

Access to Information and Right to
Communication: Bangladesh Perspectives

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Introduction

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

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

According to the preamble of the Right to Information Act 2009, if the right to information of the people is ensured, the transparency and accountability of all public, autonomous, and statutory organizations and other private institutions constituted or run by a government or foreign financing shall increase, corruption of the same organizations shall decrease and good governance shall be established. It is expedient and necessary to make provisions for ensuring transparency and accountability in all public, autonomous, and statutory

organizations and other private institutions constituted or run by a government or foreign financing. Right to Information Act, 2009 promotes the need for systems as an internal assessment mechanism. Such mechanisms help to ensure that transparency becomes progressively more effective over time. The creation of an effective feedback mechanism to identify problems is enhancing good governance in Bangladesh.

Access to Information

According to Wikipedia

Access to information is the ability of an individual to seek, receive and impart information effectively. This sometimes includes "scientific, indigenous, and traditional knowledge; freedom of information, the building of open knowledge resources, including open Internet and open standards, and open access and availability of data; preservation of digital heritage; respect for cultural and linguistic diversity, such as fostering access to local content inaccessible languages; quality education for all, including lifelong and e-learning; diffusion of new media and information literacy and skills, and social inclusion online, including addressing inequalities based on skills, education, gender, age, race, ethnicity, and accessibility by those with disabilities; and the development of connectivity and affordable ICTs, including mobile, the Internet, and broadband infrastructures".

Michael Buckland defines six types of barriers that have to be overcome for access to information to be achieved: identification of the source, availability of the source, price of the user, cost to the provider, cognitive access, and acceptability. While "access to information", "right to information", "right to know" and "freedom of information" are sometimes used as synonyms, the diverse terminology does highlight particular (albeit related) dimensions of the issue.

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the government of the People's Republic of Bangladesh has inaugurated the Access to Information (A2I) project to improve the state of governance and participatory development. Supported by UNDP, Access to Information (A2I) project is hosted by the Prime Minister's Office and the Cabinet Division of the Government of Bangladesh. It seeks to improve the convenience, accessibility, and quality of public services for underserved communities and groups delivered mostly by Upazilas in Bangladesh. However, Bangladesh faces numerous obstacles to the effective delivery of public services such as widespread manual processes, resistance to change by civil service, and a lack of transparency. These aggravate citizens in their attempts to avail of government information and services. Public information services delivered through mobile phone/internet can be accessed from either common access points such as Union Information and Service Center (UISC) or other commercially available internet kiosks. It would virtually eliminate the need for long-distance travel, corruption-ridden face-to-face interactions, and the need for intermediaries. It has simplified administrative service delivery processes and reduced the burden on the government significantly. Public-Private Partnership (PPP) based service delivery points have already been piloted in Union Information and Service Centers (UISCs). It will play an important role to bring private sector service providers in facilitating access to service in a transparent and accountable manner (Kalimullah and Nour, 2013). The new system is going to remove most of the barriers to accessing administrative services by women, elderly people, ethnic minorities, the disabled, and underserved communities.

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

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

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

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

Right to Information

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

Right to Information is generally known as freedom of information legislation and described as open records or as in the United States, sunshine laws. In some countries, these are known as freedom of information acts. Available information indicates that such laws, under different names, exist in over 70 countries of the world. Sweden's Freedom of the Press Act of 1766 is generally acknowledged to be the oldest. In some developed democracies having a federal structure, individual states also have separate laws of the same nature, in addition to the federal law.

The concept and practice of the Right to Information (RTI) hinge on a legal process through which government information is required to be made available to the citizens. In many countries, there are constitutional guarantees for the right of access to information. However, these cannot be availed of in the absence of specific legislation. Most RTIs cast the obligation to disclose information on the body from which information is requested, not the person asking for it. The person requesting the information does not have to explain the reasons for the request, and if no disclosure is made by the body from which the information is asked, it has to provide valid reasons for not complying with the request for information.

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Most SAARC countries have implemented RTI. Pakistan introduced the law known as the Freedom of Information Ordinance in 2002. India made the law known as the Indian Right to Information Act in 2005.'

The Indian law was inspired by several judgments of the Supreme Court as well as the existence of such laws in some of the states like Maharashtra, Goa, Karnataka, Delhi, etc. The Supreme Court has affirmed that the right to information is a fundamental right as embodied in the Right to Freedom of Speech and Expression and also as the right to life.

Bangladesh Constitution has a similar provision relating to freedom of thought and conscience, freedom of speech and expression including freedom of the press. These, however, are subject to reasonable restrictions as may be imposed by law.

RTI in Bangladesh was principally fuelled by persistent demands from civil society and the media made from time to time since 2000. On 20 October 2008, the non-party caretaker government promulgated the Right to Information Ordinance 2008 (Ordinance 50 of 2008) in Bangladesh Gazette. The preamble to the Ordinance recognizes the fact that the fundamental rights relating to freedom of speech, thought, and conscience are an integral part of the right to information. It further considered it expedient to promulgate the Ordinance for the empowerment of the people.

Consisting of 37 sections, the Act is divided into eight parts, each dealing with specific aspects. These included (i) definitions, and (ii) the right to information, preservation, disclosure, and access. Access to as many as 20 categories of information such as state security, secret information received from a foreign government, hampering security of the people, affecting the privacy of any person, endangering life or bodies, security of any person, any secret information supplied to help a law enforcing body by any person, etc, (iii) provision for appointment of designated officials in charge of access to information unit, (iv) establishment of Information Commission with one Principal Information Commissioner and two other Commissioners, their powers and functions, (v) establishing the fund of the Commission, its budget,

financial independence, accounts, and audit, (vi) officials and staff of Commission, (vii) manner of disposal of complaints and (viii) miscellaneous. Since an ordinance requires parliamentary approval within 30 days of summoning the session of the Parliament, the said Ordinance was placed before the Jatiya Sangsad after it was summoned. On 25 February 2009, the parliamentary standing committee for the Ministry of Information examined the Ordinance and suggested some minor changes. The committee recommended the changes, such as dispensing with the requirement of prior approval of the commission in cases where exemptions from disclosure are permitted by the law, the constitution of the commission within a period not exceeding 90 days, and inclusion in the commission as a member from persons qualified to be an editor or an eminent citizen having experience in media.



The bill after such modification was passed by the Jatiya Sangsad on 30 March 2009 and after assented by the honorable President became the Right to Information Act 2009 (Act 20 of 2009). It repeals the earlier Ordinance but protects all actions taken under that Ordinance.

The Commission consists of one Chief Information Commissioner (CIC) and two other Commissioners of which at least one shall be a woman. The CIC is the chief executive of the Commission.

The appointment of the CIC and the Commissioners is made by the President on the recommendations of a selection committee headed by a judge of the Appellate Division of the Supreme Court, and he is nominated by the Chief Justice of Bangladesh. There are four other members. These include cabinet secretary, two members of Jatiya Sangsad one each from the ruling party and the opposition if the Sangsad is in session, and a journalist with qualifications of an editor or an eminent citizen having a relationship with the media. The tenure of office is not exceeding five years or sixty-seven years of age whichever is earlier. The CIC and other Commissioners are eligible for reappointment. A serving Commissioner is also eligible for appointment as CIC. These functionaries are to be appointed from amongst persons having adequate exposures in law, judiciary, journalism, education, science, technology, information, social work, the management or public administration.'

For the removal of these functionaries, the procedure is the same as in the case of the removal of a judge of the Supreme Court. However, the President is competent, without following the above procedures, to remove CIC or any Commissioner on other grounds specified in the law.

The rank, status, salaries, other allowances, and privileges of the above functionaries are to be determined by the government.

The scope of work and powers of the Commission are outlined in the law. It enjoys the powers to enforce on any person, call for information or submission of documents, etc to discharge any of the functions entrusted to it by law.

The Commission will have its fund consisting of grants from the government and subject to the permission of the government, grants from any institution. It has some measure of financial authority to spend the amount specified in the relevant head of account in the budget. The expenditure is subject to audit by the Comptroller and Auditor General (CAG) of Bangladesh. The issue of financial independence of the Commission cannot be interpreted as taking away the rights of CAG. The Commission provides to impose fines for violation of the relevant provisions of the law.

The law provides an exception from the requirement of disclosure of information to eight intelligence agencies of the government. This exception is granted on grounds of national security. The long list of exempted areas also covers other state and non-state entities including the judiciary. The specified areas on which there is no compulsion for disclosure are as many as twenty. However, the law requires also that the decision in disclosure if so, taken by the cabinet or as the case may be by the Council of Advisers of the non-party caretaker government, be published with reasons behind the decision so taken, and if it is also required for postponement of any disclosure, prior approval of the Commission is mandatory.



Element	Characteristics
Constitutional protection	Freedom of thought, conscience, and speech is recognized in Article 39 of Constitution of the People's Republic of Bangladesh.
Law	The Right to Information Act was enacted in 2009 (Act. No. XX of 2009).
Right to access	Every citizen shall have the right to information from the authority, and the authority shall, on demand from a citizen, be bound to provide him with the information (Article 4 of the RTI Act, 2009).
Preservation of information	To ensure the right to information, every authority shall prepare a catalog and index of all information and preserve it in a proper manner (Article 5 of the RTI Act, 2009).

Publication of information	Every authority shall publish all information about any decision taken, proceeding, or activity executed or proposed by indexing them in such a manner as may easily be accessible to the citizens (Article 6(1) of the RTI Act, 2009).
Exception	Any secret information that may, if disclosed, cause a threat to the security, integrity, and sovereignty of Bangladesh is not mandatory to publish (Article 7 of RTI Act, 2009).
Request for Information	Applicant's details, description of desired information, and how it should be delivered will be submitted in a printed form by the authority (Article 8(2) and 8(3) of the RTI Act, 2009).
Procedural guarantees	Authority will provide the information to the applicant within 20 working days from the date of receiving the request (Article 9(1) of the RTI Act, 2009). If more than one unit or authority is involved with the information sought for, such information may be provided within 30 working days (Article 9(2) of the RTI Act, 2009). In case of life, death, arrest, or release from jail, it is 24 hours (Article 9(4) of RTI Act, 2009).
Independent Commission	The Information Commission shall, by regulations, frame instructions to be followed by the authority for publishing, publicizing, and obtaining information and all the authority shall follow them (Article 6(8) of the RTI Act, 2009).
Obligations for disclosure	Every authority shall publish a report every year containing necessary information (Article 6(3) of the RTI Act, 2009).

Table: Legal Framework of Right to Information in Bangladesh



Right to Communication

According to Wikipedia

Communication rights involve freedom of opinion and expression, democratic media governance, media ownership, and media control, participation in one's own culture, linguistic rights, rights to education, privacy, assembly, and self-determination. They are also related to inclusion and exclusion, quality and accessibility to means of communication.

A "right to communicate" and "communication rights" are closely related, but not identical. The former is more associated with the New World Information and Communication Order debate, and points to the need for a formal legal acknowledgment of such a right, as an overall framework for more effective implementation. The latter emphasizes the fact that an array of international rights underpinning communication already exists, but many are often ignored and require active mobilization and assertion

A 'right to communicate' and 'communication rights' are closely related, but not identical, in their history and usage. In the Cold War tensions of the 1970s and 1980s, the former became associated with the New World Information and Communication Order (NWICO) debate, thus, efforts within UNESCO to formulate such a right were abandoned. The latter emphasizes the fact that an array of international rights underpinning communication already exists, but many are too often ignored and require active mobilization and assertion. While some, especially within the mass media sector, still see the right to communicate as a "code word" for state censorship, the technological innovations in interactive electronic, global communication of recent decades are seen by others as challenging the traditional mass media structures and formulations of communication rights values arising from them, thereby renewing the need to re-consider the need for a right to communicate.

Below is an overview of some aspects of communication

Language of Communication

Language is one of the wonders of human communication. There is a separate branch for 'Linguistics' to discuss different aspects of language. Chronological economists have from time to time uncovered various methods or processes of changing money. These are not the languages that ultimately describe the nature of the change of meaning, But they indicate the meaning. Several major trends in change; These tendencies are universal, that is, these processes are more or less present in all languages. We will not go into a detailed discussion of language in this section but will focus on the meaning of language in human communication.

Language does not carry meaning; There is meaning among people, that is, among language users. Because the meaning of the word is among the users, there is always a risk of uncertainty in the meaning. Noting this, [Bertrand Russell](#) said, "If people meant the same thing with their words, it would be a catastrophe." The question may be why the disaster would have happened if the word had the same meaning. On the contrary, it is difficult to misinterpret the meaning. There is a fear of understanding. The philosopher [Russell](#) realized that if people had the same meaning with words, the world's speech would be greatly reduced; Communication is needed because people want to understand different meanings of their words.

So, when it comes to using language, we have to follow certain rules and regulations. People have a common meaning or mass meaning of every word and word row. However, all money is indeed available to the people. Every meaning has to be learned and every meaning has to be associated with our personal experience.

If we can't find the slightest similarity between the meanings, and if we can't sort them out in a certain table, then we cannot communicate in an effective sense. In other words, we cannot communicate well with our motives and mass meanings by using inconsistent words and phrases. For this reason, we use language purposefully to find the level of potential for money among language users.

- Denotative meaning
- Structural meaning
- Contextual meaning
- Connotative meaning

“Talk about rubbing salt in my wounds

I hope to understand your language”

-Rabindranath Tagore

Information in Human Communication

Now we can look at how this form of communication changed the way information is transmitted from the sender to the receiver. Information in the Evolution of Human Communication 5 In contrast with most forms of animal communication as described above, the information that is transmitted is not a property of the signal itself. This increases the range and flexibility of human communication tremendously as it allows humans to use the same signal to communicate about a myriad of things. Signals can be re-used. Take again a pointing gesture. In a situation in which you are packing your things together to go to work, I can point to your wallet to inform you about the fact that you forgot to put it in your bag. In a different situation in which you are looking for your subway ticket, the same pointing gesture to the wallet can inform you about the fact that I think that the ticket is in your wallet. We can also use the same signals to communicate about things we have never communicated about before. I could, for example, use the same pointing gesture to point to an unfamiliar plant to ask whether you know anything about it.

Applying existing signals to novel circumstances poses a nearly impossible challenge to animal communication systems. For example, a bee could not use the direction that is encoded in a certain dance to inform her hive mates about a source of danger in that direction. This is because the signal itself includes the information that food is located in that direction. It evolved in the context of

food acquisition and this is the only context it can be used in. The directionality of the signal cannot be separated from the referent. Bees evolved in a way that they can directly perceive the information. As a result, the transmission of information does not require any inference and cognition but at the same time, it is limited to a single context. Under the right circumstances, a signal indicating the direction of danger might well evolve in a bee colony. However, it would take many generations to do so and the new signal would be restricted in its range of application in the same way as the signal informing about a food source. The same constraints do not apply to human communication. Humans can flexibly create novel communicative signals on the spot.

For example, I want to inform you about your wallet which is lying on the table behind a vase. In the first attempt, I point to the table. When you look at me in a puzzled way because you don't see it there (the vase is covering it), I can elaborate my signal by moving my index finger around an imaginary vase in front of me thereby ironically depicting the way to find your wallet. You will understand the signal even though you have never seen it before. This is possible because you expect me to provide you with relevant information given the momentary focus of attention within our shared common ground. Based on these processes, humans can create a potentially unlimited number of signals. Thereby we can transmit any kind of information one could imagine. In contrast, the number of signals that make up the communication system of a given species tends to be rather small compared to humans (Fitch, 2010). Every new signal has to evolve over a long period. Furthermore, the kind of information that is transmitted is mostly restricted to evolutionary important topics such as locating food, spotting predators, or finding a mate. These topics are directly linked to an individual's fitness and provide the necessary selective pressure for new signals to evolve.

Our country has been a five-time champion in corruption. The word 'honesty' has been lost due to the lack of accountability of the administrative staff of Bangladesh.



In this situation, the law on the right to information holds all the people of the country accountable to the government and the administration. We hope that awareness of the right to information and communication and proper use of the Right to Information Act will help build a democratic and beautiful state.

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