutrition, economic crises, environmental degradation and disaster related problems."

Compared to their counterpart, women's access to labour market is low. Out of 56 million labour force, 62% is male and only 38% female, she added. There are also gender differences in wages too.

Violence against women takes place both at home and in work places and the legal process to combat gender-based violence is complicated, she said. Since women of lower status do not know exactly where to get justice, they become more vulnerable to violence. Women are also discriminated against in education and they lack reproductive right and proper information on epidemics such as HIV/AIDS, Prof Mahbuba maintained.

Pointing out that the Constitution promotes representation of women in local governments, Professor Mahbuba said only a few women are allowed to work in the local governments and the process of filling women's seats in the local union councils



totally ignores the scope of women's active participation.

"The nominated women cannot play more than the role of a subjugated person to the chairperson and members who are predominantly men," she said, adding that the chairpersons in most cases block the female representatives' scope of work.

"In fact, the female members do not know what their powers are and how to execute those," the keynote speaker added.

Panel Discussion

Before the panellists began their deliberations, moderator of the session Salma Khan noted that women are marginalised in every sphere of the society and this issue is not being dealt with well. She said the women need the right to information so that they are empowered to deal with their own problems. Emphasising women's empowerment at the family level, she said this has far reaching impact on the women's status in the society. "Disempowerment bars women's right to information and its implementation," she observed

"Information and knowledge control people's right to control themselves," Salma said. "Access to information will have to be ensured to ensure the women's access to rights."

She came down heavily on the media saying the media do not inform the people adequately about their rights.

In the panel discussion, Habibur Rahman, gender advisor to CARE Bangladesh, stressed the need for disseminating information equally to men and women. "Proper information ensures rights which ultimately empowers people," he said. But he noted that information are kept hidden from the people at all levels from national to grassroots. This practice is perpetuated

because those in power apprehend that dissemination of information will cut their authority.

He came down heavily on the government for not properly discussing policies regarding women with women leaders

Ayesha Khanam, general secretary of Bangladesh Mahila Parishad, identified information and the media as the pillars of democracy and criticised the existing system that blocks flow of information. "The existing democratic process does not provide people the right to know, it rather supports the mechanism to hide information," she maintained.

"The existing laws and patriarchal practices have made women second-class citizens although the Constitution makes no discrimination," Ayesha added.

She asked the people to compel the government to recognise information as a right of the people and ensure accountability of the government as well as of individuals.

Ruma Sultana, Program Manager of Manusher Jonno, felt it is important to make people aware about their rights to information and every government step including formulation of new laws that touches their lives. There is no particular entity responsible for informing the people when a law is passed, she said.

She added that although there are many good laws in the country, people cannot get benefits of those as they are not aware about the laws. Sometimes people are not aware about what kind of services they can get from a hospital or how they can get important information from officials at the land office. At present if officials concerned do not provide required information, they may not be sued. But if there is a law on right to information, then the officials will be liable to provide information and may be sued easily.

Case Study

Step Towards Development (STD), an NGO, presented two case studies during the session (see annex).

The major focus of the contrasting cases is to highlight how women's access to information can empower them into realizing their rights and on the flip side how the lack of it can cause them immense suffering.

The primary stakeholders in the cases were two women -- a Union Parishad member who was denied her rights a people's representative and the other a village woman who became a victim of fatwa.

In first case, the government offices provided the Union Parishad member about her responsibilities and entitlement, which empowered her to realize her position in office. But in the second case, the village woman had no information on the illegality of fatwa and so she had to suffer.

The case studies pointed out that mechanism should exist to provide necessary information to women for their empowerment.

Recommendations

- The state should inform the women about their rights such as legal rights, reproductive rights and rights to education, information, participation in governance, health and other vital entitlements.
- The civil society, NGOs, women activists and organisations should lobby for women's right to information.
- Opportunity for women should be created so that they can share information, learn from each other and exchange ideas and resources.
- Portraying women negatively should be stopped by using gender sensitive words. Portrayal of women in traditional,

stereotyped roles in the media should be stopped.

- The language of communication to inform women about their rights must be communicative. Special programmes have to be aired on radio and television for this purpose.
- Men should also be made aware of women's rights to information.
- The media should play a more active role in informing people about their rights. They should run a special campaign for ensuring rights to information by all citizens.
- The media should stop portraying women negatively.

ANNEX

Case Study

Step Towards Development (STD), an NGO, presented two case studies to highlight why information is so important for women.

A woman Union Parishad (UP) member, Nazma Begum of Haramia UP in Chittagong was not allowed to attend any policy-level meetings by the UP chairman since her election in 1997.

Other male UP members and the chairman started to misbehave with her from the very beginning. They did not inform her during VGD, VGF, distribution of allowances for the elders and other development activities, which involve money.

When she asked the chairman about her role, he lied to her that the government had not specified any duty for female members.

Later, Nazma met the Upazila Nirbahi Officer (UNO) to get to know her specific duties. The UNO reluctantly informed her that the government had sent letters to the UP chairmen specifying their duties.

Conference Report on Right to Information

She then asked the chairman about the letter and the chairman was ultimately forced to let her perform her duties.

The second case study was on a woman, Vanu Bibi, whom her husband divorced verbally during a family squabble.

But later, as the husband cooled down, he wanted her wife back. So they met a local Mullah who told them that Vanu Bibi first needs to have 'Hilla' marriage, which means that the woman will have to marry another man first for at least three months and only then she can remarry her first husband.

Vanu was married off to a 70-year-old man and had to undergo immense sufferings due to the fatwa. The couple and the local Muslim leaders did not know that the government had prohibited verbal divorce and Hilla marriage.

Workshop on Access to Information: Violation of Rights and Justice

The Workshop on Access to information: Violation of rights and justice discussed

Moderator of the workshop Dr. Shamsul Bari, BLAST, said Bangladesh's laws are very restrictive in giving people the right to information. So the citizens should have a clear idea of the laws and provisions so that they can make a proper demand for the right to information.



He observed that though there are some useful laws on the right to information, but they do not have any applications at this moment.

"So it is easy to conceal information due to the non-application of the existing laws," Dr Bari said. "Achievements in the neighbouring India could help us move forward in this connection."

Keynote Speech

Dr Borhan Uddin Khan, Law Department of Dhaka University in his keynote said the notion of access to information is generally considered to have emanated from the idea of freedom of expression, which is one of the core components of individual liberty. Indeed, the right to information encompasses many aspects of an individual's wellbeing, covering one's basic needs as well as civic rights. But it is subject to certain limitations, he pointed out, due to conflict of interests. Striking a balance between openness and confidentiality is, therefore, a crucial matter in a regime where citizens have the right to information.

Dr Borhanuddin stated that there is no law in force in Bangladesh specifically recognizing the people's right to information and providing a procedure for its implementation. However, there are several provisions of law, which permit access to information and at the same time impose restrictions on access to information.

For example, rules 513-521 read with rules 522-56 of the Civil Rules and Orders enable a person to receive information from a civil court. A member of parliament may obtain information under rules 41-58 and rules 301-302 of the Parliamentary Rules of Procedure. People may also receive information applying in a prescribed form to the quasi-judicial departments like District Registrar/Sub-Registrar's office and Land Revenue Department. The Evidence Act of 1872 allows a person to inspect public documents.

On the contrary, there are certain prohibitory laws such as Section 5(1) of the Official

Secrets Act 1923, Sections 123 and 124 of the Evidence Act 1872, Rules 28 (1) of the Rules of Business 1996 and Rule 19 of the Government Servants (Conduct) Rules 1979.

"It is evident that a comprehensive statutory regime providing free access to government-held information is conspicuous by its absence," Dr Borhanuddin observed. "It may be legitimate to assert that there is a direct nexus between access to information and access to justice as the absence of the former may stand in the way of access the court. The Law Commission of Bangladesh has very rightly observed that freedom of information is indispensable for a citizen to bring his grievances before the administrative authority or the court of law for redress."

The overarching purpose of the access to information is to facilitate democracy by helping the citizens participate meaningfully in the democratic process and to make politicians and bureaucrats accountable to the citizenry, he noted.

Alena Khan of the Bangladesh Manobadhikar Bastobayon Sangstha said there is a lot of contradictions in the existing laws. On the one hand, some laws favour access to information and on the other, some laws bar people from getting information.

She felt that the definitions of public and private documents have to be made clear and if necessary, a commission can be formed to do it.

Alena noted that many government officials and even lawyers are not fully aware of the legal issues relating to information. For example, cases could be filed if the Union Parishad chairmen fail to give information on how they have spent wheat given by the government under the Food for Work Programme.

In the rape case of Seema Chowdhury in Dinajpur, the first legal action was taken against the police in the lower court in 1997. It was a very complicated case and nobody was giving any information.

"So we had to change the strategy and use some tricks," Elena said. "We had applied for the case diary (CD) prepared by the Investigative Officer. Each and every information of a case is noted in the CD, which remains in the possession of the Public Prosecutor only. In the Seema Chowdhury case, the CD had every information, which ultimately helped us win the legal battle against the police."

So, she observed, the people should know where and how they can get information. Opportunities in the existing laws should be explored to get information and the NGOs should be more skilled to work efficiently. Legal issues should be printed in Bangla so that the grassroots people can understand them easily.

"If we can establish a good network and partnership among the NGOs on knowledge building, we will be able to reach the people quickly," she observed.

Banasree Mitra Neogi, Programme Manager of Manusher Jonno, said although many laws are being prepared and amended, nobody is talking about the information law despite the fact that information is power.

She said proper information can help the poor in various ways. For example, when people become landless because of river erosion, they can have shelter and lands without spending money if they get proper information.

After 53 years of losing land to river erosion, the grandsons and daughters of a farmer could recover lands owned by their grandfathers in Sirajgonj. For that, they did not have to spend a hefty amount of money. They were able to recover it because the NGOs facilitated them by giving required information. However, the NGOs are yet to reach most of the people, she said.

Discussion

Barrister Tanjib-ul Islam, a Supreme Court Lawyer, said the necessity of information is

as important as the question of life and death. But often the government does not want to give information which may expose corruption.

In the political system, both government and opposition are eager to go to power and so both are insincere about making information available to all.

"We have sought four kinds of information from politicians, including information about their income or assets to expose the inconsistencies in the statements before the people," Tanjib elaborated. "But no party had come up with these sorts of information. We have recently filed a PIL (Public Interest Litigation) on the scam of the Canadian gas company Niko. But we are not getting information from any sources to fight our case."

But Tanjib stressed that despite such obstacles, the people must keep up their efforts for information. In this connection, he mentioned how the quest for information could stop the government from committing an unethical task like arresting opposition supporters and activists before a rally.

"During in the last grand rally of the opposition parties, the number of arrests was much less than in previous occasions as we had filed a PIL, asking the government to disclose the number of such unwarranted arrests," Tanjib further elaborated. "I think rights can be established to some extent if you simply ask for relevant information from the government agencies."

He quoted Nobel laureate Amartya Sen as saying that famine and democracy are linked to each other. Information will flow freely if democracy prevails in a country. So in a democracy, nobody can hide the information on famine and such a condition forces the policymakers to take steps to check famine.

"Probably Bangladesh is the only country which proves Dr. Sen wrong," Tanjib

commented. "We can establish some rights if we utilize the existing laws properly. However, we need clear laws on the right to information like that in India."

Shailaja Chandra of the Public Grievances Commission of India said the government possesses a lot of information, but it does not want to share them as it might expose corruption and nepotism.

As far as the Right to Information law is concerned, sometimes it becomes very difficult for the government to function because people may seek too many unnecessary information as this law has given the people the authority to do anything and almost everything.

She pointed out that political will is a must for enacting such a law as the civil society alone cannot make the law effective. Although the civil society can play an important role, the ultimate decision will have to come from the political powers to enact such a law.

She noted that even if it may require some time to put such a law in place, but once it is there both the educated urban and uneducated rural people will start asking questions about the government's functions and demanding for their rights. This is why, she felt, the litigation process has to be simple.

Moderator of the workshop Dr. Shamsul Bari concluded the workshop by saying that the people need to realize they have the right to information, and the civil society and legal organizations have to act to realise the people's right. At the same time, commitments from the political quarters are required. Political leaders had a pivotal role in enacting the right to information law in India.

"During the next general elections in our country, the issue of free flow of information should be incorporated in the election manifestos of political parties," he observed.

Recommendations presented in the conference

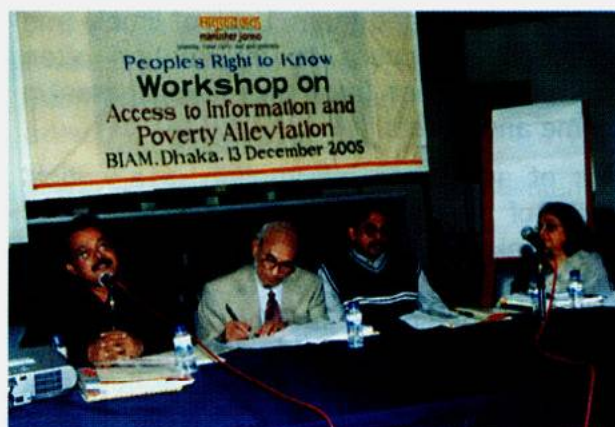
1. Political will is a must for having a law on the right to information. So, political elites should have a clear commitment in this regard. The issue of free flow of information should be included in the election manifestos during the next election.
2. The Chittagong Hill Tracts (CHT) should be connected with the optical fiber backbone located only 22 KM away from the hill districts.
3. Legal organizations and the civil society have to play a significant role before the law is passed. They have to acquire knowledge and necessary information about the law and mobilize people.
4. The NGOs have to establish networking and partnership among themselves to quicken the process of creating mass awareness on legal rights and justice system.

Workshop on Access to Information and Poverty Alleviation

Synopsis: The poor need more information at an affordable price to improve their livelihoods. While the Official Secrets Act should be abolished for information to flow to the grassroots, more cost-effective steps like setting up of rural information centres have to be taken.

The workshop on 'Access to information and poverty alleviation' organised by Manusher Jonno (MJ) on December 13 was moderated by Abdul Mueyed Chowdhury, Executive Director of BRAC at the BIAM auditorium.

The participants told the workshop that access to information is very much important to alleviate poverty and sustain the livelihoods of the poor.



They said the poor should be ensured that they get information at a low cost to empower them socially, economically and politically.

At the discussion, Ananya Raihan, executive director of D.net, presented a paper on 'Access to information: missing dimension in poverty alleviation.' The paper was based on the experience of D.net, a MJ supported project, in improving the rural people's access to information through ICT.

Ananya observed that the obstacles to accessing resources in a sustainable way play a crucial role in drawing the line between the haves and the have-nots.

"In a market economy framework, access to information is crucial in terms of having access to market and getting price advantages in the production process," he said, adding that access to information may drastically change the situation in favour of the poor producers within the country and on the global market.

The access to information is also crucial for non-economic issues related to education, technological know-how, affordable health care, legal and human rights.

Ananya said that though an overwhelming part of the information and knowledge required by the poor is open for all, but they cannot be easily accessed at the time of need. So the right to information does not only entail abolishing the Official Secrets Act but also to have arrangement so that the poor can get up-to-date information when and

wherever they need them. Lack of timely and cost-effective access to information often deprives the poor from their due shares in income and assets.

Lack of access to information is a critical source of disempowerment of the rural poor which makes them vulnerable to exploitation by the middlemen. Moreover, in a situation where information is lacking, the poor are exposed to preventable diseases and accidents. They are deprived of justice due to lack of availability of legal aid services. In such an environment, it costs the poor significantly to find even the simple livelihood information.

Ananya in his keynote paper discussed the channels that can be used to disseminate the necessary information and said that the strongest channel for sharing new knowledge and information acquired from outside is the interaction within a community and family. Print media, radio, television, internet and mobile phones can provide new knowledge and information to a community, he said.

Ananya identified five sets of factors to be considered to make ICTs meaningful for the poor and the rural people.

- a. The ICT tools including computers, mobile phones and the internet can be meaningful when they are used for dissemination of relevant livelihood information in local language.
- b. The poor do not have the luxury to buy computers and other ICT tools.
- c. A large portion of the community is illiterate and cannot even read or write in mother tongue.
- d. It is not feasible "to implant" an "urban person" in a village on a regular basis to serve the required information to the poor.
- e. The ownership of information resources by the rich cannot benefit the poor.

To address these factors, Ananya suggested a five-pronged approach:

A. Creating local contents: The content of the information relevant to the livelihood needs should be in local language, which can be either browsed and searched by the poor or served by some 'infomediary'. The content should answer a broad spectrum of questions related to livelihood problems. The first step in building an information base and knowledge base for the poor with local content is to understand local needs through identifying which livelihood information and knowledge are important for the poor.

B. Establishing a common access point: To address the problem of affordability of ICTs by the poor, creating a common access point is a general practice across the globe. "Telecentre" is a generic name for such common access points. Ideally, a common access point should be furnished with various ICTs to provide livelihood information services through different channels.

C. Using multiple information exchange channels: Usefulness, acceptability, affordability, gender neutrality and cost-effectiveness of establishing an information centre with various channels need to be tested. From research experiences it is clear that in certain circumstances some channels are more useful than others. A multi-channelled environment in an information centre is likely to make the centre more amenable to serving the varied needs of the people.

D. Introducing "infomediary": When actual content dissemination starts through the infomediary, the structure, style and language of the information need to be modified according to the need.

The rural telecentres will need a base person, preferring from the locality, who is able to understand the needs and problems of the community and then find the particular information by using various channels. Such infomediaries are required as the rural people have little or no experience of using IT or photocopier or digital camera.

E. Ensuring ownership of the poor on the information dissemination system: The most suitable ownership model of information centres for the community should be identified through research.

Infrastructure

Ananya noted that the prime considerations for Internet connectivity should be cost-effectiveness and quality of connectivity. The policy environment is very important for selection of information delivery channels while the major policy concern is whether all types of connectivity are open for private sector exploration.

The private sector is allowed to roll out telecommunication and internet across the country. Although the price for Internet connection is still high, it has come down significantly during the last five years and will continue to do so, he pointed out.

Panel Discussion

Simeen Mahmud, Senior Research Fellow of BIDS, said lack of information often bars the rural people and the poor from participating in development programmes aimed to improve their livelihoods.

She observed that as the government is the major information provider, in many cases the poor do not dare to seek information from the government officials due to the power relationship structure in the society.

She suggested ensuring use of information by the poor without any intimidation and advocated for strengthening the local government structure for providing information to the poor.

Shihabuddin Ahmed, Sector Head, LSRR of Action Aid, said in many cases the poor do not get the full information which creates more misconception among them.

Arifur Rahman, Programme Manager of Manusher Jonno, said manipulation of information for political and individual gains should be stopped.

Khaleda Islam, working in the rural maintenance programme of CARE, said the costs of information devices need to be reduced for the poor's easy access to such tools.

Obaidur Rahman of the Save the Children said information and knowledge should be transferred in the fashion of transferring skills.

Mahabubur Rahman of a NGO working for social justice said the local governments sometimes give wrong information to communities.

Shaikh Toufiq of the Policy Research Centre said alongside the government, the NGOs should also maintain transparency in providing information to the beneficiaries of their projects.

Case Study

Amader Desh, an information communication technology initiative of the Bangladesh Friendship Education Society (BFES), presented a case study that showed how small infrastructure facilities can improve livelihoods of the rural people who are the major stakeholders.

Under the project information are collected and preserved so that villagers can use them whenever they need. (See annex)

Recommendations

- Access to information should be available at a low cost but not free of cost.
- Information content should be in local language relevant to local needs.
- There should be ethical and moral sides to the use of information to stop manipulation of information for undue advantages.
- ICT-based one-stop centres should be set up in rural areas to provide livelihood

information to the poor through multiple delivery channels.

- e. The poor must have the ownership of the information centres to ensure that they get proper information.
- f. Like the government sector, the NGOs and the private sector should also be more transparent in sharing information.
- g. Education should be spread for proper use of information.
- h. The local governments have to be strengthened to reach information to the poor.
- i. Prices of information devices have to be reduced significantly.
- j. Local people including women have to be trained as information and knowledge managers.

ANNEX

Case study

Reza Selim, project director of Amader Gram, an ICT initiative of the Bangladesh Friendship Education Society (BFES), presented a success story of how access to information has changed the lives in a village under the Amader Gram project. The project has a formal way of collecting, preserving and even re-sourcing data on the project's own activities and beyond.

He said the statistical department of the government does not have any regular mechanism to collect or preserve data on the villages. Although in some upazilas the government has branches of the statistics department with only one officer, these do not have any ICT facilities. So introducing a formal set-up to collect and preserve data of the villages may be considered as an exemplary step.

The project also has a data generation activity too. On the one hand, the collected data

document the day-to-day changes in the villagers' lives. On the other, the stored data will generate many other data which can be used for further changing the living status of the villagers.

For example, data related to micro-credit activities provide information on the potential income generating activity sectors and on the ways of accessing credit and other supports so that entrepreneurs can take quick and appropriate steps to undertake suitable projects.

Roundtable on "Right to Information: Role of Media"

Synopsis: The media play an important role in voicing the concerns of the poor who would otherwise find no way to speak to those at the helm of power. As such, the content of the right to information law should not be decided by the elite lawmakers. The law should provide for maximum disclosure of information for greater accountability of the government and empowerment of the people.

The roundtable on "Right to information: Role of Media" held at the Meghna Hall of Biam on December 13 elicited valuable opinions on the issue from human rights activists, representatives of development agencies and media personalities.



Executive Chairman of Power and Participation Research Centre (PPRC) Hossain Zillur Rahman moderated the roundtable.

It was attended, among others, by Iqbal Sobhan Chowdhury, Editor of The Bangladesh Observer, Mahbubul Alam, Editor of The Independent, Mahfuz Anam, Editor of The Daily Star, Prof Sakawat Ali Khan, Head of the Department of Media Studies and Journalism of the University of Liberal Arts, Nurul Kabir, Acting Editor of New Age, Matiur Rahman, Editor of the Prothom Alo, Shaikat Mahmood of Amar Desh, Kamrul Ahsan Manju of Massline Media Centre, Emamul Haque of UN World Food Programme, Farid Hossain of the AP, Shamsul Huq Zahid of The Financial Express, Mashiul Alam of the Prothom Alo, Anwar Kamal, Shamsunnahar of Womem for Women, Khairuzzaman Kamal of Bangladesh Manabadhiker Sangbadik Forum, Alamgir Swapan of Janakantha, Mahtabuzzaman of New Age, and Bivash Barai of the Bhorer Kagoj.

Maja Dhun Daruwala, Director, Commonwealth Human Rights Initiative (CHRI), Kishali Pinto Jayawardena, Deputy Director of Law and Society Trust in Sri Lanka and Aruna Roy, public interest lawyer from India and contributor to Colombo-based Sunday Times, reflected on their experiences as activists in the campaign for the right to information.

Daruwala said in India, the right to information movement has not been driven by media demands. Rather, development organisations and middle class advocates led the movement, especially for the people at the grassroots level, and in some cases for the middle-class consumers. The consumer movement had a lot to do with getting the right to information, she mentioned. The successful application of the laws in environmental causes also supported the movement for accurate information.

Daruwala said it is always very cumbersome and time-consuming to get information from official sources, which all the more highlights

the need for a simple and cost-effective way for the poor to get access to information.

She stressed that the right to justice and the right to information are inter-linked. If people have a right, they will have a remedy. Media have an important role to protect this right by analysing the issues and events. The media can form opinion from people who would not normally have a voice. Such opinions may not have any channel to reach to those at the helm of power without the media.

And so what should come under the purview of the right to information law should not be left to the whims of the lawmakers who are hardly concerned about the information need of a largely rural, uneducated, and poor population. When law formulators are not often responsive to the needs of the poor, the media have a great role to play, she observed.

Daruwala maintained that the right to information law should actualise maximum disclosure and minimum holding back of information by abolishing the Official Secrets Act. In case of any holding back of information, there have to be a reason, placing public interest over the government's.

Open Discussion

Following Daruwala's speech, Hossain Zillur Rahman pointed out two aspects of the right to information: 1) Establishing the right, and 2) Implementing the right.

He also felt that the media persons should talk more about the right to information issue as the bureaucrats are often given the task of drafting the law.

Aruna Roy, public interest lawyer from India, said the media joined hands with the civil society in India to wage campaigns for the right to information.

She said in the first phase of the campaign, information related to the poor's livelihoods

was sought from the government offices as the poor's right to remedy for injustice and deprivation can be ensured through ensuring right to information. In the second phase, the middle class was involved in the campaign who saw benefit in the movement. In the third phase, the battle was to establish accountability of the politicians.

Similarly in Sri Lanka, the media acted as the driving force in the freedom of information law issue, Kishali Pinto Jayawardena, Deputy Director of Law and Society Trust in Sri Lanka said. Newspaper editors and lawyers formulated a draft law in 2001 and submitted it to the government. However, the law could not be enacted because of unfavourable political environment.

Mahbubul Alam, Editor of The Independent, said in Bangladesh, the media have played a role in the campaign for the right to information act because they needed access to information for report writing.

Mahbubul felt that accountability of the NGOs and other organisations that handle substantial public funds should be ensured and so, the right to information act should be extended to cover these organisations' activities.

Acting Editor of New Age Nurul Kabir said a democratic society must have the right to information.

He said despite the existence of some restrictive laws, Bangladesh has the most vibrant press in South Asia due to a political environment marked by strong democratic struggles.

Highlighting the importance of access to information, Kabir mentioned that the reporters are often manipulated by their sources in the absence of the right to information.

Editor of The Daily Star Mahfuz Anam said the media are very much interested in joining hands with the development organisations for the right to information campaign that creates an environment of openness and transparency.

He said in a democratic society, people are entitled to know how state affairs are run by the government. The right to information leads to greater accountability of the government and empowerment of the people.

When there is freedom of information, people enjoying power are restrained from abusing it. In absence of an obligation to share information, the government feels no need to explain the incidents of violation of civil rights.

Anam said the right to information concerns the whole range of civic liberty which is recognised by the constitution. But the people cannot enjoy it due to the absence of the obligation of the government to share information.

Public interest lawyer of India Aruna Roy at this stage described how the Indian civil society struggled for establishing the right to information.

She stressed the importance of cooperation among the press, activists and lawyers to make the campaign for the right to information successful.

Shaukat Mahmood of Amar Desh outlined the struggle of the South Asian journalists for free flow of information and said the people are already getting benefits from the right to information law in different Indian states like Rajasthan and Andra Pradesh. Journalists of the SAARC countries under the South Asia Free Press Association have been in movement since 2002 for the right to information act. In 2005, Safma proposed a protocol on the freedom of information in the Saarc countries, he mentioned.

He said the right to information is important as journalists face harassment in collecting information relating to corruption and malpractices.

Shaukat agreed to Aruna Roy's observation that a concerted effort by NGOs, media, journalists' association and the members of the civil society is needed to make the politicians understand the significance of the right to information act.

Kamrul Hasan Manju of the Massline Media Centre said the draft right to information law was formulated by bureaucrats without consulting with the stakeholders, media, and members of the civil society.

Editor of The Bangladesh Observer Iqbal Sobhan Chowdhury felt that the media should take the leading role in the campaign for the right to information as they are often subjected to harassment while gathering information.

He highlighted the good side of having the right to information and said it helps ensure transparency and good governance to institutionalise democracy. Absence of this right opens the scope for information distortion. In forming the draft of the right to information act without consulting the media people and others concerned, the government has denied the people their right to know, he observed. Media representatives, lawyers, NGOs and stakeholders should be taken into consideration before finalising the law.

Emamul Haque of the WFP said information is crucially important for all development agencies. For advocacy programmes, development agencies and NGOs seek help from the media in their attempts to address the issues at the national level.

In a similar fashion, the media can also explore whether they can take help from other organisations such as NGOs and UN agencies in the campaign for the right to information, he suggested.

Farid Hossain of the AP mentioned how journalists have to struggle for their right to information.

"Journalists are already fighting for the right to information," he said. "They fight against the government for information vital for public knowledge."

He felt that the recently made ordinance that allows the government intelligence to intercept telephone conversations and e-mails has served a big blow to the right to information campaign.

Anwar Kamal talked on why information is so vital for the society and said following newspaper reports on a crisis situation, the government tends to take some sort of actions. Thus the journalists' work leads to a sort of forced accountability of the government. Kamal felt that journalists should play the role of activists to establish accountability in the society.

Prof Sakhawat Ali Khan of the University of Liberal Arts said freedom of speech as well as freedom of information are the citizens' fundamental rights and the media should be in the forefront of the movement to ensure that claim.

He however pointed out that the media should provide timely, accurate, reliable and adequate information and speak against the black laws that prevent information flow

Shamsul Huq Zahid of The Financial Express said e-governance has been overlooked in the draft Right to Information Act.

Mashiul Alam of the Prothom Alo said when the government drafts a law on its own initiative there remains a reason to think that the law might be used as an instrument to suppress rights. The draft law must be laid open for scrutiny by all concerned before finalising the law, he felt.

Concluding Remarks

In his concluding remarks, moderator Hossain Zillur Rahman said the media and other activists have been working in their own ways for the right to information.

Along with the law, there should be a simultaneous improvement in the willingness of the society to adhere to that law and make it work, he said.

The enactment of the law may require a lot of efforts and struggles, as it happened in India, but after a certain stage people from various

sections will start joining the movement for their own interest, he maintained.

Recommendations of the Roundtable

- 1) The Right to Information draft law should be open for scrutiny by media people, legal experts, development workers and grassroots activists so that they can make creative suggestions. The law should not be left to the whims of the bureaucrats and lawmakers.
- 2) There should be a broader campaign with the concerted efforts by journalists, lawyers, NGOs, development workers, members of the civil society, politicians and stakeholders to raise the level of overall awareness on the need for a right to information law.
- 3) There should be a provision for inclusion of e-governance in the Right to Information Act.
- 5) As right to information refers to maximum disclosure and minimum holding back of information, the Official Secrets Act must be tailored to the right to information, keeping public interest above the government's own.
- 6) The Right to Information Act should be extended to cover NGOs and other organisations that handle substantial public funds in order to ensure their accountability.
- 7) The Poverty Reduction Strategy Paper (PRSP) should incorporate the issue of the poor people's right to know.
- 8) There must be a provision for protection of privacy in the Right to Information Act.
- 9) Journalists and others concerned should be vocal against the recently made ordinance that allows the government intelligence to intercept telephone conversation and e-mails.

People's Right to know Workshop on International Trade and Development Right to Information

Synopsis: The LDCs need more information on international trade issues so that they can have a better negotiating foothold.

The workshop on International Trade, Development and the Right to Information held as part of the conference on 'Right to Information: National and Regional Perspectives' discussed a number of important issues including how lack of information on international trade affects the least developed countries (LDCs).

Moderator of the workshop Fatema Yusuf of the Centre for Policy Dialogue (CPD) set the tone of the discussion by saying that the LDCs are being marginalised in international trade. Time has come for these LDCs to assess what role information plays for such a situation. She pointed out that often the LDCs cannot get the needed information for a better role in trade negotiations. When the WTO was formed, it was thought that a lot of resources would be made available to the developing countries. But the reality is different as the LDCs found themselves being marginalised.

Keynote speaker Masud Ali Khan, Executive Director of the INCIDIN Bangladesh, brought out another interesting topic -- the role that information technology is playing to create a digital divide.

"Many of us might think that we have received the right to free access to information following the emergence of information technology. But it's not true," said Khan. "Information technology has enabled the powerful countries to enhance their influence by providing motivated information to others."



He observed that the developed countries are providing subsidies to their farmers in the name of environment and trade facilitation. The United States exports rice to Central America at prices 18 to 20 percent lower than production cost to cripple the ability of farmers in poor countries to compete. At the same time, the rich countries are putting pressure on the poor countries to withdraw farm subsidies.

Khan gave a brief description of the Breton Woods Institutions and stated that the WTO was created to protect the interests of the big powers.

Before the creation of the WTO, many developing countries reduced their import tariff and subsidies to farmers to abide by the conditionalities of the World Bank and the IMF to receive loans. This caused loss of market access, loss of farmers' right and elimination of small farmers. Today, five large corporations of the developed countries are controlling about 75 percent of trade in agriculture, Khan pointed out.

He said the poor countries need to have such information to create more knowledge. The civil society organisations need to generate and disseminate information on the impacts of unilateral trade liberalisation and engage in information networking.

"The government has to ensure flow of information on trade negotiations in general and AoA (Agreement on Agriculture) in

particular," he noted. "It should carry out legal reforms to make transnational corporations (TNCs) disclose information on quality of products (polluting and GM elements) and market share."

Quazi Faruque, Consumers' Association of Bangladesh, [speaking as what] said from the very beginning of Bangladesh's joining the WTO, rights of the citizens have been violated as the government did not discuss the matter in parliament.

Faruque was critical of the developed countries and said they follow tricky business policies and behave like the imperialist rulers.

He felt that the international manufacturers should provide information about their products so that consumers can have informed choices.

Farzana Naim, adviser to Manusher Jonno, said the multinational companies are imposing products related to reproductive health on women of the poor countries without giving detailed product information.

She felt that information on markets and products is very crucial for women in business.

It is not prudent to rely solely on the market-based system to determine the flow of information as such a system will affect the women most. The capacity of each participant is not equal and so special attention should be given for capacity building of and resource mobilization for the women. Dissemination of information has to be conducted in a way so that it reaches the women.

Farzana highlighted some realities that pose challenge to women's participation in trade. She said the women cannot reap equal benefit as the men from trade policy interventions because of lack of and control on resources and socio-economic disparity.

The other reality is that the trade policy does not address the special and differential needs of the women. For example, women lag

behind in accessing information technology because of cultural barrier. As they lack information, they find it difficult to access markets. The women also do not get works which involve technology and machines.

Farzana stressed that if market information can be reached to the women through some simple technology, this would have helped the women entrepreneurs. The barriers to accessing information technology such as infrastructure and cultural barrier should also be addressed.

Women often face obstacles in collecting information from the village information centres, which should be addressed immediately, she pointed out. The ICT policy should also be made gender sensitive.

Farzana said one also has to analyse whether the women are benefited by the jobs created by trade liberalization, whether they are getting employment or not. But when a country's industry gets affected because of trade liberalization, the women entrepreneurs become the first ones to be hurt.

So, she said, gender perspective must be kept in mind in laying out trade policy interventions so that they become gender neutral.

Farzana also felt that the government should not withdraw itself from every decision of the market as this would create a situation vulnerable for the women entrepreneurs. So the government should look into the gender issue of the market as well.

Ziaul Haque Mukta of the Karmojibi Nari said none of the trade diplomats address the issue of the people's right to information on GATS (General Agreement on Trade in Services) negotiations that could generate the people's choice at national level.

Moderator Fatema Yusuf wrapped up the workshop by saying that information can be a very useful tool for farmers. They are being deprived of fair prices as they do not have market information.

"If they could have information, then they could have better bargaining capacity," she pointed out. "At the same time, the consumers also need to get proper information on the quality and contents of the products they buy so that they can have informed choices."

Recommendations

1. LDCs should strive for better and accurate information to make themselves ready for negotiations in global trade issues.
2. A better-networked civil society is needed for effective information exchange on global trade issues.
3. The civil society should play an active role in assessing the impact of trade liberalization and disseminate them to the people.
4. The government should ensure access to information regarding trade and agriculture.
5. Law should be enacted to make multinational corporations disclose information on product quality.
6. Trade information should reach the women.
7. Special attention should be given to capacity building for the women.

Workshop on Empowering Local Government in Ensuring Access to Information

Synopsis: The Union Parishads should be made more people friendly in providing vital information to the community. They should be strengthened and free from political intervention if this goal has to be achieved.

The workshop on 'Empowering Local Government in Ensuring Access to Information' held on the second day of the conference on Right to Information: National and Regional Perspectives was moderated by Dr Tofael Ahmed, professor of Public Administration, Chittagong University.

Professor Dr. Salahuddin Aminuzzaman of the Public Administration Department and chair of the Department of Development Studies of Dhaka University presented a keynote titled 'Empowering Union Parishads in Ensuring Accessibility to Information - A Diagnostic Overview'. He said good governance is closely linked with the flow of information as the latter ensures social and political accountability.



Quoting studies, he pointed out that the flow of information ensures social audit and people's participation, which ultimately ensures quality and improvement in delivery of services. Despite the potentials, there is little involvement of the Upazila Parishads (UPs) in any income generating projects and the people, bereft of any information about the Ups, also do not expect anything from the local governments.

Aminuzzaman said being the grassroots units of the local government system, the UPs have a lot of responsibilities, which they fail to do as they are institutionally very weak and suffer from poor image and capacity.

"There is hardly any formal mechanism for community participation in the UP-led development activities, project planning and management," he observed.

Since the UP officials are not trained and appropriately oriented, they too are not aware

of the ranges of the services to be provided by Ups and their role as community leaders.

As such, people fail to realize their rights from the UPs and, in many cases, are oblivious of their rights as they do not have information.

Aminuzzaman said a demand-driven receiving mechanism at the bottom of the society should exist to act as a pressure system to ensure quality of governance.

He criticised the government for not repealing the Official Secrets Act, CPC and the Rules of Business that block information flow to the people.

Panel Discussion

Badiul Alam Majumdar, Country Director of The Hunger Project, noted that the UPs have to depend on the sympathy of others as their resources and power has been taken away. He said the local government may be strengthened by ensuring flow of information to the people and establishing accountability of the elected representatives. People's participation in development activities should be ensured and information should be made open for all to ensure the local bodies' transparency.

He proposed formation of Gram Sabha comprising all voters with the mandate of taking their own decisions themselves.

Dr Zarina Rahman Khan, professor of public administration of Dhaka University, noted that the UP representatives do not have proper information about their power and resources. She said the local governments must be turned into strong institutions.

Dr Zahirul Huq, Deputy Chief of the LGD, said, "It is not possible to ensure the rural poor's access to information by keeping the UPs weak. The UPs need more manpower and necessary logistics to be effective."

Sheela Tasneem Haq, program manager of Manusher Jonno, stressed formation of a participatory society at the local level where the citizens will have access to information and will claim their rights. The people will sit

together to work out solutions to their own problems in such a society.

Information about agriculture, food, fisheries, livestock etc. have to be made available at the UPs during a certain period. In this regard, she also mentioned that the existing UP complexes can be utilized as resource centres to provide information on the above mentioned areas.

Case Study

Democracy Watch presented two case studies to highlight how ineffective local government institutions can not serve the information needs of the rural poor.

The case studies involved two farmers - one who could not find any information on agriculture from the Union Parishad office when his crops were attacked by diseases, and another who could get timely information from NGOs and agriculture office to mitigate his problems.

The cases showed that with if institutions are in place and if they are functional, then the poor will benefit from proper information. (See annex)

Open Discussion

Some participants mentioned that the lawmakers and government officials often influence the UPs. Abdus Sabur, a participant from Satkhira, said a local chairman of his area had to pay 30 percent of the UP budget to various authorities while drawing the money.

They also proposed increase in salary and allowances of the elected UP representatives.

The UP Chairman from Mankon of Muktagachha upazila, Mymensingh, pointed out that most chairmen and members are not aware of their duties and responsibilities. He stressed the need for proper orientation and training of the UP members.

Recommendations

- In line with the PRSP policy pronouncements, attempts should be made to increase advocacy work with the UPs so that they provide information to the community.

- The UPs should be supported with infrastructure and logistics to put in place e-governance and IT facilities.

The central government's political influence and control on the UPs should be stopped immediately.

The UP officials need to be trained in collecting, organising, processing and managing information.

- The UP representatives should be motivated to hold mandatory monthly meetings.
- Communities have to be mobilised so that they can demand information as a right and use them for their socio-economic and political development.
- Local NGOs and CBOs should come forward to take up social mobilisation and awareness programmes to generate demand for information.

ANNEX

Case Study

Democracy Watch highlighted two cases one of Abdul Mannan, a 45-year-old farmer of Ghatari Purbopara village of Muktagachha upazila of Mymensingh, and the other of Abdul Matin of Mirzapur village of Mymensingh to show how proper flow of information can benefit farmers.

The first farmer, Mannan grows Aman and Boro paddies, mustard and vegetables. A member of the BRDB farmers' cooperative association since 1981, he took training in agriculture at a local CARE Bangladesh office and takes advice from block supervisors on different occasions.

With proper and timely information, Mannan is a successful farmer who has educated his three daughters and already married two of them off. He is considered as a well-off man today.

But Matin, now a schoolteacher with 11 mouths to feed, had 364 decimals of land 10 years ago.

He tried to grow potato on 10 katha of land but his hard work resulted in failure due to plant diseases. He rushed to the block supervisor but could not find him. He then went to his local UP in vain as there was no standing committee on agriculture to help him with information.

Although he had prepared the rest of his land for potato cultivation, he did not dare to proceed further because of his limited knowledge and went to the upazila agriculture department office. Without giving him any advice, the agriculture officials gave him the address of the block supervisor whom he finally found after several attempts.

But the block supervisor showed no interest in his problems and sent Matin away after giving him a booklet on potato cultivation.

Frustrated, Matin decided not to go for farming anymore and became a schoolteacher.

Workshop on

"Implementation and Monitoring of Right to Information Act"

Synopsis: the right to information law helps reduce corruption and make government officials accountable. But the draft right to information law exempts many areas from the purview of disclosure. It should be discussed with the stakeholders to tailor it to the people's need.



Executive Director of BELA Syeda Rezwana Hasan moderated the workshop on "Implementation and Monitoring of Right to information Act" while Executive Director of Transparency International Bangladesh Dr Iftekharuzzaman, Advocate Shahdeen Malik and Programme Manager of Manusher Jonno Kartick Chandra Mandal took part in discussions as panellists.

Keynote Speech

Sohini Paul of Commonwealth Human Rights Initiative from India presented a keynote paper at the workshop on the recently enacted Right to Information Act by the central government of India and described how the people are spontaneously exercising their right to information. She said the act is helping bring transparency and accountability to the activities of the government and other organisations including the NGOs. The NGOs also work to make the people aware about how they can exercise their right to information.

Sohini said fees for access to information should be kept at a very reasonable amount. She presented the features of a good information law that include having a) little exemptions from the ambit of law and b) provisions of penalty for wilful refusal to disclose information.

On Sohini's presentation moderator Syeda Rezwana Hasan said India has enacted the Right to Information Act, but it will take a long struggle to have a similar law in Bangladesh. She criticised the government for enacting a law that allows the intelligence agencies to tape phone calls and eavesdrop private conversations.

Speech of Panellists

Addressing the workshop, Shailaja Chandra, Chairman of Public Grievances Commission in Delhi, illustrated how her organisation has strengthened the Delhi Right to Information Act 2001 by addressing grievances of the people.

"My experience shows the law has made government officials more accountable," she noted.

She said people affected by different organisations find a solution to their problems through her commission. Citing a case, she said a youth filed a complaint with the commission accusing an organisation of denying him a job despite having academic qualifications and passing the recruitment test successfully. Ultimately the man got a job in the organisation following a verdict of the Public Grievances Commission.

Dr Iftekharuzzaman, Executive Director of Transparency International Bangladesh, in his turn said the right to information is a person's fundamental and democratic right and the lack of it had contributed to an increase in corruption in the country. The civil society and the NGOs have to play a catalytic role to make the grassroots people aware about their right.

Criticising the draft Right to Information Act, he said it contains many areas of exemptions in matters of state security, foreign relations and state finance and income tax, which will stand in the way of providing people with information.

Dr Iftekharuzzaman stated that even if the law is finally passed, some proper institutional arrangements will be needed for its implementation.

Advocate Shahdeen Malik stressed appointments of efficient people to the top public positions for better functioning institutions.

He said open discussions on the proposed law are needed to establish the people's right to information and blamed lack of political will for the delay in formulating the law.

Kartick Chandra Mandal, program manager of MJ, presented the draft Right to Information Act prepared by the Bangladesh Law Commission. He observed that the draft law does not meet the international standards. He said there is no provision to provide people with information regarding cabinet deliberations, budgets and international agreements.

He felt the need for an information commission to monitor the implementation of the law once it is enacted. He also stressed the need for proper training and sensitising of the people responsible to implement the law. He categorically discussed the loopholes of the draft law and pinpointed many exemptions which are broad and vague, making the law rather prohibiting when implemented.

Mr Kartick discussed the need for a modern and efficient information management system to provide the people with necessary information.

Finally, he concluded that it is better having no law rather than making a faulty law that the draft one envisages.

Kartick said the local governments have to be efficient and pro-people for implementing the right to information act.

Both Dr Iftekhar and Shailaja criticised the draft law for exempting information on trade, public procurement and foreign relations from being accessible.

Open Discussion

During the open discussion Aminur Rahman Bablu of Uttaran, a NGO working with the landless people, said the land offices are often unwilling to give information on Khas land and whatever information can be received from the offices are also not updated.

Arjina of Usha said right to information law should be implemented properly, otherwise it will serve no purpose at all.

K M Rabiul Alam of Mass Line Media Centre suggested bringing the media under the Right to Information Act. He said the media, particularly the newspaper, deprive the readers from their right by publishing advertisements on the front page.

Lawrence Basemet of Caritas said the government is depriving the indigenous communities from their right and land by setting up eco-tourism parks. He stressed the need for building a strong movement against eco-parks.

Md. Faruq Hossain of Shaplaful in Bagerhat suggested formation of a citizens' committee at each Union Parishad to forge strong movement from the grassroots for the enactment of the Right to Information Act.

Shahidul Islam, a contributor of Dainik Samakal, said after enactment of the law, it should be made readable to the grassroots people.

While replying to the queries of the participants, Dr Iftekharuzzaman emphasised the need for a code of work for the NGOs to ensure their accountability.

In her turn, moderator Syeda Rezwana Hasan said before enactment of the law, the government should discuss it with the NGOs and the people concerned and reflect their suggestions in the law.

Recommendations

- 1) A discussion on the draft Right to Information Act should be arranged among government and NGO representatives and citizens concerned. Recommendations of the discussion should be included in the law.
- 2) The law should have a reader friendly version to be supplied to the grassroots people.
- 3) Citizens' committees should be formed at Union Parishads to forge strong movement for the enactment of the law.
- 4) Broad exemptions in the drafted Right to Information Act should be removed.
- 5) An information commission should be established to monitor implementation of the law.
- 6) The civil society and the NGOs have to play a catalytic role to make people at the grassroots pro-active by making them aware about their right to information.

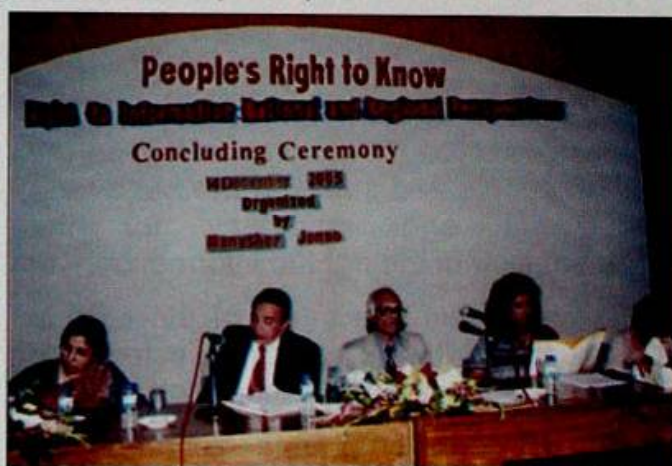
Concluding Session

Right to Information: National and Regional Perspective

Synopsis: The right to information is a precondition to good governance and functioning democracy. It is also needed to

fight corruption by bringing transparency and reduce poverty. This is why the restrictive laws should be abolished.

The concluding session of the two-day conference on 'Right to Information: National and Regional Perspectives' organised by Manusher Jonno (MJ) was held at the Bangladesh Institute of Administration and Management (BIAM) on December 14.



Noted economist Prof Wahiduddin Mahmud chaired the concluding session of the conference while Principal Secretary to the Prime Minister's Office Dr Kamal Uddin Siddiqui addressed the function as Chief Guest.

Maja Dhun Daruwala, director of the Commonwealth Human Rights Initiative, India, and Kishali Pinto-Jayawardena, legal consultant to the World Bank from Sri Lanka, were the special guests. MJ Team Leader Shaheen Anam offered the vote of thanks.

Rina Roy and Sanjida Sobhan of the MJ presented the recommendations made during the two-day brainstorming for a national campaign to institute the Right to Information Act.

At the concluding ceremony, dignitaries from home and abroad termed the right to information a prerequisite to democracy, good governance and poverty alleviation. They called for making the grassroots people aware of their right to information for realisation of their demands.

Prime Minister's Principal Secretary Dr Kamal Uddin Siddiqui in his speech stressed a strong advocacy campaign to counter those who oppose the people's right to information.

He pledged to do his best for the enactment of the Right to Information Act, which he considers is a must for poverty alleviation and bringing transparency and accountability to the government.

Siddiqui said he agreed with the conference that the obsolete and colonial laws like the Official Secrets Act should be amended or scrapped and that the civil society should be consulted with on the draft Right to Information Act 2002.

He said the recommendations of the conference should be understandable to the common people and stressed the need for a strong will and advocacy for the implementation of the right to information.

Prof Mahmud said enactment of the right to information law will work as a strong deterrent to any sort of corruption by government officials.

He termed the conference outcome the launching point of a process and said the MJ has to take forward this process by generating popular awareness and launching a campaign for realising the right.

Prof Mahmud, a former adviser to caretaker government, said the right to information is related to a wide spectrum of things -- access to justice, freedom of the press, women empowerment, poverty alleviation, obligatory dissemination of information by the government, and protection of consumers' rights as well as the interests of shareholders in the private sector.

He felt enactment of the Right to Information Act should be applicable to the government as well as the private sector as disclosure of information by the latter will protect the interest of the shareholders. It also will bring accountability and transparency to the funds and election expenditure of the political parties, he said.

Prof Mahmud said strong public institutions are a must for proper implementation of the Right to Information Act. Remedial measures should be included in the law to punish its violators.

He stated that the media are a vehicle to carry information to all. Regarding distorted

reporting in the media, he said this happens due to the Official Secrets Act that bars the government official from giving any information to journalists. As journalists get information from disgruntle officials, this sometimes is the cause for information distortion. "At the end, the government pays for the distorted report," Prof Mahmud observed.

Speaking as special guest, Indian expert Maja Dhun Daruwala, Director of the Commonwealth Human Rights Initiative (CHRI), said the right to information, which is a must for democracy, brings accountability and transparency to the government functions.

Daruwala said the people entrusts the government with power and this power is misused by the higher echelon.

Highlighting the importance of the right to information law, Daruwala said the law is the vehicle through which people participate in democracy.

Regarding the people's ownership on their governments, she said, "It is the means through which we can alleviate poverty, because the people will know this is their own government and this is their own decision."

She completed her speech saying, "People are hungry and dying and they are dying from lack of information and they need your support in this regard."

Kishali Pinto-Jayawardena of Sri Lanka said the situation in Sri Lanka regarding the right to information is much similar to Bangladesh. The right to information act was drafted in her country in 2001 and was submitted to the information minister and prime minister. But, the document has been put on hold since then.

"We have to move forward with participation of the civil society, media and the public," she said.

Before concluding the conference, MJ Team Leader Shaheen Anam urged the MJ partner organisations to actively build awareness about and demand for the right to information among the grassroots people so that they can wage a national campaign.

Annex A

Conference Papers & Case Study



Conference Paper¹

**“Right to Information: The
current Situation in Bangladesh”**

13 December 2005
Manusher Jonno (MJ)

Introduction

Access to information is considered a development tool while there is growing recognition that it should be recognized as ‘right’ since it is related to almost all aspect of people’s well being. Right to avail information has become an important issue in Bangladesh considering its impact on people’s life and liberty. This challenge becomes more explicit when access to avail information related to people’s lives is denied by a ‘culture of secrecy’.

Due to this ‘culture of secrecy’ people suffer from a lack of required information, which marginalizes ordinary people further. Poor and disadvantaged people suffer due to their inability to access to information further creating inequalities in society. This state of lack or gap of information is one of fundamental causes of poverty, since it has direct linkages with livelihood options.

This paper intends to highlight the present state of people’s access to information and its significance to people’s day to day life. It also looks at existing impediments in accessing information by identifying limitations, gaps, attitude and loopholes plus procedures and laws in the present system.

¹ This paper is an edited version of the seminar paper titled “Situational Analysis of Right to Information in Bangladesh: Challenges and Realities” presented in the Seminar, 5 September, 2005, Manusher Jonno. Edited by Sanjida Sobhan and Farzana Naim, Manusher Jonno under the guidance of Shaheen Anam, Manusher Jonno.

Right to information: Concept and Scope

*United Nations has recognized freedom of information as a fundamental human right and the touchstone for all rights*². Right to information creates legal entitlement for people to seek information and includes duty of the public function bodies, both government and non-government, to make information public and easily available. It enables citizen to seek information from duty holders and make duty holders responsible to disseminate important information voluntarily even if it is not asked for. For example the public has the right to know environmental management process of an industry since it affects people’s right to health.

Rights perspective

Admission to information is not only a tool for development but also a right. Satisfactory information is needed for the manifestation of thought, conscience and speech. To build and express ones opinion one has to rely on adequate information. The realization of the right to personal safety and property also requires sufficient information to protect them. Lack of information creates barriers to people to realize opportunities and services rendered for them and hence their basic rights remain violated. Accessibility and availability to information are the foundation of other rights; it is a fundamental right and the touchstone of all other rights.

Governance perspective

Adequate information, if available, reduces the chance of misuse of resources and lessens corruption. It also helps governance system function better, makes service providers accountable for their act and action, creates participatory and transparent

² UN General Assembly 1946 Resolution 59 (1), 65th Plenary Meeting December 14, 1946

atmosphere for people to contribute in policy formulation establishing rule of law. The extent of availability and access to information are parameters of democracy. We know that a true democratic situation leads to development. A voter who knows where the vote center is located can exercise the right to vote on time, an individual tax payee must know how to fill-in tax form and in which zone tax return should be submitted. Parents have the right to know what the opportunities are and incentives available for free education and public should know the substantial proportion allocated for health services in the budget. All services that are meant for the benefit of people should develop systems that will enable people's easy access to information.

Diversity and Right to Information Challenges

Many groups in society; particularly those which are disadvantaged and marginalized due to their profession, identity, geographic location and gender are systematically excluded from the information system. For example women have less access to information due to lack of awareness and opportunities, cultural barriers, imbalanced power relations, lack of participation in information, communication and technology. These are also considered as major obstacles to women's empowerment.

Disclosure of Information

Public function bodies should make information available unless there are strong reasons for denying it. Denial of information is only acceptable when it is for the best interest of the public. Specific and clear ground should be provided in case of denial of information. Information includes not only written documents but verbal and non-verbal communication as well.

Sphere of Right to Information

Public as well as private bodies, corporations, NGOs and international institutions that carry out public function, which affects public rights, influence the destinies of millions, are responsible to provide information. Considering this, some Commonwealth countries have extended the coverage of their laws to some private bodies. Often agreement, treaty with international, multinational agencies and corporations are not made public, based on the presumption that it is confidential. Issues involved/concerned with public interest should be made open. "The World Bank, International Monetary Fund, Asian Development Bank and other similar agencies are universally cited agencies, which have long term, and deep impacts on people's lives but very little information is given to the people." (Commonwealth Human Right Initiative, CHRI 1999, pg 4)

RTI and Coverage

Government information includes: international accords; negotiating briefs; policy statements; minutes with discussions with vendors; donors and debtors; cabinet deliberations and decisions; parliamentary papers; judicial proceedings; details of government functioning and structure; intra governmental memos; executive orders; budget estimates and accounts; evaluation of public expenditure; expert advice; recommendation and guidelines; transcripts of departmental meetings; statistical data; reports of taskforces, commissions and working group; social surveys and analyses of health, education and food availability; assessments of demographic and employment trades; analysis of defense preparedness and purchases; maps; studies on natural resource locations and availability; proof of the quality of the environment, water and air pollution; detailed personal records.

Source: CHRI 2003 Report

This removes information from the public domain. Private bodies are providing public services their activities need to be open to public scrutiny if they affect people's right. For example, the shrimp farming in Bangladesh has long term impacts on people's lives, health and ecology of the local population, but these were never explained nor this information made public.

Access to Information: The Case of Bangladesh

Access to information is not recognized as a right in Bangladesh. It has been mentioned earlier that a culture of secrecy creates obstacles to peoples need to get the rights which are essential for their day to day life. The continuous denial and negligence from public offices have made people accustomed with this culture. The three major organs of state is embedded with some rules regulations and laws that has not been able to discharge its functions in a pro-people manner. However, the Constitution of Bangladesh has recognized freedom of thought, conscience and of speech as a fundamental right, which indirectly recognizes access to information as a 'right'. This provides an opportunity that can be utilized to avail information easily and freely. However, the ethics that work within three major organs of the state, namely executive judiciary and legislative erode the essence of constitutional value of "freedom of expression".

Bangladesh Constitution

The Constitution of Bangladesh has not declared any definite provision for access or right to information. Though an inclusive interpretation of **Article 39** could be exercised to realize one's freedom of thought, conscience, speech and the freedom of press. The interpretation of this Article is

intended to include discussion and dissemination. In support of this articulate interpretation, the Supreme Court of Bangladesh in *Dewan Abdul Kader Vs. Bangladesh* cited an Indian decision, "--- freedom of speech and expression includes the freedom of propagation of ideas---." (Rapid Assessment, p.5). Denial of access to information amounts to denial of freedoms guaranteed in article 39. Article.39 (2) of the Constitution states that subject to any reasonable restrictions imposed by law in the interest of the security of the state, friendly relations with foreign state, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence, a) the right of every citizen to freedom of speech and expression and b) freedom of the press are guaranteed. Freedom of speech as enshrined in our Constitution would not carry any meaningful purpose unless this right contains the right to receive and access information. Likewise, it would not be possible for the citizen to realize their right to know unless repealing other inconsistent law, rules with this Article 39 of the Constitution. **Article 26³** has clearly affirm that the state shall not make any law inconsistent with the provisions of this part, and any law so made shall to the extent of such inconsistency be void. Therefore, from the Constitutional perspective people's right to know, right to access to information can be ensured only by the effective practice of the constitutional provision. If real democracy is in practice in the country, then the absence of any particular provision for this right should create no bar in accessing information. **Article 7** of the Constitution implicitly recognizes people's right to information.

³ Article 26 states that "All existing law inconsistent with the provisions of this part (i.e. fundamental rights) shall, to the extent of such inconsistency, become void on the commencement of this Constitution

Article 7 declares that all powers in the Republic belong to the people. So peoples right to all information cannot be barred in any way, as it has been recognized by the Constitution itself. Bangladesh Constitution clearly declares protection of right to life and personal liberty⁴ "no person shall be deprived of life or personal liberty save in accordance with law". Which means that all actions and acts should be administered for the welfare of the people.

Executive

Government officers have to discharge their duties and responsibilities abiding by some rules and regulations. It is unfortunate that after more than 50 years of freedom from British rule, the Government of Bangladesh is exercising some law, regulations, which prohibit people from getting any information in spite of the claim that, all government acts and action is directed towards the greater interest of all people.

Specific rules such as section 5 of **Official Secrets Act 1923** prevents government officer from providing any information even to a person directly related to the concerned information. According to this law, any government official can be convicted for disclosing official information. Official Secrets Act is operative in almost every country of South Asia, which were under British colonial rules. These Laws were brought into force to suit the ill motive of the British rulers of preserving an oppressive regime. These have been unfortunately adopted by independent nations for promoting vested political interest. Bangladesh has inherited this Secrecy Act from British regime and its application has not changed from bureaucratic culture and

tradition of secrecy. In most cases Government interprets the terms 'enemy', 'foreign agent', 'security or interest' in its own way and resists the flow of necessary information. Secrecy Act instead of being used in the time of war or emergency or for defense is being used in a way that strikes at the core of democratic right of people. In Bangladesh, this Act has been used as an instrument to limit journalists to discharge their responsibilities independently⁵.

Rule 19 of the **Government Servant (Conduct) Rules, 1979** states, any sitting government official cannot disclose any information "to other Ministries, Divisions or Departments, or to non-official persons or Press"⁶

The Rules of Business, 1996 Schedule I has described the allocation of responsibilities of respective ministries and departments/divisions. The Rules of Business clearly defined the role of Ministry of Information to take initiatives for publicity of internal and external policy. Moreover it is Information Ministry's part of business to build "coordination of publicity activities of the different Ministries/Divisions and Bangladesh Missions abroad"(Schedule 1 of the rules of Business 1975). The ministry of Information has the major role for "Preservation and Interpretation of the policies and activities of the Government of Bangladesh through the

⁴ Article 32 of The Constitution of The People's Republic Of Bangladesh

⁵ CHRI 2003 Report, pg 54 described the fact that an editor was arrested for publishing the public examination question on the shake of Official Secret Act.

⁶ "A government servant shall not, unless generally or specially empowered by the Government in this behalf, disclose directly or indirectly to Government servants belonging to other Ministries, Divisions or Departments, or to non-official persons or Press, the contents of any official document or communicate any information which has come in to his possession in the course of his official duties or has been prepared or collected by him in the course of those duties whether from official sources or otherwise" Government Servant Conduct Rules, 1979

medium of press"(ibid). But in practice this statements has become vague in nature. Section 28(1), (3) and (4) of Rules of Business 1996 clearly reserves the protection regarding communication of official information.

Restricting sections of the Evidence Act 1872 are 123⁷, 124⁸ and section 125. According to Article 125, a civil servant is exempted from court orders for production of documents or questioning with regard to information. However, why these privileges are claimed, have to be explained to the court. Section 499 of The Penal Code entitles a person to sue for defamation due to the act or expression by any other person, which might be perceived to be defamatory. This is a risk especially for professional groups to collect and publish information. Section 99 A of Code of Criminal Procedure, 1898 states the government by official gazette can forfeit any book, publication under Press and Publication Act. This is a threat to the freedom of press and publication.

Very recently government of Bangladesh has taken initiative to amend present **Telecom. Act** showing reason of curbing terrorism. Many fear that this amendment will allow government to tap individual conversation over land or cell phone. This is seen as a direct interference in individual's private and personal life since telecommunication is an effective mechanism

for information flow. While on one hand the government is promoting e-governance, on the other such interference will promote the culture of secrecy rather than breaking it.

There is no provision that obligates government official to specify their act and actions even it is said to be directed towards the interest of citizens. Culture of secrecy and undemocratic practice also results in poor documentation of information. People face problems in collecting information because of weak documentation, which results in loss of information and creates opportunity for tampering with documents. This also leads to limited acquire skills to prepare and produce information in more meaningful and useful ways.

It is also seen that lack of coordination between different line ministries causes problems in availing information and meeting deadlines. Sometimes secrecy is maintained in such restrictive manner that duty bearer themselves remain in darkness regarding the information they are supposed to know.

Similar statements are equally applicable in **non-government and private sector**. One can see the reflection of Government secrecy culture in their attitude and actions. It would not be exaggerated to define non-government attitude as the mirror of government attitude.

Judiciary

Judiciary can play a significant role to establish this as a right. Recently upon a writ petition Court has directed the EC (Election Commission) to provide eight kind of information regarding property, criminal charges and educational background of election candidates. By giving this judgment court has demonstrated that voters have the right to know the profile of an election candidate. This example of judgment is a great step forward towards transparency

⁷ According to this section no one shall be permitted to give any evidence derived from unpublished official records relating to any affairs of State except with the permission of the officer at the head of the department concerned, who shall give or withhold such permission as he thinks fit.

⁸ Under Section 124 no public officer shall be compelled to disclose communications made to him in official confidence when he considers that public interest would suffer by the disclosure. Office or department head can permit in providing information to his subordinate officer but nothing to do on his denial. Even the Court is bound to accept the decision of the public officer.

and accountability of election candidates. Judiciary is in a favorable position to create precedence by giving positive direction to the concerned authority of the state, which may bring a positive change in accessing information.

Legislative

In Bangladesh, though a parliamentary form of government exists, lawmakers rarely play their prerogative role. Lawmakers are supposed to develop laws in accordance with public opinion, interest, and will of the people. During the last two terms of elected government the opposition bench has been absent from the parliament. But in reality their dialogues, debates in the parliament or out side the parliament rarely reflects public expectation since the major opposition party keeps away from all debates.

Lawmakers themselves are not aware that people have the right to know and do not recognize this as a right. This statement is more relevant in case of preparing the national budget. The allocation of budget does not also reflect the expectation and demand of the community.

Lawmakers have an important role to uphold the value of open government. They can adopt legislation in support of publishing key categories of information held by all public as well as private bodies.

Proposed Information Act 2002

Bangladesh Law Commission has drafted the Right to Information Act, 2002. However, it is not ready to be considered as a Bill to be produced in the Parliament. Many have expressed fear that this draft law will not serve the required purpose as it has not been circulated nor discussed with relevant stakeholders. Recently a dialogue arranged by Manusher Jonno among civil society

members opined that to get rid of the culture of secrecy, only a Law would not be enough. A well-defined, well-formulated law with effective implementation mechanisms is also needed to make the law effective. Also before preparing any law to make information public, a strong demand from the community should be created. While introducing the Women and Children repression prevention Act 2000 government took the initiatives to include expert opinions from different groups; recently government finalized the PRSP in consultation with relevant stakeholders. The following table provides a snapshot on the proposed Act, which should be placed for public debate to ensure its effectiveness.

An Overview of the proposed Information Act

Advantage	Disadvantage
The definition of information has been defined in section 2 (a); Government and Semi-government offices are bound to publish their documents to the public. The publication should contain useful and accurate information on important matters.	It was expected that this Act would prevail over the Official Secrecy Act. But in reality it was found that the proposed Act was made applicable subject to certain provisions of the Official Secrecy Act. As a result access to information will always be limited.
Private authority comes under the same boundary as the public.	Some rules are added where the public authority is not bound to give information by showing the excuse of safety and state security;
Public authority are bound to supply Information to the people who will enjoy this statutory right;	The structure and power of the information tribunal has been mentioned but that is without any specific time limit. As a result one can easily be harassed without decision for long time.

Advantage	Disadvantage
The process of access to information has been discussed in detail;	In Section 8, the person denied access to information is entitled to get Tk 5000/ as compensation, which should be rationalized.
The offences committed have been divided into different categories and have different penalties (compensation, fine, and imprisonment etc);	This needs to be reviewed further considering process involved and time needed to prove offences and how far poor and disadvantaged people's justice can be ensured.
The formation of Information Tribunal and Appellate Information Tribunal has been recommended. Functions of Information Tribunal has no time limit, however, the Appellate Tribunal has 3 months time limit to dispose a case.	More specific implementation mechanism may be suggested by defining "who" and "how" each government agency will disseminate information and protect people's right to know.
	Information dissemination, information maintenance and enhancing skill in implementing information act. require both human and financial resources. No specific guidance has been provided in this regard.

The Media

The media can play a pivotal role in influencing and promoting transparency in the way three organs of state operates. It can bring to public attention the hundreds of examples of misuse of power; lack of transparency and bad governance that affects peoples lives everyday.

Usually it is print media, which face challenges in publishing news about the powerful groups. Evidence show that journalists receive threat from those whose ill motives have been exposed and published. Often they have to face physical assault and injury and in some instances death. Furthermore media has to face contempt cases (example of publishing information related to forgery of a sitting judge). This incidence shows how state creates a negative implication on the "whistle blower". Bangladesh was ranked the 151st position out of 167 countries considering the situation of freedom of press. This ranking is based on the global media watchdog. Bangladesh's position clearly indicates the present situation of press freedom though the constitution has declared that freedom of press as a fundamental right.

Here it should be mentioned that media's attention should not only be directed at public offices. It is the duty of the media to highlight such problems in the private sector that includes business, NGOs etc. The recent campaign against food adulteration is a good example where the government is taking positive steps to prevent food adulteration and the media is giving it wide coverage.

Some examples where RTI is obstructed and denied

Following are few examples narrating impact and implications caused by inaccessibility to necessary information;

Mutation and Record

Non-compliance in mutation⁹ and records of inherited property causes sufferings to family members whereby vested interest groups illegally occupy their property. Non-availability

⁹ Mutation is a process of transferring ownership of landed property from one person to another.

of tax documents lead to court cases and producing false documents before the court often place the court into dilemma. A process of transparent and easy access to information can generally mitigate this situation, which is a common phenomenon in rural Bangladesh.

Misappropriation of Wakfa and Debottar property

Benevolent people often donate their landed property to mosques, madrasa and mandir. Very often land record is not done in the name of mosque/madrasa/ mandir committee, even these committees some times do not have proper documents of their legal existence. Due to absence of legal documents and lack of information those properties are often misappropriated. However, in case of Debottar property has other dimension as well. Powerful people even from non-Hindu community produce false documents of ownership, which ultimately makes a section of minority community more vulnerable and insecure and many of these people often migrated out. It is, therefore, lack of right to information which is adversely affecting social and communal harmony.

Bribe for Information

During litigation, to collect any information, one needs to pay bribe to court officials in varying rate depending on their position, for example, Bench Clerk (peshkar) Tk 25 - 30 and Serestadar Tk 200 -300 etc. This points out that in getting information through out the period of litigation, which usually takes a decade, huge amount has to be paid by the parties involved. One may safely infer that this sort of problem largely occurs due to lack of information.

Inconsistency in data source on ethnic minority of CHT

Realities, condition and major feature of Chittagong Hill tract (CHT) are not accurately covered in official Bangladesh Bureau of Statistics (BBS) data sources. Definitional inconsistencies, lack of sociological and anthropological knowledge about various ethnic groups, lack of understanding about major factors of central economy of hill peoples have made BBS data and information non reliable and inaccurate. It fails to provide reliable data on areas and output of jum cultivation, ethnic break down in most of socio economic data ranging from literacy and education to employment, income and poverty incidence. Credible doubts exist about BBS data on the distribution of owned and operated land, categories of land tenure in CHT. No clear scenario can be drawn on eviction and displacement of hill peoples. These are being considered as one of the major barriers for being well aware of existing CHT situation. Process of taking informed policy decision and undertaking need based development interventions is also getting obstructed.

Unplanned "Rush to develop" CHT

Following the Peace Accord, the government as well as donor agencies and NGOs have been engaged in taking development initiatives for CHT although these were held up for certain period during 1998-2003 for various reasons. Development interventions and approaches are primarily based on the experience and information generated from plain land, therefore, does not address the problems and needs of the indigenous people and at the same time potentials of the region remains unrealized. Broad based consultation with ethnic groups, and wide scale information dissemination on probable impacts and benefits are, therefore, seen critical for development interventions for this region.

Some Examples where citizen RTI is recognized and promoted

There are some cases and good examples where information have benefited citizen and protected them from probable corruption and mal practice.

***Improving Information Flows:
Empowering users in Power Sector***

As required by law, Dhaka WASA (Water and Sewerage Authority), Chittagong WASA and the city corporations publish water usage tariffs in newspaper in advance of any increase in tariffs. This made literate people informed about usage rates. This reduces potential corruption of charging higher than existing rate. However, lack of published rates on connection charge creates room for corruption where clerical staff demand bribe to potential users group. Connection prices therefore also need to be publicized like usage tariffs.

Other cases: GO and NGOs Contribution

Executive order for holding open budget dialogue session at each Union Parishad, growing demand and practices in favors of Public Notice board on Union Parishad roles/responsibilities with Standing committees' information, open list on disadvantaged and destitute people receiving relief during emergency, notice board on duty schedule of block supervisors, client charters at every upazila health complex are good examples of making community people aware of their entitlements and this also empowers people to hold authority accountable to them. These are yet to be practiced all over Bangladesh. Intensive monitoring and placing demand to relevant authority are required for sustaining such good practices.

Though such examples do not exist at large scale these have demonstrated application of information in improving governance and protecting violation of rights.

Recommendations

A Few months back Manusher Jonno arranged a seminar with civil society members and organizations working for ensuring information right directly and indirectly. Manusher Jonno also organized round table meeting with the lawmakers in association with APPG (All Party Parliamentary Group). From both event following recommendations were made:

Policy

- Rules, laws, regulations that hinders to provide information needs to be revised.
- To evaluate and monitor the law a provision of monitoring committee will have to be formed.
- The election process is needed to be reorganized. Information of each political party and candidate should be made open before the people.

Administrative

- Government should take initiatives to publish annual report regularly mentioning information regarding its activities and allocation for activities.
- Electronic/digital documentation and e-governance should be introduced to avoid corruption and to bring transparency in public sector.
- Information intermediaries should be developed in a planned way to disseminate information more effective.

- Information provider's security should be ensured and protected by state.

Functional

- A wide range of consultation involving all sections of people is needed on the draft law.
- Campaign and strong advocacy is needed to aware people regarding the necessity and advantage of information accessibility. Following such process a grass root constituency needs to be built and demand for such law should come from local level
- Local government institution needs to be strengthened further to play an important role in protecting people's right to know.

Conclusion

Although **Right to Information** is not yet recognized as a **Fundamental Right**, there is enough evidence to believe that it has implication on every aspect of people's lives and well being. It is all the more important in Bangladesh where violations occur easily and common people become vulnerable to the failings of the state and forces of vested interest groups.

There is an urgent need to raise awareness on the issue and embark on a national campaign so that the need for a Right to Information law is enacted.

However, it is very important to remember that this law is not something that can be drafted in some Ministry or by some bureaucrats. Such a law will not have ownership and will have even less chance of being implemented.

The demand for Right to Information law will have to come from the people. The people must understand the need for such a law,

they must know how and why this law will affect their lives. The demand should be such that the government will have to recognize it as the need of the hour and take steps for its enactment.

Here the role of the civil society organizations and individuals becomes very important. They should actively promote this concept in all their programs at the local and grass root levels. The media should be a close ally of the Right to Information campaign and in fact should be in the forefront of the movement. Examples of other countries show that a strong peoples movement was the primary force behind the final enactment of the law.

It is important to remember that Right to Information law should not be restricted to public institutions. Private organizations, NGOs, business etc. should have to abide by the same standards of disclosure.

Lastly, a law only has use and value in the way it is used and implemented. It is critical that some mechanism is developed that will enable the proper implementation of the law once it is enacted.

References

1. CHRI Report, 2003, Open Sesame: Looking for the Right to Information in the Commonwealth, published by CHRI
2. CHRI, 1999, South Asia Conference on Right to Information, held in Dhaka
3. Dr. Adnan Shapan, 2004, Migration land alienation and Ethnic Conflicts: cause of Poverty in Chittagong Hill Tracts of Bangladesh, publish by Research and Advisory Services
4. Dr. Barkat Abul et. al. 2004, Political Economy of Land litigation in Bangladesh A Case of Colossal National

Wastage, published by ALRD and Nijera Kori

5. Edited by Arifin Mir Shamsul, 1999, Rules of Business, 1996, Seraj Books Syndicate
6. GOB, 1998, The Constitution of People's Republic of Bangladesh, Bangladesh Government Printing Press
7. GOB, 1998, The Evidence Act 1872, Bangladesh Government Press, Tejgoan
8. Law Commission, 2002, Draft Information Act, Bangladesh
9. Mandal Govinda et.al., 2005, Rapid Assessment Report on Situation of Access to Information in Bangladesh, Manusher Jonno
10. United Nations, 1948, Universal Declaration of Human Rights
11. United Nations, 1966, International Covenant On Civil and Political Rights
12. World Bank and Proshika, 2002, Bangladesh Urban Service Delivery A Score Card, Colour line Printers

**Manusher Jonno – Conference on
“Right to Information- National
and Regional Perspectives”**

December 2005

**Country Paper on
Sri Lanka**

**Right to Information in Sri Lanka
- Critical Scrutiny of Existing
Laws and Proposed Law Reform**

Kishali Pinto-Jayawardena*

Introduction

Open criticism of public affairs and persons wielding public authority underpins the right to free expression and information which has been historically acknowledged as the matrix of all other rights and freedoms. Freedom of expression is essentially “freedom governed by law”¹

This is reflected in the caution issued by the Privy Council that

“In a free democratic society it is almost too obvious to need stating that those who hold office in government and who are responsible for public administration must always be open to criticism. Any attempt to stifle or fetter such

* Public interest lawyer and writer; senior legal consultant to the National Human Rights Commission; rights columnist/editorial (legal) consultant for *The Sunday Times*, Colombo with an active involvement in the drafting of Sri Lanka's Freedom of Information (FOI) law.

Currently national legal research consultant for the World Bank on reform of the electronic media law framework in relation to public service broadcasting; Deputy Director, and Head, Legal Unit, Law and Society Trust, (LST); onetime visiting lecturer in media law at the University of Colombo and the Sri Lanka Foundation Institute; Salzburg (Austria) Fellow, 2002 and WISCOMP (New Delhi) Scholar of Peace for 2002-2003.

criticism amounts to political censorship of the most insidious and objectionable kind.²

This paper will set out the current constitutional and statutory framework relating to the right to information in Sri Lanka and will suggest imperative legal reform of a selection of such laws. The jurisprudence of the domestic and international courts and tribunals in this regard will be referred to wherever relevant.

The suggested legal reform will be in consonance with regional efforts to liberalise South Asian media laws in order that the right to freedom of expression and information is protected while restrictions regarding the same are well defined and do not result in an erosion of the essential right.

In so far as Sri Lanka is concerned, the need for a radically changed information regime is very apparent. The obnoxious laws that this paper details are not confined to theory. Rather, they operate at every step of the way to obstruct citizens and the media from obtaining the information that they desire

Two examples in this regard should suffice.

In early 2000, Section 3 of Chapter XXX1 of Volume 1 and Section 6 of Chapter XLVII of Volume 2 of the Establishment Code prohibits public officials from disclosing any information to the media, was attempted to be implemented by the then government. Although this provision had been in statute books for decades, it has never been implemented.

However in February 2000, the Cabinet decided to implement this section and gave wide publicity to that effect. This frightened public servants from even confirming or denying information already in the hands of journalists and even from giving initials of public servants or from giving statistical information without the sanction of the Secretary of the Ministry, even in instances

where the media plays a public interest role in highlighting a malaria epidemic for example.

Then again, in the post tsunami period, the lack of access to official information has meant that those who have been affected most grievously due to the worst natural disaster to hit the country in recent times, have been unable to obtain the most basic information regarding government policy decisions taken in respect of their homes and land.

For example, confusion continues to prevail in regard to where persons displaced by the tsunami can relocate. Formerly, a construction ban was imposed within 100/200 metres of the South and North/East, popularly referred to as the buffer zone. Thereafter, the Survey Department commenced the surveying and fixing of the boundaries of the buffer zone, indicating that over 800,000 permanent buildings, businesses, shops and houses will need to be removed in the process and millions of individuals relocated.

Recently, the Government announced a revision of the buffer zone, stating that in the Southern Districts, it will be reduced to 25 - 55 metres while the 200 metre buffer zones introduced in the districts of Amapara, Batticaloa and Jaffna would be reduced up to a minimum of 50 metres.

However, it appears that though these new rules have been announced in public, its implementation is still extremely problematic. Field workers in those areas continue to be besieged by complaints that despite the revision, local authorities were not allowing displaced persons to relocate on their old properties and lands despite the fact that they are not located within the revised buffer zone area. Demands to obtain copies of the new gazette notifications go unheeded.

These are only two of the legion instances where demands by Sri Lankans for access to official information has gone unheeded.

Media Law Reform from a Historical Perspective

A brief outline of the factual background in regard to the process of the amendment of laws affecting the right to free expression and information in Sri Lanka during the past several years may be appropriate at this point.

In 1995, the then government in power established four Committees to inquire into the following areas:

- a) the broad-basing of state-owned Lake House newspaper group;
- b) reform of laws relating to the media and to media freedom;
- c) Establishing a media training institute;
- d) improving conditions for media personnel;

All these Committees finalised their work with regard to which reports were submitted to the Government in mid 1996. However, crucial recommendations set out in these reports have not been implemented up to date.

In 1997, a Parliamentary Select Committee on the Legislative and Regulatory Framework relating to Media was set up following intense lobbying by the Editor's Guild and other media organisations in the country. The mandate of the Select Committee included the establishment of a new broadcasting authority, the repeal of the Sri Lanka Press Council Law and the creation of a new Media Council. Though the Select Committee met on several occasions thereafter, it was unable to come to a clear consensus on the particular laws to be amended and/or repealed and the process of law reform lapsed thereby.

Consequent to a new government succeeding to power in December 2001, there was renewed attention with regard to the question of media law reform and in mid 2002, Section 479 of the Penal Code and corresponding provisions in the Press Council Law relating to criminal defamation were repealed. However, reform of other archaic laws and regulations relating to freedom of expression in the country remains imperative.

Amendment of Article 14(1) (A) of the Constitution

Article 14(1) (a) of Sri Lanka's Constitution of 1978 states that –

Every citizen is entitled to the freedom of speech and expression, including publication.

The Constitution Bill of August 2000 states that;

Article 16(1) Every person is entitled to the freedom of speech and expression including publication and this right shall include the freedom to express opinions and to seek, receive and impart information and ideas either orally, in writing, in print, in the form of art or through any other medium.

The Constitution Bill has not yet been enacted into law. What still prevails therefore is the constitutional formulation in Article 14(1)(a) of the 1978 Constitution.

As is evident, this prevalent constitutional formulation is defective both in its substantive content. The omission of the right to hold opinions in the substantive right of freedom of speech, in that constitutional article has led to some interesting developments in fundamental rights jurisprudence in this country. This is evidenced in the interlinking of freedom to hold opinions with the right to information. Earlier pronouncements of the

Supreme Court had held that a right to information existed within the right of free speech⁴

In *Fernando Vs. Sri Lanka Broadcasting Corporation*⁵ however, the Court preferred to hold that the right to hold opinions (as subsumed in the right to information, simpliciter), is a corollary of the freedom of thought guaranteed by Article 10 of the Sri Lankan Constitution and properly belonged there, rather than within the ambit of the right to freedom of speech in Article 14(1)(a).

This reasoning intertwining the right of information with the right of thought, conscience and religion was further developed in the Determination of the Supreme Court in 1997⁶ when a bill put forward by the Government sought to set up a regulatory authority that was given the power to issue and refuse licences to private broadcasters.

The Bill was determined as unconstitutional on the basis that it held real potential for the arbitrary suppression of freedom of thought and speech in that not only did it seek to establish a body that was under executive fiat to an unacceptable degree but also gave an overly wide discretion with regard to decisions on licences.

Media activists have been urging that future constitutional reform should contemplate a further amendment of draft Article 16(1) of the Constitution Bill so that the proposed constitutional article comprises two parts, the first providing for the freedom to hold opinions while the second provides for the right to speech and information with the restrictions necessarily applying to the second only.

- 1) Everyone shall have the right to hold opinions without interference;
- 2) Everyone shall have the right to freedom of expression, including publication and this right shall include the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers,

either orally, in writing or in print, in the form of art or through any other media of his or her choice.

The restrictions on the right should apply to only section (2) and such restrictions may only be such as are provided by law and are necessary for the rights or reputations of others or for the protection of national security or of public order or of public health or morals.

Official Secrets Act No 32 of 1955

This remains one of the most draconian laws yet on the Sri Lankan statute book. It is based on the British Official Secrets Act of 1911 (enacted as a consequence of government hysteria in the pre First World War period). The British Act itself has been critiqued as allowing a 'breeding ground of abuse', by one eminent British jurist and condemned in even harsher language by other writers.⁷

The United Kingdom government, in July 1988 published a White Paper for the reform of particular sections of the UK Act which reforms passed into law thereafter through the Official Secrets Act of 1989.

However, even though English law improved since the said enactment which reformulated Section 2 of the old Act, Section One of the old Act relating to the "publishing or communicating (inter alia) of official secrets...." (which is reproduced almost verbatim in Section 6 of the Sri Lankan Act No 32 of 1955) has been left untouched, leading to continuing protests in that country. The 1989 Act has been critiqued in other respects as well, most notably owing to the fact that it does not allow a public interest defence.⁸

The critique of the Official Secrets Act No 32 of 1955 in Sri Lanka is focussed particularly on the definition of an 'official secret' in the Official Secrets Act of 1955 (see interpretation section of the Act). This states that an official secret means-

- a) any secret official code, word, countersign or pass word;
- b) any particulars or information relating to a prohibited place or anything therein. (emphasis mine)

These sub-sections are inappropriately broad enough in their application. However, the remaining sub-sections are even more problematic in their substance. Thus, an official secret has also been defined to mean;

- a) any information of any description whatsoever relating to any arm of the armed forces or to any implements of war maintained for use in the service of the Republic or to any equipment, organisation or establishment intended to be or capable of being used for the purposes of the defence of Sri Lanka;
- b) any information of any description whatsoever relating directly or indirectly to the defences of Sri Lanka.

A 'secret document' is defined to mean any document containing any official secret. (vide interpretation section) which is vague and more appropriate to the times in which the Act was enacted rather than in the context of the modern interplay between freedom of speech and the right to information which demands that disclosure of information be the norm and secrecy the exception.

The obnoxious nature of this definition is even clearer when examining the sections of the Act that apply to the practical situations in which it could be utilised. Thus, Section 6 (1) of the Sri Lankan Act states that, any person "for any purpose prejudicial to the safety or interests of the State...(who) obtains, collects, records, publishes or uses or communicates to any other person, any official secret or secret document or any information which is calculated to be or might be or is directly or indirectly useful to any enemy.." is guilty of an offence under the Act and is subjected to dire penalties upon conviction. (emphasis mine)

It also provides (Section 6(2), that on a prosecution under this section, there is no necessity to show that the accused person was, in fact, guilty of any particular act tending to show any purpose prejudicial to the safety or interests of the State but would be sufficient if this is shown from his or her conduct or character or if such person was not acting under lawful authority.

The equivalent of this section in the UK Act (Section 1) has come under severe judicial scrutiny where in the ABC case in 1978, (involving a prosecution of two journalists under this section), the judges stated that charges under this section should be brought only in the clearest and most serious cases. The cases against the journalists were then withdrawn.⁹

In light of the foregoing, it has been urged by us that the Official Secrets Act should be abolished. In the minimum, it should be amended in order that;

- a) Section 6 will provide that liability for disclosure will not fall on individuals where the information is trivial and where no harm has been caused, or where the disclosure is deemed to be an embarrassment to the Government. The section will provide for a public interest defence as well as a general defence of prior publication, the latter limited to instances where the subsequent disclosure has caused no further damage;
- b) Section 6(2) will be abolished in its entirety, thus taking out the element of near strict liability attached to that provision. In the alternative, the term 'appears' in the first half of that section must be replaced with the term 'the court is satisfied.' In so far as the second half of that section is concerned, the prosecution must be required to prove (particularly in the case of journalists) that the discloser knew that harm to the public interest was likely to result. Inference to this effect merely from the fact that the

'official secret' interalia was obtained interalia from a person not acting under lawful authority should not be sufficient;

- c) The Act will abolish the terminology of "official secrets" (which is, in any event, outdated and archaic besides being general and vague, as evidenced particularly by the fact that (iii) and (iv) define an official secret as "any information of any description whatsoever..."), and instead, provide for the protection of particular categories of information that are on lines with the draft Freedom of Information Act that is presently being studied by the Government. As is the case in the United States, any citizen interested in the government of the country, a legal right to particular categories of information that would be restricted only to the extent strictly necessary in a democratic society. The Sri Lankan draft Freedom of Information Law presently under discussion by the Government, has a clause that its provisions "shall have effect notwithstanding anything to the contrary in any other written law and accordingly in the event of any inconsistency or conflict between the provisions of this Act and such other written law, the provisions of this Act shall prevail". Accordingly, if parallel reform of the Official Secrets Act is not proceeded with along with the enacting of a Freedom of Information Act in Sri Lanka, the former Act will be rendered nugatory and even more obsolete in the light of the new information regime.

The Press Council Law No 5 of 1973

The Press Council of Sri Lanka, set up under Law No 5 of 1973, envisages a 7-member body appointed by the President which is mandated to regulate and to tender advice on matters relating to the Press in Sri Lanka. From its inception, concerns had been voiced

by civil rights groups in Sri Lanka regarding the narrow composition of the Council, the privileging of the government in terms of appointments to the Council and the semi-judicial powers of Council members all of whom do not necessarily possess legal training. The Council has authority to look into complaints of press abuse extending to ordering an errant newspaper to publish a correction.

The law itself is undemocratic in several of its provisions affecting the right to know. Sections 14 and 15 of the Law were repealed in 2002 when the Government presented Press Council Amendment Act No 13 of 2002 which repealed paragraph (b) of subsection (1) of Section 15 of the Press Council Law No 5 of 1973.

This amendment Act was passed along with Penal Code Amendment Act No 12 of 2002 in Parliament, repealing Chapter 19 of the Penal Code and making consequential procedural amendments to Section 135 (f) of the Criminal Procedure Code.

In addition, the House repealed Section 118 of the Penal Code, which had penalised attempts by contumacious or insulting words or signs, to bring the President into contempt. The amending legislation, passed unanimously by the House mid year, effectively removed provisions relating to criminal defamation from the country's statute book.

Section 16(1) & (2)

Other provisions remain in need of outright repeal. These include Section 16(1) and (2) of the Law which prohibits the publication of Cabinet decisions and Cabinet documents, the latter being permitted only under very restrictive circumstances. These provisions are demonstrably arbitrary, restrictive and contrary to the public right to know.

These provisions have their origins in the old notion that held sacred the need to guard against the disclosure of information that may

damage the government or its organs in any way. However, this notion has long been displaced and has, in fact, been replaced by the modern standard of the right to know that prescribes that government or decision making within government should not be hidden from the public except where there is an immediate and obvious danger to the security of the State. This has been borne out by the numerous Freedom of Information legislation which makes disclosure of information the norm and secrecy the exception. It is in this context that the repeal of Section 16(1) and (2) is mooted.

The Government attempted three years back, to amend the Official Secrets Act in order to "prohibit the leakage of Cabinet news." A three member committee comprising senior public servants and lawyers was given two weeks to examine the provisions of the Official Secrets Act and other "regulations" and report back to the Cabinet in this respect. However, after strong public protests in this regard, these proposals were abandoned.

Section 16(3)

In addition, Section 16(3) makes it an offence for any newspaper to publish an official secret as defined in the Official Secrets Act of 1955. It has been elsewhere pointed out in this paper that the Official Secrets Act ought to be amended in order that the terminology of "official secrets" (which is, in any event, outdated and archaic) be replaced with the protection of particular categories of information that are on lines with the draft Freedom of Information Act that is presently being studied by the Government.

This is based on the contention that the definition of an 'official secret' in the Official Secrets Act of 1955 (see interpretation section of the Act) is vague and more appropriate to the times in which it was enacted rather than in the context of the

modern interplay between freedom of speech and the right to information which demands that disclosure of information be the norm and secrecy the exception. In line with this reasoning, it is necessary that Section 16(3) of the Press Council Law also be repealed.

Censorship and the Right to Know - The Public Security Ordinance (PSO) No 25 of 1947 (as amended) and the Prevention of Terrorism Act (PTA) No 48 of 1979 (as amended).

Sri Lankans and particularly the Sri Lankan media have had harsh experiences of the arbitrary operation of censorship laws in the past several decades.

We have witnessed a number of occasions on which the PSO has been used to bring into effect regulations that confer unguided and unfettered discretion upon an executive authority without narrow objectives and definite standards to guide such authority.

Such regulations, by broadly defining categories of issues to be subjected to restrictions on freedom of expression and information with no requirement that these even relate to the protection of national security let alone that they be necessary to achieve these ends, have commonly been over broad, making no distinction between matters threatening national security and matters that ought legitimately be placed in the public domain.

The Sri Lankan media community had been agitating for the following;

- a) amendment of Section 5 of the PSO (under which, in the past, arbitrary censorship regulations have been made) to stipulate that all regulations made under the PSO satisfy the tests of necessity and/or expediency and/or proportionality;
- b) Stipulate that censorship regulations made under the PSO should be

implemented by a collective body (including a person with military knowledge as well as a senior journalist and/or representative of the Editors Guild and /or representative of the Newspaper Society and/or representative of the Sri Lanka Press Institute, that is appointed independently of the government/ Regulations should be immediately published (upon promulgation) in the newspapers and further, a preamble in each regulation should explain the reason for its promulgation;

- c) Amendment of Section 14 of the PTA. This section confers authority to the Minister to make order in relation to the prohibition of publications. This section prohibits any publication without the approval of a competent authority, of any matter relating to the commission of any act which constitutes an offence under the Act or constitutes inter alia, an incitement to violence. Rigorous punishments are stipulated for contravention of this prohibition, including the sealing of the printing presses of the newspaper concerned. Amendment of this section is therefore necessary so that the ministerial power will be subjected to the tests of necessity and/or expediency and/or proportionality. The said section should also confer a right of appeal from a decision of a competent authority in this regard to an independent body, which could be similar to a collective body consisting of a person with military knowledge as well as a senior journalist and/or representative of the Editors Guild and /or representative of the Newspaper Society and/or representative of the Sri Lanka Press Institute, that is recommended to be appointed in respect of the Prevention of Terrorism Act to which regulations enforcing censorship could be submitted. This would minimize the necessity for journalists and editors aggrieved by a decision of a competent

authority to appeal to court, which is not always possible due to the prohibitively high costs of litigation.

Freedom of Information

I propose to discuss the draft FOI law in some detail in this segment of this paper.

This draft FOI law has been under discussion by the government for the past several months following an extensive process of drafting last year which had the input of media practitioners, academics as well as other sectors of society.

Provisions of the Draft Act

The draft Act represents an advance on the current vacuum though some of its provisions were necessarily a compromise between fervent free expression advocates and public officials, both categories of which were involved in the drafting process.

Salient features of the draft Act are as follows;

Clause 2 - Subject to the provisions of subsection (2) of section 3 and section 4 of this Act, every citizen shall have a right of access to official information which is in the possession, custody or control of a public authority.

The interpretation clause of the draft Act provides that that "public authority" means –

- a) a Ministry of the Government; any body or Office established by or under the Constitution other than the Parliament and the Cabinet of Ministers;
- b) Government Department;
- c) a public corporation;
- d) a company incorporated under the Companies Act, No. 17 of 1982, in which the State is a shareholder;
- e) a local authority;

- f) and any department or other authority or institution established or created by a Provincial Council.

* Clause 3. (1) The provisions of this Act shall have affect notwithstanding anything to the contrary in any other written law, and accordingly in the event of any inconsistency or conflict between the provisions of this Act and such other written law, the provisions of this Act shall prevail.

(2) Notwithstanding the provisions of subsection (1) the provisions of this Act shall not apply in respect of any official information in the possession, custody or control of any public authority established by any written law where the members, officers or servants of such public authority are prohibited under such written law from disclosing or releasing any information received by them or which came to their knowledge in the performance and discharge of their duties and function under such written law.

Denial of Access to Official Information

* Section 4. (1) A request under this Act for access to official information shall be denied, where –

- a) the information relates to any matter in respect of which a decision by the Government is pending: the disclosure of such information would constitute an invasion of personal privacy of any person, unless – the person has consented in writing to such disclosure; or the disclosure of such information is considered to be vital in the public interest;
- b) the disclosure of such information would cause serious harm to the defence of the State or its territorial integrity or national security;
- c) would cause danger to life or safety of any person; or
- d) would be or is likely be seriously prejudicial to Sri Lanka's relations with any State or international organisation,

where the information was given to or to or obtained from such State or international organisation in confidence unless the disclosure of such information is considered to be vital in the public interest;

- e) the information relates to the assessment or collection of revenue by the Inland Revenue Department;
- f) the disclosure of such information would reveal any trade secrets or harm the commercial interests of any person, unless –
 - (i) the person has consented in writing to such disclosure; or
 - (ii) the disclosure of such information is considered to be vital in the public interest;
- g) the information could lead to the disclosure of any medical secrets or medical records relating such person, unless that person has consented to such disclosure;
- h) the information is subject to professional privilege;
- i) the information is required to be kept confidential by reason of the existence of a fiduciary relationship;
- j) the disclosure of such information could cause grave prejudice to–
 - (i) the prevention or detection of any crime; or
 - (ii) the apprehension or prosecution of offenders; or
- k) the information relates to an examination conducted by the Department of Examination or a Higher Educational Institution which is required to be kept confidential, including any information relating to the results of any qualifying examination held by such Department or Institution.

The public interest override is a particular factor re some of these clauses. In addition, an important proviso is that notwithstanding the provisions of subsection (1), a request for information shall not be denied on any of the grounds referred to therein, other than the grounds specified in paragraphs (e), (f) and (g) of that subsection, if the information requested for is over ten years old.

It is also provided that a disclosure by any public authority of any information which is prohibited from being disclosed under subsection (1) shall be an offence under this Act and the officer in such public authority who was responsible for such disclosure shall on conviction be liable to a fine not exceeding five thousand rupees and in addition to any disciplinary action that may be taken against such officer by such public authority. No action shall however be instituted against such officer where the officer discloses such information in good faith.

Where a request for information is denied on any of the grounds referred to in clause 4 access may nevertheless be given to that part of any record or document which contains any information that is not prevented from being disclosed under that section and which can reasonably be severed from any part that contains information denied from being disclosed.

Clause 6 puts Ministers and public authorities under a duty to maintain and preserve its records as follows;—

- (a) in the case of new records which are opened after the coming into operation of this Act for a period of not less than ten years from the date on which such record is opened; and
- (b) in the case of those records already in existence on the date of the coming into operation of this Act for a period of not less than ten years from the date of the coming into operation of this Act.

* Clause 7. (1) It shall be the duty of —

- (a) the President and of every Minister to whom any subject has been assigned under paragraph (1)(a) of Article 44 of the Constitutions and
- (b) the President in respect of any subject or function of which the President remains in charge, under paragraph (2) of Article 44 of the Constitution.

To publish once in every two years and in such manner as may be determined by him/her, a report containing particulars relating to the organization, functions, activities and duties of the Ministry of such Minister, and of all the public authorities falling within the functions assigned to such Minister, the powers, duties and functions of officers and employees of the Ministry and the public authorities referred to in paragraph (a), and the procedure followed by them in their decision making process.

This report should also include the norms set for the Ministry and the public authorities referred to in paragraph (a), in the discharge of their functions, performance of their duties and exercise of their powers, rules, regulations, instructions, manuals and any other categories of records under the control of the Ministry and of the public authorities referred to in paragraph (a), which are used by its officers and employees in the discharge of their functions, performance of their duties and exercise of their powers.

The name, designation and other particulars of the Information Officer or Officers appointed to the Ministry and to the public authorities referred to in paragraph (a) shall be included in the report.

Clause 8 imposes a duty on the Minister to inform public about the initiation of projects where the value of the subject matter exceeds (a) in the case of foreign funded projects, one million united states dollars; and (b) in the case of locally funded projects, five million rupees.

Clause 10 establishes a Freedom of Information Commission who will consist of three persons of eminence and integrity who have distinguished themselves in public life and who are not members of any political party and who at the time of appointment and while functioning as a member of the Commission do not hold any public or judicial office. The member of the Commissioner shall be appointed by the President on the recommendations of the Constitutional Council, and subject to the provisions of subsection (3) of this section shall hold office for a period of five years. The President shall nominate one of the member of the Commission to be its Chairman. Security of tenure is also provided for.

The Commission has various duties and functions, including the monitoring of the performance and ensure the due compliance by public authorities of the duties cast on them under the draft Act, making recommendations for reform both of a general nature and directed at any specific public authority and hearing and determining any appeals made to it by any aggrieved person under section 28 of the draft Act. It also has its own Fund to which shall be credited all sums of money as may be voted upon from time to time by Parliament for the use of the Commission and any money that may be received by the Commission by way of donations, gifts or grants from any source whatsoever, whether in or outside Sri Lanka.

Clause 19 provides for the Appointment of **Information Officers from each** public authority whose duty it shall be to deal with requests for information made to the public authority of which he has been appointed its Information Officer and render all necessary assistance to any citizen making such request to obtain the information being request for.

Procedures for obtaining official information are specified in Clause 20. When a request is made, an Information Officer shall as

expeditiously as possible and in any case within fourteen working days of the receipt of a request under section 20, make a decision either to provide the information requested for on the payment of a fee, or to reject the request on any one or more grounds as specified in section 4 of this Act. (vide clause 21)

The decision arrived at by the Information Officer shall forthwith be communicated to the person who made the request. Where the decision has been taken to provide the information requested for, access to such information shall be granted as soon as practicable. Where a request for information is rejected by an Information Officer, it shall be the duty of such Officer to specify the following information in the Communication sent to the person who made the request under subsection (1) of section 21, the following;

- (a) the ground or grounds on which such request is being rejected; and
- (b) the period within which and the person to whom an appeal against such rejection may be preferred.

Any citizen whose request for official information is rejected by an Information Officer may within thirty days of receipt of the decision relating to such rejection prefer an appeal to the public authority and from thereon to the Commission. A person aggrieved by the decision of the Commission shall have a right of appeal to the Supreme Court against the decision of the Commission.

The draft Act also makes it an offence for any Information Officer to;

- (a) reject a request made for information without giving reasons for such rejection;
- (b) reject a request made on any ground other than a ground specified in section 4 of the Act; or

- (c) fail without any reasonable cause to make a decision on a request made within the time specified under this Act for making such decision.

All those officers found guilty shall on conviction be liable to a fine not less than five thousand rupees.

Importantly, Clause 34 provides for a limited whistleblower protection by stipulating that notwithstanding any legal or other obligation to which a person may be subject to by virtue of being an employee of any public authority no employee of a public authority shall, be subjected to any punishment disciplinary or otherwise for releasing disclosing any official information which is permitted to be released or disclosed on a request submitted under this Act so long and so long only as such employee acted in good faith and in the reasonable belief that the information was substantially true and such information disclosed evidence of any wrong doing or a serious threat to the health or safety of any citizen or to the environment.

Free expression advocates are of the view that the provisions of the draft Act should be further finetuned. For example, the coverage of the Act should be extended from public authorities only to enable access to information held by private bodies which is necessary to exercise or protect a person's rights. Private bodies are increasingly exerting significant influence on public policy, especially as a result of the outsourcing of public functions, such that they should not be exempt from public scrutiny simply because of their private status. In the event that this broad extension of coverage is not acceptable, consideration should be given to including at least all of those bodies exercising public functions.

It has urged that the definition of "public authority" be broadened to at least include private bodies which exercise public functions. The exemption from coverage of the Act for Parliament and Cabinet under

sub-section (b) of the definition should be deleted. In addition, proposed section 34 which is intended to protect whistleblowers has been too narrowly worded. Currently, the section protects only disclosure relating to "official information which is permitted to be released or disclosed on a request submitted under this Act". This seriously restricts the protection afforded – it adds little to the protection generally afforded by the introduction of the Act.

Best practice whistleblower provisions require that persons should be protected from prosecution for disclosing "any information so long as such employee acted:

- a) in good faith;
- b) and in the reasonable belief that:
 - (i) the information was substantially true; and
 - (ii) such information disclosed evidence of any wrongdoing or a serious threat to the health or safety of any citizen or to the environment".

It is hoped that if the political will to enact the FOI becomes more apparent in the months to come, further finetuning of the draft Act may be urged.

Conclusion

In examining some of Sri Lanka's prevalent laws from the context of the right to know, the foregoing analysis took into account 'the public interest factor' or in other words, the degree to which the exercise of a given right serves a function in general public life. If this interest overrides the other competing considerations, then that particular form of exercise of that right should receive the protection of the Constitution as well as of ordinary statute.

Substantive legal reform in this regard, incorporating as it should, significant discussion and debate in the public arena in

regard to the nature of the rights discussed and their relevance to the laws examined in this analysis should be forthcoming.

End Notes

- ¹ Lord Wright in James vs Commonwealth [1936] A.C. 578, at 672.
- ² Hector v. Attorney-General of Antigua and Barbuda [1990] 2 AC 312 (PC), p. 318.
- ³ Ratnasara Thero v Udugampola [1983] 1 Sri L.R. 461, Ekanayake v Herath Banda SC Application 25/91, S.C. Minutes 30 October, 1996, Amaratunga v Sirimal and Others [1993] 1 Sri.L.R. 264, Fernando v The S.L.B.C. and Others [1996] 1 Sri. L.R. 157, Karunatileka and Another v Dayananda and Others, Commissioner of Elections and Others [1999 1 Sri.L.R. 157], Deshapriya and Another v Municipal Council, Nuwara Eliya and Others [1995] 1 Sri. L.R. 362, Sumith Jayantha Dias v Reggie Ranatunge, Deputy Minister of Transport and Others [1999] 2 Sri. L.R. 8, Determination Re The Broadcasting Authority Bill, S.D. No 1/97 – 15/97, delivered on 5 May, 1997, also Fernando v The S.L.B.C. and Others [1996] 1 Sri. L.R. 157, Sunila Abeysekera v The Competent Authority and Others, SC Application No 994/99, decided on 15.5.2000, Victor Ivan Vs Sarath Silva, Attorney General, [1998] 1 Sri LR, 340, SC Application No 89/98 decided on 3rd April, 1998, Wickremesinghe vs Edmund Jayasinghe, 1995, 1 Sri L.R. 300), Wickremebandu V Herath and Others, 1990, 2 Sri L.R. 348
- ⁴ Visuvalingam v Liyanage
- ⁵ [1996] 1 Sri LR 157,
- ⁶ In Re The Broadcasting Authority Bill, S.D. No 1/97 – 15/97, delivered on 5 May, 1997
- ⁷ see Media Law, Geoffrey Robertson, Penguin, 1992
- ⁸ S. Palmer 'Tightening Secrecy Law; The Official Secrets Act, 1989 (1990) PL 243
- ⁹ Crone, Tom. Law and the Media, Focal Press, 1995, at page 178)

Socio-Political Context of the People's Movement in Right to Information^α

Atiur Rahman*

I. Introduction

Right to development is one of the fundamental human rights for the citizens of any country. The human rights approach to development demands in the first place that the underlying norms and values be made explicit, and goes on to offer one particular normative framework that is based on universally recognised moral values and reinforced by legal obligations. The right to development is a fundamental human right for all the citizens of a country. There are two features of the right to development: recognition of indivisibility of rights, and right of the people to participate in decision-making process. There are three characteristics of policies under human rights approach:

- Policies must take cognizance of people's rights to equality and non-discrimination;
- Goals and targets set by the State must conform to those set by various human rights instruments; and
- Some rights should not be given priority over others in an arbitrary manner.

In addition, no human rights can be considered intrinsically inferior to any other. Therefore, an integrated approach is needed towards the realization of various rights within a single comprehensive plan of action. Value

^α Draft Paper prepared to initiate discussion at the conference titled "Right to Information: National and Regional Perspectives", organized by Manusher Jonno, BIAM, Dhaka, 13-14 December 2005.

Chairman, Shamunnay, Dhaka. E-mail: atiur@sdnbd.org; shamunnay@sdnbd.org.

addition by the human rights based approach to development and policy formulation is that on the one hand, it calls for accountability of the policy-makers and on the other actors that must be built into the system and duty of state (duty to respect, duty to protect and duty to fulfill) should be made accountable.

Right to information is a fundamental human right. Today, information has become an economic good and a valuable means of development. Therefore right to information is an integral part of right to development in the contemporary world. If the government is devoted to improvement of lives of millions of ordinary citizens, it has to recognize their right to information.

II. Significance of right to information

This is the age of information affluence. Technology, with its capacity for storing, simplifying and communicating information with astonishing speed has, more than ever, put information at the centre of development. Information is a global resource of unlimited potential for all. Importantly, information belongs not to the state, the government of the day or civil servants, but to the public. Officials do not create information for their own benefit alone, but for the benefit of the public they serve, as part of the legitimate and routine discharge of the government's duties. Information is generated with public money by public servants paid out of public funds. Therefore, it cannot be unreasonably kept from citizens.

Lack of information denies people the opportunity to develop their potential to the fullest and realise the full range of their human rights. Individual personality, political and social identity and economic capability are all shaped by the information that is available to each person and to society at large. The practice of routinely holding information away from the public creates 'subjects' rather than 'citizens' and is a

violation of their rights. This was recognised by the United Nations at its very inception in 1946, when the General Assembly resolved: "Freedom of Information is a fundamental human right and the touchstone for all freedoms to which the United Nations is consecrated". Enshrined in the Universal Declaration of Human Rights, the right's status as a legally binding treaty obligation was affirmed in Article 19 of the International Covenant on Civil and Political Rights which states: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers". This has placed the right to access information firmly within the body of universal human rights law.

The right to access information underpins all other human rights. For example, freedom of expression and thought inherently rely on the availability of adequate information to inform opinions. The realisation of the right to personal safety also requires that people have sufficient information to protect themselves. In Canada, a court has recognised that the right to security creates a corollary right to information about threats to personal safety which would be violated if the police force knew of a threat and failed to provide that information to the threatened individual. The right to food is also often reliant on the right to information. In India for example, people have used access laws to find out about their ration entitlements and to expose the fraudulent distribution of food grains. Quite simply, the right to information is at the core of the human rights system because it enables citizens to more meaningfully exercise their rights, assess when their rights are at risk and determine who is responsible for any violations.

It is important that access to information is recognised as a right because it

- Accords it sufficient importance, as being inherent to democratic functioning and a pre-condition to good governance and the realisation of all other human rights.
- Becomes part of the accepted international obligations of the state. This means that the right to access information attracts the guarantee of protection by the state.
- Distances it from being merely an administrative measure by which information is gifted by governments to their people at their discretion since a legally enforceable right cannot be narrowed or ignored at the whim of government.
- Creates a duty-holder on the one hand and a beneficiary of a legal entitlement on the other. Non-disclosure of information is therefore a violation and the beneficiary can seek legal remedy.
- Signals that information belongs to the public and not government. The idea that everything is secret unless there is a strong reason for releasing it is replaced by the idea that all information is available unless there are strong reasons for denying it. The onus is on the duty-holder to prove its case for refusing to disclose documents.
- Sets a higher standard of accountability.
- Gives citizens the legal power to attack the legal and institutional impediments to openness and accountability that still dominate the operations of many governments. It moves the locus of control from the state to the citizen, reinstating the citizen as sovereign.

The right to information holds within it the right to seek information, as well as the duty to give information, to store, organise, and make it easily available, and to withhold it only when it is proven that this is in the best public interest. The duty to enable access to

information rests with government and encompasses two key aspects: enabling citizens to access information upon request; and proactively disseminating important information.

III. Right to information in international declarations and charters

Information is often withheld even when people are engaged in exercising that most basic of democratic rights, the vote. In the absence of a continuous flow of information that accurately reveals how ministries are functioning, how politicians have performed or the experience and qualifications of new candidates, elections may end up promoting only narrow interests as voters fall back on tribal, clan, religious or class affiliations as the basis for their choice. Likewise, in the absence of a right to scrutinise the financial details of political party funding — some of it no more than bribes — citizens are unable to ensure that special interest groups, including criminal elements, do not co-opt their representatives for private gain. Better-informed voters mean better-informed choices, more responsive legislators and better governance.

Democracy and national stability are enhanced by policies of openness which engender greater public trust in their representatives. This is a crucial aspect of effective governance — without the support and trust of the people, governments will be more likely to face resistance to their policies and programs and implementation will be more difficult.

In robust democracies, the media acts as a watchdog, scrutinising the powerful and exposing mismanagement and corruption. It is also the foremost means of distributing information; where illiteracy is widespread, radio and television have become vital

communication links. Unfortunately, this power to reach the masses has often been perceived as a threat by closed governments, which have carefully regulated private ownership of the press and attempted to curb the media's ability to gather news, investigate and inform.

Where the media is unable to get reliable information held by governments and other powerful interests, it cannot fulfil its role to the best of its abilities. Journalists are left to depend on leaks and luck or to rely on press releases and voluntary disclosures provided by the very people they are seeking to investigate. Lack of access to information also leaves reporters open to government allegations that their stories are inaccurate and reliant on rumour and half-truths instead of facts. A sound access regime provides a framework within which the media can seek, receive and impart essential information accurately and is as much in the interests of government as it is of the people.

At the International level, Right to Information and its aspects find articulation as inalienable fundamental human right in most important basic human rights documents, namely, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. At a more regional level, there are numerous other human rights documents, which include this fundamental right. For example, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the American Convention on Human Rights, the African Charter on Human and People's Rights, etc.

Article 19 of Universal Declaration of Human Rights, 1948 (UDHR) states that: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to

seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 19 of the UDHR was given legal status by the binding provisions of The International Covenant of Civil and Political Rights, 1966. Article 9 (2) states that: Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him. Article 19 (2) states that : Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

In 1993, the UN Commission on Human Rights appointed a Special Rapporteur to monitor and report on the international implementation of the right to freedom of opinion and expression. In Resolution The UN Special Rapporteur, in a 1998 Report, clarified the meaning of freedom of information under Article 19 of the ICCPR in unequivocal terms as "impos[ing] a positive obligation on States to ensure access to information, particularly with regard to information held by Government in all types of storage and retrieval systems." A 1998 Resolution welcoming this clarification was passed by the Commission. In 2000, the Special Rapporteur endorsed a set of Principles on Freedom of Information, which the Commission noted in a 2000 Resolution.

In 2004, the free expression rapporteurs of the UN, Organization of American States and Organization for Security and Cooperation in Europe issued another Joint Declaration on International Mechanisms for Promoting Freedom of Expression, affirming the right to access information as 'fundamental human right' for all citizens, one which governments should respect by enacting laws 'based on

the principle of 'maximum disclosure'. The Special Rapporteurs emphasized the fundamental importance of access to information to ensure democratic participation, accountability in government and to prevent corruption.

IV. Movements and their socio-political contexts

Sweden

The first advocacy achievement in the field of RTI/FOI was the passage of the Swedish FOI law in 1766 (actually, literally translated, it was the "Freedom of Printing Act", and it probably only became properly effective after 1809). Most people, however, do not inquire into the circumstances leading up to that event. How was it that such a revolutionary /radical piece of legislation came into being? Why did it happen then and there? And, importantly, was there some constellation of social forces that can stand as a beacon and guide for 21st century campaigners? The historical evidence is, inevitably complex (and contested). But, the truth, as often is the case, seems (as is often the case) by contemporary standards to be rather prosaic: there existed a combination of a hospitable background political culture; an inspired/significant pro-disclosure intellectual pamphlet was published around that time; and there was a fight in the Swedish Parliament. If anything can be learned from the Swedish example, it is that whatever the novelty of the principle underlying the law the forces that brought it about are the all-too-familiar ones known (or should be) to advocates/campaigners for any cause everywhere and at all times.

1766, the year of the passage of the Swedish law, was shortly after a bruising intellectual struggle. Peter Forsskal, the celebrated naturalist, wrote *Tankar om borgerliga*

friheten (Thoughts on Civil Liberty 1759)¹⁹, a seminal Enlightenment pamphlet, advocating freedom of the press and information. It was condemned, confiscated and selling, purchasing or making it accessible was subject to a penalty of one thousand dollar in silver. the moral from the first RTI/FOI example, the Swedish case, seems to be that advocating/lobbying on this issue is subject to the same timeless principles, rules and constraints which hold for any other socio-political issue.

Colombia and Finland

The background drivers for the next two legislative achievements - Colombia (1888) and Finland (1919/1951)- are even less inquired into or know about. The latter is at least understandable, as Finland was, historically, part of Sweden and, obviously, shared many of its socio-political traditions. The historical background to Colombia's 1881 Code of Political and Municipal Organisation (permitting individual requests for access to records in government agencies and archives unless specifically forbidden by other laws) cries out for further publicity and research.

United States

After Sweden, the next most talked about law is the 1966 United States' FOIA. People often assume that the USA was somehow naturally receptive to RTI/FOI, and open society, origins are all too rare. The fond belief that the USA was a willing/natural home for a FOIA is not borne out by the facts. Indeed, nothing could be further from the truth. President Johnson may have said, on signing the law. A democracy works best when the people have all the information that the security of the nation permits. No one should be able to pull curtains of secrecy around

decisions which can be revealed without injury to the public interest.

United Kingdom

The United Kingdom offers a rather different model from the USA or Sweden. In the UK, ultimately, the central, core advocacy activity was taken by organized, elite civil society, notably coalescing around the Campaign for Freedom of Information. This is in contradistinction to e.g., India's grassroots right to information movement or the USA's journalist/lawyer/congressman model. CFOI's first director was Des Wilson, and he came to CFOI with campaigning skills and experience honed at Shelter; Friends of the Earth; and the Campaign for Lead Free Petrol.

However, there were, it is true, an amalgam of contributions towards achieving the FOI law (passed in November 2000) from academia; think tanks; political parties; and MPs. The lawyers group Justice, the British chapter of the International Commission of Jurists, published an important pamphlet in 1978: *Freedom of Information*.

An important fact concerning the think-tank advocacy referred to, the Outer Circle Policy Unit is its dependence on funding from non-charitable monies from the Joseph Rowntree Trust. Such (mainly) charitable socially progressive foundation support has been important in the infrastructural funding of UK advocacy bodies. Crucially, Campaign for Freedom of Information (1974) structured itself into a coalition of advocacy groups - some 80 national bodies including leading consumer, environmental, civil liberty and legal groups, professional bodies, civil service and other trade unions and organisations representing journalists, newspapers and authors and a (policy-formulating) Council (co-chaired by leading parliamentarians from the major political parties) as well as the Campaign (day-to-day activist/lobbying body).

CFOI also successfully employed media-friendly activities such as the publication of the *Secrets* newspaper and the annual, sponsored Freedom of Information Awards (begun in 1985). Another very significant tactic that the CFOI successfully employed was to advocate/lobby for sectoral access laws and freedom of information at the local government level. In other words, aware of the difficulties of obtaining a national, general FOI law, the Campaign realized that lesser achievements would maintain advocacy momentum towards the greater goals as well as produce inherently valuable gains. Finally, CFOI was also successful in attracting senior civil service union support and also from ex-senior civil servants.

India

The right to information campaign in India began with the Mazdoor Kisan Shakti Sangathan (MKSS) movement to bring in transparency in village accounts via the demand for minimum wages in rural India. Ghost entries in muster rolls were a sign of rampant corruption in the system, which prompted MKSS to demand official information recorded in government files. The movement soon spread across India. From very modest beginning in the villages of Rajasthan, the success of MKSS has been a source of inspiration for activists in India and throughout the world. It led to the genesis of a broader discourse on the right to information in India.

In 1993, a draft RTI law was proposed by the Consumer Education and Research Council, Ahmedabad (CERC). In 1996, the Press Council of India headed by Justice P B Sawant presented a draft model law on the right to information to the Government of India. The draft model law was later updated and renamed the PCI-NIRD Freedom of Information Bill 1997. Unfortunately, none of

Conference Report on Right to Information

the draft laws were seriously considered by the Government.

Meanwhile, MKSS's advocacy gave rise to the National Campaign on People's Right to Information (NCPRI), which was formed to advocate for the right to information at the national level. Constituted in 1996 in New Delhi, the NCPRI aims to provide active support to grassroots struggles for the right to information and to lobby government to enact and implement effective access to information legislation.

In 1997 efforts to legislate for the right to information, at both the State and National level, quickened. A working group under the chairmanship of Mr. H D Shourie (the Shourie Committee) was set up by the Central Government and given the mandate to prepare draft legislation on freedom of information. The Shourie Committee's Report and draft law were published in 1997. Notably, the draft law was criticised for not adopting a high enough standard of disclosure.

The Shourie Committee draft law passed through two successive governments, but was never introduced in Parliament. In the interim, in 1999 Mr Ram Jethmalani, then Union Minister for Urban Development, issued an administrative order enabling citizens to inspect and receive photocopies of files in his Ministry. Disappointingly, the Cabinet Secretary did not permit this order to come into effect.

Eventually, the Shourie Committee draft law was reworked into the Freedom of Information Bill 2000, an even less satisfactory Bill than the Shourie Committee's. The 2000 Bill was sent to the Parliamentary Standing Committee on Home Affairs, which consulted with civil society groups before submitting its Report in July 2001. The Committee recommended that the Government address the flaws in the draft Bill

pointed out by civil society. Unfortunately, the Government did not implement that recommendation, to the detriment of the final content of the Bill.

The national Freedom of Information Bill 2000 was introduced in Parliament in 2002. It was passed in December 2002 and received Presidential assent on January 2003, as the Freedom of Information Act 2002. Unfortunately, a date for the Bill coming into force was never notified, such that it never actually came into operation.

In May 2004, a new UPA Government came into power at the Centre. The national campaign for right to information received a major boost when the UPA Government's Common Minimum Programme promised that: "The Right to Information Act will be made more progressive, participatory and meaningful". The National Advisory Council (NAC) was set up to oversee implementation of the Government's Common Minimum Programme. Since its inception, the NAC has taken a close interest in RTI. At the very first meeting of the NAC on 17 July 2004, NAC members submitted a Statement from the National Campaign for the People's Right to Information to the NAC calling for action on RTI. To aid discussions, CHRI submitted an Analysis of the FOI Act and Recommendations to the NAC and all Cabinet MPs prior to the first meeting.

Following the first NAC meeting, Aruna Roy met with key government stakeholders who recommended that civil society submit a paper recommending amendments to the FOI ACT. Draft National Campaign for the People's Right to Information Recommendations re Amending the Central FOI Act 2002 were developed and submitted to the NAC for consideration at their second meeting on 31 July 2004. The NAC considered the draft NCPRI Recommendations and released draft NAC Recommendations re Amending the FOI Act

2002. NAC members Aruna Roy and Jean Dreze provided an Update on the Discussions of the NAC at these first two Meetings.

On 10 May 2005, the RTI Amendment Bill 2005 (which actioned many of the recommendations of the Parliamentary Standing Committee) was tabled in the Lok Sabha. The Bill was passed very quickly - it was approved by the Lok Sabha on 11 May 2005 and by the Rajya Sabha on 12 May. On 15 June 2005, President APJ Abdul Kalam gave his assent to the national Right to Information Act 2005. With presidential assent, the Central Government and State Governments had 120 days to implement the provisions of the Bill in its entirety. The Act formally came into force on 12 October 2005.

Ghana

Commonwealth Human Rights Initiative (CHRI) works to raise public awareness about the value of right to information. CHRI believes that right to information is fundamental to the realisation of economic and social rights and civil and political rights. Informed participation by all must therefore be guaranteed through increased access to public information. CHRI believes that right to information should be guaranteed by a strong legislation and the process of law making itself must be participatory and informed by the realities of the communities concerned. It was decided that Ghana would be used as a test country for the rest of the continent on the process of building demand for legislation on freedom of information. We believe that involving the public in the process is key for ownership of the law. In Ghana CHRI activities have included:

People's movement CHRI Africa has spearheaded formation of a coalition on right to information with membership from the National Media Commission, Religious

bodies, non-governmental organisations, Ghana Bar Association and journalists. The coalition meets to brainstorm on direction of its advocacy and to exchange information on the issue.

CHRI Africa decided a two-pronged approach was necessary for the successful implementation of the proposed Right to Information Law. Alongside lobbying of government and maintaining a high profile as a pressure group during the legislative process of bringing the law into reality, it was seen as crucial to enlighten people as to what this right meant to them. Therefore a series of regional seminars were held, sponsored by the British Council. Some of the seminars targeted a specific audience such as one held in Accra for religious leaders, and another held for Trades Union Congress members. Following these, there were a series of travelling conferences for the general public in various regions around Ghana. Attendance was good with approximately seventy people at every seminar, with hugely varying backgrounds. The seminars were held in areas accessible to a significant number of the Ghanaian population. In all there has been seminars in 7 out of the 10 geographical regions of Ghana.

CHRI Africa has published a booklet that critiques a draft bill written by the Institute of Economic Affairs, an NGO and provides a list of principles that are internationally accepted for any right to information law. Copies of this have been disseminated to a number of individuals and organisations and the Attorney General's Department.

CHRI was also instrumental in sending comments on the government's own right to information bill in 2002 which it had collated from its various seminars.

CHRI continues to write articles on right to information in newspapers. It has held radio interviews with various radio stations

broadcasting in different parts of Ghana and in both English and local languages. Television stations have shown interest in the various conferences, often showing speeches from key speakers such as state ministers. The effect has been tremendous and has helped right to information become a talking point among everyday, ordinary Ghanaians. CHRI Africa will maintain its good relations with the media, as it has proved very beneficial in raising awareness and strengthening its work.

Owing to its sustained commitment to right to information work in Ghana, CHRI was invited as one of the few civil society groups, to be a member on a planning committee set up by the Ministry for Information to strategize on how the government could open up consultations on the right to information bill, which has been approved by Ghana's Cabinet, to the wider public for input that will shape the bill before it is taken before Parliament.

V. Socio-political perspective of right to information in Bangladesh

During the past two decades Bangladesh has made some considerable economic and social progress. Despite some progress in recent years particularly during decade of 1990s in the arena of social development, which resulted in an annual poverty reduction rate of about 1 percentage point, a high rate of population growth has in point of fact outpaced the reduction of absolute number of poor people in the country. As a result the apparently impressive gains in poverty reduction in the recent years appear to be far from satisfactory. Reduction in only percentage terms rather than the absolute number of the poor has left the poverty watchers in a state of confusion. Amidst its many failures Bangladesh has also attained a number of successes. The country is nearly self-sufficient in food and it has been able to

facilitate the growth of innumerable NGOs and CBOs contributing towards and enhancing voices of the disadvantaged in addition to removing the risks and uncertainties that have been pushing them down to the poverty trap. Nearly three-quarters of its total population were poor in 1973-74 and she has made considerable progress in reducing poverty since then. In particular, during the past two decades Bangladesh has made some visible economic and social gains. It maintained an average gross domestic product (GDP) growth rate of 3.5 per cent in the 1980s, which increased further to more than 5 per cent in the decade of the 1990s. The macroeconomic management has been reasonably good with the inflation rate remaining under control at a satisfactory level. The country has been able to service its external debts regularly despite not being offered the debt relief facilities. The dependence on foreign aid has declined substantially against the rising importance of exports and remittances.

Progress associated with social and human development as reflected in the trends in poverty, fertility rate, infant mortality rate, crude birth and death rates, primary enrollment, gender parity in enrolment rate up to junior secondary level and life expectancy, etc. has been even more encouraging. Since Bangladesh represents livelihoods at the margin, its success in improving the quality of human existence under the most extreme conditions holds an important lesson for other developing countries. Consequently, for the first time in its history after independence, the country has been shifted from the 'test case of development' to a medium human development country.

In the preamble of the Constitution of the People's Republic of Bangladesh there is a pledge that it shall be the fundamental aim of the state to realize through democratic process a socialistic society, freedom from exploitation — a society in which the rule of

law, fundamental human rights and freedom, equality and justice, political, economic and social will be secured for all the citizens. Article 39 of the Constitution guarantees freedom of speech and expression to every citizen, subject to certain reasonable restrictions imposed by law in the interest security of the state, relations with foreign states, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence. This article also guarantees freedom of the press.

The present rules and regulations prohibit government officials to discharge any information. There is also no other provision that obligates government official to specify their act and actions even it is said to be directed towards the interest of citizens. Culture; of secrecy and undemocratic practice have also resulted in poor documentation of information. Because of weak documentation, loss of information, opportunity for tampering documents, people facing problem in collecting information. Due to lack of information, skills to prepare and present information in more meaningful and useful way are absent.

It is also seen that lack of coordination between different line ministries causes problems in availing information and meeting deadlines. Sometimes secrecy is maintained in such a restrictive manner that duty bearer themselves remain in darkness regarding the information they are supposed to know.

Similar statements are equally applicable in non-governmental sector. One can see the reflection of Government secrecy culture in non-government's attitude and actions. It would not be exaggerated to define non-government attitude as the mirror of Government attitude.

Judiciary can play a significant role to establish access to information as a right. Recently upon a writ petition Court has directed the EC (Election Commission) to provide eight kind of information regarding

property, criminal charges and educational background of election candidates. By giving this judgment court has proven that people have the right to know the profile of an election candidate as a voter. This example of judgment is a step forward in people's right to know and moving towards a more transparent election process. Judiciary is in a favorable position to create precedence by giving positive direction to the concerned authority of the state, which may bring a positive change in accessing information.

In Bangladesh, though a parliamentary form of government exists, lawmakers rarely play their prerogative role. Lawmakers are supposed to develop laws in accordance to public opinion, interest, and will of the people they are accountable to. Lawmakers are not aware that people have the right to know and do not recognize this as a right. Their dialogues, debate in the parliament or out side the parliament rarely reflects public expectation. This statement is more relevant in case of preparing the national budget. The allocation of budget does not also reflect the expectation and demand of the community. The budget allocation remains in shadow though the government claims that it has been prepared for the greater interest of the people.

The media can play a pivotal role in influencing and promoting transparency in the way three organs of state are being operated. It can bring to public attention the hundreds of examples of misuse of power; lack of transparency and bad governance that affects peoples lives everyday. Recently print media has faced a contempt case after publishing information related to forgery of a sitting judge. Here it should be mentioned that media's attention should not only be directed at public offices. It is the duty of the media to highlight such problems in the private sector that includes business, NGOs etc. The recent campaign against food adulteration is an excellent example where the government is taking positive steps to

prevent food adulteration and the media is projecting it widely.

VI. Conclusion

There have been notable changes in social and political lives of the citizens in the country. Now the country has parliamentary form of democracy and major political parties more or less respect democratic rights of the citizens. Non-state actors, e.g., NGOs, CBOs, international agencies, etc. have become important players in both social and political aspects in the country. The on-going movement of right to information in Bangladesh, led by few non-state actors including Manusher Jonno has recently got momentum. Shamunnay has also been working to enhance right to economic information under its program titled "Unnayan Manusher Jonno" through its various advocacy activities like booklet on budget and MDGs, bulletin, TV and radio programs on budget, national and local level workshops and creating mass awareness about importance of economic information. However, it is all the more important in Bangladesh where violations occur easily and common people become vulnerable to the weakness of the state and forces of vested interest groups. There is an urgent need to raise awareness on the issue and embark on a national campaign so that the need for enactment of Right to Information law would be felt strongly. The demand for Right to Information law will have to come from the people. The people must understand the need for such a law, they must know how and why this law will affect their lives. The demand should be such that the government will have to recognize it as the need of the hour and take steps for its enactment. However, it is very important to remember that this law is not something that can be drafted in some Ministry or by some bureaucrats. Such a law will have less ownership even less chance of being

implemented. The gender aspect of Right to Information should not be ignored. Women face added constraint to access information due to their exclusion in decision making both in private and public sphere. A special attempt should be made to ensure that women are represented in the drafting of such a law and also in its implementation and monitoring. The role of people's representatives and political parties has become very important. They should actively promote this concept in all their programs at the local and grass root levels. The lawmakers should be a close ally of the Right to Information campaign and in fact should be in the forefront of the movement. A strong movement is the primary force behind the final enactment of the law. It is important to remember that Right to Information law should not be restricted to public institutions. Since private organizations, NGOs, business etc. are covered by Right to Information domain it should have to abide by the same standards of disclosure.

Women and Right to Information

Mahbuba Nasreen¹⁰

Introduction

Some of the rights are universal and should be exercised by all individuals as human beings. Such rights are not limited to a place or time rather a human being possesses these at the day s/he was born. According to article 19 of 'UN declaration on universal human rights': all people have the right to have and express their opinions. During the first general assembly of the UN held in 1948 right to information was considered as the

¹⁰ Dr. Mahbuba Nasreen, Professor, Department of Sociology, University of Dhaka

basic human right and mentioned as the touchstone for all kinds of freedom¹¹. It should be mentioned here that in early 70's the concept of right to information gained popularity and through the activities of Macbride commission it has been expanded globally by UNESCO.

In Bangladesh right to information can be defined with negative dichotomy. For example the right to information is deprived in every step and remains unrecognized¹². Whereas right to information has been getting legal recognition all over the world (including our neighboring country India), Bangladesh is thinking of snatching the right away. Example can be given from the recent discussion in the parliament to curb the 'right to information' of the media personnel who deserve to have more knowledge and freedom than others in getting and expressing views (e.g. on 22 November, 2005 a discussion was held in the National Parliament regarding imposing restrictions on publishing news by journalists).

Although the right to express opinions has been ensured in our constitution (article 39), access to information still remains far cry for many. Even if some have access to information in one form or another, there is a gender variation in the access. As women in Bangladesh enjoy gender based discrimination in almost every sphere in their lives, they do have very limited access to information. Those wish to get information face many difficulties and/or are not given proper information. It must be mentioned here that women and media was one of the critical area of the 12 critical areas of concerns in the Beijing Platform for Action (PFA), it has not

been given due attention. Moreover, systematic discussion on women's access to right to information is still a lacking. The present paper argues that women's access to information is very crucial to overcome the challenges of achieving gender parity. The paper focuses on the issues related to women's lower status and points out that access to information is the right of a woman, lack of which contribute to their inferior status.

Situation of women in Bangladesh

Women in Bangladesh in general are given lower status than men. Although the concept 'gender' is widely used in the development discourse in Bangladesh, in the highly stratified society the relational analysis of gender inequality and development is still far reach from the goal. In Bangladesh poverty is gendered and women are the poorest of the poor. Women face number of problems due to their gender identity.¹³ Throughout the lifecycle poor women suffer more than men from poverty, hunger, malnutrition, economic crises, environmental degradation, disaster related problems and become victim of violence and political instability. Some of the aspects of gender inequality are briefly mentioned below. Women are having relatively low-level of life expectancy and sex-ratio than men, ratio being 100:106. The life expectancy at birth has been historically low for female than male, which is at present 57.6 years for women and 58.1 years for men. Seventy percent of women and children are suffering from nutritional deficiency and 30% suffer from calorie deficit (pregnant and lactating women). Gender inequality is also prevalent in context of literacy rate which is

¹¹ Ferdous, Robayet and Mir Moshref Hossain, 2002. 'Official Secrecy Act: obadh tottho prokasher pokkhe jonoprotashar ontaray', paper published in Prantojon, No. 2 July 2002: 7-45.

¹² Ferdous, Robayet, 2005. Motprokasher swadhinota O jonomanusher tottho odhikar, paper accepted for publication in the forthcoming Journal of the Faculty of Social Science. Volume 1 (1).

¹³ Nasreen, Mahbuba. 2003. Gender and Sustainable Development in Bangladesh: Myths and Realities. Paper presented at the Workshop on Environment and Development, organized by VNRP, Hanoi, Vietnam, October 9 and 10, 2003

29% for women and 52.3% for men in the age group of 15 years & above.¹⁴

Women's access to labor market is also low compared to men. Out of 56 million total labor force 62% is male and only 38% is females with a difference in male and female participation rates (78% - Male and 51% - Female). Occupational patterns are very much different for women than men. More men than women are involved in agricultural and non-agricultural activities. Whereas 88.1% and 11.9% women work in the agricultural and non-agricultural activities, 55.8% and 44.2% men are involved in these sectors respectively. There are also gender differences in getting wages. In the formal manufacturing sector 19% women as opposed to 9% Men earn below the poverty line. The situation is worse for female headed households. In Bangladesh 20-30% households are headed by women, and 95% of these are considered to fall below the poverty line.¹⁵

However, in the recent past significant improvement in the situation of women has been documented for some of the sectors such as progress in recognizing gender dimension of poverty and integrating gender perspectives in most government programs, girls access to education, increased attention to women's access to health and health and maternal and child mortality rates and other development indicators¹⁶. There has been a growing demand for increasing women's participation in governance. However, although violence against women is widely accepted as a human rights violation, violence against women, especially domestic violence is still in an alarming situation.

Below are some of the realities faced by women in Bangladesh. The discussion is also an attempt to response to the question on why access to information is important for women.

Gender Division of Labour

In Bangladesh there is a strong gender division of labor, having marked differences between the activities of women and men. Most of the women's works are involved in the private spheres and men's work in the public spheres. Women combine activities such cooking, cleaning, collecting drinking water and fuel, looking after children, elderly, livestock-poultry, performing home based and (often field based) agricultural activities, looking after homestead gardens, providing health care facilities to the sick members of the family and many more. The gender roles of women and men do not change even during a disaster, such as flood, which is very common for Bangladesh¹⁷. Although women are having enough ingenuity and adopted gender based coping mechanisms, they are mostly confined to their households. Gender stereotypical role of women and men can only be changed if both women and men have sufficient information on sharing all the responsibilities by them. From early childhood a girl's movement is restricted inside the homestead, whereas her brother can wonder around outside home. This provides less opportunity for a girl to exercise her basic right to know about what is happening outside world. A man can sit in the market, listen to radio, watch TV or share political views with friends, whereas a woman's scope is very limited in these context.

¹⁴ UN Gender Deveopment Index, 2003

¹⁵ Bangladesh Bureau of Statistics, 2002; quoted in Mahtab,, Paper presented to the seminar on Gender Discrimination, organized by Manchester University, U.K. and Department of Sociology, Rajshahi University, January 21, 2004

¹⁶ Khan, Salma, An Assessment of the Beijing Plus Ten, November, 2005.

¹⁷ Nasreen, Mahbuba. 1995. Coping with Floods: The experiences of Rural Women in Bangladesh. Unpublished Ph.D Dissertation, Massey University, NZ

Violence against Women

The UN Convention on the Elimination of all forms of Violence against Women (CEDAW) defines violence against women as "any act of gender-based violence that results in or is likely to result in physical, sexual or psychological, human or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty whether in public or private life"¹⁸. Contrary to this, in Bangladesh certain kinds of violence against women (notably domestic violence) are not recognized socially or legally as violence. Violence against women has become a common and widespread issue across the country. The grim picture reflected in the Daily newspapers only shows further rise in the rate of reported cases of violence against women. Violence against women takes place both in the domestic and work places. The legal process to combat gender based violence is complicated. The types of violence against women in Bangladesh are of different kinds however; some of the major ones are: physical violence, sexual harassment, trafficking/kidnapping, acid attack, dowry, wife battering, murder and rape. There are procedural gaps in the state interventions towards preventing violence. It has been pointed out in a recent study¹⁹ that lack of information on state interventions makes women more vulnerable to cope with the after violence incidents. It has also been identified that most women do not have any prior information regarding the nature of medical examination (e.g. the type of medical examination to be done after a case of rape).

Media, especially printing media, have been playing a positive role in reporting news on violence against women in Bangladesh. The incidences on violence against women, even happening in remote rural areas, are getting

priorities to the print media. However, electronic media is not playing such positive role. The grim picture reflected in the Daily newspapers only shows further rise in the rate of reported cases of violence against women (Please see Table in the Annexure). However, many of such violence still remain unreported and unrecognized. Recently Massline Media Centre has, however, reported that the rate of news printed in media on violence against women has been reduced to certain extent. It has been pointed out that in the month of October (2005) the news on violence (especially on rape) was very low comparing with January to September, 2005.²⁰

Trafficking of Women

Trafficking, particularly in women and children, is a gross violation of human rights. Trafficking in women and girl child are situated in a continuum of sexual exploitation that perpetuates and continually reinforces the subordinate position of women. Trafficking takes place by a variety of means such as promises of jobs and marriages, physical violence and abduction. Absence of effective legislation and poor law enforcement combined with corruption, lack of information, are important factors that accelerate the process of trafficking in women and children²¹. Researchers²² pointed out that "traffickers fish in the stream of migration". Rescued women and girl children have the least opportunity of returning to their own families, gaining a respectable place in

¹⁸ UN Resolution, 48/104.

¹⁹ Nasreen, Mahbuba. 2004. *Monitoring State Intervention to Combat Violence against Women*, Dhaka: Naripokkho.

²⁰ Massline Media Centre, report-July-September, 2005 and October, 2005

²¹ Shamim, Ishrat. 2005. *South Asian Scenerio and the Road Map Towards the Implementation of the SAARC Convention on Trafficking*, Key note paper presented at the National Consultation of Stakeholders, organized by Centre for Women and Children Studies and Centre for Social Research, New Delhi, held in 30 November, 2005. Dhaka.

²² Coomaraswamy, Radhika. 2001. cited in *Asian Development Bank*, 2003.

society and being re-integrated into society. Women seeking assistance from the police may be maltreated while in custody. To combat trafficking women's access to information is an urgent need as women are less aware about the issue.

Education

When 189 heads of state signed the Millennium Declaration in 2000, they recognized that educating girls is a powerful and necessary first step towards ending poverty and achieving human rights²³. In Bangladesh women's less access to information are largely contributed by lack of education. Confining in the domestic arena limits women's access to information whether educated or not. It is learnt that women do not do better in 'out knowledge' in competitive examinations.

Although the Fifth Five Year Plan (1997-2002) of Bangladesh incorporates bringing women into the mainstream of development activities as a major goal of the government, gaps are still observed. A number of factors contributed to the gender gap in education such as extreme poverty, lower socio-cultural status of girls than boys, early marriage, insecurity, lack of transport or communication facilities, lack of toilets and drinking water facilities, insufficient number of women teachers and others. All of these factors are related to girls' gender identity, which also contributed to the drop outs of girls from schools. Since the late 1990s the gender gap in the secondary education has been emphasized by both the government and donor agencies, which is reflected at the policy making level.

However, failure to retain girls in education is the most challenging issue for various programs. The lower completion rate of girls

in SSC indicates that although equity is ensured in terms of enrolment and attendance, it does not happen for the completion. Moreover, quality of secondary education, especially for girls, did not improve as was expected. Girls' weak or poor performance is related to many factors of which the most important is lack of access to information.

It has also been revealed that girls become insecure, perhaps being teased by street gangs and also harassed by the teachers. Such harassment is often related to girls' gender identity. Awareness raising of the community members including SMC members and teachers on gender issues through providing information is suggested as a requirement. It should also be mentioned that there is less scope for girls to participate in co-curricular activities, e.g. games and equipment in most schools are either absent or meant for boys only²⁴.

Reproductive right and Contraceptive

Access to and use of contraceptive methods aimed at controlling population, particularly in the Southern countries, tend to affect women's reproductive rights. Population policies in the South is coercive, anti-natalist and gender insensitive as women are targets of population policies. The various banned and harmful contraceptive methods invented and marketed by multinational pharmaceutical companies impact on women's, especially poor women's, health and reproductive rights. International instruments and national documents now recognise reproductive rights and nations are committed to ensure and promote reproductive rights of every individual of their

²³ Girls can't wait, Global Campaign for Education, 8 March 2005.

²⁴ Nasreen, Mahbuba. 2005. 'Gender Issues in Secondary Education', Draft Final Report, Secondary Education Sector Improvement Project-2, 2005.

people. A recent study²⁵ argue that though access to effective, affordable, easy-to use means of contraception and access to information about those means is a right, in most cases, use of contraception itself may lead to violation of reproductive rights. Differential social systems tend to impact on how women exercise their reproductive rights in terms of access to contraceptive methods, experience of side-effects, access to health check-ups and so on.

Women and HIV/AIDS

HIV/AIDS is no longer striking primarily men. Today, more than 20 years into the epidemic, women account for nearly half the 40 million people living with HIV worldwide. Women must not be regarded as victims. They are, in many places, leading the way forward. As long as women and adolescent girls are unable to earn an income and exercise their rights to education, health, property, and information or are threatened with violence, progress on the AIDS front will pass them by. Strategies for survival are pioneered every day on the ground by women living with HIV/AIDS²⁶. However, a vast majority of the women in Bangladesh lack proper information on such an epidemic crisis.

Women and governance

In Bangladesh, Article 9 of the Constitution promotes the special representation of women in local government. Yet there were very few women in local government. The process of filling women's seats in the local councils totally ignored the scope of women's active participation. The nominated women could not play more than the role of a 'yes' person of the chairperson and members, who

were predominately men. Within local bodies, women are generally, expected to represent women's interests. That is, women's development is seen as women's business rather than the responsibility of all members.

Adequately empowered and accountable local government institutions are essential vehicles for ensuring formulation and implementation of such policies²⁷.

It is evident that lack of effective and timely planning, lack of political background, absence of proper socio-economic and political environment, lack of appropriate organizational framework, lack of information, skill and training place women behind to prove their competencies compare to their male counterparts. It has been identified that women have limited scope to exercise political rights, lack of control over resources, lack of access to information and limited choice in decision making. However, women have been trying to overcome the barriers through their active participation in the local level policy making. Attempts have also been taken to sensitize communities as well as local and national leaders and policy makers to the need for gender balance in the political process.

Women and Media

Media, including printing, electronic or others must reach many people. As Sandman notes when we speak of the 'mass media' we usually mean not only the channels of mass communication but also the content of those channels and the behaviour of the people work for them²⁸.

In 1981 Gallgher pointed out that "women are under-represented in general, and occupy

²⁵ Hossain, Khondoker Mokaddem and Qamrul Islam, 2005. Paper accepted for publication in the Social Science Review, Dhaka University.

²⁶ Mustafiz, Mirza, HASAB, 2004.

²⁷ Shamim, Ishrat and Mahbuba Nasreen, 2002. Gender and Local Governance: A New Discourse to Development. CWCS, Dhaka and CSR, New Delhi, India.

²⁸ Sandman, Peter M. An American Analysis of Mass Communication.

less central roles than men in television programs", which is also true for other media. In television advertisements women's presence is mainly as 'glamour girls' or to play traditional gender stereotypical roles. Even employed women are also shown to combine traditional gender roles ("where to deliver Mrs. Alam's dress, whether he has taken his lunch...."-mobile phone).

Although in the National Action Plan for Women increasing participation of women and girl children in the media has been emphasized, the situation did not change much. Fewer women are participating in the media, especially in the print media. Whereas women's access to media has been inaugurated in the 50's, at present there are only 150 women reporters/journalists at the national level. Women's less representation in the media is one of the contributing factors for lack of consciousness in portraying women in the media²⁹.

Ferdous³⁰ referred 'mass media' of Bangladesh as 'male media'. He argued that we have to see women's involvement in media (newspaper) in context of the proportion of news published on women as a subject, the number of women employees, the position held and types of activities performed by women, the number of women as owners of newspapers and how positively a woman is portrayed in a newspaper. It has also been pointed out that gender sensitivity of a reporter/journalist in selecting words and using photographs of women is also a requirement to become women friendly. News headings such as 'beautiful women is being raped' or 'women deserted by husband is raped' in the daily newspapers are two of the many examples of using gender insensitive words in print media. Films in

Bangladesh target women to broadcast vulgar and indecent movies. Pornography in telefilms and music videos are also made involving women³¹.

In the International Women's Day (8 march, 2005) women journalist³² and photo journalist³³ elucidate some of the constraints they have to face while working in the media and pointed out the way forwards. At the age of information technology women are less represented in the ICT. It has been argued that access to ICT (e.g. computer) not only improves women's work but also allows them to exchange views, opinions and information³⁴.

In the Beijing Platform of Action women and media has been identified as one of the critical areas. However, it has been argued that media has been given less emphasized in Beijing plus Ten. Out of about 50 participants from Bangladesh there was no representation of woman from media in the Conference³⁵. However, in the Beijing plus Ten Global Review³⁶ women and media has been identified as one of the issues of which increasing women's participation in media, their negative presentation in media, training of different stakeholders etc. are given due attention. Empowering women through access to information technology has also been emphasized in the Action plan. Although women's right to information has not been included here as a separate agenda, it would be indirectly achieved if the other critical issues concerning women are addressed properly. It must be mentioned here that some progress towards gender equality has been achieved through

²⁹ Massline Media Centre, 'Right to Information', April-May, 2005

³⁰ Ferdous, Robayet, 2005. Motprokasher swadhinota O jonomanusher tottho odhikar, paper accepted for publication in the forthcoming Journal of the Faculty of Social Science. Volume 1 (1).

³¹ Massline Media Centre, 'Right to Information', January-March, 2005

³² Shramin, Sumana, Prothom Alo, 8 March 2005

³³ Godhuly, Farzana Khan, Prothom Alo, 8 March 2005

³⁴ Babul, Parvez, The daily Star, 8 March 2005

³⁵ Yasmin, Farida, Ittefaq, 3 March 2005

³⁶ Grass route Action Plan of the Beijing plus Ten Global Review

introducing new laws, amendments of discriminatory laws, access to primary and secondary education, access to sanitation and some other areas has been achieved after the Beijing Platform. It must also be mentioned here that emergence of different organizations related to the development of journalism is also contributing to promote women's right to information³⁷. Progress is also observed in context of having positive stories on women in different media, especially in some of the Daily Newspapers, and not restricting women issues only in the 'women's page'. However, such progress should not be generalized as women are less represented in compared to men and are given less importance in most of the media.

Conclusion

It is the responsibility of a state to inform women about their rights such as legal rights, reproductive rights, rights to be educated, right to maintain security, health rights, right to information, participation in governance and other vital entitlements. Not only women have to be informed about their rights but those rights need to be strengthened. Right to Information should be activated directly through enacting strong laws. As women do not enjoy equal rights as their men counterparts, attention must be given on the issues contributing to women's inferior status. Portraying women negatively using gender insensitive words or presenting them through the traditional gender stereotypical roles in the media may further deteriorate women's position. Opportunities should be provided to women for sharing information, learning from each other and exchange of ideas and resources. Sensitizing men on gender perspective is needed to face the constraints

of strict gender division of labour is a crucial requirement. Lobby by NGOs, women activists and organizations to provide women with right to information are much more needed to make the concept 'right to information' useful.

Annexure

1. The author acknowledges the contributions of Professor Sheikh Abdus Salam, Mr. Robayet Ferdous of the Department of Mass Communication and Journalism, Asha Nazneen and Lipon Kumar Mondol of the Department of Sociology for providing some of the materials and documents.
2. Thanks are due to the three Key informants for expressing their valuable concerns on women's right to information. The opinions are presented in the boxes below.

Farida Yasmin

Editor, Mohila Angon (The supplementary page), The Daily Ittefaq

Every human being has the right to know. Thus, we should not separate the issue 'right to know' for women. But what we see in reality? Women are far away from having access to information due to their lower status than men. Because women are deprived of their rights they have no clear concept about society and the state. A woman must know her needs and rights and express what she feels. She should have clear concepts about these issues. Women do not get enough information about important issues such as health, education, security etc. What the society imposes on them they accept easily for lack of information. They do not know how to stand in strong argument and how to achieve/exercise own rights. In political issue women are much more regressive than men. Because of the corrupted nature of politics, finance motivates politics. As women are having less resources they hardly participate in it.

³⁷ e.g. BCDJC, Massline Media Centre, Gender in Media Forum are some of the organizations which promoting women's right to information through employing women, printing news on women in a gender sensitive manner, organizing seminars etc.

Sumana Sharmen**Assistant Editor, The Daily Prothom Alo**

We are very careless to deliver information to women. In the male dominated society, women are deprived of information for their inferior status in the society. In the domestic arena women do not have a decision making role. For example, a housewife learnt about a family decision after the decision has been taken by the men household head. Regarding the selling of property men do not want to know anything from women. In such a way women do not have access to information even spending her whole life within households. A girl does not know about the right of marriage and depends on her family. Her consent is not taken while settling a marriage. Usual picture is: A mother may ask her daughter do you have any choice? Your father has decided to arrange marriage for you. Then daughter asks "Can I say know to the marriage?" "How will you say no?" Mother shouts. "Your father already have arranged for your wedding and made everything final". This story is the reflection of women's right and the violation of women's human rights. It is not easy to have information for a woman in one hand and on the other women are not concerned to have information about the society, state and world. We are not aware that if women have more knowledge (our) society will be more progressive.

Suggestions: Educated women should read newspaper; women have to fight against the social views that women discuss about sari, jewelry, fashion and men about politics, economy, policies etc. Men in society, especially policy makers, should understand that women should not be dominated as it will be harmful for men as

well. This is because domination of women may term them as 'men of conservative society'. The society will progress when the women's right to know is established.

Kamrunnahar Munna**Staff Reporter, The Daily Amar Desh**

The scope to get information is less for women. However, those who have the opportunities to get information do not utilize it for not having proper environment. Be employed or housewife a woman is not interested to have information about what is happening around the world. They are busy with their domestic responsibilities and children. They are not aware that having information about world is very essential for their children's welfare and family survival. A woman should have more access to information not only for her children and family but also for herself. Many women, especially who live in the rural areas do not know about the countries political situation. They think the political, economic and international issues are the subject matters of men's discussion. Such perception and thinking are related to the socio-economic background and the inferior status of women in the society. In urban areas women are having computers or IT at their households. However, it is said that 80 percent women in the urban areas, especially who are housewives do know how to use a computer. The 'son' is the most significant person in a family to use a computer. Even many women do not know proper use of a mobile phone. Women have to be changed by their own initiatives. They have to be conscious about their rights.

3. Growth incidents of violence against women**Table-1: Growth Incidents of Violence against Women During 1997 and 2003**

Nature of Violence	1997	1998	1999	2000	2001	2002	2003	Total
Rape	434	143	309	286	484	1183	961	3800
Mass rape	--	87	193	179	155	421	376	1411
Murder after rape	--	14	50	30	75	132	175	476
Acid throwing	130	41	58	100	199	334	268	1130
Burning in fire	--	8	29	22	19	39	41	158
Religious edit (Fatwa)	74	10	14	28	40	39	44	249
Kidnapping	78	--	128	173	210	508	443	582
Torture of domestic maid	41	--	25	22	16	--	21	125
Rape after promising for marriage	--	7	35	11	--	--	--	53
Murder	192	107	297	353	630	891	849	3319

Nature of Violence	1997	1998	1999	2000	2001	2002	2003	Total
Forced prostitution	--	--	10	18	18	--	--	46
Torture by police	12	--	--	--	2	15	22	51
Trafficking in women and children	40	--	--	--	104	173	136	453
Claiming father's right	--	--	--	--	20	18	32	70
Torture for dowry	127	16	35	57	79	121	147	582
Murder for dowry	--	21	96	79	114	169	206	685
Sexual assault	--	13	60	38	107	258	229	705
Mysterious death	--	--	--	--	206	191	226	623
Physical torture	--	--	--	--	--	5	24	964
Forced marriage	50	--	--	--	6	--	10	66
Second marriage	9	--	--	--	--	--	--	9
Illegal affair of husband	19	--	--	--	--	--	--	19
Suicide	--	9	162	281	351	720	785	2290
Others	185	29	109	203	186	290	308	1310
Total	1391	520	1690	1974	3149	5792	5618	20134

Source: Clippings from 11 daily newspapers complied by Bangladesh Mohila Parisad, 2004

Access to Information: Violation of Rights and Justice

Dr. Borhan Uddin Khan³⁸

1. Introduction

Emphasizing on the need for open and informed society, James Madison one of the architects of the United States Constitution wrote in the 19th century: "a popular government without popular information or means of acquiring it, is but a prologue to a farce or a tragedy; or, perhaps both". Further, the necessity of access to information for good governance has correctly been underscored by the Supreme Court of India in the case of *S.P. Gupta Vs. Union of India*³⁹ in the following words: "the basis principle of democracy... require ready access by all citizens to all relevant information..." By nature access to information is all about openness, transparency, accountability and accessibility. The notion of access to

information is generally considered as an emanation from the ideas of freedom of expression, which is one of the core components of individual liberty. Indeed, right to information encompasses many aspects of individual's well-being covering one's basic needs as well as civic rights.

2. "The Concept of Freedom of Information" and "Right of Access to Information"

During its first session, in 1946, the General Assembly of the United Nations unanimously adopted a resolution on freedom of information which says: "Freedom of information is a fundamental human right and is the touchstone of all the freedoms to which the United Nations is consecrated". What does "freedom of information" mean? Different international documents define its content in a broader or narrower sense. This varies from the broader meaning of freedom of expression and information as a whole through the freedom to seek, receive and disseminate information to the narrower sense of freedom to seek and obtain

³⁸ Professor, Department of Law, University of Dhaka, Bangladesh.

³⁹ AIR 1981, SC, 87.

information. The narrowest definition of "freedom of information" implies the right of each individual to inspect or copy documents held by government bodies. In view of a greater precision and preclusion of ambiguity, the latter can be defined as the right of "access to information".

The right of access to information is not absolute; it is subject to certain limitations. It is due to the reason of the conflict of interests in the course of which giving priority to one leads to the undermining of another. Striking a balance between openness and confidentiality is therefore a crucial matter for a right of access to information regime.

3. International Obligation of Bangladesh on Right to Access to Information

Numerous international instruments to which Bangladesh is a party, establish an obligation for protection of the right of access to information. Article 19 of the Universal Declaration of Human Rights says: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers". This right is also provided for by article 19 and article 17 of the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child 1989 respectively.

4. The Constitution on Right to Information

Unlike the Constitution of South Africa⁴⁰ and Thailand⁴¹ the Constitution of the Peoples

Republic of Bangladesh does not contain the right to or access to information. The Constitution, however, guarantees freedom of thought and conscience and speech.⁴² It may be argued that without enough and genuine information, one cannot express his thought or conscience adequately or properly. Therefore, these important rights are premised upon right to information and may be interpreted liberally to include right to be informed freely.⁴³

5. The Legal Regime on Access to Information

There is no statute in force in Bangladesh specifically recognizing peoples right to information and providing a procedure for its implementation. However, there are provisions of laws which (a) permit access to information and (b) impose restrictions on access to information.

5.1 Laws Dealing and Permitting Access to Information

Rules 513-521 read with rules 522-596 of Civil Rules and Orders enable a person to receive information from a civil court.⁴⁴ Rule 513 Reads as follows: "any person may apply for any information from the records and registers of any court."

⁴¹ Article 58 reads as follows: "A person shall have the right to get access to public information in possession of a Government agency, State agency, State enterprise or local administration, unless the disclosure of such information shall affect the security of the State, public safety or interests of other persons which shall be protected as provided by law".

⁴² See, Article 39 of the Constitution of the Peoples Republic of Bangladesh.

⁴³ Abdullah-Al-Faruque, "Freedom of Information and Good Governance: Towards a legal Regime", *Chittagong University Journal of Law*, Vol. III, 1998, p. 219.

⁴⁴ For details, see, *Civil Rules and Orders*, 1981 Volume I.

⁴⁰ Article 23 reads as follows: "Every person shall have the right of access to all information held by the State or any of its organs at any level of Government in so far as such information is required for the exercise or projection of any of his or her rights".

A Member of the Parliament may obtain information under rules 41-58 and rules 301-302 of the Parliamentary Rules of Procedure.

People may also receive information applying in a prescribed form (High Court form No. M-55 A and Bangladesh form No. 871) in the quasi-judicial departments like District Registrar/Sub-Registrar's office and Land Revenue Department.

The law of evidence of our country i.e., the Evidence Act of 1872 allows a person to inspect public documents. Section 74 defines public documents as (a) documents forming the act or record of acts, of the sovereign authority, of official bodies and tribunals and of public officers, legislative, judicial and executive, of any part of Bangladesh or of the Commonwealth, or of a foreign country, and (b) public records kept in Bangladesh of private documents. Section 75 provides that "all other documents are private". Section 76 which provides that "every public officer having the custody of a public document, which any person has a right to inspect, shall give that person on demand a copy of it on payment of the legal fees . . .". This provision arguably provides that a person can demand official document as a matter of right.

Thus, the legal regime specifically dealing on the right to access to information is not only limited but purpose oriented as opposed to being general. It is of interest to note that the need for access to information has been recognized by the Law Commission of Bangladesh in the following words: "For the sake of transparency in the democratic process and good governance in any country, public access to information appears essential".⁴⁵

⁴⁵ See, *Working Paper on the Proposed Right To Information Act, 2002*, Published by the Office of The Law Commission, Dhaka, January 31, 2002, p. 4.

5.2 Laws Restricting Access to Information

Apart from the above mentioned provisions, currently there is no comprehensive statutory regime providing for free access to information. On the contrary, there are certain prohibitory laws namely,

- (i) Section 5(1) of the Official Secrets Act, 1923;
- (ii) Sections 123 and 124 of the Evidence Act, 1872;
- (iii) Rule 28(1) of the Rules of Business, 1996;
- (iv) Rule 19 of the Government Servants (Conduct) Rules, 1979;

Official Secrets Act, 1923: Section 5 (1) of the Official Secrets Act, 1923, lays down, "If any person having in his possession or control any secret official code or password or any sketch, plan, model, article, note, document or information, which relates to or is used in a prohibited place or relates to anything in such a place, or which has been made or obtained in contravention of this Act, or which has been entrusted in confidence to him by any person holding office under Government, or which he has obtained or to which he has had access due to his position as a person who holds or has held office under Government, or as a person who holds or has held a contract made on behalf of Government, or as a person who is or has been employed under a person who hold or has held such an office or contract -

- (a) willfully communicates the code or password, sketch, plan, model, article, note, document, or information to any person other than a person to whom he is authorized to communicate it, or a Court of Justice or a person to whom it is, in the interests of the State, his duty to communicate it; or

- (b) uses the information in his possession for the benefit of any foreign power or in any other manner prejudicial to the safety of the State; or
- (c) retains the sketch, plan, model, article, note or document in his possession or control when he has no right to retain it, or when it is contrary to his duty to retain it, or willfully fails to comply with all directions issued by lawful authority with regard to the return or disposal thereof; or
- (d) fails to take reasonable care of, or so conducts himself as to endanger the safety of, the sketch, plan, model, article, note, document, secret official code or password or information; he shall be guilty of an offence under this section."

Evidence Act: Section 123 of the Evidence Act lays down, "No one shall be permitted to get any evidence derived from unpublished official records relating to any affairs of State, except with permission of the officer at the head of the department concerned, who shall give or withheld such permission as he thinks fit."

Rules of Business, 1996: Rule 28(1) of the Rules of Business, 1996, says, "No information acquired directly or indirectly from official documents or relating to official matters shall be communicated by a Government servant to the press, to non-officials or even officials belonging to other Government offices, unless he has been generally or specially empowered to do so."

The Government Servant (Conduct) Rules, 1979: Rule 19 of the Government Servants (Conduct) Rules, 1979 states, "A Government servant shall not, unless generally or specially empowered by the Government in this behalf, disclose directly or indirectly to Government servants belonging to other Ministries, Divisions or Departments, or to non-official persons or to the Press, the contents of any official document or

communicate any information which has come into his possession in the course of his official duties, or has been prepared or collected by him in the course of those duties, whether from official sources or otherwise."

The above laws create a legal regime for the administration to conceal truth and facts of public importance from the people. The combined effects of these provisions create considerable scope for 'administrative discretion' to camouflage both their acts of omission and commission.⁴⁶

6. Access to Information vis a vis Access to Justice

The word 'Access to Justice', generally, connotes ability to reach the process of law. According to Upendra Baxi, the access means an ability to participate in the judicial process.⁴⁷ The complexity of access relationships come to full play when we ask: Access by whom and to whom? Access to what? Access through What? Access for what? And Access in what? Thus, the philosophy of access to justice involves roles, rules, procedures, arrangements – in short, institutions, frameworks, objectives, values and ends.⁴⁸ The capacity to have access to judicial process depends upon a host of factors which include parties involved, types of objectives perused, respective resource base, and factions arising from overall social structure and culture.

In one sense, the concept 'Access to Justice' is curious a phrase because it implies that system of justice is not in fact available to all, that there are obstacles in the way. Indeed,

⁴⁶ Abdullah-Al-Faruque, "Freedom of Information and Good Governance: Towards a legal Regime", *Chittagong University Journal of Law*, Vol. III, 1998, p. 213.

⁴⁷ See, Baxi, U., "Access, Development and Distributive Justice: Access Problems of the Rural Population", *Journal of the Indian Law Institute*, Vol 18, 1976, No.3, p.176.

⁴⁸ Id.

the obstacles are manifold and the absence of a legal regime guaranteeing the access to information is one, needless to mention about non-access to legal information. In law, it is a well established principle that "ignorance is no defense". Therefore, access to information has direct bearing on one's access to justice i.e., recourse to court.

7. Remedies for Non-access to Information

The remedies for non-access to information may broadly be categorized in to two i.e., judicial remedies and non-judicial remedies. Judicial remedies in simple term mean recourse to court in the event of violation of a right to get information either expressly or impliedly provided by law. Non-judicial remedies may include recourse to: (a) filing application to the concerned higher authority (b) office of Ombudsman (c) National Human Rights Commission etc. in situations where (i) there have been mere refusal to supply of information (ii) the refusal to provide information have resulted in impeding the exercise or enjoyment of another right.

It is a fundamental premise of constitutionalism that power belongs to people the organs of the state exercise power in the public interest, within the limits of the constitution. Elected legislators and elected executives and expected to be accountable to the people. There can be no effective accountability to citizens unless the have access to information relating to the matters in respect of which accountability is to be secured.

The judiciary, as the guardian of the Constitution, is the organ entrusted with powers of judicial review in order to ensure that power is exercised within the limits laid down by the Constitution. In the course of judicial review, courts have had to extract information and from this information, courts have been able to arrive at findings of abuse of power in relation to a wide variety of cases

ranging from cases where property was compulsorily acquired in excess of that required for a public purpose, to those where public property was sold at unreasonable low prices, or where public procurement was tainted by corruption.

8. Conclusion

From the preceding discussion, it is evident that a comprehensive statutory regime providing for free access to government held information is conspicuous by its absence. It may also be legitimate to assert that there is direct nexus between access to information and access to justice as the former may stand in a way to access the court. The Law Commission of Bangladesh has very rightly observed "...freedom of information is indispensable for a citizen to bring his grievance before the administrative authority or the court of law for redress."⁴⁹ To conclude, it may be emphasized that the overarching purpose of access to information legislation is to facilitate democracy by helping that citizens have the information required to participate meaningfully in the democratic process and that the politicians and bureaucrats remain accountable to the citizenry.

⁴⁹ See, *Working Paper on the Proposed Right To Information Act, 2002*, Published by the Office of The Law Commission, Dhaka, January 31, 2002, p. 4.

Access to Information: A Missing Dimension in Poverty Alleviation Paradigm

Ananya Raihan⁵⁰

I. Poverty Paradigm and Access to Information

The development paradigm has evolved during the last three decades in Bangladesh as well as around the world. While poverty alleviation was the ultimate goal of all development efforts, at the initial phase, the focus was to improve the income poverty situation. Gradually the focus shifted to non-income issues as well, which became crystallized through the development of Human Development Index (HDI). Inclusion of non-income issues significantly influenced the improvement of well-being of poor people. The basic paradigm is that creating and enhancing access to resources is the key to poverty alleviation, whether it is access to income opportunities, quality education, health care services, sanitation, or access to justice. Consistently, all the existing approaches of poverty reduction or alleviation ignored the issues of access to information and knowledge as an important dimension in the poverty alleviation discourse.

This paper attempts to focus on the issues of improvement of access to information through ICTs for the rural poor on the basis of research conducted by D.Net.

Why Access to information is Important for Poverty Alleviation

It is well known that obstacles to accessing resources in a sustainable way play a crucial role in drawing the line between haves and

have-nots. From pure economic perspective, in a market economy framework, access to information is crucial in terms of having access to market and getting price advantage in the production process. Unfortunately, there is no separate market for the poor producers of goods and services. Accordingly, access to information may drastically change the situation in favour of the poor producers within and for a country in the global context. On the other hand, while access to information related to market access is important, it is also important to ensure access to information related to better production of goods and services, appropriate technology, information about self-employment related facilities, and wage employment for ensuring alleviation of income poverty. For addressing the non-income issues, the access to information related to education, technological know-how, affordable health care, legal and human rights are very crucial. In short, one can coin the gamut of information needs as "livelihood information needs".

In this context, it is important to distinguish between information and knowledge. The poor needs both. When a poor farmer needs to know how to prevent pest in his field, it is a problem of access to knowledge, on the other hand, when he needs to know where to go with his daughter for getting quality and low cost medical treatment, it is all about problem of access to information. Actual allocation of VGF, VGD card per village in the period of distresses, responsibilities of *union parishad* to the people in a constituency, admission time in higher education institutions – all are information needs by the rural people.

Importantly, overwhelming part of the information and knowledge, required by the poor are not secret. They are open, but they are not easily accessible by the poor at the time of need. Thus, talking about rights to information does not only mean that official secrecy act should be abolished. Rights to information for the poor essentially mean

⁵⁰ Ananya Raihan is the Executive Director of D.Net – Development Research Network, Bangladesh.

rights to have arrangement so that they can get information when and where they need them. This dimension does not imply that rights to information act is not necessary for the poor. Rather, such an act can empower them in true sense through increasing the poor's reach to the information related to governance.

Lack of access to information is a critical source of disempowerment of the rural poor. This makes them vulnerable to exploitation by the middlemen, leaves them exposed to preventable diseases and accidents, deprives them from justice due to lack availability of legal aid services, and, necessitates significant costs for finding simple information, among many other consequences. Let us look at some real-life scenarios that represent the problems that the rural poor face due to lack of timely and cost-effective access to needed information.

Scenario 1: A farmer in a remote village has successfully grown a high-yield variety of potato and wants to sell his product to a big market in town, but he does not know which town to go to. Physically visiting the nearby towns to weigh his options is not a financially viable option for him, and also since he rarely goes out of his village, he is not comfortable with the idea of venturing out into towns on his own. A seemingly kind-hearted middleman comes to his rescue. He buys the product from him at a relatively low price and sells it at a higher price to a nearby town. The farmer never gets to know that he has been cheated out of, and entrusts his faith in the 'kind-hearted' middleman again next year.

Scenario 2: A fisherman living in a village near the ocean wakes up in the morning and notices that the sky is getting dark. He turns on his battery-run radio (since there is no electricity in the village), but unfortunately the weather update has just ended. He gets impatient since he has to wait another hour to get the next update and his radio batteries

are running very low. He decides not to bother too much about the weather and set sail into the ocean hoping to come back early. His hopes are dashed when his boat is caught in a sudden storm in the middle of the ocean. One of his last thoughts was a wish that he could instruct his radio to repeat the weather update he had missed by one minute.

Scenario 3: An illiterate old man in some village has been suffering from asthma for a long time. The well-respected village doctor, who has no formal training in medicine and has barely passed secondary school, is unable to find any remedy. He luckily admits his inadequacy and recommends the old man to go to a city to get treatment. Fortunately, the old man's son is financially solvent enough to consider taking his father to a city hospital. But the problem lies elsewhere – the father and son have never made a journey to the city, which takes about half an hour of walking, one hour of ride in a three-wheeled carriage (called 'rickshaw'), and four hours of ride in a bus. They have heard that the city is big with full of strange people with even stranger accents. They gather enough courage and arrives at the city bus-station one late afternoon. Their fears about the city soon dissipate when they are approached by a 'kind-looking' gentleman, who takes them to a laboratory, gets some clinical tests done, and also makes an appointment with some doctor. They spend the next two days in the city only to find out that the whole process has cost them a fortune with no real results and the 'kind-looking' gentleman is a fraud who has made a profession out of deceiving poor and illiterate new-comers to cities.

Scenario 4: A student in a rural area has made village-history by being the first to have passed higher secondary school with 'first division'. He decides to opt for higher studies in some good university in the city, but he has no idea about their admissions policies,

entrance exam dates, and other regulations. He has no relatives in the city, and hence no one to turn to for help. He does not even know what his choices are in different cities, and he does not have enough financial resources to visit each city to find out. So he just goes to the nearest university, takes the entrance exam but unfortunately fails to pass that test. Now he is too late to try other universities since their deadlines have also passed. He waits another year for a second chance, but is again faced with the same problem of not knowing which universities he can try to get admitted to.

Scenario 5: A rural woman has just been divorced by her husband due to lack of her parent's ability to give him the promised dowry (this is a very common scenario in Bangladesh). She is neither sure whether she is eligible for any financial compensation, nor does she know of any institution that can provide her legal and social support. As a result, she timidly goes back to her parents' house and spends the rest of her life as an unwanted burden and gradually goes through a total loss of self-dignity.

Scenario 6: A water-logged village in a remote area is suddenly struck with cholera that is spreading at a fast rate. The village doctors are unable to cope up with the situation, and there are no MBBS doctors in a nearby location. The village has no phones or electricity and it takes half a day to get to the nearest city. There is one mobile service center, which can only make calls to mobile phones, but the villagers do not know which mobile phone number to call for help. The disease spreads at an uncontrollable rate and by the time the nearest government hospital responds by sending over some doctors, several children and old people have already died. Some NGOs, other private health organizations or even the central government could have responded faster if they had

known about the problem, but the news never reached them on time.

Access to Information vs. Exchange of Information

While access to information, which can play a crucial role to improvement of livelihood, is important, it is not less important the access to information created by the poor for the rest of the society. Furthermore, horizontal exchange of information is also essential for sharing good practices among the poor communities for improvement of the livelihood. The issues of ownership of indigenous knowledge and information and vertical supply of information by the poor to the policy makers, researchers, business community have important political economic and sociological dimension. In this context, it is very crucial who controls access to information for the poor.

What channels are important?

A number of channels are in use historically for the poor for accessing information. The strongest channel is the interaction within a community and family for sharing new knowledge and information acquired from outside. Farmers know how to grow crop, control pest, villagers know how to control diseases. In many cases, this knowledge works at a sub-optimal level, information and knowledge about scientific discovery relevant to improvement of livelihood is updated very slowly in rural circumstances. Given that there is a system of continuous supply of up-to-date knowledge and information to the community, this face-to-face interaction is the strongest tool for spreading those. Whether such spread reaches homogeneity, depends on the societal structure, which also include power and class structure.

Printed media is one of the sources, which can provide new knowledge and information to a community. This is the channel, which served best a community until the invention of radio. Subsequently, television added more value to the information and knowledge base of a community. Radio and television was the electronic media until Internet added to that. Print and electronic media basically complement each other and promote interaction within a community.

II. Leveraging strength of ICTs for Improving Access to Information

At the advent of Information and Communication Technology (ICT) revolution, the obvious question now is whether ICTs can play a role in the improvement of rural livelihood vis-à-vis poverty alleviation through improved access to livelihood information. It has been proven that ICTs have a vital contribution in the metamorphosis of business process, entrepreneurship, economy, government activities and almost every sphere of life. Information has become a powerful economic resource along with land, labour and capital thanks to ICT revolution. Globalization, in its current pace and shape, would have remained a distant dream without the sophisticated processing and rapid flow of information made possible by the modern ICTs. Now, it is yet to be proven whether ICTs can have a similar impact on the poor and the underprivileged by improving their access to information needed for a better standard of living.

ICTs greatly facilitates the acquisition and absorption of knowledge, offers developing countries unprecedented opportunities to enhance educational standards, improve policy formulation and execution, and widen the range of opportunities for business and socio-economic progress. However, the realization of these opportunities largely depends on a vision and pro-active policy

intervention by the government. However, the government needs model which provides input for taking relevant policy and programmes to realize such policies and programmes.

A Five Pronged Approach for Making ICT Work for the Poor

When one wants to make ICTs meaningful to the poor, a set of factors needs to be considered:

- a. Computer, mobile phone, the Internet and other ICTs are just a tool. They can be meaningful when they are used for dissemination of relevant livelihood information in local language.
- b. Poor can not have the luxury to buy computer, mobile phone or other ICTs.
- c. Majority of the community people are illiterate, even can not read and write mother tongue.
- d. It is not feasible "to implant" an "urban person" in village on regular basis to serve 'required information' to the poor.
- e. Ownership of information resources by the rich can not benefit poor.

To address these factors, a five-pronged approach is required:

- a. Creating local content;
- b. Establishing a common access point;
- c. Using multiple information exchange channels;
- d. Introducing "infomediary"; and
- e. Ensure ownership of the poor on the information dissemination system.

Local Content

Access to information to the poor essentially means access to relevant livelihood content in local language, which can be either

browsed and searched by the poor or served by some "infomediary".

The first step in building an information base and knowledge base for the poor with local content is to understand local needs. To identify which livelihood information and knowledge are important for the poor, a top-down approach may not work, or will not work. Thus, a bottom up approach is required, which essentially means involvement of "poor researchers". On the basis of outcome of participatory research on livelihood information needs following areas have been identified, where livelihood information and knowledge can make a difference for the poor: agriculture production, market information, non-farm economic activities, education, health, governance and human rights, disaster management, rural employment, appropriate technology, awareness. Suitability of contents for delivery through a particular ICT channel is also important for making the content effective for the ultimate users.

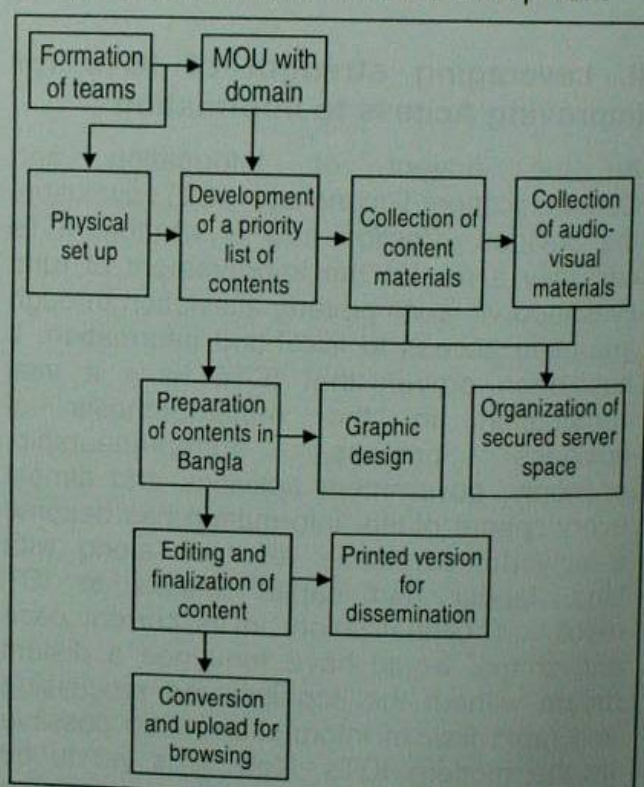
Currently local content carries very narrow meaning. Traditional definition confines with content developed in a community with indigenous knowledge in local language for social development using ICTs. First of all, rural community [in some cases, even urban community] lacks information and knowledge for improvement of livelihood, which are scarce in the community and it is not possible and feasible [cost-effective] for a local community to develop such content. The content should answer a broad spectrum of questions related to livelihood problems: what, why, how, where, when, how much, and to whom or from whom. Thus, a content-based knowledge base is not adequate to answer questions like where, in this case, a directory database is also required. Thus local content should not only include indigenously [within a small community] produced content, but also relevant content produced in a scalable manner for the

community in local language, which are not generally available in the community.

When actual content dissemination is started through the infomediary, structure, style, language needs to be modified as specific question starts to come and that determines the shape of the content knowledge base.

A generic process flow of content development is presented in following figure.

Process Flow of Content Development



Common Access Point

For addressing the problem of affordability of ICTs by the poor, creating common access point is a common practice across the globe. "Telecentre" is a generic name for such common access point. Ideally, a common access point should be furnished with various ICTs to provide livelihood information services through different channels. Initially, it was perceived that a common access point is to be established in a suitable location in the

rural area, where people will come for getting access to livelihood information. However, with development of technology, the common access point can be mobile, i.e., move from one place to other, addressing the problem of mobility of the rural people. Mobile phone is the most common technology for bringing livelihood information at the door step of the poor people. Innovation in the areas of computer technology also creates hope that cheaper computers, run in battery can also create mobile information centre on wheel – on bicycle, motorcycle. GPRS or EDGE technology creates new hope that the Internet connection will not be a luxury for this type of information centre. One should keep in mind that in majority of the cases dissemination of livelihood information does not require Internet connection. However, this connection can add more services in an information centre, which enhances chance of survival for it in terms of financial sustainability.

Multiplicity of Information Exchange Channels: D.Net's Experience with Mobile Phone based Help Line

Through the establishment of an information centre with various channels, their usefulness, acceptability, affordability and cost-effectiveness need to be tested. From research experiences one thing is clear that in certain circumstances some channels are more useful than others. For instance, mobile phones are useful in absence cost-effective for direct conversation with experts or specialists. However, not all types of information are possible to disseminate through mobile phone and will not be cost-effective. The use of multi-channelled environment in an information centre is likely to make the centre more amenable to serving needs of various kinds.

The less-fashionable ICT cell phones has been successfully experimented in rural areas of Bangladesh for bringing the

livelihood information at the door step of the rural people, particularly of rural women. The idea of the 'Help-Line' is cantered around the use of the mobile phone as an effective 'last-mile solution' to improve access to livelihood information for the rural people. D.Net put the idea to the test in four villages of Bangladesh. The successful experiment with specific gender focus enabled D.Net to be winner of Global Gender and ICT Awards 2005.

Objectives of the experiment were to:

- develop information service delivery in a cost-effective, easily scalable and affordable manner,
- provide information services that has minimal to no gender bias,
- empower members of rural communities with access to all types of livelihood information,
- challenge age-old perception of gender roles in Bangladesh society,
- challenge the notion of women as a relatively unimportant client group for information services, and
- achieve a critical mass of information service users to reach financial sustainability in partnership with the private sector.

Key ingredients for a help line are-- *Mobile lady, Help Desk, Searchable Bangla Knowledge base and Data base, Partner organizations, Local organizations, Training, Update of database.*

A lady with a cell phone [popularly called *mobile lady*] visits a potential information seeker on any livelihood issues. The mobile lady tries to understand the information need and helps the information seekers to choose the option for seeking information through *help line*. Based on the information need and urgency, an information seeker can choose an options from available four for receiving answers to a query: mobile to mobile [instant

reply], mobile to mobile [reply within three days], mobile to letter [receiving reply though letter to e-mail depending on the availability of the Internet service], letter to letter [putting question through letter and receiving the reply in the same manner]. The fourth option was introduced for not refusing any villagers from receiving response to her/his query.

After putting the question to the Help desk, a help desk associate, an expert in a particular field of livelihood, replies to the query using, where necessary, knowledge base created at D.Net in Bangla language with Bangla search engine. Some times, villagers ask questions where to go for certain type of service. In that case, a help desk associate searches an online directory database, created through rigorous survey, and suggests particular type of entity to the information seekers.

The villagers pay for the phone call. At the D.Net end both the knowledge base and directory database are being updated regularly for providing latest information to the information seekers. It is truly a "People's call centre" using "less fashionable ICT" as a medium of information delivery.

The Help-Line deployed women in the community as "Mobile Operator Ladies" who move from door-to door to enable people, particularly women --- mostly housewives --- to ask questions related to livelihood issues like agriculture production and marketing, health, education, awareness, and human rights via a mobile phone.

By offering affordable rates, differential pricing strategies, heavily subsidized call offers and even "free time" on designated days, the project enabled a wide range of users to avail of the service. It proved particularly useful to those who were relatively immobile due to social constraints or work-related constraints.

More importantly, the *Help-Line* provided users with anonymity to overcome their initial hesitation in raising questions and seeking

solutions to their individual concerns. For instance, anonymity helped overcome long-held beliefs that women's health problems should be kept secret and seen as a source of shame for both the woman and her family.

Representatives from government, non-government organizations, health groups and human rights organizations have partnered with D.Net to provide a steady stream of responses to frequently asked questions and continuously expand the information database. This multisectoral partnership in support of livelihood, health and legal information for under privileged communities is the first of its kind in Bangladesh. It has also resulted in a network of local and regional service and goods providers which can act upon the information needs of target communities, resulting in a dynamic "electronic directory."

Current information demands from the communities, coupled with the latest available data are used by private, public, civil society services and goods providers to collaborate on strategic projects addressing the needs of the target rural communities.

The *Help Line* experiment shows that ICTs can really play a tangible role in poverty alleviation and empowerment of underprivileged, particularly women. The income generating potential of the *Help Line* and price elasticity of demand for the *Help Line* service ensures that a economically viable replication is possible to start. D.Net is currently thinking of such scope and is planning to start People's Call Centre in more number of villages on a pilot basis and eventually roll out the service across the country. The *Help Line* service improves access to livelihood information, facilitates empowerment of underprivileged groups in the society and has huge employment generation potential for the village women with certain education, unlike the micro credit, which ensured employment to many women

without formal education. An estimate shows that countrywide replication of the *Help Line* can generate 100000 women employment in Bangladesh.

Infomediary

As regards delivery of the contents, it is not possible, feasible and effective to make the content available to a large number of users through "telecentres" in their traditional meaning. It is a safe assumption that most target end users of information services through centres are non-users of most of the equipment in the information centre. For instance, a farmer or an old man with the asthma or the divorced housewife will hardly have the training to sit down at a keyboard and mouse and search for the information they are seeking. The farmer can describe his crops and ask for the going rates at different accessible markets; the old man with the asthma can describe the symptoms of his ailment and ask for locations, fees and schedules of relevant doctors; the divorced housewife can explain her situation and ask for a possible recourse. In each of these situations lies the need for a physical person who knows how to understand the end user's specific situation and find a solution or a contact from the information knowledgebase. This is precisely the role of the information operator, a kind of information intermediary or *infomediary*.

The need for human interface between the contents and the ultimate users is also dictated by the problem of illiteracy, lack of affordability, and cognitive aspects etc. While a human interface is thought, it is not possible to hire that interface from urban area for again feasibility reason. Thus, this interface should be identified within villages. The skill mix of the "infomediary", the human interface for content dissemination to the rural people, is in strong correlation with style of presentation and readability of the content without losing their usability. The nature of

content development is also dependent on "cognition" of the ultimate users and the infomediary – how a villager asks a livelihood question or how she/he describes a livelihood problem. Then, how an infomediary can search answer to the query or problem. It is also very important for content development.

Even in the case of some of the possible ancillary services, to be provided in the information centres, such as photocopying, printing, digital photography, infomediary assistance is required. Thus, the infomediary performs a vital role in making the services of the information centre accessible to the end users.

It is important from the viability point of view that rural-based persons with appropriate aptitude is adequate for serving the information needs of the community after receiving necessary training and mentoring and access to hotline support. The activities and aptitude required for serving information needs of the community people on diversified areas of livelihood questions need more research.

Ownership of the Poor

The most suitable ownership model of possible information centres for the community should be identified through the research. There may be various options for ownership of the information centres:

- Association of poor people ;
- Local elite having philanthropic activities or social entrepreneurial mind set;
- Already existing information or services delivery institutions in the rural area; and
- Rural youth entrepreneurs.

Although the prime users of the ICT-carried information is envisaged to be the poor people in the rural community, the existing service provider is hypothesized to come out as another major group of users of these

information as they might enhance the service provides access to latest information and knowledge which are not available in the community where they are working. The relatively well-off part of the community may also be the users and major source of earnings for the centres.

Gender considerations

While accessing to livelihood information is a generic problem for all rural people, the problem is further aggravated for rural women. Thus, a conscious approach is required for reaching women through ICTs.

Nowhere the situation is more acute than in rural Bangladesh, where women are heavily deprived of access to relevant livelihood information and are kept dependent on age-old superstitions and traditional belief systems. Women also have very little opportunity to escape the confines of their homes to pursue careers, consult for their livelihood problems and earn their own income. In response to this situation, D.Net designed its Pallitathya *Help-Line* programme, which has been discussed above. D.Net took advantage of the availability and popularity of mobile cell phones with 80 per cent geographical coverage in Bangladesh's villages to bring the *Help-Line* service literally at the community's doorsteps. Although the programme is consciously biased in favour towards women, the *Help-Line* does not exclude anybody in villages.

What truly makes the *Pallitathya Help-Line* project stand out is its deliberate incorporation of the economic empowerment of women in its concept and design. As mobile operator ladies, women from the rural communities were consciously given a crucial role as "infomediaries," increasing their self-worth, their potential to earn, and their knowledge about various issues. Employing

women as help desk operators also enhanced their knowledge of issues, considerably improved their communication skills, and provided them with their own income independent from males in the family.

Apart from employing women directly, the information provided by the *Help-Line* directly addressed women's needs which were mostly related to economic empowerment. Women who availed of the *Help-Line* service professed a higher self-assessment and realization of their potential and worth in society, realized increased incomes, and increased authority over spending decisions.

III. Challenges

Infrastructure

The prime consideration for Internet connectivity is cost-effectiveness and quality of connectivity. The policy environment is very important for selection of information delivery channels. The major policy concern is whether all types of connectivity are open for private sector exploration. In Bangladesh, a significant positive development took place in recent years. Under the National Telecom Policy 2000 and ICT Policy private sector has started to play very important role in rolling out telecommunication and Internet connectivity across the country. The government telecom service provide Bangladesh Telegraph and Telephone Board is rolling out the Internet connection at Upazilla level through DSL and optic fibre network. Various connectivity options are available for telephony and Internet connection. DSL, wireless (Wi-Fi, Wi-Max, radio link) connectivity are available both for dial up and broad band Internet connection. Independent telecom regulatory authority Bangladesh telecommunication Regulatory Commission (BTRC) is implementing competition policy in the telecommunication sector. Although the price level for Internet connection is still high, it went down

significantly during last five years. In distribution of spectrum BTRC is trying develop a policy which will ensure level playing field for all players. BTRC has issued licenses to private sector operator for fixed-line telephony. The operators have rolled out network already in some areas of Bangladesh. It is expected that the cost of deployment of telecom and Internet network will be reduced further in coming years. Once the suitability of content delivery is tested under this research, the replication will be possible given that the cost of connection will be reduced farther.

Sustainability

Financial sustainability is one of the key concerns in the research community. Because, establishment of information centre with multiple channels is a costly proposition. The centre is a classical example of market failure, which needs to be addressed by intervention of non-market force. However, a hybrid of market-force and non-market force is also feasible. The experiment till date shows that a telecentres or information centre can be viable at the level of operating cost coverage. There may be also some surpluses covering the operating costs. There is clear indication that the cost of establishment of a centre can be reduced dramatically thanks to continuous innovation by various groups across the globe. There are serious efforts to reduce cost of electricity through making alternative energy sources cheaper. Solar electricity, high capacity accumulator, accumulator of mechanical energy [e.g., cycling generator] are a few of such innovations. Current model of centre requires more space for desk top computers. But portable computer, simputer or PDA can reduce the requirement of space and furniture, subsequently reduce cost of establishment.

There are two schools of thoughts as regards financial sustainability. According to one

school, for addressing market failure there are agents with country and abroad. The major in-country agent is the government. Once the services of info centres prove that socio-economic viability is very high, government will not hesitate to allocate financial resources for such cause. When government resources are not adequate, external financial assistance in form of overseas development assistance will be available. This is donor-dependent model.

According to another school, when people start to receive benefits of livelihood information services, often project comes to its end and people run into frustration. Rather, from the very beginning one should try to develop business model so that the initiatives can operate without external support.

Truth lies in between the two propositions. Business models can be developed in such a manner that service delivery can earn money and only the deficit portion can be supported from external sources. However, working of such model depends on changing of policies by the government and international donor agencies.

It is essential that financial sustainability is only part of the challenge. Technical and social sustainability are not a lesser concern for info centres. The less familiarity of rural people with technology, problem of cognition can make the effort unsustainable. Livelihood information service can not remain neutral to politics in broader sense. It may go against the interest of influential people in the village community. Such case implies that ownership of the information sources should be in the hands of the poor. ■

December 13, 2005.

Empowering Union Parishad in Ensuring Accessibility to Information - A Diagnostic Overview

Salahuddin M. Aminuzzaman, PhD
Professor of Public Administration &
Chair, Department of Development
Studies
University of Dhaka
email: suddin@bangal.net

Introduction

Dissemination and appropriate use of information has a direct link with good governance. The more access to information tends to enhance participation and subsequently social and political accountability. Recent studies on local governance have established that availability of information has enhanced quality of participation, social audit and accountability. It has also considerably influenced the delivery of services, transparency and responsiveness of the development projects being delivered by the grass roots level government⁵¹.

Participation in the process of decision making empowers the community to understand their problems, provides them with opportunities to plan, manage, control and assess the actions needed for their own development. Access to information can play a vital role in empowering the community. As a matter of fact, 'information poverty' is one of the core concerns of low level of social empowerment in rural Bangladesh⁵². In this

context, this paper attempts to examine the scope and potential of enhancing the institutional capacity as well as responsiveness of the Union Parishad (UP) through ensuring the accessibility of information to the community.

Access to Information as a Right

Access to information is not just a tool for development but is also considered to be a right. This right further ensures and enshrines all other rights⁵³. Adequate and appropriate information reduces the chances of misuse of community and public resources and also checks the flood gate of corruption. From a governance perspective it also ensures transparency, accountability and participation of the people. Availability of information in time thus considered as an empowerment component for the community to ensure their human and democratic rights.

Right to information has been recognized as a fundamental human right for last 50 years. It is seen as the key to strengthening participatory democracy and ensuring more people-centred development. More than 60 countries have by now guaranteed their citizens right to access to information about what their government is doing in their name by enacting specific right to information legislation.

Access to information is a practical approach to achieving the goals of good governance and poverty eradication. Information is basically a public resource in the hand of government and it is meant to be shared equitably and managed to the best advantage of the society. An effective access to information regime has the potential to empower the poor and other vulnerable groups of the society to demand information

⁵¹ UNDP, Mid Term Review of Sirajganj Local Government Development Project

⁵² Salahuddin Aminuzzaman, Talking Back - Empowerment of Rural Poor of Bangladesh, Bergen, LOS CENTR E, University of Bergen, Norway, 2003

⁵³ Seminar Paper on Situation Analysis of Right to Information in Bangladesh - Challenges and Opportunities, Manusher Joana (MJ), September 2005

concerning the government's pro-poor policies and ensure that their basic needs are fulfilled.

Citizens, specially in the rural areas are deprived of various types of basic information. Information regarding basic services related to health, education, and other basic services do not reach; the poor and vulnerable. Thus the political elites, public officials remain out of the scrutiny or questions by the vast majority of the people.

Unfortunately public offices deny the access to information in the pretext of Official Secrecy Act even to a person directly related to the concerned information. The Official Secrecy Act 1923, a product of British colonial period, is still in force which denies the basic premise of human rights and principles and practices of democracy. Similarly some provisions in the Evidence Act 1872, Rule of Business 1996, Code of Criminal Procedures, Penal Code etc have also ignored access to information to a great extent - limiting the spirit and principles of human rights and other constitutional commitments.

Union Parishad - an institutional overview

Having a long history of 135 years or so, Union Parishad as the grass root level local government is the oldest democratic institution in this part of the sub-continent. As a local government body, UP enjoys a broad Constitutional and legal mandate⁵⁴.

⁵⁴ The Constitutional provisions are very strong. Article 59-60 provide the scope of role and function of the UP as a local government body. Furthermore the LG Ordinance - with numerous amendments lay down the functional and structural foundation. UP has as many as 10 compulsory functions with a list of 38 auxiliary functions. For detail see - Salahuddin Aminuzzaman, State of the Art of Local Government in Bangladesh, Kamal Siddiqui, Local Government in Bangladesh.

At present, UP is the sole rural based local body and perhaps one of the weakest of such bodies. It suffers from a range of institutional, structural and functional limitations. Based on the recent studies and reviews of UP, a list has been presented below on the institutional features of UP.

- Legally, the UP has an enormous scope and development agenda to address but it is institutionally very weak and suffers from poor image and capacity.
- Despite the potential, there is little current involvement of the UP in any income generating and production oriented projects.
- There is hardly any formal mechanism for community participation and involvement in the UP led development activities, project planning and management.
- UPs are not at all involved in any targeted poverty alleviation projects on its own or in collaboration with any agencies of the GOB.
- UPs are managing some "safety net" projects under the supervision and control of the Upazila based GoB functionaries.
- Effective interaction between the local level bureaucracy of the line ministries and local government is missing.
- There is little effective coordination system at the Union, Upazila and District level.
- Development plans appear to be sectoral and top down by nature.
- There is no room for the local government and or the local level GOB line agencies to contribute to the centrally designed plan.
- As a political cum developmental body, activities of UP is centred around the Chairman and Secretary. UP members (both male and female) can not take active role in the process of the UP

management. Different Standing Committees are hardly constituted and mostly remain non functional.

Recent Institutional Emphasis

A review of policy statements indicate a strong commitment towards local government. The National Rural Development Policy 2001 underlines the importance of 'accountable and responsive' state institutions, where 'people will be made aware of and given access to services and opportunities'. The policy noted that:

"The centre-piece of the National Rural Development Policy is a strong and accountable system of local government, especially the Union Parishads. Union Parishads need to be empowered with additional resources, authority and training. A transparent formula needs to be put in place by which a significant amount of funds will be devolved to the union level as a matter of right, rather than as a function of central control. Union Parishads also need to be made accountable to the people through a system of regular village meetings as well as mandatory public display of information regarding government expenditure at all levels."

The National Rural Development Policy also attaches importance to creating effective local government institutions as the decentralized decision-making framework within a participatory mode. The policy aims to develop an integrated approach to expand employment and decent income earning opportunities in rural areas along with measures to enhance the capacity and power of the rural poor to develop, protect and sustain their livelihoods. The policy therefore highlights the need for reorganization of existing government facilities at the local level with the UP as an important focal point.

Under strong pressure from the donor communities, the GoB has prepared the Poverty Reduction Strategy Paper (PRSP) presently named Unlocking the Potential - National Strategy for Accelerated Poverty Reduction. The document has assumed that decentralization and devolution of power is a technical necessity for good governance rather than a matter of political choice. The policy document therefore stresses the need for creating a multi-tier ensemble of effective local government bodies, at union, Upazila, and district levels.

According to the policy broad areas where local government can play a critical role are as follows:

- management and coordination of many nation-wide programs such as targeted food or cash assisted programs designed for the poor.
- local government's involvement (with active support from the community) in the management of schools, community clinics, union-level family planning and health centres, and Upazila health complexes.
- coordinating various government and non-government programs in an area thereby reducing wastage and duplication, and facilitating greater synergies.
- development of local-level democracy through the promotion of grass-roots organizations as well as fostering community activities that encourage greater social solidarity.

The policy thus recommended that

- the local bodies should be given adequate budget allocations on a matching grant basis keeping in view the poverty ranking of the area.
- forging greater coordination among diverse stakeholders functioning at the

local level such as various government agencies and departments, NGOs and CBOs. The potential areas of development cooperation encompass the entire spectrum of service delivery involving agriculture, livestock, fishery, education, health, nutrition, social safety net, micro-credit, and social mobilization.

To create a demand-driven receiving mechanism "from below" to act as a pressure mechanism on the quality of governance, the PRSP stressed the need for enabling environment needs to be created for the development of local-level democracy through the promotion of grass-roots organizations and fostering community activities that encourage greater social solidarity.

In order to achieve the comprehensive goals these recent policy pronouncements of the Government of Bangladesh, there is a need for a transparent and effective local government (LG) responsive to community needs. Such responsiveness of the Local Government would depend upon a few critical factors: i. enhanced capacity of the LGs to understand, and respond to the community needs; b. installing managerial and technical skills of the LG officials; c. installing a system to ensure access to some vital information to the community to ensure accountability and social participation.

Access to Information: Can the UPs be transformed?

UP being the grass roots level political and administrative unit has lot of potential to change the so-called "public secrecy syndrome" and establish participative and transparent governance at the local level. Ranging from agriculture to education, health and family planning to horticulture, land revenue and management to micro credit,

there is a huge demand for information at the local level.

People living in the rural areas of the country must benefit from information technology, which in term may improve the quality of their every day life and help poverty alleviation. One most efficient way of ensuring transparency and accountability is through the Introduction of e-governance at the local level. As a matter of fact some of the regional countries have already started the experimentation of introduction of e-governance⁵⁵.

A number NGOs and development organisations have already taken up the initiative to enrich the diversified rural people with information technology. One of such initiatives has been undertaken by Development through Access to Network Resources (Onet), which launched its first project under the name Pallitathya at Shelabunia in Mongla, Bagerhat. Under this project, Dnet covers 40 villages comprising 2 unions and a pauroshava where the populace of the area are able to access Dnet's Pallitathya Kendra (information centre), which provides them with information on agriculture, health, education, handicraft, disaster management, legal governance, awareness and employment opportunities. Preliminary assessment shows that Pallitathya Kendra have made significant impact on the use of information and that of local governance and livelihood of the rural community.

⁵⁵ State Government of Tripura, India has already started implementing e-Governance in rural areas. The State Government has started e-governance in 475 e-Panchayats with an estimated cost of only Rs 3.32 crore. E-Panchayats system would work on the lines of the e-Seva centres, where various records of the Gram Panchayat would be computerised. Various services like issuing of birth, death certificates, details of land records among others would be provided electronically under selected modules.

Critical information for e-governance of the UP

Let's make a quick assessment to see what are the critical links between the UP and the citizens. Because of its poor image and low institutional capacity, UPs have become more of a 'ritualistic' and 'symbolic' institution. Available studies indicate that only an insignificant percentage of rural people expect anything from UP. The members of community hardly visit the UP. A significant majority seem to have no idea about the role and function of UP other than its role in constructing roads and culverts⁵⁶. This 'indifferent' and 'apathy' is basically the result of lack of idea and information about the UP. On the other hand, since the UP elected officials are not trained and appropriately oriented, they too are not aware of the ranges of the services to be provided by UP. UP officials are also not aware of their responsive role as community leaders.

What are the basic information UP should share?

As mentioned earlier UP has 10 compulsory and 38 auxiliary functions. The following matrix shows various areas of information that could make the UP more transparent, accountable and functionally effective if appropriately published and disseminated to the community members.

Broad Area of function	Data and Information to be shared/ disseminated
General information	Public "information on UPs role and responsibilities Area, Number of canals/ rivers/ waterbodies) Infrastructure - Road network (R1, R2 etc)

Broad Area of function	Data and Information to be shared/ disseminated
	Irrigation network Bridge and culverts Hats and Bazaar
Resource Management	Funds being will be transferred as a block grant to the UP accounts Tax Assessed by household Tax Collection by household Assets of the UP Liabilities of the UP
Budget Management	Budget of Current Year and immediate past year Major Budget heads Sources of income Major Expenditure ADP allocations All other grants and receipts
Project Management	Number of projects to be implemented by UPs Name of the projects Names and Address of PIC members ADP Allocation by projects List of the potential projects for next five years
Targeted Projects	Food relief received and distributed VGD wheat and rice received and distributed Other Test relief inputs received and distributed
Procurement Management	List of procurement and purchase being made by the UP Tender documents of UP List and Address of UP Contractors
Agriculture	Agricultural statistics! Crop Statistics Land use statistics
Development Management	Name and functional title and address of the Extension staff of GOB (Agriculture, Fisheries, Livestock, Health, Land, Women and Child Development)
Audit	Audit report of UPs
Demographic	Ward wise population and household Ward wise death and birth registration Household information (occupation, age, education) Voter list
External Relations	Who has visited the UP and when Places UP officials (Chairman and members) visited

⁵⁶ Salahudin Aminuzzaman, UPWARD Diagnostic Survey, CARE Bangladesh, 2001

Broad Area of function	Data and Information to be shared/ disseminated
Land Management	List of Khas Land List of beneficiaries of Khas Land Classification of Land Land Ownership data
NGO Activities	No of NGOs working with the UP and their programme List of NGO beneficiaries Number of NGO Groups & list of their leaders No of NGO Federated groups
Education	No of School teachers Name and address of School teachers Name of the Asst Education Officer assigned to the UP Monthly School attendance data
Transparency	Summary of wealth statement of the UP members/ Chairman and Secretary Types of services available and at what cost Services available from different agencies of the GOB at UP level Projects of different line ministries in the UP Name and picture of the line agency staff at the UP level

In addition to the about data base, UPs may also computerize some of its documents, files and registrars⁵⁷.

What should be done to make UP more accessible?

A number of interventions could be taken to make UP information open to people. First and most importantly, the UP officials need to be trained to collect, organize process and manage information for practical purposes. Secondly, UP should be supported with infrastructure and logistics to install e-governance and IT facilities. Third, community has to be mobilized to demand and use the information both as a right and as a means for their socio-economic and political development. Fourth, local NGOs and CBOs should come forward to take up social mobilization and awareness programme to generate the demand side of the information.

NGOs however can play a catalyst role in assisting the UPs to design a data base containing the most important and critical information. NGO should also undertake massive awareness programme to make use of the potential beneficiaries about the information and data being preserved and processed by the UPs.

⁵⁷ List of 18 Files to be maintained by UP: Budget File, Salary and Allowance File, Advance File, Meeting File, Village Court File, Food for Works File, V.G.D File, Upazila Parishad /Administration File, U.N.O File, Deputy Commissioner File, Report Return File, Purchase of Furniture File, Travel Allowance File, Personal File of Personnel, Contingency File, Tax Rate and License File, Honorarium File, Project Bill Payment File

List of 38 Registers: Register for Sending Letters, Register for Receiving letters, Guard file, Guard file for Office copy of outgoing mail, Register for Meeting proceedings, Inspection Book, Notice Book, Weekly, Monthly, Quarterly, and Annual Report Return Registers, Haat Bazar, Khoyar and Fixed Asset Register, Postage Register, Article Register, D.P. List, Birth and Death register (Register for birth & death), Budget of the Union Parishad (Form - a, b, c.), Cash Book (UP) (Form-

1), Daily register for the Collection of Tax (Form - 3), Receipt of the Collection of tax rate (Form - 3), Miscellaneous receipt collection (Form - 3), Stock and issue register of receipts, Tax fixation register for land and buildings (Form - 6), License (Form - 7), License Book on Occupation /Business and callings (Form-8), Grant register (Form-13), License book of animals (Form-14), Register for Baitul Mal (Form-15), Register for various Claims and Collection (Form-12), Bill form for establishment (Form-19), Debt register (Form-20), Contingent Bill (Form-21), Register on cash payment of Zakat (Form - 16), Adjustment Register (Form- 23), Accounts for the local advance payment (Form- 18), Master -role for the workers (Form-24), Establishment Check Registrar (Form-20), List of the tax defaulters, Public Works Advance Register (form-22), The Proceedings of the payment of the workers of public works, The Investment Register.

The training curricula for UP officials, as designed and implemented by National Institute of Local Government (NILG), should include specific module on data management and methodology for information dissemination.

Conclusions

Analysts have found positive links between communications and access to information and development of communities. Access to information leads to opportunities that generate resources and hence information is linked to resource building. The PRSP has rightly recognized that 'Information serves as a powerful tool to give equal access to the poorest of the poor and thereby help to create sustainable human development'. In line with the policy pronouncement, attempts should be made to excel the advocacy work to put pressure on UPs to make necessary arrangements to open up its 'strong room' of information to the community. Such openness of information will strengthen the UP and make the foundation of democracy solid and stable at the grass roots level.

Right to Information and Negotiations on General Agreement on Trade in Services (GATS)

Ziaul Hoque Mukta*

Introduction: GATS in WTO

The World Trade Organization (WTO) is now the supreme authority of the world's economic governance. One hundred and

forty-eight countries including Bangladesh are members of this multilateral trade forum. Institutions like the World Bank, International Monetary Fund (IMF), International Trade Centre (ITC), United Nations Conference on Trade and Development (UNCTAD) and United Nations Development Programme (UNDP) have lost their previous apparently independent character since the inception of the trade forum in 1995 through the Marrakesh Agreement.

In this day and age it is a unique institution more powerful institution than the UN; it makes rules for international trade, reviews national trade policies of its member countries and settles disputes among members.

WTO contains all the agreements on trade in goods established during the GATT (General Agreement on Tariffs and Trade, 1948-1994) regime, Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) and General Agreement on Trade in Services (GATS). "GATS is essentially a set of rules, restricting governments from making their own decisions on how trade in services takes place. It applies to activities as diverse as pesticide spraying..."⁵⁸ GATS is applicable to all "measures taken by central, regional or local governments and authorities" and "non-governmental bodies in the exercise of powers delegated by central, regional or local governments or authorities".⁵⁹ According to GATS, "services" includes any service in any sector except services supplied in the exercise of governmental authority. Here "a service supplied in the exercise of governmental authority" means any service that is supplied neither on a commercial basis nor in competition with one or more service suppliers.⁶⁰ Notably, the GATS incorporates

* Director, Policy and Research, Karmojibi Nari, Bangladesh <muktazh@yahoo.com>

⁵⁸ URL: <http://www.wdm.org.uk>

⁵⁹ World Trade Organization (2002): *The Legal Texts*. Cambridge University Press, UK. Page 287

⁶⁰ Ibid

all services under 12 sectors and 155 sub-sectors including a sector titled "other services not included elsewhere" and many sub-sectors titled "others".⁶¹ All these explicitly demonstrate that GATS is about all services and addresses all measures effecting trade in services.

Why Service

Services have turned into the most important component of the global economy. The service sectors provide nearly 65% of the world's gross domestic product, employ 30% of the labour and account for a quarter of international trade. In the OECD countries, the share of services in GDP is about 69%; and in poor countries account for 50% or more. In Least Developed Countries (LDCs) like Bangladesh, services have been playing an important role. According to the Bangladesh Economic Survey 2004, services employed 29.40 of the total labour force and contributed 49.37% to the GDP.⁶²

It should be mentioned here clearly that services sector has extra importance than any other in national economy, as it includes basic services like health, education, water etc, which are very much linked with national development plan and must not be considered tradable. There are many services that should be considered as basic human rights. All human beings have the right to get some services from state and society irrespective of their capacity to pay.

Therefore, any decision on trade in services must be taken in consultation with all stakeholders. A government must not take any decision at national or international level in secret.

Process of Services Sector Liberalization under GATS: The Bangladesh Case

Since the inclusion of services sector in the world trade discussion, the corporate lobbies have been playing the most dominant role in negotiations and the WTO officials have been surrendering to them instead of supporting members of the WTO. Evading the Ministerial Conference of the WTO all major decisions on GATS 2000 negotiations were taken and finalized in the Council for Trade in Services; and this is the way in which the political authority/ministerial conference of the WTO becomes a rubber stamp institution.

The negotiations on services was initiated by the richest countries within the General Agreement on Tariffs and Trade (GATT) and led to the services agreement in WTO as a response to the lobby led by the British Invisible and US Coalition of Services Industry. According to the Article XIX of the GATS a new round of negotiations were launched in January 2000. The Ministerial Conference held in Doha on November 2001 approved all the decisions including the Guidelines and Procedures for the Negotiations adopted by the Council for Trade in Services on 28 March 2001 as the basis for continuing the negotiations that determined the bilateral request-offer process as the main method of negotiations. The request-offer approach means: a member country will make request to other member country for opening up some sector/sub-sector and in reply to that request the other country will offer all or some of the requested services sector to the requesting country.⁶³

⁶¹ Mukta, Ziaul Hoque (2004): Resist GATS Attack (in Bangla). ActionAid Bangladesh. Page 13-14

⁶² Ibid. Page 11

⁶³ WTO: Document No. S/L70, S/L/93, WT/MIN/(01)/DEC/1, TN/S/13 and 'Technical Aspects of Request and Offer' (Summary of Presentation by the Secretariat: WTO Seminar on GATS). URL: www.wto.org

Although generally it is told that LDCs are not expected to make offers, rich countries including EU, USA and Japan have made rigorous requests to LDCs, which go against the spirit of 'Modalities for the Special Treatment for Least-developed Country Members in the Negotiations on Trade in Services'. Under the bilateral request offer process, EU and eight other countries (USA, Japan, Norway, Singapore, Korea, Hong Kong, Malaysia and Sri Lanka) have requested Bangladesh for opening up many of its services sector including water, construction, distribution, transportation, hotel-restaurant-catering, culture, infrastructure, tourism, entertainment etc.⁶⁴ The Ministry of Commerce of the People's Republic of Bangladesh received the requests and shared with none. This author, after two and half years of receiving the requests by Bangladesh, leaked these through a press conference in December 2004.

It is important to mention that the EU request letter to Bangladesh reads at the top that member states are requested to ensure that this text is not made publicly available and is treated as a restricted document. However, in response to this author's statement on the secrecy of GATS negotiations, the EC Director General for Trade, Mr Anders Jessen, replied at a meeting in Brussels on 15 March 2005 that the mentioned 'member states' signified the member countries of the European Union. On the other hand, this author also observed that while a GoB official was consulting a UN official about the requests made to Bangladesh, the UN official mentioned that the GoB official must not show the document to anybody. In practice, nobody in Bangladesh, neither ministries nor the private sector, were consulted regarding the requests.

Finally, as a result of a nationwide campaign on GATS, as known unofficially, the government has responded to requesting governments that Bangladesh cannot offer anything without any sectoral and overall assessment of services sector liberalization. This measure will not resolve the problem, as Bangladesh is a member of the WTO, it may receive requests from other countries in the future; and it will be hard to refuse again.

Although the bilateral request-offer process has been practised clandestinely in negotiations on trade in services, the officials of WTO and other rich countries are repeatedly saying that a member country can consult at national level before making any offer. Practically no country has opened the requests for public discussion, not even for political authority or the parliament.

So, where does the problem occur? It is known from the diplomats and trade negotiators that most of the request letters have indicated that the requests are business secret.

The Agreement

The Article III (bis) of the General Agreement on Trade in Services (GATS) states: "Nothing in this Agreement shall require any member to provide confidential information, the disclosure of which would impede law enforcement, or otherwise be contrary to the public interest, or which would prejudice legitimate commercial interests of particular enterprises, public or private."⁶⁵

This clause of the agreement is in full implementation, though it goes against 'public interest' and serves only corporate service providers of developed countries.

⁶⁴ Mukta, Ziaul Hoque (2004): Ibid. Page 35-38

⁶⁵ World Trade Organization (2002): The Legal Texts. Ibid. Page 288

Notably, as mentioned earlier, WTO is a multilateral platform for trade negotiation, where all decisions are being taken based on consensus. All kinds of trade negotiations of this forum are open except services negotiations that start bilaterally and conclude multilaterally. The secret approach of the GATS negotiations go against the spirit of multilateralism and also against democracy and public interest. The Article III (bis) provides the basis for this kind of undemocratic practice.

Additional Approach

The request-offer approach has failed. A large number of countries have tabled no offer on any sector to their trading partners. Moreover, many developing and developed country members have tabled offers with many restrictive qualitative and quantitative measures. In this context the richest countries have proposed another dimension for the negotiations. They have proposed that the bilateral request-offer approach should be complemented by a plurilateral approach, meaning that a country or a group of countries could make a request to another country or group of countries and vice versa regarding offer.

Developing Countries including LDCs have been opposing the proposal as it will bring about more pressure on poorer countries and generate arm-twisting in trade negotiations. This is a very controversial issue for the ongoing Hong Kong Ministerial Conference of 13-18 December 2005.

Conclusion: The Trade Diplomacy

There are many debates on many issues of the ongoing round of trade negotiations. The CSOs of the developed countries are very vocal against the undemocratic nature of the services negotiations. But none of the trade

diplomats are addressing the issue of people's right to information on GATS negotiations that could generate people's choice at national level. It seems that diplomats are interested only on the issue of promoting or restricting market access for service providers.

It is now time to look at the agreement also. The GATS text must be revised. Trade should not be the determinant factor for development. The national development plan should guide the trade negotiations at international level. For that, a government must share all the requests it receives from trading partners.

ICTs GO RURAL

Case Study on Amader Gram

http://www.itu.int/osg/spu/wsis-themes/ict_stories/Themes/e-Rural.html

Success Strategy: Amader Gram (www.amadergram.org) is a ICT4D project of Bangladesh Friendship Education Society (BFES) integrated rural development through capacity building of the disadvantaged community people, conservation of bio-diversity and sustainable use & mobilization of natural resources and environmentally sounds income generation activities. Since 1996, Amader Gram has helped to improve the lives of the disadvantaged poor people and children in 20 villages under 2 Upazila (Sub-District) of Bagerhat (Rampal) and Khulna (Paikgacha) districts in Bangladesh.

The ongoing projects of Amader Gram are focusing on several key issues, which would hopefully open new opportunities for community development on local and regional level. One of the main activities is a formal set-up of collecting and preserving data belonging to the village society as an on-going process. This initiative is particularly valuable since the national government lacks ICT facilities as well as structured local communities related data keeping.

Throughout Amader Gram process, data is being collected and kept for future generations. At one hand the collected data is documenting the day-to-day changes in villagers' lives. On the other hand, the stored data will serve as basis for further data structuring and use, hence contributing to the acceleration of change in the living status of the villagers.

Village information, communication and knowledge centres have been created to frame the process of data gathering and digital heritage building. Furthermore, the centres disseminate knowledge and information providing to the villagers valuable new opportunities. For example the data

related to micro-credit activities is providing information on potential Income Generating Activity (IGA) sectors and on the ways of access to credit and other supports so that the entrepreneurs can take quick and appropriate steps in local business management. A database on credit provides information on the amount of credit instalment, rate of interest, sources of credit, recovery procedure etc.- all those can help in breaking the deadlock and gain confidence towards micro-credit access for the silent majority.

An important feature of Amader Gram's Program is the linkages of the information flow to local government. A multi stakeholders' partnership is deployed in order to support capacity building and local governance efforts. The awareness is urged of the need of a comprehensive ICTs strategy to blend all the stakeholders and ensure their participation. A complementary target of the project activities is the improvement of manpower professional & educational potential as well as everyday-life knowledge about health and nutrition issues, simple at first sight but crucial for further development.

A special accent is given to long term overall development of the local communities and a thematic record is set up for keeping track of best practices and their context and thus establishing a kind of a catalogue for replication for future project in the field of ICTs.

Partners: Taneda Fund, Japan Education Fund, Government of Japan, AusAid, Swiss Agency for Development and Cooperation, Ministry of Science & ICT/Government of Bangladesh, Commonwealth Educational Media Center for Asia, UNESCO, DFID Imfundo Knowledge Bank, Platform for Community Networks (GlobalCN), Global Knowledge Partnership (GKP), Association for Progressive Communications (APC).

Contact: Reza Salim, Project Director E-mail: info@amadergram.org

কেস স্টাডি

“তথ্যের অবাধ প্রবাহ নিশ্চিতকরনে
স্থানীয় সরকারের ক্ষমতায়ন”

উপস্থাপনায় : ডেমক্রেসিওয়াচ

তথ্য মানুষের জীবনকে অনেক সহজ ও সুন্দর করে তুরতে পারে। আবার প্রয়োজনীয় ও সঠিক তথ্যের অভাবেই মানুষকে পড়তে হয় বা মুখোমুখি হতে হয়ে অনেক জটিল অবস্থার মধ্যে।

আজকাল আর তথ্যকে শুধু তথ্য হিসাবে দেখা হচ্ছে না। তথ্য হয়ে গেছে মানুষের সম্পদ ও শক্তি। খাদ্য, বস্ত্র, বাসস্থান, শিক্ষা ও চিকিৎসা পাবার অধিকারের মত তথ্য পাবার অধিকারও নাগরিকদের আছে। সঠিক তথ্য সঠিক সময়ে পাওয়া গেলে ব্যক্তি জীবন থেকে রাষ্ট্রীয় পর্যায়ে কি প্রভাব ফেলতে পারে তার একটি কেস স্টাডি উপস্থাপন করছি:

মোঃ আব্দুল মান্নান (৪৫), পিতাঃ কাইমুদ্দিন মন্ডল (কৃষক ছিলেন) ময়মনসিংহ জেলার মুন্সীগাছা উপজেলার মানকোন ইউনিয়নের গাটুরি পূর্ব পাড়ার একজন কৃষক। আব্দুল মান্নান এসএসসি পাশ, স্ত্রী ও ১ মেয়ে নিয়ে বর্তমানে ৩ জনের সংসার। দুই মেয়ের বিয়ে হয়ে গেছে। বাবা মা বেচে আছেন তাদের ও সাহায্য করতে হয়।

বাবার কাছ থেকে জমি পেয়েছিলেন ৫০ শতাংশ। পরে বিভিন্ন সময় ১০০ শতাংশ জমি নিজে কিনেছেন। তার মধ্যে আবাদি জমি ১২০ শতাংশের মত। এছাড়া বর্গায় আরও ১০০ শতাংশের মত চাষ করেন। খরচ এবং ফসল সমান ভাগ করেন।

১২০ শতাংশ জমিতে আমন ধান, সরিষা ও বোরো ধান করেন। সরিষা করলে বোরোটা ভালো হয়না। তাই মাঝে মধ্যে সরিষা বাদ দেয়।

ভালো জাতের বীজের উপর ধানের উৎপাদন নির্ভর করে। আব্দুল মান্নান আমনের সময় পায়জাম বা বি আর ১৯ করেন। একর প্রতি ৩২ মণ ধান পান, অর্থাৎ ২ একরে ৬০-৬৫ মণ ধান পান।

বোরো ফসলে সেচ দিতে হয় এবং পায়জাম, বি আর ২৯, বি আর ২৮, চাইনিজ জাতীয় বীজ ব্যবহার করেন। একর প্রতি ফলন হয় ৬৫ মণ অর্থাৎ ২ প্রকার ফলন হয় গড়ে ১৩০ মণ।

দুই ফসল মিলে প্রায় ১৯৫ মণ ধান পান। বর্গা দারকে ৪৮ মণ দিয়ে তার থাকে ১৪৭ মণ। খোরাকির জন্য ৩০ মণ রেখে বাকি ১১৭ মণের মত বিক্রি করেন। গড়ে ৪০০ টাকা মণ দরে (১১৭ * ৪০০) ৪৬৮০০ টাকার ধান বিক্রি হয়। ধান উৎপাদনের খরচ বাবদ ৫০০০ টাকা বাদ দিলে নেট আয় হয় ৪১,৮০০ টাকার মত।

সরিষা হচ্ছে ফাউ ফসল। তেমন খাটিতে হয় না। একর প্রতি ৩০ মণ ধরলে ২ একরে ৬০ মণের মত সরিষা পায় বছরে। গড়ে মণ প্রতি ৮০০ টাকা দাম ধরলে (৬০ * ৮০০) ৪৮,০০০ টাকা পায় সরিষা বিক্রি করে। খরচ ১২,০০০ টাকা ধরলে নেট আয় হয় ৩৬,০০০ টাকা।

বাড়ির আশে পাশে সজি করেন নিজেদের খাবার জন্য।

আব্দুল মান্নান বি আর ডি বি এর কৃষক সমবায় সমিতির সদস্য। এছাড়া ঐ এলাকার কেয়ার অফিস থেকে প্রশিক্ষণ পেয়েছেন। বিভিন্ন ব্লক সুপারভাইজার সময় সময়ে পরামর্শ দিয়েছে।

আব্দুল মান্নান একজন সফল কৃষক। বি আর ডি বি এর সদস্য হয়েছেন ১৯৮১ সালে। ঐ সমিতির ৯ জন সদস্য মিলে বি আর ডি বি থেকে ৪০০০০ টাকা ঋণ নিয়েছিলেন ১৯৮২ সালে এবং নিজেদের ১০,০০০ টাকা দিয়ে মোট ৫০,০০০ টাকায় ডীপ টিউবওয়েল কেনেন। ঋণ নেওয়ার ৪ বছরের মধ্যে ঋণ শোধ করেছেন (সুদ ও সার্ভিস চার্জ সহ) ৭৫,০০০ টাকা। বর্তমানে ঐ টিউবওয়েলের মাধ্যমে ৫০ একর জমি নিয়মিত সেচ করেন এবং আয় হয় ১ লক্ষ টাকা। খরচ প্রায় ৬০,০০০ টাকা বাদ দিলে ৪০,০০০ টাকা নেট লাভের মধ্যে আব্দুল মান্নান ৪ - ৫ হাজার টাকা পায় প্রতি মৌসুমে।

আব্দুল মান্নান নগদ ৫২,০০০ টাকা দিয়ে পাওয়ার টিলার কিনেছিলেন। তিনি জানতেন যে, কৃষি ব্যাংক থেকে ঋণে পাওয়ার টিলার কেনা যায়, সুদ সমেত যার দাম পরে প্রায় ১ লক্ষ টাকা। ব্রাক ও অগ্রনী ব্যাংক ঋণ দেয় কিন্তু চড়া সুদের জন্য খরচ বেশী পড়ে। ঐ এলাকার অনেকেই পাওয়ার টিলার কিনেছে। পাওয়ার টিলার ৫ বছর চালানোর পর ১৫,০০০ টাকায় আব্দুল মান্নান বিক্রি করে দিয়েছেন (ভাইয়ের পাওয়ার টিলার দিয়ে এখন কাজ চালান)। এই ১৫,০০০ টাকার সাথে নিজের জমানো ৫০,০০০ টাকা দিয়ে রাইস মিল বসাবেন। খরচ বাদে বছরে ১০-১৫ হাজার টাকা থাকবে আশা করা যায়।

বি আর ডি বি এর সমিতি, ব্রাক, কেয়ার ও ব্লক সুপারভাইজারদের কাছ থেকে এলাকার কৃষকরা এ ধরনের কৃষি বিষয়ক তথ্য পাচ্ছে এবং আলোচনা, পর্যালোচনা করে যা

লাভজনক হবে সে বিষয়ে সিদ্ধান্ত নিচ্ছে। ব্রাক হাইব্রিড বীজের জন্য জমি লিজ নিতে চেয়েছিল কাঠা প্রতি ৩০০ টাকা হারে। আব্দুল মান্নান চিন্তা ভাবনা করে এ প্রস্তাবে রাজি হন নাই। কারণ ফসল করলে তার আয় হবে কাঠা প্রতি ৭০০ টাকা।

আব্দুল মান্নান ৬ বৎসর হল টিনের ঘর তুলেছেন। এ বছর ৪০,০০০ টাকা দিয়ে ১৫ শতাংশ জমি রেখেছেন। মেয়েদের লেখা পড়া শিখিয়েছেন, দুই মেয়েকে বিয়ে দিয়েছেন খরচপাতি করে। এখন আব্দুল মান্নানের সংসার মোটামুটি স্বচ্ছল।

আব্দুল মান্নানের মত তথ্য পাওয়ার সুযোগ অধিকাংশ কৃষক ভাইদের নাই। বেশীরভাগ কৃষক কিভাবে বঞ্চিত হচ্ছেন তার একটা উদাহরণ এখানে পরিবেশিত হল :

মোঃ আব্দুল মতিন (৩৫), পিতা মোঃ আব্দুল লতিফ সরকার, ময়মনসিংহ সদর উপজেলার খাগডহর ইউনিয়নের মির্জাপুর গ্রামের বাসিন্দা। তার বর্তমান পেশা (প্রাথমিক বিদ্যালয়) শিক্ষকতা। আব্দুল মতিন স্ত্রী, পুত্র ও কন্যাসহ যৌথ পরিবারের সদস্য সংখ্যা ১১ জন। ১০ বছর আগে আব্দুল মতিনের পারিবারিক মোট জমির পরিমাণ ছিল ৩৬৪ শতাংশ, যার মধ্যে ২৬০ শতাংশই আবাদী। সেই সময়ে শিক্ষিত ও অবিবাহিত বেকার যুবক আব্দুল মতিনের ইচ্ছে ছিল উন্নত চাষাবাদে তার শিক্ষা ও শ্রমকে কাজে লাগাবেন। এই উদ্দেশ্যকে সামনে রেখে তিনি ৬ষ্ঠ থেকে ১০ম শ্রেণীর পাঠ্যপুস্তকে চাষ পদ্ধতি সম্পর্কে ধারণা পান। সে মোতাবেক প্রাথমিক পর্যায়ে ১০ কাঠা জমিতে তিনি গোল আলু চাষ করেন। জমিতে উচ্চ ফলনের জন্য ধারণাবশত খেল, মাটিসার এবং পানিও প্রয়োগ করেন। কিন্তু সেবার পুরোটা শ্রমই বৃথা যায় আলুর পচন রোগের কারণে। তিনি ছুটে যান তার এলাকার ব্লক সুপারভাইজারের খোজে। কিন্তু তার দেখা পাননি একবারের জন্যও। তারপর তিনি যান ইউনিয়ন পরিষদের সাহায্য কামনায়। সেখানে কৃষি বিষয়ক কোন স্ট্যান্ডিং কমিটি না থাকায় কোন তথ্য না পেয়ে ফিরে আসেন। আবাদি বাকী জমিটুকু চাষের জন্য তৈরী করা থাকলেও সঠিক চাষাবাদ পদ্ধতি না জানা থাকার কারণে ভড়কে যান তিনি। শেষে অন্য কৃষকের পরামর্শে হাজির হন উপজেলা কৃষি দপ্তরে। তারাও কোন তথ্য না দিয়ে ব্লক সুপারভাইজারের বাড়ীর ঠিকানা ধরিয়ে দেন। অগত্যা তিনি সেখানেই হাজির হন ব্লক সুপারভাইজারের খোজে। কিন্তু সেবারও পাননি তাকে। এবার কবে এসে তিনি ব্লক সুপারভাইজারকে পাবেন, তার পরিবারের কাছ থেকে জেনে সে মোতাবেক তারিখ ঠিক করে দেখা করেন। দেখা হয় বহু প্রত্যাশিত সরকারী কৃষি সেবা কর্মীর সাথে। তাকে সব সমস্যা খুলে বলেন এবং সাহায্য চান আব্দুল মতিন। কিন্তু তেমন আগ্রহই দেখালেন না ব্লক সুপারভাইজার। কোন রকম আলোচনা না করে সরকারি

একটি আলু চাষ পদ্ধতির বই দিয়ে ফেরত পাঠান তাকে। হতাশ আব্দুল মতিন আর কারো সাহায্যের জন্য হাত পাতেননি। পেশা বদলে অল্প আয়ের শিক্ষক হয়েছেন তিনি। কিন্তু যৌথ পরিবারের আর্থিক ব্যবস্থা মোকাবেলা করতে হিমশিম খাচ্ছেন প্রতিনিয়ত। আব্দুল মতিনের আবাদী জমির পরিমাণ কমে এখন অনাবাদী জমিতে পরিনত হচ্ছে।

তথ্যের অবাধ প্রবাহ নিশ্চিতকরণে বাধা সমূহ :

১. ইউপি পর্যায়ে তথ্য সংরক্ষণ ও তা জনগনের মধ্যে প্রচারের প্রচলন / রীতি নেই।
২. উপজেলা মাসিক উন্নয়ন সমন্বয় কমিটির সভা নিয়মতান্ত্রিকভাবে পরিচালিত হয় না, বিধায় ইউপি চেয়ারম্যানরা তথ্য সংগ্রহ করতে পারেন না।
৩. স্ট্যান্ডিং কমিটি গুলো নিয়মতান্ত্রিকভাবে গঠিত হয়না, হলেও কমিটিগুলো কার্যকর নয় বিধায় তথ্য পেলেও তা ফাইল বন্দি থাকে।
৪. ইউপি গুলোর দাপ্তরিক ও প্রশাসনিক কাজে স্বক্ষমতার অভাব রয়েছে।
৫. ইউপি পর্যায়ে সেবা প্রদানকারী কোন দপ্তর (উপজেলা পর্যায়ে রয়েছে) না থাকায় সংশ্লিষ্ট বিষয়ে তথ্য সংগ্রহ করা সম্ভব হয় না।
৬. ইউপি সদস্যরা তথ্য সচেতন নয় বিধায় তথ্য সংস্করণে এবং তথ্য জনগনকে প্রদানের ব্যাপারে মোটেও আগ্রহী নয়।
৭. ইউনিয়ন পরিষদের আইন ও বিধি সম্পর্কে জানার অনগ্রহ রয়েছে।
৮. জনগনের মাঝে তথ্য পাওয়ার ইচ্ছা বা প্রয়োজনীয়তার অভাব রয়েছে।

ইউপি'র ক্ষমতায়নের মাধ্যমে তথ্যের অবাধ প্রবাহ নিশ্চিতকরণে কতিপয় সুপারিশ :

১. স্থানীয় পর্যায়ে সরকারের সম্প্রসারণ বিভাগের প্রতিনিধিদের ইউপির নিকট জবাবদিহিতার ব্যবস্থা চালু করা।
২. শিক্ষা, স্বাস্থ্য, কৃষি, সমবায়, মৎস, রাজস্ব সহ সকল তথ্য ইউনিয়ন পরিষদের মাধ্যমে আদান প্রদানের ব্যবস্থা প্রবর্তন করা।
৩. ইউপি পর্যায়ে সেবা প্রদানকারীর সেবার মান/প্রক্রিয়া নিয়ে ইউপিতে আলোচনা সভার ব্যবস্থা করতে করা।

৪. স্ট্যাডিং কমিটির সাথে সংশ্লিষ্ট সেবা দানকারীর দায়িত্ব সুনির্দিষ্ট করে দেওয়া। (উপজেলা পর্যায়ে উপজেলা ট্রেনিং এন্ড ডেভেলপমেন্ট সেন্টারে ইউনিয়ন পরিষদের সংশ্লিষ্ট সদস্যদের বিষয় ভিত্তিক প্রশিক্ষণের ব্যবস্থা করা যেতে পারে)।
৫. ইউপি ভবনে সেবা প্রদান কারীর জন্য স্থায়ী দপ্তরের ব্যবস্থা করা।
৬. উন্নয়ন প্রকল্প, ভিজিডি/ভিজিএ এর মত তথ্য সংগ্রহ ও প্রদানকে গুরুত্ব সহকারে বিবেচনা করতে হবে।
৭. তথ্য দিয়ে যে সেবা করা যায় সে বিষয়ে প্রশিক্ষণ দেয়া। (উপজেলা পর্যায়ে উপজেলা ট্রেনিং এন্ড ডেভেলপমেন্ট সেন্টারে ইউনিয়ন পরিষদ চেয়ারম্যান ও সংশ্লিষ্ট সদস্যদের বিষয় ভিত্তিক প্রশিক্ষণের ব্যবস্থা করা যেতে পারে)।
৮. ইউপি প্রতিনিধির প্রশিক্ষণ তথ্যপূর্ণ করা।
৯. সঠিক তথ্য প্রাপ্ত একজন ব্যক্তি কত উপকৃত হতে পারে, কতটা শক্তি সঞ্চয় করতে পারে তা জনগন ও ইউপি প্রতিনিধির সামনে তুলে ধরা। (কেস স্টাডি)
১০. ইউনিয়ন পরিষদকে এলাকার তথ্য কেন্দ্র হিসাব ঘোষণা করা/তথ্য ভান্ডার করে গড়ে তোলা।

তথ্যে নারীর অধিকার

তথ্যের অধিকার সার্বজনীন। নারীর ক্ষমতায়ন প্রক্রিয়ায় এ অধিকার গুরুত্বপূর্ণ ভূমিকা পালন করে। তথ্য বলতে- শিক্ষার মাধ্যমে প্রাপ্ত জ্ঞান, সামাজিক সম্পর্কের ভিতর দিয়ে সামাজিক অসমতাকে দেখতে পাওয়া, জাতীয় ও আন্তর্জাতিক পর্যায়ে রাজনৈতিক তথ্য, নিজেদের দক্ষ করে তুলবার সুযোগের তথ্য। জাতীয় উন্নয়নে নারীর অবদানের স্বীকৃতি নারীর কাছে সুস্পষ্ট হওয়ার তথ্য ইত্যাদিকে বুঝায়। সার্বজনীন মানবাধিকার সনদে তথ্য চাওয়া, পাওয়া, প্রদান করার অধিকারের কথা বলা হয়েছে। বাংলাদেশের সংবিধানেরও ভাব প্রকাশের ও তার স্বাধীনতার অধিকার একটি অন্যতম মৌলিক অধিকার হিসেবে স্বীকৃত। কিন্তু তথ্য আদান প্রদান প্রক্রিয়ায় নারীর সক্রিয় অংশগ্রহণ নেই এবং ক্ষেত্র বিশেষে উপেক্ষিত বটে।

দুটি কেস স্টাডির মাধ্যমে আমরা নারীর তথ্য প্রাপ্তির প্রবাহ, তথ্য না পাওয়া, সঠিক তথ্য গ্রহণে ও ভুল তথ্যের ফলে নারীর জীবনে কত দুর্বিসহ ও প্রানবন্ত হতে পারে তা দেখার চেষ্টা করবো।

কেস-১

নাজমা বেগম চট্টগ্রাম জেলার হারামিয়া ইউনিয়নের এক নিম্নমধ্যবিত্ত পরিবারের গৃহবধূ। সংসারের দৈনন্দিন যাবতীয় কাজ, সন্তান, স্বামীসহ পরিবারের অন্যান্য সদস্যদের সেবা, আত্মীয় স্বজনদের আপ্যায়ন সহ সব কাজ করে থাকেন। ঘরের বাহিরে খুব বেশি যাওয়া হয় না। সামাজিক কর্মকাণ্ড অংশগ্রহণ নেই। এমন কি পরিবারের কোন সিদ্ধান্তে অংশগ্রহণ করার অধিকারও নেই। সংসারের কাজ সুষ্ঠুভাবে সম্পন্ন করাই হচ্ছে তাঁর একমাত্র দায়িত্ব।

কিন্তু এ অবস্থার আমূল পরিবর্তন আসলো ১৯৯৭ সালে পরিবারের সিদ্ধান্ত গ্রহণে একছত্র অধিপতি শ্বশুর আলহাজ আব্দুল মহসীন সাহেবের কাছ থেকে। তিনি হারামিয়া ইউনিয়নের একজন নির্বাচিত সদস্য। বয়স হয়েছে আর নির্বাচন করবেন না। তিনি ইচ্ছা পোষণ করেন পূর্ববধূ নির্বাচিত হয়ে আসুক। পারিবারিক ঐতিহ্য বজায় থাকুক। স্বামীরও ইচ্ছা তাঁর স্ত্রী ইউনিয়ন পরিষদে মেম্বর হউক। সুতরাং নাজমা বেগম ১৯৯৭ সালে ইউনিয়ন পরিষদে সংরক্ষিত তিনটি নারী আসনের ১টি থেকে সরাসরি নির্বাচিত হয়ে সারা দেশের ১২,৮৮২৮ জন নির্বাচিত সদস্যদের একজন হলেন।

মরিয়ম বেগম নির্বাচিত হওয়ার পর থেকেই মানসিকভাবে নিজেকে প্রস্তুত করেছেন কিভাবে সংসার ও পরিষদের কাজ সমন্বিত করবেন। খুব উৎসাহ উদ্দীপনা নিয়ে প্রথম দিনে পরিষদে গেলেন। কিন্তু চেয়ারম্যান ও অন্যান্য পুরুষ সদস্যদের কথাবার্তা তার ভালো লাগেনি। অপমানিত বোধ করছেন। দেখা গেল পরিষদের মাসিক সভায় অংশগ্রহণ, উন্নয়নমূলক প্রকল্প বাস্তবায়ন, বিচারমূলক কার্যক্রমে অংশগ্রহণ, ভিজিটি, ভিজিএফ, বয়স্কভাতা ও অন্যান্য কার্ডসহ বিভিন্ন কাজসমূহ পুরুষ সদস্যরাই করছে। নারী সদস্যদের কোন অধিকার নেই। কোন কাজ নেই। এই অধিকারহীন ও কাজ না পাওয়ার বঞ্চনা মরিয়মকে ভাবিত করে। সে এর প্রতিকারের পথ খুঁজতে থাকে। চেয়ারম্যানকে জিজ্ঞেস করায় বলে, সরকার নারী সদস্যদের দায়িত্ব ও কর্তব্য সুনির্দিষ্ট করে নাই।

মরিয়ম আরো কয়েকজন নারী সদস্যদের সাথে আলাপ করে। এর মধ্যে একটি বেসরকারি স্বেচ্ছাসেবী সংগঠনের কর্মীর কাছ থেকে জানতে পারে যে সরকার নারী সদস্যদের দায়িত্ব ও কর্তব্য সুনির্দিষ্ট করে আদেশ জারী করেছে এবং সকলের কাছে তা ডাক যোগে পাঠানো হয়েছে। কিন্তু এ আদেশের চিঠি নারী সদস্যরা পাননি। কারণ চেয়ারম্যান ও তার দোষররা তা প্রাপকের কাছে পৌছাতে দেয়নি- নিজেদের অধিকার হারানোর ভয়ে। পরিষদে না পেয়ে মরিয়ম ও আরো কয়েকজন সদস্য উপজেলায় নির্বাহী কর্মকর্তার কাছে যান এবং তাদের সমস্যার

কথা বলেন। ইউএনও নারী সদস্যদের তথ্য দেয়নি। বরং কাজ না করার জন্য নিরুৎসাহিত করে।

ইউনিয়নের পরবর্তী সভায় মরিয়ম চেয়ারম্যানের কাছে নারী সদস্যদের সরকার কর্তৃক নির্দিষ্ট দায়িত্বের কথা তুলে ধরেন এবং দাবী করেন তাদের প্রাপ্য অধিকার বুঝিয়ে দিতে। চেয়ারম্যান অবাক হয়ে বলেন, আপনি কীভাবে জানলেন? কীভাবে জানতে পেরেছেন তার কোন উত্তর না দিয়ে বরং এ বিষয়ে তাঁর বক্তব্য জানাতে বলেন। চেয়ারম্যান চাপের মুখে সঠিক তথ্য দেন এবং নারী সদস্যদের দায়িত্ব বন্টন করে দিতে বাধ্য হয়। এরপর থেকে নারী সদস্যরা তাঁদের দায়িত্ব ও ভূমিকা পালনে আন্তরিক, সক্রিয় হন এবং সুষ্ঠুভাবে অধিকার বাস্তবায়নে সচেষ্ট হন। একই সাথে আরো বিভিন্ন তথ্য পাওয়ার প্রতি আগ্রহ হয়ে উঠে।

কেস-২

অভিশপ্ত হিলা বিয়ের বলি হয়েছেন বগুড়ার শেরপুর উপজেলার নিম্নত পল্লীর ভানু বিবি (২৫)। সমাজপতিদের চাপে পার্শ্ববর্তী গ্রামের ভিক্ষুকের সঙ্গে বিয়ের পিড়িতে বসতে হয়েছে ভানু বিবিকে। হিলা বিয়ের ফলে ধ্বংস হয়ে গেছে তিন সন্তানের জননী ভানু বিবির ১০ বছরের সাজানো-গোছানো সুখের সংসার। স্বামী আকবর আলী পেশায় প্লাস্টিক সামগ্রী বিক্রেতা। অভাবের কারণে তাদের সংসারে ছোটখাট ঝগড়া হতো। ঘটনার দিন এ ধরনের ঝগড়া চলার সময় হঠাৎ করে স্বামী তাকে মৌখিক তালাক দিয়ে বসেন। পরে তালাক উচ্চারণ করা তার ভুল হয়েছে স্বীকার করলেও বেকে বসে গ্রামের সমাজপতিরা, গ্রামের মান্নান মুন্সী সালিশ বসিয়ে স্বামী জ্বীকে পৃথক করে দেন। মান্নান মুন্সী ফতোয়া জারি করে। হিলা বিয়ে দিতে হবে। এরপর শরিয়ত মতো আবার জ্বীকে বিয়ে করে ঘরে আনতে হবে।

তিনটি সন্তান নিয়ে দারুন কষ্টের মধ্যে পড়েন ভানুবিবি। স্বামী আকবর আলীকে ফিরে পাওয়ার আশা নিয়ে ঘুরতে থাকেন সমাজপতিদের দ্বারে দ্বারে। ভানুবিবিকে পার্শ্ববর্তী স্টেশন থেকে ৭০ বছরের এক ভিক্ষুককে ধরে এনে 'হিলা' বিয়ে পড়িয়ে দেয়া হয়। বিয়ে পড়ায় মান্নান মুন্সী নিজেই। বৃদ্ধের সঙ্গে ভানুবিবির চলে ১৫ দিনের নতুন বৈবাহিক জীবন। ১৫ দিন সংসার করার পরেও সে জানে না তার নাম। এরপর সমাজপতিদের নির্দেশে ভানুবিবির তালাক হয়ে যায়। তালাকের পর ৩ মাস ইন্দতকালীন সময় অতিবাহিত করতে হয়। স্বামীকে থাকতে হয় সংসার ও প্রিয় সন্তানদেও ছেড়ে। তিনমাস অপেক্ষা করে আকবর আলী নতুন করে ভানুবিবিকে বৌ করে ঘরে আনেন। কিন্তু তার আগে স্বামী জ্বীকে গুচ্ছ করার জন্য মান্নান মুন্সীর

নির্দেশে মারা হয় একশ দোররা। স্বামীকে ফিরে পাওয়ার জন্যই সমাজপতিদের চাপিয়ে দেওয়া অমানবিক ও সম্মান, মর্যদাহীন কঠিন সিদ্ধান্ত মেনে নিতে বাধ্য হয় 'হিলা' বিয়ে সম্পর্কে তথ্য না পাওয়া ও না জানা ভানুবিবির।

প্রচলিত এসব ব্যবস্থা অর্থাৎ মৌখিকভাবে তিন তালাকের পর হিলা তো নিষিদ্ধই এমনকি সব ধরনের ফতোয়া আইনত নিষিদ্ধ। গ্রামের নেতৃস্থানীয় ব্যক্তি যারা বিভিন্ন সমস্যার সমাধান দেন তাদের অনেকেরই যেমন শরীয়াহ আইন, প্রচলিত আইন সম্পর্কে পূর্ণ ধারণা নেই তেমনি যে নারী, যে পরিবার এই সকল ঘটনার শিকার হচ্ছেন তাদের কাছে এ সংক্রান্ত তথ্য নেই। আইনের বিধি বিধান সম্পর্কে তারা জানেন না। নারীদের বিরুদ্ধে এ সুযোগই কাজে লাগানো হচ্ছে। তাই শত অন্যায় তারা প্রতিবাদ করার সাহস পান না। এ রকম অবস্থায় হিলা সহ পরিবারিক জীবনের বিধি বিধানগুলো নারীদের গোচরে আনা খুবই প্রয়োজন।

উপরোক্ত ঘটনা থেকে দেখা যায় যে:

- সঠিক তথ্য প্রাপ্তির মাধ্যমে সচেতন হয়ে দলবদ্ধভাবে চাপ সৃষ্টি করা যায় তাহলে অবাধ তথ্যপ্রবাহ এবং তথ্য অধিকার রক্ষা করা যায়।
- তথ্য গোপন করার যে সংস্কৃতি রয়েছে, তা শুধু সরকারী পর্যায়েই সীমাবদ্ধ নয় অন্যান্য প্রতিষ্ঠানেও এর প্রভাব রয়েছে। তাই এ ধরনের সংস্কৃতি পরিবর্তনের জন্য পদক্ষেপ নেয়া প্রয়োজন।
- তথ্যের অপ্রতুলতা এবং তথ্য প্রাপ্তির প্রাতিষ্ঠানিক অব্যবস্থার ফলে প্রয়োজনীয় বা পছন্দসই তথ্যটি বেছে নেয়ার সুযোগ নেই নারীর।
- তথ্যে গ্রহণে নারীর অধিকারহীনতারফলে-মৌলিকমানবাধিকার, সম্মান, মর্যাদা যখন নির্মমভাবে আঘাতপ্রাপ্ত হয়, তখন নারী উন্নয়নে সাংবিধানিক এবং জাতীয় ও আন্তর্জাতিক অঙ্গীকারসমূহ বাস্তবায়নেও বাধাগ্রস্ত হয়।

জনসংগঠন আন্দোলন ও তথ্যের ভূমিকা

১. ভূমিকা:

১৯৯৬ সালে থেকে গরীব মানুষের দাবিদাওয়া আদায়ের লক্ষ্যে সতন্ত্র জনসংগঠন গড়ে তোলার উদ্যোগ কোষ্ট ট্রাস্ট হতে নেয়া হয়। কারণ দেখা যায়, সরকারের বরাদ্দ থাকলেও দেশের প্রচলিত তথ্য প্রবাহের কাঠামো দরিদ্র মানুষের সেবা ও সুযোগ নিশ্চিত করতে পারছে না। এই প্রেক্ষাপটকে আরো পরিস্কার করে তুলবে;

২. কেস স্টাডি : বয়স্ক ভাতার তালিকায় নাম অন্তর্ভুক্তি:

বেড়ী বার্ধের ঢালে বসবাসকারী ছিন্নমূল সমিতির সদস্যদের নিয়ে গঠিত মানিকা ইউনিট জনসংগঠন সদস্যরা বয়স্কভাতা আদায় করেছেন তাদের ধারাবাহিক আন্দোলনের মাধ্যমে। স্থানীয় ইউপি কর্তৃক বয়স্ক ভাতার বরাদ্দ দেওয়ার তথ্য জানা থাকলেও দাবী না থাকার কারণে দরিদ্র মানুষ অন্তর্ভুক্তি হতে পারে না। অংশগ্রহণ না থাকার ফলে স্থানীয় ইউপি নিজেদের মতো করে বয়স্কভাতা পাবার জন্য উপকারভোগীদের তালিকা তৈরি করেন।

কোষ্ট ট্রাস্টের সামাজিক ন্যায়বিচার বিভাগের কর্মী উপজেলা সমাজ সেবা অফিসারের কার্যালয় থেকে জানতে পারে যে, সাম্প্রতিক সময়ে বয়স্কভাতার জন্য নতুন তালিকা হতে যাচ্ছে। এ জন্য ইউনিয়ন পরিষদ তাদের নিজ নিজ এলাকার দরিদ্র মানুষের তালিকা তৈরি করছে। পরে বিষয়টি নিয়ে মানিকা ইউনিট জনসংগঠন সভায় আলোচনা করা হয়। সভায় এ সংক্রান্ত আরো খোঁজ খবর নেয়ার জন্য ইউনিয়ন পরিষদ ও এর প্রতিনিধিদের সাথে যোগাযোগ করার জন্য সিদ্ধান্ত নেয়া হয়। যাতে করে বেড়ী বার্ধে আশ্রয় গ্রহণকারী ছিন্নমূল পরিবারের বয়স্করা এই সেবা পেতে পারে।

জনসংগঠন সদস্যরা বেড়ীবার্ধ এলাকা থেকে নির্বাচিত সদস্যের কাছে এ বিষয়ে খোঁজ নিতে গেলে জানতে পারেন এ রকম কোন বিষয় তার জানা নেই। পরে সদস্যরা সম্মিলিতভাবে পরিষদে খোঁজ নিয়ে জানতে পারে, মানিকা ইউনিয়ন পরিষদ সিদ্ধান্ত নিয়েছে যে, এ ইউনিয়নের জন্য বরাদ্দ বয়স্কভাতার সকল কার্ড বিতরণের জন্য তালিকা ইতিমধ্যে তৈরি হয়ে গেছে। সে

প্রেক্ষিতে ইউপির প্রতি ওয়ার্ডের সাধারণ ও নারী সদস্যদের মধ্যে যথাক্রমে ৫ জন এবং ২ জন বয়স্ক ব্যক্তির নাম প্রদানের দায়িত্ব প্রদান করা হয়েছে। তবে মোট কতটি কার্ড এই ইউনিয়নের জন্য বরাদ্দ দেয়া হয়েছে তার প্রকৃত তথ্য সদস্য বা এলাকাবাসী কেউই জানতে পারেনি এবং এটা শুধুমাত্র ইউপি চেয়ারম্যান ও সচিব জানেন বলে অভিযোগ রয়েছে।

বয়স্ক ভাতার তালিকা তৈরির দায়িত্ব সদস্যদের দেয়া হয়েছে, এ তথ্য নিয়ে স্ব-নির্বাহিত বেড়ী বার্ধ জনসংগঠনের সকল সদস্য মিলে ৪.৫.৬ ওয়ার্ডের সদস্যদের সাথে আলাদাভাবে দেখা করে আলোচনা করেন। কিন্তু কোনো ধরনের আশ্বাস না পেয়ে সদস্যরা ফিরে আসেন। ৩০ জুন ২০০৫ বয়স্ক ভাতার জন্য সংগৃহীত তালিকা চূড়ান্তকরণের কথা। কিন্তু এ সংক্রান্ত কোনো তথ্য জনসংগঠন সদস্যদের জানা ছিল না। গ্রামের চৌকিদারের কাছে জানতে পেরে চূড়ান্ত তালিকা প্রস্তুতের দিন ইউনিয়ন পরিষদে উপস্থিত হয় জনসংগঠনের সকল সদস্য।

উপস্থিত জনসংগঠন সদস্যদের বিক্ষোভ ও সম্মিলিত প্রতিবাদের মুখে চেয়ারম্যান আব্দুল বারেক বিশ্বাস ৫ জন সদস্যের নাম তালিকাভুক্ত করেন।

৩. কেসস্টাডি : তথ্য প্রবাহ ও একটি দুর্গম এলাকায় দাবি আদায়ের সংগ্রাম:

দাবী আদায় করার মতো সংগঠন থাকা সত্ত্বেও তথ্য না থাকার ফলে তারা কাজ করতে পারে না। জনসংগঠন তখন তথ্য পাবার জন্য আন্দোলন করে থাকে। তথ্য পাবার জন্য দাবী কমিউনিটি থেকে না আসার ফলে সরকারের তথ্য প্রকাশের দায়িত্ব অকার্যকর হয়ে পড়ে।

চর ফ্যাসন উপজেলার মূল ভূখন্ডের শেষ সীমান্ত ঢালচর, কচ্ছপিয়া বেড়ী বার্ধ থেকে প্রায় ১৫ কি. মি. দক্ষিণ পূর্বে বঙ্গোপসাগরের মাঝে গড়ে উঠেছে এই বিচ্ছিন্ন চর 'ঢালচর'। চর কুকরীমুকরী ইউনিয়নের ৭,৮,৯ নং ওয়ার্ডের সমন্বয়ে এটি গঠিত। যাতায়াতের জন্য কোনো ধরনের ব্যবস্থা গড়ে ওঠেনি। প্রতিদিন শুধুমাত্র একটি শ্যালো নৌকা ঢালচর হতে ছেড়ে আসে এবং একটি নৌকা চরফ্যাশন হতে ছেড়ে যায়। যারা দিনে যাতায়াত করতে চায় তাদের জন্য এটিই একমাত্র ব্যবস্থা।

ভৌগলিক অবস্থানগত কারণেই সকল প্রকার সরকারী সেবা সুযোগ থেকে ঢালচরবাসী বঞ্চিত। চরে একটি ইউনিয়নের ৩টি ওয়ার্ড থাকলেও প্রশাসনিক কোনো ধরনের কাঠামো এখানে নেই। সরকারের সেবা ও তথ্য প্রদানকারী কোনো ধরনের ভবন ও দপ্তর এখানে নেই। এ সব এলাকা থেকে কোনো তথ্য ও জন নির্বাচিত ইউপি সদস্যদের মাধ্যমে প্রচারিত ও প্রকাশিত

হওয়ার কথা থাকলেও তারা নিজেদের অবস্থান ও মার্যাদাকে বাড়াতে গিয়ে কোনো ধরনের তথ্য প্রদান হতে দূরে থাকে। এ

প্রেক্ষাপটে ঢালচরবাসীর সবচেয়ে বেশী দরকার তথ্যপ্রাপ্তি। কিন্তু এমন কোনো সুযোগ তাদের নেই। অবস্থানগত কারণেই এখানকার মানুষ তথ্য সেবা হতে বঞ্চিত হচ্ছে।

অনেকদিন থেকেই এই চরের জনবসতি শুরু হলেও ভূমিহীন গরীব মানুষ নিজেদের নামে খাস জমির বন্দোবস্ত পায়নি। প্রভাব-প্রতিপত্তি ও রাজনৈতিক ক্ষমতাকে অবলম্বন করে নিজেদের বাহিনী গড়ে তুলে সেখানে খাস জমি ভোগ দখল করে আসছেন। ২০০৪ সালে সরকারী উদ্যোগে খাসজমি বন্দোবস্ত দেয়ার জন্য আবেদনপত্র বিতরণ করা হয়। কিন্তু সরকারী এই বরাদ্দের কোনো তথ্য ঢালচরের দরিদ্র মানুষের কাছে পৌঁছেনি। ইউপি সদস্যরা তাদের নিজেদের অনুগতদের কাছে এই তথ্য প্রচার করেন। অপরদিকে জনসংগঠন নেত্রী মনোয়ারা ও'মালেকা বেগম নিয়মিত কোর্ট ট্রাস্টের সংশ্লিষ্ট কর্মী নিয়ে ভূমি অফিসের কর্মকর্তা রফিকুল ইসলামের সাথে কথা বলে আবেদন ফরম সম্পর্কে জানতে পারেন। কিন্তু তিনি আবেদনপত্র দিতে অপরাগতা প্রকাশ করেন। কেননা ঢালচরে বসবাসকারী উপজেলার প্রভাবশালী রাজনীতিকদের প্রতিনিধি ফখরুল ইসলাম উপজেলায় তাদের আশ্রয়দাতাদের মাধ্যমে ফরম সংগ্রহ করে নগদ টাকায় উচ্চমূল্যে বিক্রয় করে থাকে।

যদিও আবেদনপত্র সংগ্রহের জন্য কোনো ধরনের টাকা প্রদানের নিয়ম না থাকলেও প্রকাশ্যে তারা টাকার মাধ্যমে ফরম বিক্রয় করতে থাকে। ফলে গরীব মানুষ আবেদনপত্র পায় না। জনসংগঠন সদস্যরা সংগঠিত হয়ে ভূমি অফিসের সামনে বিক্ষোভ প্রদর্শন করেন এবং প্রশাসনের নজরে বিষয়টি তুলে ধরে। ফলে ভূমি কর্মকর্তা সকলের সামনে উপস্থিত হয়ে খাস জমি বরাদ্দের নিয়ম কানুন বর্ণনা করেন এবং আবেদনপত্র উন্মুক্ত করে দেন। এখানেই শেষ নয়, বরাদ্দ দেওয়ার প্রক্রিয়ার সকল ধরনের তথ্য গ্রহণের জন্য জনসংগঠন যোগাযোগ রক্ষা করে চলেছে।

৪. শিক্ষণ:

ক. রাষ্ট্রীয়/প্রাতিষ্ঠানিক সমস্যা:

- দীর্ঘদিনের রাজনৈতিক অব্যবস্থার চর্চা;
- চাপ না থাকার ফলে রাষ্ট্রীয় কতৃপক্ষের দায়িত্ব ও কর্তব্যে অবহেলা;
- ভৌগলিকভাবে দুর্গম হওয়ার কারণেই সকল ধরনের তথ্য প্রবাহে বাধা সৃষ্টি করে এবং বিকৃতি ঘটে;
- সরকারের উদ্যোগে সাধারণের জন্য তথ্যের সহজলভ্যতা তৈরি না করা;
- অবাধ তথ্য প্রবাহে রাজনৈতিক দলের হস্তক্ষেপ;

খ. দরিদ্র মানুষের নিজস্ব সমস্যা:

- পর্যাপ্ত তথ্য ও জ্ঞানের অভাব;
- পুরো ঘটনাকে উপস্থাপন করে সংগঠিত করার ক্ষেত্রে এনজিওদের ব্যর্থতা;
- অপরাধীকে সামাজিকভাবে প্রশয় প্রদান করা;
- অশিক্ষা ও পশ্চাৎপদতার কারণে রাষ্ট্রীয় দায়িত্ব ও কর্তব্য সম্পর্কে ক্ষতিগ্রস্তের কাছে অপরিাপ্ত তথ্য;

৫. প্রক্রিয়া:

- জনসংগঠনের সকল সদস্যদের মধ্যে আলোচনার পরিবেশ সৃষ্টি করা;
- জনসংগঠনের সকলের মতামত নিয়ে সিদ্ধান্ত গ্রহণ করা;
- প্রতিবাদে সদস্যদের সকলের অংশগ্রহণ নিশ্চিত করা;
- সদস্যদের সাথে সরকারী কর্মকর্তাদের যোগাযোগ করে দেওয়া;

৬. প্রভাব:

- তথ্য থাকলে জনসংগঠন স্থানীয় সেবা প্রদানকারী সংস্থার সাথে তাদের চাহিদাগুলো নিয়ে দেন দরবার করতে পারে;
- চাহিদা ও প্রাপ্ততা নিয়ে দেন দরবার করার ফলে সম্পদ সরবারহের হার বেড়েছে ও সাধারণ সম্পদে গরীব মানুষের অভিজ্ঞতা বেড়েছে;
- সরকারী প্রশাসনের জবাবদিহিতা বাড়বে;
- রাজনৈতিকভাবে প্রশয়দানকারীদের দূনীতির সুযোগ সংকুচিত হতে থাকবে;
- সাধারণ জনগণের অংশগ্রহণ বৃদ্ধি পাবে;
- স্থানীয়ভাবে যে কোনো অধিকার লঙ্ঘনের ঘটনার প্রতিবাদ সংগঠিত হবে;

ম্যাস্-লাইন মিডিয়া সেন্টার (এমএমসি)

তথ্য প্রবেশাধিকার কেন জরুরি?

নিঝুম দ্বীপের বন্দরটিলা সিডিএসপি বাজারের পাশে দিলারা বেগমের বাড়ি। প্রথম স্বামীর মৃত্যুর পর দশ বিঘা খাস জমিতে দুটি সন্তান নিয়ে তিনি বসবাস করছিলেন। ১৯৯৮ সালে স্থানীয় সামছুউদ্দিন নামের এক গ্রাম ডাক্তার জমির লোভে তাকে দ্বিতীয় বিয়ে করে। বিয়ের তিন বছরের মাথায় তাদের ঘরে দুটি সন্তান জন্ম নেয়। এরই মধ্যে সামছুউদ্দিন জমির পুরো ভোগদখল নিশ্চিত করতে এক রাতে স্ত্রী দিলারা বেগমকে হত্যা করে লাশ গুম করে ফেলে। এ ব্যাপারে দিলারা বেগমের ভাই মফিজুর রহমান হেজু প্রথমে স্থানীয় পুলিশ তদন্ত কেন্দ্রে একটি সাধারণ ডাইরি ও পরে হাতিয়া থানায় মামলা দায়ের করেন। কিছুদিন পর মামলার কার্যক্রম স্থবির হয়ে যায়। অনেক দিন থেকে টাকার অভাবে মামলার অগ্রগতির জন্য কোন তদবির করতে পারছেন না মফিজুর রহমান।

নিঝুম দ্বীপ বাতায়ন গুচ্ছ গ্রামের মোঃ সারোয়ার ২০০১ সালে আসবাবপত্রসহ নগদ দশ হাজার টাকা যৌতুক নিয়ে একই এলাকার দিনমজুর হুমায়ুন কবিরের মেয়ে লুৎফা বেগমকে বিয়ে করে। বর এবং কনে পক্ষ বিয়ের সকল আনুষ্ঠানিকতা পালন করলেও কাজী অফিস নিঝুম দ্বীপ থেকে ২০ কিলোমিটার দূরে নদীর ওপারে হওয়ায় বিয়ের নিবন্ধন করা হয়নি। এদিকে বিয়ের দু'বছরের মাথায় লুৎফার মা মারা যাওয়ায় বাবা দ্বিতীয় বিয়ে করে হাতিয়ায় শ্বশুরবাড়িতে ঘরজামাই হিসেবে থাকতে শুরু করেন। এ অবস্থায় ছোট চার বোন তিন ভাই কোনমতে আনের কামলা খেটে খেয়ে না খেয়ে দিন যাপন করছে। ইতোমধ্যে স্বামী আরো যৌতুকের জন্য লুৎফাকে মারধর শুরু করে। এক পর্যায়ে তাকে বাড়ি থেকে বের করে দেয়। বর্তমানে লুৎফা বাড়ি বাড়ি ঝি-এর কাজ করে একেক বার একে একে বাড়িতে রাত যাপন করছে। সামাজিকভাবে সালিশি বৈঠকে বিষয়টি নিষ্পত্তির চেষ্টা করা হলেও প্রভাবশালী স্বামী সালিশের রায় মানেনা। এ অবস্থায় টাকার অভাবে দরিদ্র লুৎফা স্বামীর বিরুদ্ধে আইনের আশ্রয় নিতে পারছে না।

ঘটনা দুটিতে উল্লেখিত লুৎফা বা মফিজুরের কেউই জানে না দরিদ্র মানুষের জন্য সরকারের আইন সহায়তা প্রকল্পের কথা।

দুর্গাপুর নোয়াখালীর একটি প্রত্যন্ত ইউনিয়ন। যে ইউনিয়নের নারীরা দীর্ঘ ৪০ বছরেরও বেশি সময় ধরে ভোটাধিকার বঞ্চিত

ছিল। স্থানীয় প্রশাসন, সরকারি-বেসরকারি প্রতিষ্ঠানের কার্যক্রমের আড়ালে পড়ে থাকে বিষয়টি। এমনকি মূলধারার গণমাধ্যমের দৃষ্টির বাইরে থেকে যায় বিষয়টি। প্রথমবারের মত ২০০০ সালের ডিসেম্বরে এমএমসির প্রকাশনা পাক্ষিক লোক সংবাদের অনুসন্ধানী প্রতিবেদনে বিষয়টি উঠে আসে। অনেকগুলো ফলোআপ প্রতিবেদনের পাশাপাশি মিডিয়া অ্যাডভোকেসির মাধ্যমে দুর্গাপুরের নারীদের ভোটাধিকার প্রতিষ্ঠায় এমএমসি স্থানীয় প্রশাসন, জনপ্রতিনিধি ও উন্নয়ন সংগঠনগুলোর সাথে হিসেবে গুরুত্বপূর্ণ ভূমিকা রাখে। গত জাতীয় সংসদ নির্বাচনে তারা প্রথম বারের মত ভোটাধিকার প্রয়োগ করে।

জনতথ্য ঘর : তথ্য সহায়তার জন্য একটি স্থানীয় উদ্যোগ

এমএমসি বিগত এক দশকের কর্ম অভিজ্ঞতায় দেখেছে যে উপকূলীয় অঞ্চলে জনঅধিকার কেন্দ্রিক তথ্য প্রাপ্তি ও প্রবাহের ক্ষেত্রে অপ্রতুলতা রয়েছে। তথ্যবঞ্চিত মানুষকে তথ্য দিয়ে ক্ষমতায়িত করার লক্ষ্যে এ অঞ্চলের সুবিধাবঞ্চিত এলাকাগুলোতে এমএমসি দশটি জনতথ্য ঘর প্রতিষ্ঠা করেছে। স্থানীয় জনগণের নিজস্ব ব্যবস্থাপনায় পরিচালিত হচ্ছে এসব জনতথ্যঘর। এখানে সকাল বিকেল মিলিত হয়ে দরিদ্র মানুষ তাদের কৃষি, স্বাস্থ্য, শিক্ষা, নিরাপত্তাসহ দৈনন্দিন জীবনের বিভিন্ন বিষয় সম্পর্কে নিজেদের মধ্যে তথ্য আদান প্রদানের মাধ্যমে একে অন্যকে সমৃদ্ধ করছে।

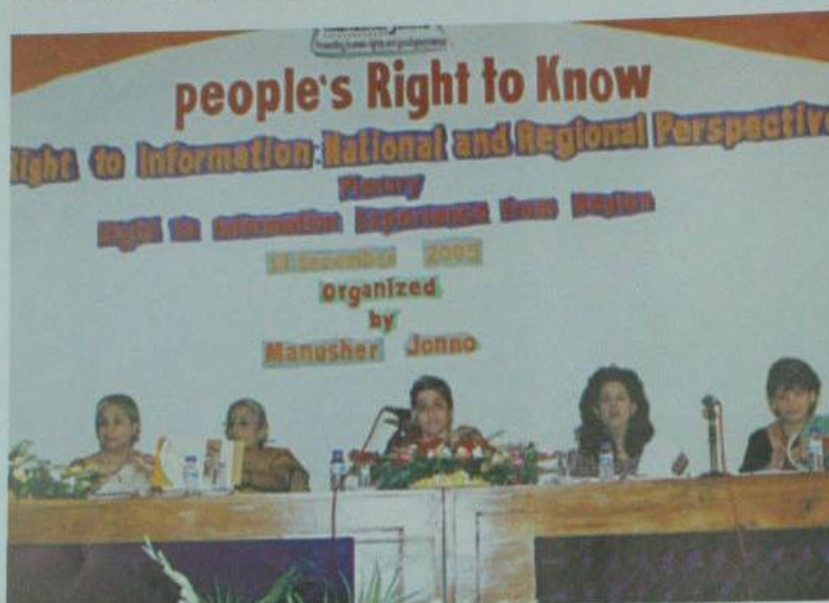
অন্যদিকে, স্থানীয় ও জাতীয় পত্রিকায় প্রকাশিত সংবাদের মাধ্যমে জানতে পারছে দেশ বিদেশের খবরাখবর। উপকূলীয় অঞ্চলে জনগণকে তথ্য সরবরাহের মাধ্যমে তাদের সচেতন ও অধিকার প্রতিষ্ঠার ক্ষেত্রে এখনো প্রাতিষ্ঠানিক উদ্যোগ লক্ষ্য করা যায় না। প্রান্তীয় মানুষদের চাহিদা অনুযায়ী পর্যাপ্ত তথ্য পেলে তা স্থানীয় এবং জাতীয় উন্নয়নের সকল মাত্রাকে প্রভাবিত করবে বলে আমাদের বিশ্বাস।

Annex B

Photo Gallery



Conference Report on Right to Information



Dr. Hameeda Hossain chaired the plenary



Ms. Shaheen Anam is formally opening pot song on right to information



Ms. Shaheen Anam, Executive Director of MJF is addressing the audience



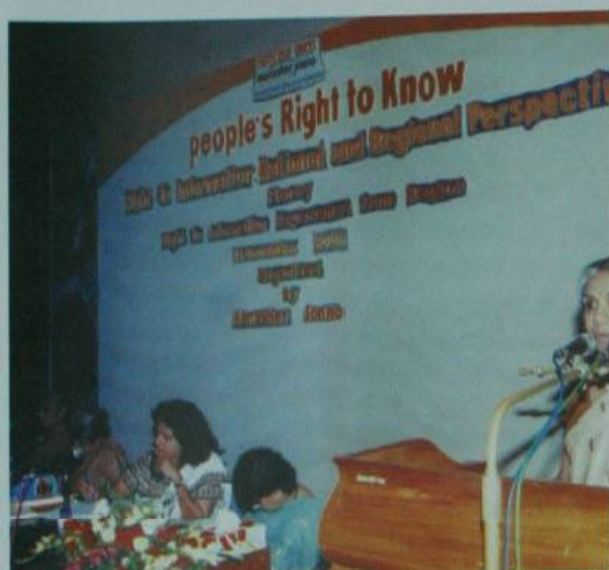
Participants are registering for parallel workshop



Pot song on right to information are staged by cultural group of Rupantor



Ms Maja Dhun Daruwala, Director of Commonwealth Human Rights Initiatives of India is addressing the audience in the plenary session



Ms Shailaja Chandra is addressing the audience in the plenary session



Presenters are speaking in workshop on women & right to information



Paper presenters and participants' involvement were spontaneous throughout the RTI conference



Mr. Mahfuz Anam, Editor of the Daily Star also spoke in the roundtable meeting



Manusher Jonno team is busy with conference related work



Ms Aruna Roy of MKSS of India is addressing the audience in the plenary session



A large number of participants attended Right to Information Conference



Prof. Wahiduddin Mahmud chaired the concluding session and addressing the audience.



Ms Kishali Pinto Jayawardena a lawyer and media columnist of Sri Lanka is addressing the audience in the concluding session



Tea
Brake



During closing session volunteers are holding different colours of balloons in the conference room.



After the closing session of RTI conference MJF family members assembled in front of BIAM auditorium.

Annex C

List of Participants



List of Participants

Sl. No.	Participants Name	Organization
1	Sheikh Tawfiq	Niti Gobeshona Kendra
2	Nazia Hossain	MRDI
3	Shaheed Abedin	MRDI
4	Md. Sirajul Islam	MJ
5	Nila Akter	Bangladesh Girls Guide Association (BGGA)
6	Sanzida Khanom	BGGA
7	Munny Akter	BGGA
8	Khadiza Rahman	BGGA
9	K M Murshed-Al-Marooof	Ideal School & College Scout Group (IDEAL)
10	Mehedi Mashrur Khan Soikat	IDEAL
11	Samiul Haque Sabbir	IDEAL
12	Md. Sadik Hassan	IDEAL
13	Monzur Hossain	IDEAL
14	Abdullah-Al-Mannan	IDEAL
15	Saiful Akhter	IDEAL
16	K M Enamul Hoque	CAMPE
17	Masum Ahammod	Deshbarta
18	Firoz Ahmed	BD News
19	A K Jaman	Unnayan Samunnya
20	Md. Babul Miah	CAMPE
21	Md. Rasel	SOUND
22	Sk. Shaniaz Ahmed	MRDI
23	Md. Jahangir Kabir	HASAB
24	Md. Shahid Uzzaman	ESDO
25	Nirmal Majumder	ESDO
26	Umme Nehar	Uddog
27	Sarder Lutful Kabir Saju	Sangjog
28	Ferdousi Sultana	ADB
29	Md. Hemayed Uddin	Speed Trust
30	Mohammad Shohel	Speed Trust
31	Dr. Borhan Uddin Khan	Dhaka University
32	Nurul Kabir	New Age
33	Prof. Shahnaz Huda	MJ
34	Salma Khan	NCBP/Women for Women
35	Shaiful Baker	Rupantor
36	Nomita Momlik	Rupantor
37	M. Abdus Salam	GUK, Gaibandha

Sl. No.	Participants Name	Organization
38	Jafar Ullah Chowdhury	Gana Sasthya Kendra
39	Shyamol Dey	GSK
40	Habibur Rahman	MJ
41	M. Mahfuzul Karim	MJ
42	Nasir Uddin	MJ
43	Ramesh Halder	MJ
44	A K M Muksudul Alam	Shamunnay
45	Alber Prosad Boisha	BSEHR
46	Alena Khan	BSEHR
47	Supriyo Chakraborty	Sylhet Bar
48	Susan Waled	AED/BHRAP
49	Shamim Reza	BRAC
50	Bellal	BRAC
51	Abu Naser Khan	Proribesh Rokkha Andolon
52	Md. Mahbub Hossain	The Daily Star
53	Enamul Haque	Mukta Khabar
54	Shipon	STD
55	Zavedul Islam	New Age
56	Sharmeen	CRP
57	H M Shahjalal	Dainik Orthonitir Kagoj
58	Anjuman Ara Arju	Dainik Orthonitir Kagoj
59	M Shahidul Islam	Daily Somokal
60	Md. Habib	Deshbarta
61	Reza Salim	Amader Gram
62	Khushi Kabir	Nijera Kori
63	Syed Maruful Haque	Adore
64	Md. Shamsul Alam	ASOD
65	Nathalia Feinberg	Embassy of Denmark
66	Lawvence Besra	Caritas Bangladesh
67	Md. Jasim Uddin Akond	PC SETU, Kushtia
68	Md. Shariful Islam	Gurdian
69	M A Bari	BEDO
70	Selina Hossain	FLF
71	Aungsuthari	Eco-Development
72	Sujata Jibon Cheban	Mrochet
73	Mst. Shomita Begum Meera	ED-RWDO
74	Azad Hossain	BODAR
75	Zahur Fatima	CWFD
76	Ramesh Chatt.	DKS

Sl. No.	Participants Name	Organization
77	Shairun Nahar Ahmed	NUS
78	Ruhul Motia	CARE
79	Mahbuba Mahmood	UTSO
80	Rehena Begum	GUK
81	Prodip Kumar Chakraborty	ASUS
82	Rajkumar Shom	ASUS
83	Suma Chakma	BWHC
84	Md. Habibur Rahman	SUPRO
85	Abedatul Zabeen	Brothe
86	Farzana Rashid Chowdhury	Breaking the Silence
87	Md. Sirajuddin Belal	YPSA
88	Shamsunnahar	ASUS, Patuakhali
89	Mizanur Rahman	Jagorani Sangstha
90	Habibullah	MMS
91	Md. Obaidur Rahman	Save the Children, SD
92	Dr. Md. Mohiuddin	Brotee
93	Shamsun Nahar	Women for Women
94	Moniruzzaman	SUK
95	Khaled Sarker	Prothom Alo
96	A K M Azfar Aziz	MRDI
97	Kathika Rahman	MJ
98	Ajit Nandi	Oach
99	Farzana Naim	MJ
100	Proshanto Bar Santo	RIFT
101	Mitali Bagchi	Rupantor
102	Aup Roy	Rupantor
103	Rina Roy	MJ
104	Rahana Akter	CDC, Bagerhat
105	Tushar Biswas	IDEA, Satkhira
106	Tareq Ahmed	Other Vision Communication
107	Shafina Lohani	SUMS, Serajgonj
108	Rabiul Alam	MMI, Dhaka
109	Mohammad Rafi	BRAC
110	Ranjan Karmakar	Steps
111	Ibrahim Miah	MLAA
112	Md. A K Azad	Ph.D Researcher
113	M. Qushem	AEB
114	Masud Ran...	Bhorer Kagoj
115	Syed Shahbab Ahmed	DFID-B
116	Shoaro	MJ
117	Arifur Rahman	MJ
118	Shah Md. Anwar Kamal	UST

Sl. No.	Participants Name	Organization
119	Pinky	Badhan
120	Ferdousi Akter	D-Net
121	Md. Faridul Alam	Nagorik Uddog
122	Rafiul Islam Montu	Daily Sangbad
123	Shahidul Islam	BIDS
124	Mashiul Alam	Prothom Alo
125	Alea Rehman	Democracywatch
126	Zafar Sobhan	Daily Star
127	Aliar Rahman	Daily Observer
128	Sheela Hafiza	BRAC
129	A H M Nouman	DORP
130	Harunur Rashid	SDI
131	Mohammad Shahriar	Mamata
132	Aminur Rahman	Uttaran, Satkhira
133	Sk. Zabidur Rahman	Prodipan
134	Md. Faruk Miah	MJ
135	Jhorna Chowdhury	GAT
136	Emdadul Hossain Maleque	CAB
137	Begum Rokeya	SUS, Netrokona
138	Sham Pain Paul	SUS, Netrokona
139	Aslam Hossain	HASAB
140	Md. Alauddin	BDPC
141	Morsheda Parvin	Sanka/P Trust
142	Md. Khaledur Rahman Sharker	DORP
143	Mrs. Rahima Begum	Al-Falah
144	Renuka Biswas	Jagorani Sangstha
145	Abu Syed Md. Rakib	SAFE, Khulna
146	Uzzal Azim	IPDS
147	Salma Mobarek	Women for Women
148	Saikat Biswas	CWFD
149	Rakib Hasan	The Asia Foundation
150	Nitai Das	PSTC
151	Yeasir Arafat	IPSU-UNDP
152	Hasan Shahriar	Ecota Fair Trade Forum
153	Rahela Rabbani	Karmajibi Nari
154	Sabina Yasmin	RDRS Bangladesh
155	Ratsa Roy	Phulki
156	Afreen Sultana	Bomsa
157	Nazrana Yeasmin Hina	MJ
158	Md. Mahbubur Rahman	SETU-Kushtia
159	Katrik Mandal	MJ
160	Dr. Khaleda Islam	RMP, CARE

Sl. No.	Participants Name	Organization
161	Safura Begum	CDMS
162	Md. Kafrul Islam	Agrogoti Sangstha
163	S M Jashim Parvez	RIFT
164	Syed Eliza Perven	Rupantor
165	Md. Nuran Nabi	SPUS
166	Arjeen Jannat	USHA
167	A Z Panna	The News Today
168	Zakir Hossain	Nagorik Uddog
169	Shamim Al Mamun	Democracywatch
170	Ranglai Mro	Mrochet
171	Imshiat Sharif	Naya Diganta
172	Waliar Rahman	Danish Embassy
173	Shaheb Ali	MMC
174	Mizanur Rahman Panna	Rupantor
175	Md. Abu Naim	Adore
176	Ms. Momtaz Yesmin	SOVA
177	Zakia Sharmin Chowdhury	BDPC
178	Anwar Hossain	SAP-Bangladesh
179	Babluzzaman	MSKS
180	Syed Aminul Hoque Kaiser	ICEP, Fulki
181	Md. Jahangir Hossain	Fareea Lara Foundation
182	Thun Hla Khine	AKS, Bandarban
183	Md. Motaleb	MJ
184	Md. A H Bachchhou	MJ
185	Md. Alauddin	MJ
186	Tanveer Ahmed	UNB
187	Sudipta Mahmood	Channel-i
188	Md. Monir Hossain	Channel-i
189	Md. Atikur Rahman	BIAM Foundation
190	Mohammed Ali	Asar Alo Society
191	Kazi Jalal	KA Karmo
192	Md. Apel Mahmud	Jubo Academy
193	Anowar Hossain	SPD
194	Mahtabi Zaman	New Age
195	Anoar	MJ
196	Fazlur Rahman Selom	USHA
197	Abdul Awal	VHSS
198	Tanbirul Islam Siddique	Change Makers
199	Ruhul Mohid Chowdhury	Cauata, Ctg.
200	Shahin Hasnat	Daily Naya Diganta
201	Samanandro Prosad Chowdhury	PSTC

Sl. No.	Participants Name	Organization
202	Dr. Selina Ferdous	HASAB
203	Alison S. Biswas	HASAB
204	Rajib R. Das	Voice
205	Abu Yusuf Chowdhury	PIACT
206	Dr. Mahmudur Rahman	DDF
207	Abdullah-al-Mohan	BMSF
208	Rawshan Ara Akter	ESDO
209	Noor E Akbar Chowdhury	OACH
210	Bashar	Rupantor
211	Bani Gain	Rupantor
212	Md. Golam Mostufa	Gono Kallayan Trust
213	Kokon Biswas	Rupantor
214	K M Ali Azom	CDC
215	Dr. Md. Nazrul Islam	IDEAL
216	Abul Haseeb Khan	RIC
217	Harun-or-Rashid	GSS
218	Arun Kumar Sone	MSKS
219	Md. Mizanur Rahman	Fareea Lara Foundation
220	Sadhan Bikash Chakma	Eco-Development
221	Khandoker Reaz Hossain	Resource Integration Centre
222	Momena Khatun	BTF
223	Sazzadur Rahman Alin	Prodipan
224	Md. Moinul Haque	MJ
225	Sanjida Sobhan	MJ
226	Mahnaz Parvin	SAFE
227	Dipak Kumar Dey	BIVA, Jessore
228	Arnob Chakma	Green Hill
229	Achintya Saha	Bhumija
230	Rankaj Ghosh Dostidar	RWDO-Sylhet
231	Zeba Parvin	Polli Sree
232	Nazma Yesmin	BILS
233	Mufaweza Khan	CWFD
234	Nasima Begum	Shishu Niloy, Jessore
235	Ashraful Alam	MJ
236	Wasiur Rahman Tonmoy	MJ
237	Shale Tasneem Haq	MJ
238	Farzana Maherin	MJ
239	Ataur Rahman Babu	Financial Express

Sl. No.	Participants Name	Organization
240	Nafis	Proshika
241	Sanwar	Proshika
242	Begum Sawda	GAT, Netrokona
243	Zinat	MJ
244	Gopi Nath Saha	Shaplaful
245	Minto Kumar Saha	CDMS
246	Md. Mafizul Haque	Uddog
247	K M Faruqul	Shaplaful
248	Samiran Biswas	Rupantor
249	Bonani Das	Rupantor
250	Prabir Biswas	Rupantor
251	Dr. A Quaiyum Laskar	VAFWSD
252	Md. Shamsuzzaman	VAFWSD
253	Kazi Mokter Hossain	Nari Unnayan Shakti
254	Mokng Thowai Cheg	Green Hill
255	Krishna Chandra	Steps
256	S M Zubair Ali Khan	MJ
257	Syeda Farida Yesminq	MMS
258	Basanti Saha	SUPRO
259	Biplob Bhattacharya	Adore
260	Mator Kumar Mondol (Mohon)	SOVA
261	Iqbal Alam Khan	Proshika
262	Wasiuddin Alam	Odhikar
263	Shamim Ashraf	The Daily Star
264	Nilufa Nasreen Rima	SUK
265	Shihab Uddin Almed	ActionAID
266	Md. Belal Hossain	CDA
267	Shailaja Chandra	Palli-Shree
268	Sohini Paul	CHRI
269	Maja Doruvoala	CHRI
270	Nazlee Yasmin	Ecota Fair Trade Forum
271	Joyeeta Saha Piwoo	PIACT
272	A H M Bazlur Rahman	BNNRC
273	Mahmood Menon	BILS
274	Khairuzzaman Kamal	BMSF
275	Nuzhat Imam	BRAC
276	Md. Zakaria	SUPRO
277	Shahab Uddin	MMC
278	Alamgir Swapan	Janakantha
279	Abu Naser Manju	MMC
280	Niva Sarker	SEDA
281	Dr. Nazneen Akter	HASAB
282	Nazrul Islam	Banchte Shekha
283	Md. Mominul Islam	Advocate

Sl. No.	Participants Name	Organization
284	Kazi Samsuzzaman	Manobzamin
285	Md. Shameem Siddiqi	CARE-Bangladesh
286	Farhana Rahman	TIB
287	Gias	MD
288	Harun Ar Rashid Lal	Solidarity
289	Delwar Hossain	Save the Children, UK
290	Sultana Kamal	ASK
291	Soble S.	OBOD
292	Rasheda K. Chowdhury	CAMPE
293	Md. Abdus Salam	CRP
294	Asad-Uz-Zaman	Prothom Alo
295	A K M Aftabuzzaman	BILIA
296	Muhammad Asfakur Rahman	VOSD
297	Joyanta Paul	PPRC
298	Kazi Saiful Aspea	The Hunger Project
299	Md. Masudul Haq	PPRC
300	Mazhar	The Dhaka Post
301	Jabber Hossain	Green Hill
302	Tareq Sabnam	Shristy
303	Waliul Islam	US
304	Nasheeba Selim	BRAC
305	Tabibur Rahman	NAB
306	Rokeya Rafique	KN
307	Shila Momen	Fulki
308	Zeenat Perveen	DFID, B
309	S. Bari	NFB/BLAST
310	Abdur Rauf Khan	FNB
311	S K Rumani	BOMSA
312	Rawshan Islam	ALRD
313	Tapati Saha	PLAGE II
314	Atiur Rahman	Shamunnay
315	S M A Rakib	Buro Tangail
316	Obaidur	Buro Tangail
317	Md. Shah Alam Sarker	BDC
318	Md. Islam Uddin	S B
319	Mohammad Shameem Ahmed Sohel	CRP
320	Sazzadur Rahman	BD News
321	Hasinur Rahman	BUKS
322	Mustafizur Rahman	MJ
323	Md. Ashraful Haque Babu	Shamsul Haque Foundation
324	Shariar A Khan	Al-Falah

Sl. No.	Participants Name	Organization
325	Md. Shah Alam Sarker	BDC
326	Mr. Ruhul	MRDI
327	Md. Mizan	MRDI
328	Sharifa Nazneen	Onneyshan
329	Farida Begum	BNA
330	Md. Ashraf Islam	BNA
331	Chanchal	GSS
332	Md. Abdus Sabur	Agrogoti Sangstha
333	Nomita Mallik	Rupantor
334	Md. Nazim Uddin	CDA
335	Md. Mazbahul Azam	Solidarity
336	Rowshan Ara shaha	CUP
337	Sanaka Ghosh	GSS
338	Mosharrof Hossain	ADD
339	Sukumar Ghosh	Biva
340	Mahbuba Begum	BAWSE
341	Md. Tanzilur Rahman	Bhumija
342	Suraiya Akter	Polli Sree
343	Aesha Chakrobarty	Green Hill
344	Mirza M Hassan	BLAST
345	Margina Anam	BAWSE
346	Bilkes Sultana	GKT
347	Sagupta Yasmin	Onneyshan
348	Sania Rahman	News Network
349	Bishawjit Das	The Daily Star
350	Mir Azaz Hossain	BIAM Foundation
351	Suja Chisim	IPDS
352	Quazi Fazlul Hossain	Jubo Academy
353	Aruna Roy	MKSS, India
354	Merina Hossain	CMES
355	Dr. Tahmina Jesmin	UNDP
356	Suraiya	BOMSA
357	Dr. Mahbuba Nasreen	Dhaka University
358	Zinat Ara Begum	SUMS
359	Quazi Abdul Hannan	Daily Somokal

Sl. No.	Participants Name	Organization
360	Hanne Cecilie Geirbo	BRAC
361	G F Hamim	USCC-B
362	Mozharul Islam	USCC-B
363	Jamimul Hossain Monzu	MMC
364	Azad	MJ
365	Sadrul	BNWLA
366	Quazi Fazlul Haque	CAB
367	Al-Amin Chowdhury	MJ
368	Siddiquir	MJ
369	Siraj	PSTC
370	Bibhash Baroi	Bhorer Kagoj
371	Md. Alamgir Hossain	BLAST
372	Shadhon K Das	TIB
373	Md. Mazharul Alam	Nagorik Uddog
374	Tripti Poddar	D U
375	Fatema Tania	D U
376	Rita Majumder	D U
377	Dilara Rahman	D U
378	Farzana Yeasmin	D U
379	Shahmina Alam	D U
380	Sumita - E - Yeasmin	D U
381	Syeda Yeasmin	D U
382	Naosaba Islam	D U
383	Md. Mahbub Alam Rony	MRDI
384	Md. Karkat Ullah Babu	MRDI
385	Nusrat Zerin	MRDI
386	Quazi Shahreen Haq	MRDI
387	Rejaul Karim Rumi	MRDI
388	Md. Abul Kalam Azad	MCJ (DU)
389	Nasrin Nahar	MSS (JU)
390	Nandita Tabassum	MRDI
391	Ruksana Mily	MRDI

- ৩ All Resource Persons & Speakers
- ৩ Volunteers/Girls Guide Association, Rover Scout
- ৩ MJF Staffs

**Unrestricted
Flow of
Information
is a
Part of
Human Rights**



માનુષ્યેત્વ જલ્લ
manusher jonno

promoting human rights and good governance

মানুষের জন্য
manusher jonno

promoting human rights and good governance

Manusher Jonno Foundation

House 122 Road 1 Block F, Banani Model Town, Dhaka 1213, Bangladesh

Tel : +88-02-8824309, 8811161, 9893910, Fax : +88-02-8810162, Web : www.manusher.org