

Relationship Between Right to Information Act and Good Governance: A Study of Bangladesh

M. Phil Dissertation

Researcher

Mohammad Saad Bin Shafique

Session: 2011-2012

Department of Political Science

University of Dhaka



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Declaration

This dissertation entitled, “Relationship between Right to Information Act and Good Governance: A Study of Bangladesh” has been prepared by me. I have done this unique work to collect relevant information and it was totally my own effort. I have used lots of accurate references, though I did not get permission from all of the writers. I am submitting this dissertation to the Department of Political Science, University of Dhaka for required official procedure leading to Master of Philosophy in Political Science. I have not presented any part of this dissertation anywhere for any assessment either in Bangladesh or abroad.

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Certificate of Approval

The thesis entitled “Relationship between Right to Information Act and Good Governance: A Study of Bangladesh” Submitted by Mohammad Saad Bin Shafique, for the degree of Masters of Philosophy in Political Science at the University of Dhaka, Dhaka, Bangladesh. He had carried out the research work under my direct supervision. And the main script of the thesis has been scrutinized by me. The entire thesis comprises the candidate’s own work and it is his own personal achievement. It has not previously been submitted for any degree, diploma or other similar title of recognition.

Dr. Dil Rowshan Zinnat Ara Nazneen
Research Supervisor

Abstract

When the world is getting faster swipes with modern technology, the word 'governance' is getting deeper in development literature with the adjective 'good' being as old as human civilization. Governance is not a new concept. But in the present world where issues like democracy, human rights, involvement of state people echo everywhere good governance is prior to all. Such governance is participatory, consensus oriented, accountable, transparent, responsible, effective and efficient, equitable and inclusive and follows the rules of law. It assures that corruption is minimized, the views of minorities are taken into account and that the voices of the most vulnerable in society are heard in decision making. It is also responsive to the present and future needs of society. For this good governance to exist in both theory and practice, citizen must be empowered to participate in decision making and materializing process. They have a right to information and to access. Hence the world has realized that if want transparency in governance, there is a need to crack the barriers of secrecy in state issues. Free flow of information and ideas determines the most wanted participatory development, democratic governance and effective delivery of socio-economic services. As a result, many countries of the world have enacted right to information act. In that

direction government of Bangladesh too introduces a new era of good governance through the enactment of RTI in 2009. When information is the cardinal source of power, citizens are being powerful through sharing and disclosing of it. It can play the role of a catalyst for institutionalization of democracy and control of corruption. It empowers citizens and in return builds responsiveness of their state and its organs, the political parties and leaderships; administrations and other institutions. RTI always demands maximum disclosure and minimum confidentiality. The main thrust of RTI is to change the culture of secrecy, red tapism and aloofness of monolithic bureaucracy. Present paper is an endeavor to discuss the major indications- good governance, role of RTI in good governance, relation between RTI and good governance and eradication of corruption through RTI, hence above all strengthening a better governance format. Along with this paper discusses the actual scenario of the implementation of RTI for ensuring good governance. This paper tries to highlight the basic guidelines of RTI act, the issues relating to it and in concluding part, the dissertation provides some core recommendations for successful implementation of the act. So, the research paper can be regarded as an illustration or a wider view on what RTI act and good governance is but how we find it actually and pave the way for a better co relation between the topics.

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This dissertation would not have been possible unless the books, research articles, unpublished research materials and articles from different newspapers. I have tried to put accurate references of them but I did not get permission from all the authors. I am obliged to them. In this concern I have visited and collected different materials from different libraries and they helped me. I would like to show my gratitude to them.

Finally, I would like to offer my heartfelt thanks to all my research fellows of the Department of Political Science for endless encouragement without which this research could not have been completed.

For my errors or inadequacies that may remain in this work, of course, the responsibility is entirely of my own.

(Mohammad Saad Bin Shafique)

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Abbreviations

ADB	Asian Development Bank
BD	Bangladesh
BELA	Bangladesh Environmental Lawyers' Association
BIC	Bangladesh Information Commission
CALS	Centre for Applied Legal Studies
CHRI	Commonwealth Human Rights Initiative
GG	Good Governance
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
IDAs	International Development Agencies
MJF	Manusher Jonno Foundation
MDG	Millennium Development Goal
MOI	Ministry of Information
NGO	Non-Governmental Organization
PP	People's Participation
RTI	Right to Information
RTIA	Right to information Act
UNESCAP	United Nations Economic and Social Commission for Asia and the Pacific
UNO	Upazila Executive Officer
US	United States
VAT	Value Added Tax

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CHAPTER 1

OVERVIEW OF THE RESEARCH

1.1 Introduction

Good governance is regarded as a motor of progress for central issues of state development protecting national interest. Free and rightful access to information is a precondition for good governance. Information adds something new to our awareness and removes the vagueness of our ideas. If the information about all sectors like political, economic, social is transparent to the citizens, the concept of good governance will get a new dimension. Hence, Right to Information Act, 2009 has become one of the discussed issues in Bangladesh. The Right to Information is the key to all other rights. It is among the most important instruments to effectively empower those to whom power should belong in democracy – the people. Demand for such Act came from every corner of the society like human rights defenders, media professionals, academicians, legal activists, civil society, grassroots organizations, national NGOs and above all, from concerned citizens. The newly elected Government of Bangladesh adopted the Right to Information Act in the first session of the 9th Parliament on March 29, 2009, marking a significant step forward in fulfilling the constitutional pledge of the state of Bangladesh. This upsurge of the Right to Information law comes as an indicator of the growing recognition of the importance of the citizens' access to information as a catalyst for strengthening democracy, promoting human rights and good governance, and fighting corruption.

This Act is known to be a landmark and progressive legislation enacted to protect the rights of the entire population of the land, promoting human rights and ensuring transparency and accountability. The act in its introductory part has recognized the right to information as an inalienable part of freedom of thought, conscience and speech. It has also highlighted the importance of this right in ensuring people's empowerment. The preamble further elaborates that “if the right to information of the people is ensured, transparency and accountability in all public, autonomous and statutory organizations and in other private institutions run on government or foreign funding shall increase, corruption of the same shall decrease and good governance of the same shall be established”. In the section 4 of Right to Information Act 2009 it has been clearly mentioned that *“Every citizen has a right to information from the Authority and the Authority shall on demand from a citizen be bound to provide information”* which means the opportunity for the vulnerable and marginalized people to have scope for getting information which can be helpful for them to gain their rights.

Thomas Enderson in his commentary on the First amendment to the US constitution remarked that the society uses freedom of information and expression to protect certain values, which can be grouped into four broad categories. The first of these is assuring individual self-fulfillment, the second set of values focuses on means of attaining the truth, the third addresses a method of securing the participation of members in the society in social and political decision making, the fourth set of value seeks to maintain the balance between stability and change in the society.

People who have access to information and who understand how to make use of the acquired information in the processes of exercising their political, economic and legal rights become empowered, which, in turn, enable them to build their strengths and assets, so as to improve the quality of life. In view of this, almost every society has made endeavors for democratizing knowledge resources by way of putting in place the mechanisms for free flow of information and ideas so that people can access them without asking for it. People are thus empowered to make proper choices for participation in development process.

Every individual or section of the society, whether working in farm, industrial or services sectors, requires a wide range of information to be able to effectively function in the knowledge and technology driven economy. Until 2005, an ordinary citizen had no access to information held by a public authority. Even in matters affecting legal entitlements for such subsidized services as food for work, wage employment, basic education and health care, old age pension and food security for destitute, it was not easy to seek the details of decision making process that affected or harmed him. Without access to relevant information, it was not possible for a common man to participate in a meaningful debate on political and economic options or choices available to him for realizing socio-economic aspirations. In case of the promises made by the political leaders during general elections, it was not possible for a common man or voter to question his elected representative about their contributions to the development process.

So, when governance deserves its running with responsiveness, efficiency, transparency, accountability, participation, rule of law, equity and

inclusiveness, RTI is a big hand to help these. Through good governance which is which is difficult to achieve in totality, we can make some more steps to go ahead.

1.2 Literature Review

Roundtable discussion organized by the RTI forum Bangladesh to make the International Right to Know Day, Dhaka on September, 28, 2010, and the Honorable Prime Minister Sheikh Hasina said-

“The enactment of the Right to Information Act is an epoch-making incident in the history of Bangladesh ... it will greatly help establish accountability and transparency in every sphere of society and the administration ... the government will continue to work to safeguard the people's right to information”.

.....Sheikh Hasina, Prime Minister of Bangladesh

In line with the expectation of the government to strengthen the public, the Right to Information (RTI) act 2009 was adopted in the first session of the ninth parliament on March 29, 2009. The provisions of the law became effective on July 01, 2009, while on the next day the government Sheikh Hasina, Prime Minister of Bangladesh formed the Bangladesh Information Commission as provided by the law. The heightened expectation of the law is primarily because of the kind of potential and opportunity created by it as captured by the prime minister in the above statement.

The book ‘Right to Information Act in Bangladesh and the Marginalized Communities: A Documentation process (2010) published by Research Initiatives Bangladesh, gives an empirical evidence of pilot project in 2010 on

RTI. It shows the challenges and opportunities regarding publicizing and use of and sensitization on the right to information law and identified here. Some future directions are also provided in the book.

Shamsul Bari in his 'The state of the RTI regime in Bangladesh' highlights '..... clearly the most promising development in the growing involvement of ordinary people is putting the law into practice. In the process they are discovering the powerful reach of the law and its importance in their lives'. The paper also shows though we have nothing except optimism about RTI in Bangladesh. Now it has started to reap its harvest.

Rajivir (2010) describes Right to Information and Good Governance, 'RTI has potential to empower the citizens in relation to the state by making administration more accountable and participatory.....' This paper explores the necessary attributes of a governance centric initiative and describes a methodology for ensuring such excellence in implementations.

Roumecen & Islam (2003) explored the link between information flows and governance with the objective to examine how the availability of information may affect governance. This paper examined how the presence of freedom of information laws may affect how countries govern.

Amartya Sen (1999) has said that there has never been a famine in a country with a free press and open government. Without information, people have got no power to make choices about their government. In this situation, they have got no ability to participate meaningfully in the decision making process, to hold their government accountable, to prevent corruption, to reduce poverty, and ultimately, to live in a genuine democratic environment. Information access falls within the broader research domain of information ethics. (Carbo

& Smith, 2008; Froehlich, 1992; Huptman, 1988; Mathiesen, 2004; Vaagan, 2005)

S.L.Goel (2007) in his study of the relationship between Right to Information Act and Good Governance are intertwined. In a way they can be said to be two sides of the same coin or two aspects of the same aspiration....'

Bari and Naz (2016) wrote on their article on, seventh anniversary of RTI in BD: Time for introspection, 'public officials are neither burdened by a huge number of applications to respond to, nor are they worried about disclosing embarrassing or sensitive information. They have little to grumble about in term of law. This desertation shares some recommendation on how to keep the flame alive of RTI, how much more people can be involved to realize their proper right to know their state.

Saxena (2005) is of the opinion that right to information initiatives in most countries promise a more citizen-centric government and reduce operational cost. Unfortunately most of these initiatives have not been able to achieve the benefits claimed. The paper explores the necessary efficiencies to co-relate the information and good governance.

1.3 Context of the Research

Now the world jerks with the words globalization, urbanization, equity and above all democratization. The world leaders are concerned with gaining popularity through satisfaction of the mass people. They are taking admirable and challenging initiatives to make people attached to the mainstream of development. Introduction of Right to Information Act in many countries is

really a step forward to go ahead with the mission of accountable and transparent government and hence strengthening good governance.

Right to information (RTI) is harnessed as a tool for promoting participatory development, strengthening democratic governance and facilitating effective delivery of socio-economic services. In the knowledge society, in which we live today, acquisition of information and new knowledge and its application have intense and pervasive impact on processes of taking informed decisions, resulting in overall productivity gains.

People who have access to information and who understand how to make use of the acquired information in the processes of exercising their political, economic and legal rights become empowered, which, in turn, enable them to build their strengths and assets, so as to improve the quality of life.

On the other hand the establishment of good governance has now become central in the discourse among development workers, social researchers, international development agencies and scholars. However, initiatives for achieving good governance have not been equally initiated all around the world. In developed countries, adjusting public management in line with good governance has happened in the last two decades of the last century (Hughes 2003; Saxena 2005), while installation of these programs is only recently being attempted in developing countries (Khwaja 2004; Santiso 2001; Shah 2006b). Though the end goal of good governance is economic development, it finds different meanings in different countries. At one end, developed nations see 'good governance' as 'less government', that is, mainly focused on less intervention of governments into private businesses and promoting economic growth without many bureaucratic barriers (Gaventa 2004a; Kenny 2007;

Rhodes 2000). At the other end, developing nations see good governance as decentralized, legitimized, and participatory government: that is, mainly focused on pursuing development through empowering people, eradicating corruption, ensuring legally binding and accountable administrations to achieve pro-people developments, which ultimately boost economic growth through the highest use of development by the people (Andrews & Shah 2003; Shah 2006a). Thus good governance has appeared in developing countries as an instrument of reducing the poverty of the mass people (Grindle 2004). But the question is: how does good governance work to attain pro-people developments in relation with Right to Information Act?

Good governance, when established in a society that ensures the accountability of the governing authority, develops transparency in its workings and binds the authorities to follow local laws (ADB 2000; Blair 2000; Brett 2003; Sirker&Cosic 2007). Thus, because of accountability mechanisms, people can hold controlling power over authorities to provide better services and developments (Hope Sr. 2009; Sirker&Cosic 2007). Similarly, transparent systems make work processes clear and evident to the users; and conformity to local laws makes a development possible to implement legally (Manowong & Ogunlana 2006). Hence people can take satisfaction in using that type of development and have ownership over the development, from which economic benefit can flow on to the national economy (Sobhan 2002). Again a question could arise: how can accountability, transparency and legitimacy are ensured through good governance?

Researchers are divided in expressing their answers the above question. Some authors support establishment of good governance first to promote people's

participation (Hope Sr. 2009; Hye 2000; Sobhan 2000). The way to ensure participation involves getting information. To them, when good governance is established in a society people get opportunity to be involved in state affairs. Some researchers, at the other end, support ensuring people's participation for achieving good governance (Brett 2003; Gibson, Lacy & Dougherty 2005). To them, through regular involvement in state affairs, people become empowered, form civil society organizations and help in achieving good governance (Arko-cobbah 2006; Stivers 2009). This research study supports the latter view, that is, ensure people's participation in order to achieve good governance where RTI plays the role of a catalyst. It is found that the participation of people in the governing process makes local authority accountable to the local people for delivering services and development (Blair 2000; Sirker&Cosic 2007). At the same time, the jobs of the authorities become transparent to the local people, as the people are engaged in all of their functions (Manowong&Ogunlana 2006; World Bank 2002b). Similarly, a program becomes predictable and legitimate to people because they force the authority, with their involvement, to follow the local laws and regulations. Therefore, an authority that engages people in its affairs supposedly ensures good governance. Observing this nexus between good governance and people's participation, international development agencies and other scholars have envisaged that good governance should include four major elements: accountability, transparency, predictability and participation (ADB 2000; Besancon 2003; World Bank 2006). Some researchers identified these four major characteristics of good governance as four pillars of a building (ADB 2004a; Aminuzzaman 2006). However, people's participation is considered to be the central element of good governance, as it directly influences the other

elements (Azmat, Alam & Coghill 2009; Siroros 2002). Thus, because of the direct impact of people's participation on good governance, researchers now call it participatory governance (Putnam 1993), democratic governance (Barten et al. 2002), community governance (Sullivan 2001) or direct governance (Blakeley & Evans 2008). Here the question arises if people's participation, the key issue for good governance, can be ensured through RTA?

In general, the mass of the people live in rural areas, particularly in developing countries. For instance, in Bangladesh eighty percent of people live in the rural areas (Sen, Mujeri & Shahabuddin 2004). In this way, 'people' means local people, who are deemed important to participate in the local government affairs that affect them. In this context, another question arises: how much interest regarding information collection is enough for ensuring good governance?

Some researchers have argued that people should participate in different stages: for example sometimes for informing or consulting, sometimes for more empowering, depending on the characteristics of the governance (Bishop & Davis 2002; OECD 2000; Parker & Serrano 2000; Paul 1987). They have also argued that participation should be different for different stages of development activities, such as for selecting, budgeting, monitoring or evaluating stages of a development program. In contrast, some researchers have claimed people should participate from the start to the end of the governing processes (Brett 2003; Momen, Hossain & Begum 2005; Pateman 1970; Shand & Arnberg 1996; Thomas 1993; Wilcox 1994). They have also argued that, through this continuous participation, people obtain power to

control the activities and make decisions according to their choice, which consequently makes development outcomes work in their favor (Arnstein 1971; Momen, Hossain & Begum 2005; Shand&Arnberg 1996). When people participate only in the selection or initial stage, the quality of the work may not be ensured by the authority. Similarly when people participate only in the evaluation stage, actual outcome may not happen according to the people's choice. So, though a good quality of governance may be ensured through participatory evaluation, the development may not be used by the people if they are not satisfied with the activities taken by the authority unilaterally. This suggests that only continuous involvement of people with local can ensure favorable outcomes.

The objective is that developing nations will work for the implementation of good governance and will achieve pro-people development which will then find its highest use among the country people (Grindle 2004). To comply with this condition, the Government of Bangladesh has also introduced several reforms in government as well as governing system such as establishing the information gathering as their right through RTI making it more transparent to foster people's participation to ensure good governance (Sarker 2006). Therefore, now it is seen as important to assess how much this western idea of achieving good governance has accomplished, and whether it is able to be implemented through the current approach that is being practiced by developing countries like Bangladesh.

So from the sense of correlation between RTI and good governance, the research is an initiative to suggest the better ways to incorporate these two discussed topic of the world.

1.4 Justification of the Research

Since our birth as an independent nation in 1971, we dream for a real democratic country. But the unfortunate matter is even after celebrating 40 years of our independence, real democracy is beyond our touch. Though the democracy of Bangladesh is undergoing a huge number of problems, enactment of the Right to Information Act is considered as a milestone of our journey as a nation towards good governance. The basic premise behind the right to information is that, since government is 'for the people'; it should be open and accountable and should have nothing to conceal from the people it purports to represent. In a responsible government like ours where all the agents of the public must be responsible for their conduct, there could be no secrets. The right to know, though not absolute, makes citizens wary when secrecy is claimed for common routine business of administration. Such secrecy is hardly desirable. Information is an antidote to corruption, it limits abuse of discretion, protects civil liberties, it provides consumer information, it provides people's participation and brings awareness of laws and policies and is the elixir of the media.

Currently, the words "governance" and "good governance" are being increasingly used in development literature. "Bad governance" is being increasingly regarded as one of the root causes of all evil within our societies. Governance means the process of decision making and the process by which decisions are either implemented or failure in implementation is acknowledged and remedied. Actually good governance has eight major facets. It is participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows the rule

of law. It is assessed that if corruption is minimized, the views of the minorities and vulnerable members of society are heard, that promotes governance. Good governance is an ideal which is difficult to achieve in its totality.

However, to ensure sustainable human development, action must be taken to work towards this ideal. The right to information is one of the methods by which success may be achieved in good governance.

Another important aspect is that in Bangladesh we have not given respect and prominence to the rights of the individual Citizen. True democracy is impossible until we recognize the majesty of the individual Citizen. If individual Citizens are empowered to ensure greater accountability and transparency in governance, it can bring about a major change. There has been no vehicle available for individual citizens to impact the governance structure. In a system reeking with corruption and becoming increasingly insensitive to the problems of the disadvantaged Citizenry, the Right to Information has shown promise of empowering Citizens to get accountability and act as an enforcer of good governance. 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 are embedded with some rules regulations and laws that have 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. It’s a progressive legislation enacted to protect the rights of entire population. Actually the act highlights the way ensuring people’s empowerment. Role of peoples’ access to information in democratic system is unquestionable but our Right to Information Act is yet to be tested a lot in terms of its feasibility and prospects. Information Commission has also been given much authority to operate. It can impose penalty on a party if he or she refuses to provide information.

There have been many debates and controversies regarding the scope of the RTI Act. Controversies may have genuine ground but at the same time we have to keep it in mind that it is much better if the Act is in operation rather than a paper tiger. Of course there is scope for improvement but we all must try to utilize the Act as much as possible for the benefit of the people for whom the act has been formulated. Recent mobile phone message and TV scroll news show that the Information Commission itself is enlightening people with the message that asking information from authority is the people’s right. We all should welcome such initiatives. We are expecting that the Commission will come up with some innovative ideas which will create free flow for information and environment. Beyond personal interest or grievances, citizens may also ask for information that concern welfare of their neighborhood. They may ask, for example, for information relating to repair work on a road or a bridge – when will they be completed, who are the contractors, how were they chosen etc.? This they do to check if any unfair practices are involved.

Information may also be sought on matters that affect the well-being of all citizens. For example, issues concerning the construction of a nuclear power plant – whether the necessary safety measures are in place and compliance with relevant laws has been ensured.

At a higher level, citizens may also ask for information that relate to policy matters, governance issues, legislation, performance of people's representatives and the like. Experience has shown that as people become used to RTI and understand its potential to impact governance, they learn to scale-up their demand for information, going beyond personal matters to include those that are linked to the good of the society and nation as a whole.

On these counts, how does RTI fare in Bangladesh? To answer, let us consider the indicators identified earlier. To begin with, the quantum of the use of the law by citizens is still negligible. That people's awareness of the law is very limited is obvious from the relatively small number of information requests made to public offices, though it is increasing.

Unfortunately, there is no dependable way to know exactly how much use is being made of the RTI Act by people from different walks of life. NGO experience shows that many RTI applications from marginalized communities do not get recorded as those who obtain benefits by simply using the law do not care about receiving a formal response. Officials concerned also do not wish to record applications and may even avoid reporting them to concerned offices, as they often resort to irregular practices to dispose them off. More importantly, no dependable mechanism has yet been found to collect information from all sources. So the numbers reported by the Information Commission may not be fully correct.

There is, however, a surer way to assess qualitative progress by checking the decisions of the Bangladesh Information Commission (BIC) and analyzing categories/nature of information citizens seek, which lead to complaints for denial. In this month's column, therefore, we decided to check if RTI applicants are scaling up their demand for information from more mundane personal benefit/grievance-oriented subjects to larger transparency and accountability issues, affecting collective wellbeing of society as a whole. Questions have been raised about peoples' awareness about information as their need and right and government's institutional capacity to apply the act properly. As we have no way but to develop and implement the act, we must conduct analytical works regarding the issues that are questioned with doubt.

1.5 Significance of the Research

This study will be the first of its kind to provide a wider picture of the present status of RTI in Bangladesh and implementation of good governance strategies relating to different strata of people. The research will also be the first detailed study to identify barriers to people's effective participation in various programs in Bangladesh. RTI and its co-relationship with the good governance and also its effectiveness will be given a clear picture. The results of the research will offer a different model and a way to reach the target issues. The study will illustrate how localized indigenous knowledge and forms of social organization within civil society can be mobilized to provide more efficacious forms of assistance and governance. This suggests some implications for management at all levels. Particularly, this management includes a systematic engagement of people from all walks of life to implement development programs. This research will also contribute to the

analytical, academic and empirical knowledge related to the topic. **Analytical knowledge:** This research will provide analytical knowledge of the role of people's participation in good governance in developing socio-economic countries such as Bangladesh through their right of getting information. The impact of socio-cultural issues, such as social capital and civil society, in enhancing people's participation for achieving good governance also will be assessed through this study.

Academic knowledge: The study will provide a new classification of good governance on the basis of people's participation levels in government works. Engaging people in different works through their empowerment of enriched information under the provisions of RTI will be highlighted here. People's participation has to be understood and implemented with regard to the local context (Manowong & Ogunlana 2006). This research will provide insights into the details of people's participation in the context of the developing socio-economic conditions where civil society is underdeveloped.

Empirical knowledge: The study will increase the practical knowledge about making RTI provisions effective in implementing good governance, specifically in developing countries. The present scenario of good governance and RTI in development programs in developing countries will also be illustrated by this study.

1.6 Research Objectives and Questions

The main concern of this study is to show the impact of free flow of information on society. Specific objectives of this study are to establish a relationship between the Right to Information Act and the elements of Good Governance namely accountability, transparency, efficiency, effectiveness,

responsiveness, rule of law and to find the way to bridge the issues. The study will try to explore the threats and challenges of executing this act. The study aims to examine how the marginalized groups be benefited from this act. The government has made an epoch making chapter introducing the RTI, people are responding eagerly, spontaneously. But what is the real picture as most of the people are illiterate and living in rural areas, the study attempts to find out the real scenario about the implementation of the RTA from grassroots to upper level. As already mentioned, a number of research studies have asserted that, although rural people in Bangladesh are participating in gathering information act, this participation has not been effective (Morshed 2007; Sarker 2003; Zafarullah&Huque 2001). These studies while useful remain limited insofar as they have not examined in any depth the barriers to participation. Moreover, the meaning and mechanism of the notion of people's participation that has been imported from the developed democratic countries through international aid agencies might remain somewhat unclear and ambiguous in a country such as Bangladesh. Considering this background, the basic research aim is to provide a wider understanding of people's participation that is relevant and effective within development programs implemented by local government bodies in the developing socio-economic context of Bangladesh. The research will thus explore the present practice of engaging people in development programs and identify the gap between this practice and the theories of participation. Hence, a broad research aim has been set to answer the question:

How could theories of people's participation be understood and adapted to support effective implementation of Right to Information Act?

To address this question, the study has specific objectives:

To investigate how people's participation varies within different socio-economic contexts looking at the differences between developed and developing societies;

To measure the outcomes of RTI, particularly to explore the meaning of people's participation in line with the RTI act for good governance in the context of Bangladesh;

To evaluate the effectiveness of people's participation in terms of theories of people's participation and good governance specifically to discover the barriers to people's participation in government programs in developing countries;

To identify a possible model for attaining an effective level of people's participation in the implementation of RTI in a developing economy such as Bangladesh.

The overarching research question of the study is to define concepts of people's participation that contribute to good governance for maximizing the outcomes of RTI Act 2009.

Research Question 1 –How is people's participation valued by Right to Information responsible for good governance in Bangladesh? The answer to this question will be derived from a review of the extant official documents and Acts related to implementation in Bangladesh. Feedback from interviews of local people and other actors also will be considered to explore how these stakeholders have perceived the value of people's participation in achieving good governance.

Research Question 2 – What are the strengths and weaknesses of Bangladesh governance concerning people’s participation to ensure good governance through RTI? This question will be investigated through blending and integrating a variety of data collected through semi-structured questionnaires. Material will be further discussed through the physical observation of the finished projects. Data collected from interviews of key players and reports of the concerned development agencies also will be considered to assess projects’ effectiveness.

Research Question 3- Is there any gap between theory and practice in ensuring good governance through RTI in Bangladesh? If so, how can this be bridged? Suggestions and expectations of the community, leaders, elites and bureaucrats will be critically examined and interpreted to answer this question. Moreover, the findings and propositions of development agencies, NGOs and other civil society actors in Bangladesh also will be incorporated to establish a broad base of acceptance for the expected model/system of empowering people through their right to information.

1.7 Definition of Key Concepts

The key concepts that have been used in this research study are good governance, information, Right to Information.

1.7.1 Good Governance

Good governance or simply governance (World Bank 2007a) has been considered as an enormous concept (Barten et al. 2002), derived from the word government (Geddes 2005). Though some studies have defined governance and good governance differently (UNESCAP 2008), most authors

mention them as synonymous. Whatever the debate over understanding of concepts, governance and good governance are seen as 'partnership and social inclusion' in politics and policies of concerned governments (Geddes 2005, p. 23).

Literally good governance means, what is not bad governance (Morshed 2007) or what is good enough governance (Grindle 2004), or that the level of goodness is high in governing processes (Besancon 2003). In this way it is suggested that good governance should be characterized as reduced corruption, improved accountability, adequately decentralized, well managed public resources, introduced proper laws and equality, restructured civil services and so on (Grindle 2004). Similarly the World Bank researchers mentioned six indicators that define a government as good or bad (Kaufmann, Kraay&Lobaton 1999). (Hout, 2002, p. 516) mentioned these indicators as follows:

Voice and accountability: the extent to which citizens of a country are able to participate in the selection of governments;

Political stability/lack of violence: the likelihood that the government in power will be destabilized or overthrown by possibly unconstitutional and/or violent means;

Government effectiveness: the quality of public service provision, the quality of the bureaucracy, the competence of civil servants, the independence of the civil service from political pressures and the credibility of the government's commitment to policies;

Regulatory burden: the incidence of market-unfriendly policies such as price controls or inadequate bank supervision, and the burdens imposed by excessive regulation in areas such as foreign trade and business development;

Rule of law: the extent to which agents have confidence in and abide by the rules of society; *Graft:* the extent to which public power is used for private gain (corruption).

Researchers also assert that a one standard deviation increase of any of these governance criteria is associated with a 2½ fold increase in per capita income, a 4 fold decrease in infant mortality and a 15 to 25 percent increase in literacy (Azmat 2007; Kaufmann, Kraay&Lobaton 1999).

In contrast, to the above criteria, international development agencies (IDAs) such as the World Bank, the United Nations Development Programs (UNDP), and the Asian Development Bank (ADB) have identified a number of basic components for good governance. Amongst these components four are common and universally recognized: accountability, participation, predictability, and transparency. By accountability it is understood that the governing authority would be answerable for its delivering of services. By participation the understanding is that local people and private sectors would be engaged with decision making processes. By predictability it is understood that, governing authority would make a decision implementable by following local laws and regulations. And finally, by transparency the understanding is that all the information that affects people should be available to the people (ADB 2000; Gurung 2000). This thesis also will use these four elements to define good governance.

As well as setting the criteria for good governance, development agencies also make the establishment of good governance a condition of aid and development assistance for the recipient country (Khwaja 2004; Rajan& Subramanian 2007; Santiso 2001). This approach was started in 1989 after the World Bank first recognized the crisis in Sub-Saharan Africa as a crisis of governance, and identified good public management as one of the major preconditions of the development assistance strategies for developing countries (Kaufmann, Kraay&Mastruzzi 2003). From then, international development agencies (IDAs) have also been helping, in various ways, the potential recipient countries to improve their governance condition. Participatory budgeting, that is, making local plans with the deliberations with local stakeholders, is one of the promising programs, which is led by the World Bank in different developing countries. Similarly, UNDP is helping different poor governments to achieve Millennium Development Goals (MDGs). However, some researchers have argued that good governance is acceptable as a condition, but IDAs should not look into the quality of governance when selecting a country for receiving aid (Hout 2002; Pronk 2001). This research study, however, is not going to resolve this debate. Rather, it argues that this condition placed by the IDAs is a positive initiative for pro-people development in developing economics.

1.7.2 Information

Information has been defined innumerable ways. As previously mentioned, Cookie Monster referred to it as “news or facts about something,” while others have defined information as the meaning of a signal and some understand it as the signal itself. The word information is derived from Latin *informare* which

means "give form to". The etymology thus connotes an imposition of structure upon some indeterminate mass. Alln & Selander (1985) have analyzed how the word is used in Swedish language and find that this is probably the most widely used meaning of the word. Most people tend to think of information as disjointed little bundles of "facts". In the Oxford definition of the word it is connected both to knowledge and communication.

Knowledge communicated concerning some particular fact, subject or event; that of which one is apprised or told; intelligence, news.

The way the word information is used can refer to both "facts" in themselves and the transmission of the facts. Information is a key concept in sociology, political science, and the economics. According to Bounoux (1993, 1995) the concepts of information and communication are inversely related: Communication is concerned with forecasting and redundancy; information with the new and the unforeseen. There is no pure information or "information- in-itself" (that is, information is always related to some kind of redundancy or "noise"). To inform (others or oneself) means to select and to evaluate.

Wiig (1993) – He has suggested that the information as, “facts organized to describe a situation or condition. Also he has suggested that the knowledge as “the truths, beliefs, perspectives judgments, know-how and methodologies”

Juris and Kelley (2002) – “information is much more refined data that has evolved to the point of being useful for some form of analysis” and “knowledge is resides in the user happens only when human experienced and insight is applied to data and information” .

Ellis (2003) – He defined the DIK as, that “data represent facts”, “which are organized into information; when used to by someone to solve a problem”, and “information in turn becomes personal knowledge”.

McCreadie and Rice review concepts of information proposed over the last fifty years. A summary of the concepts they consider is given below.

- Information as a representation of knowledge n formation is stored knowledge. Traditionally the storage medium has been books, but increasingly electronic media are becoming important.
- Information as data in the environment Information can be obtained from a range of environmental stimuli and phenomena; not all of which are intended to ‘convey’ a message, but which can be informative when appropriately interpreted.
- Information as part of the communication process. Meanings are in people rather than in words or data. Timing and social factors play a significant role in the processing and interpretation of information. According to the Right to Information Act, “information means documentary material in relation to an authority’s constitution, structure and official activities and includes: memo, book, design, map, contract, data, log book, order, notification, document, sample, letter, report, accounts statement, project proposal, photograph, audio, video, drawing, film, any instrument prepared through electronic process, machine readable documents and any other documentary material regardless of its physical form or characteristics.”

The information which would not be disclosed

Under section 7 of the RTI Act, 2009, following information would not be disclosed in the name security and sovereignty of the state. Hence, people will not be able to get the following information:

1) Information relating to:

State security

Sovereignty

Foreign policies

Defense

Public business

Strategy of scientific policies

Intelligence report

State honor

2) Information that may affect the government financial policies

3) Information that may affect the international relationship

4) Any such information that may, if disclosed, offend the privacy of the personal life of an individual

5) Any such information that may, if disclosed, endanger the life or physical safety of any person

6) Any information given in confidence to any law enforcement agency by a person

1.7.3 Right to information

Once the world was like a vessel of different classified cabins for different strata of the society. Some, furnished with luxurious amenities, was allocated for rich classes and other underprivileged ones were for the poorer ones. But now the whole world shouts from the same ground with same voice for equity for all. Right to get basic needs, right to get human rights is now more focused with people's urge for right to know. Right to Information aims to make more information available, provide equal access to information across all sectors of the community, and provides appropriate protection for individuals' privacy. According to the United Nations Declaration of Human Rights, everybody is entitled to seek, receive and impart information and ideas through any media. The right of access to official information is now protected by the constitutions of 59 countries. At least 53, and arguably all 59 expressly guarantee a "right" to "information" or "documents," or else impose an obligation on the government to make information available to the public. The top courts of additional countries have interpreted their constitutions to recognize the right implicitly. Article 39 of the Bangladeshi Constitution guarantees the right of every citizen to freedom of speech and expression and freedom of the press, and subjects these rights to reasonable restrictions in the interest of state security, friendly relations with foreign states, public order, etc. The right to seek, receive and impart information is not explicitly mentioned, although the preamble of the Right to Information Act stipulates that this right is an inalienable part of freedom of expression. Right to

information is also known as freedom of information or access to information. Some people call this right as Right to know as well. In this article these terms are often used interchangeably. Buisness dictionery.com provides the simplest definition of this right-

“Right of a citizen to be informed in writing if a governmental agency holds certain information and to request its disclosure. If refused, he or she can demand to be given the cause of refusal in writing”.

1.7.4 The Right to Information Act in Bangladesh

An Analysis in the Light of Johannesburg Principles of Freedom of Information Legislation Resolution 59 (1) which was adopted in the first session of United Nations’ General Assembly defines freedom of information in general term as follows-

“Freedom of information implies the right to gather, transmit and publish news anywhere and everywhere without fetters. As such it is an essential factor in any serious effort to promote the peace and progress of the world.”

The two most respected documents of Human Rights recognize the right to information. Article 19 of the Universal Declaration of Human Rights, 1948 reads:

“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 (2) of the International Covenant on Civil and Political Rights (ICCPR), 1966 states:

“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”.

The foregoing definitions not only encompass the right to know to a national level but it also include the duty of the states to the citizens of the world to inform them what is crucial for the world peace and prosperity.

In the light of above definitions we can define Right to Information as a right ensured by legislation which guarantees access to information held by the Government. However the Right to Know must be exercised by the legal process established by the related legislation. An information request for Government held information should be processed in minimum time with free of cost or at minimal cost. An information request will not be denied unless the information sought falls within the scope of the exceptions specified by the legislation and written reasons for such denial are provided to the seeker of information.

1.8 The Research Approach

Previous research studies in this area have used either normative or non-normative approaches, but not a combination of both. Studies using non-normative approaches have found that government bureaucrats and political

representatives are creating barriers to effective people's participation, which is consequently hindering the establishment of good governance in Bangladesh (Sobhan 2000; Sarker 2006b; ADB 2006b; World Bank 2003). To remove these barriers, researchers have provided a range of suggestions. Some researchers (Khan 2000; Zafarullah & Khan 2005) consider that people's participation would be effective if Bangladesh can build more effective local government systems. They have suggested giving more autonomy for local information offices. Others (Sarker 2006b; Sobhan 2000) have suggested delegating more power and funds from central to local levels to build effective local governance. On the other hand some researchers (Aminuzzaman & Sharmin 2006; Siddiqui 2005) have asked for capacity building of local institutions and creating suitable environment for effective engagement. However, these studies have limitations. They did not include consideration of the possible contributions of public representatives, local information offices or government officials in finding ways to overcome alleged barriers. Moreover, none of these studies considered local politics, social hierarchy, norms, trust and networks to examine the effectiveness of people's participation in government affairs. These studies thus can be termed as 'technocratic policy analysis' (Fischer 2007, p. 223) which excluded normative values. A different, more normative, approach has been suggested by researchers such as Fischer (2007) and Stivers (2000); who have suggested focusing on 'participatory policy analysis' that is, including related stakeholders to find out the full picture of the public functions.

In this thesis, the research approach has designed to include all related stakeholders, such as government bureaucrats, public representatives and local beneficiaries, information collector so as to find out the full range of

barriers to people's participation. This participatory analysis will consider local politics, power-balance, empowerment, social norms and networks in Bangladesh governance that might have an impact on people's participation. These normative elements will initially frame the research questions for this study, and more structural non-normative barriers will be included to the extent that the field research shows them to be important.

As such, this research will focus on both agency variables (focusing on human subjectivity), and structural variables (social context, power, politics, wealth etc.) (Waters 1994). Thus, this research will investigate the agency issues, that is, that the barrier of ineffective participation may be a factor of human subjectivity, and also will investigate the structural issues that may exist within the system. As both the agency and structural components will be investigated in this research, this study has selected a qualitative methodology as particularly suitable to explore this vast problematic area (Cho & Trent 2006; Merriam 1991) and to obtain a detailed understanding of the problem. A large range of qualitative data from different types of cases from three socio-economically varied locations of Bangladesh will be collected to interpret data for each of the research questions. Further face-face interviews were conducted with local government officials (Upazila Executive Officer-UNO, Engineer, and Education Officer), and also with high officials from ministries and project headquarters related to those development programs.

1.9 Limitations of the Research

Every research has some flaws, which may arise out of researcher's bias, respondent's bias, lack of reliability of data, inconsistency in data, errors while calculations, misinterpretation of facts etc. A researcher must put all possible

efforts sincerely to minimize these flaws. While all efforts have been carried out by the researcher to minimize the flaws in this research yet the result may have following limitations:-

(1) Data may suffer with respondent's bias although adequate measures have been taken to minimize it like ensuring reliability and consistency in data.

(2) Data may contain willful and deliberate wrong inputs given by the respondents although various checks and balances methods have been adopted to remove it.

(3) There may be error in interpreting the facts and rests though the researcher has tried all his best to properly interpret the facts and results. To err is human and the researcher is not an exception to it. Obviously, there are some limitations that are almost inherent in every research effort, emerge out of the technique of data collection method and data processing.

Although method of interview is very much preferable to social science research there are some inbuilt limitations of the method. Sometimes researchers fail to establish safeguard against the interviewer's biases. It can be difficult to cross check the information that is provided by the respondents.

Another limitation is lack of related literature in the perspective of Bangladesh. As it is a newer issue in our country, no remarkable research have been conducted yet on this concerned topic.

It is always difficult to collect information from government offices. In my research, a good number of information and data have to collect from government offices, which can create difficulties.

As the mass people are not aware of this new act, it can be difficult to gain their opinion in this. Among other limitations, unavailability of relevant official documents was found significant as all official documents were not available in the related offices. The relevant government officials were found to be very unwilling to provide official documents, and also were unwilling the interview respondents and this phrase will be used throughout the thesis to spend time searching for those documents. To overcome this situation, officials were invited by the researcher to sit face-to-face with the failed and successful receiver of information, but they were very reluctant to do so. Even in the two cases when these interviews were possible, officials were in a hurry to bring them to a close. These situations could be effectively overcome if a single project could be observed from start to end, that is, an ethnographic research could successfully collect all required data; however, it was not possible in this research because of time constraints.

Researchers have argued that involvement of non-government organizations (NGOs) in local development programs in Bangladesh can bring better outcomes (Hossain & Sengupta 2009; Lewis 2004; Sultana & Abeyasekera 2008). Nonetheless, NGOs in Bangladesh have been highly regarded as organizers and mobilizes of rural people in terms of empowerment and developing awareness for participation in group activities (Hossain & Matin 2007; Lewis 2004; Shigetomi 2002). But only two or three NGOs are working on this issue covering a large project. This research tried to include all stakeholders for interviews who were directly related and involved with those selected programs. However, it did attempt to assess the contribution of NGOs by interviewing local stakeholders.

Another limitation is that this research study only has considered the positive side of people's participation. Though participation has some negative impacts (Bureekul 2000; Innes & Booher 2004; Olson 1965), this study did not investigate those. As the constitution of Bangladesh asked to ensure people's participation and as it is a mandatory condition to fulfill in receiving aid from the rich countries and development agencies (Andrews & Shah 2003; Gunter 2008; Pronk 2001; Santiso 2001), the question of negative impact drew little importance in this research.

1.10 The Thesis Structure

This thesis is organized into six chapters as illustrated in figure 1.1. Outlines of each of these chapters are as follows:

Chapter 1 provides the overview of the thesis including the context, justification and significance of the research. Moreover, the key terms for this research study including research approach and limitations are also briefly illustrated.

Chapter 2 gives an overview of the RTI status and people's participation context in rural Bangladesh. The dynamics of information providing institutions in Bangladesh and time to time reforms in its structures and functions are discussed in detail. This chapter also discusses the people's participation mechanisms in government affairs, particularly with rural government issues.

Chapter 3 contextualizes good governance, and presents the theories that underpin and support the concept of good governance. This chapter also conceptualizes the idea of people's participation for good governance and the

relation between these two concepts, particularly the importance of people's participation in developing countries. Different tools for engaging people with local government affairs are also listed here.

Chapter 4 outlines details about research methodology. The nature, purpose and justification of the research, including data collection procedures and ethical considerations, are discussed in this chapter. The chapter also discusses the strengths and limitations of the methodology used for this research study. This chapter provides the empirical evidence by analyzing qualitative data. Extracts from interviews, observation data, and related documents are triangulated to answer all research questions.

Chapter 5 aligns all findings according to each of the research questions. Here several points have been identified which shows the level of awareness and concusses status of people in RTI and Good Governance.

The concluding chapter, Chapter 6, highlights the concluding remarks and probable recommendation on the basis of data collection and analysis. Contribution of this research has also been included here.

Figure 1.1 Flow Diagram of Research Sequence



1.11 Conclusion

Without the participation of people, good governance cannot be achieved and thus there are not effective outcomes from development. The way to reach

this goal is obviously implementing the right to information strongly. Because of this, international development agencies and developed nations put in place the condition of ensuring good governance through people's participation in aid recipient countries. To comply with these conditions and to cope with globalization, the Government of Bangladesh has been trying to foster people's participation in government activities. Despite the importance of the issue and initiatives taken in this regard, people's participation, as pointed out in different research studies, has not been sufficient to ensure good governance and pro-people development. This research thus investigates people's participation process in government programs, including the context and systems which support the total environment for ensuring good governance and effective development.

This first chapter has presented the context, justification and contribution of the research. It also presents the research questions, provides the key concepts used in the thesis, and outlines the research method used. Limitations of this research study are identified, and the structure of this thesis is presented with a flow diagram.

The next chapter conceptualizes the central idea of good governance through people's participation. Introduction of good governance in developing countries, including the theories that underpin the concept, are also discussed in detail. The chapter then contextualizes people's participation, and underlines the relation between good governance and people's participation.

CHAPTER TWO

RIGHT TO INFORMATION ACT: A COMPLETE OVERVIEW

2.1 Introduction

Right to information (RTI) is really a milestone adopted by different countries of the world. Every citizen of a democratic country has the right to know about the planning of the government about the development of their country. As mass people are the source of power for a government, they are also bound to be accountable to them for their right to know. Hence RTI act has come into light. It has been harnessed as a tool for promoting participatory development, strengthening democratic governance and facilitating effective delivery of socio-economic services. In the knowledge society, in which we live today, acquisition of information and new knowledge and its application have intense and pervasive impact on processes of taking informed decisions, resulting in overall productivity gains. The efforts made thus far to disseminate information and knowledge through the use of communication technologies such as print media, radio and television as well as internet, have yielded positive results. Sharing of information, for instance, about the new techniques of farming, health care facilities, hazards of environmental degradation, opportunities for learning and earning, legal remedies for combating gender biases, etc., have made significant contributions to the well-being of all classes of people.

2.2 Historical perspective

Citizen's right for access to information held by government and public authority has, since last few decades, been voiced as an important human right globally. There has been a consistent demand in the countries across the world for transforming secretive administrative systems to open and transparent systems. There is an exciting global demand of recognition of Right to Information by nations, their intergovernmental organizations and the people. United Nations, the Commonwealth, the Organization of American States and the Council of Europe and other global organizations have been advocating for making Right to Information as a universal human right and for creating mechanism for its implementation and protection.

The transformation from non-transparency to transparency and public accountability has been seen as basic responsibility of the States and Right to information as the key to strengthening participatory democracy and ushering in people centered governance. It is worldwide belief that access to information can not only empower the poor and the weaker sections of society but also lead to their welfare. Right to information is being advocated as a synonym for good governance. Without good governance, no amount of developmental schemes can bring improvement in the quality of life of the citizens.

Good governance is considered to have four basic elements transparency, accountability, predictability and participation. Sweden was the first country in the world to adopt a law giving individuals the right to access information held by public bodies, in 1766. It took nearly two centuries before the next law was adopted in Finland in 1951. In 1789, the France has declared its "French

Declaration of the Rights of Man” which called for access to information about the budget to be made freely available. According to it:

“All the citizens have a right to decide, either personally or by their representatives, as to the necessity of the public contribution; to grant this freely; to know to what uses it is put”.

In the United States too, Patrick Henry one of the founding fathers of the United States of America protested against the secrecy of the Constitutional Congress, saying “The liberties of a people never were, nor ever will be, secure, when the transactions of their rulers may be concealed from them.”

The ‘right to know’ gained prominence after the Second World War. The United Nations General Assembly had proclaimed in its 65th plenary meeting of 14th December 1946 that freedom of information is a fundamental human right and the cornerstone for all other freedoms recognized by the United Nations. It is on this basis that international and regional human rights conventions, declarations and reports have incorporated this right. In March 1948, the United Nations convened a

Conference in Geneva on the subject matter of “freedom of information”, that was attended by 54 countries which ultimately led the General Assembly of United Nations to declare the freedom of information a fundamental human right. On 10 Dec 1948, a declaration was made which is named as “Universal Declaration of Human Rights (UHDR). Article-19 of the Universal Declaration of Human Rights (UHDR), 1948 declares that “everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinion without interference, and to seek, receive and impart information and ideas through any areas and regardless of frontiers.” A similar enunciations is

to be found in the declaration made by the European Convention of Human Rights (1950), Article 10 of that declaration guarantees, inter-alia, “not only the freedom of press to inform the public but also the right of the public to be informed.” It was further followed by the International Covenant on Civil and Political Rights (ratified in 1978).

According to Article-19 of the Universal Declaration of Human Rights, freedom of information is the key that can unlock access to many other rights. The Human Rights Organization, with a specific mandate and focus on the protection and promotion of freedom of expression and freedom of information worldwide, has drafted the following nine principles that should underpin any legislation on freedom of information:-

- (1) Maximum disclosure
- (2) Obligation to publish
- (3) Promotion of open government
- (4) Limited scope of exceptions
- (5) Rapid and fair processing of requests
- (6) No excessive costs for requests
- (7) Open meetings for public bodies
- (8) Repealing of inconsistent laws contrary to maximum disclosure and
- (9) The protection of whistleblowers.

Article-19 of the Universal Declaration of Human Rights has been drafted into a legally binding treaty, which implies that it is binding on all consenting

states (India inclusive) as a matter of customary international law. This provision virtually demolishes the walls of secrecy by promoting openness in imparting of information. It further provides fertile ground where divergent opinions can emerge because diversity is a necessary ingredient for social development.

Global Campaign for Free Expression has also advocated for the right to information and categorically mentioned that the right to information does not exist in isolation. The right to information can be understood as a member of a larger group of civil and political rights – a component part of the fundamental right to freedom of expression, which requires governments to refrain from interfering with the free flow of information and ideas in order to promote democracy and human rights. The International Covenant on Civil and Political Rights (ICCPR), which India has also ratified, also provides a corresponding provision in its Article 19. Article 19 (2) states: 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. Article 19 (3) of ICCPR states that exercise of these rights carries special duties and responsibilities with it. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary for respect of the rights orientations of others or the protection of national security, public order or public health or morals.

The ICCPR therefore expands the provisions of the Universal Declaration on Human Rights by recognizing the lawful restrictions that may be imposed on the exercise of this right. These restrictions, however, must be lawful and

necessary for “the protection of national security or public order, or of public health or morals”. In 2002, the Council of Europe, a Treaty-based body of 46 countries, has also approved a recommendation that its member states should facilitate access to information. This recommendation sets out detailed principles for governments of member states to adopt a national law on access to information based on the principle that everyone should have access to official documents held by public authorities. These include procedures on access, possible exemptions, and appeals.

According to Article 4 of the American Declaration, “Every person has the right to freedom of investigation, of opinion, and of the expression and dissemination of ideas, by any medium whatsoever.”

Additionally, international law like “Article 16 of the International Covenant on Economic, Social and Cultural Rights (ICESCR)” also secures and advocates the right to access public information as it relates to the realization of social, economic and cultural rights.

According to Article 16 of ICESCR, “the right to access periodic governmental information on progress related to economic, social and cultural rights in order to facilitate public examination of policies and stimulate participation among diverse sectors of society is to be secured by all nations of the world”.

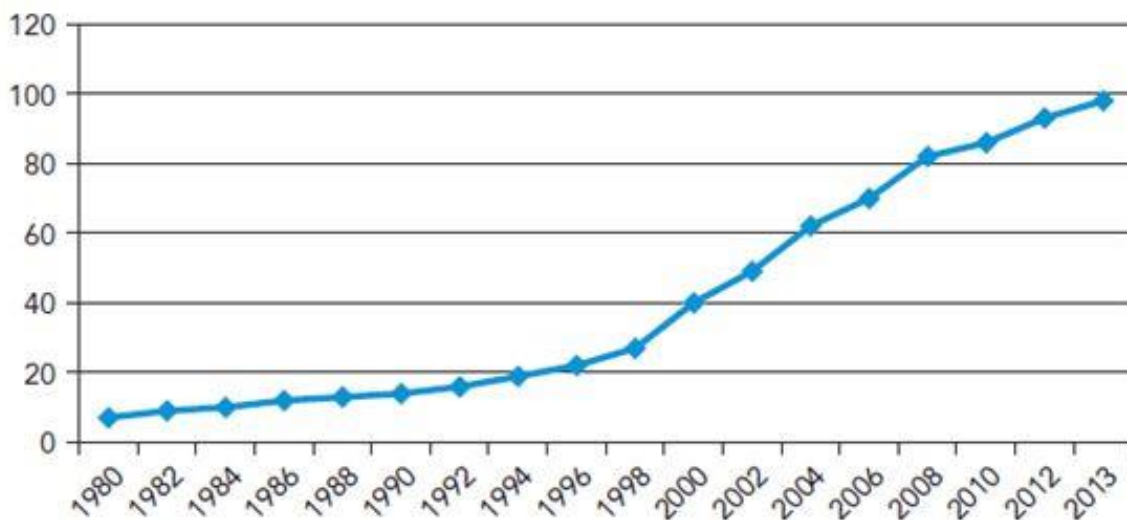
Subsequently, several countries have enacted comprehensive laws to facilitate access to public records and right to information by 1995, only 19 countries around the world had adopted what have come to be known as RTI laws. The 15 years from 1980 to 1995 witnessed new RTI laws being adopted at an average rate of less than one per year. However, in the wake of the revolutions in Central and Eastern Europe in the 1990s and democratization processes in

other regions, the rate more than quintupled for the next 15 years and appears set to keep that pace as 2015 approaches (see Figure 2.1). Furthermore, while all but four of the first 19 countries were Western democracies, the next 79 have been distributed over every region of the world (see Table 1 and Figure 2.2).

In terms of geographic spread of RTI laws, in 1995, the vast majority (nearly 80 percent) had been adopted by Western democracies. Eastern Europe led the way over the next decade, with 20 countries adopting RTI laws, representing nearly one-half of all of the new laws adopted during this period. Six more Western countries also adopted laws so that, by 2005, only a few countries in Europe were still without RTI laws. Between 1995 and 2005, Asia and the Americas each added about 10 new laws. Progress in Africa was somewhat more modest, with just four new RTI laws over this period. The first law in the Middle East and North Africa came in 2007 (Jordan), and the region now boasts three RTI laws. Progress has continued more or less apace in Asia and the Americas since 2005 (seven and eight new laws, respectively, in eight years), while Africa appears to be picking up steam, with eight new laws in that period (see Figure 2 for a graphic representation of the growth of laws broken down by region).

The quality of RTI laws has generally been improving over time, as measured by the RTI Rating, a methodology for assessing the strength of the legal framework for RTI. The Rating is based on 61 indicators spread over seven main categories and drawn from established international standards and better national practice. There has been a fairly steady and marked increase in the quality of RTI laws over time (see Figure 1.2).

Figure 2.1: Chronological development of RTI laws

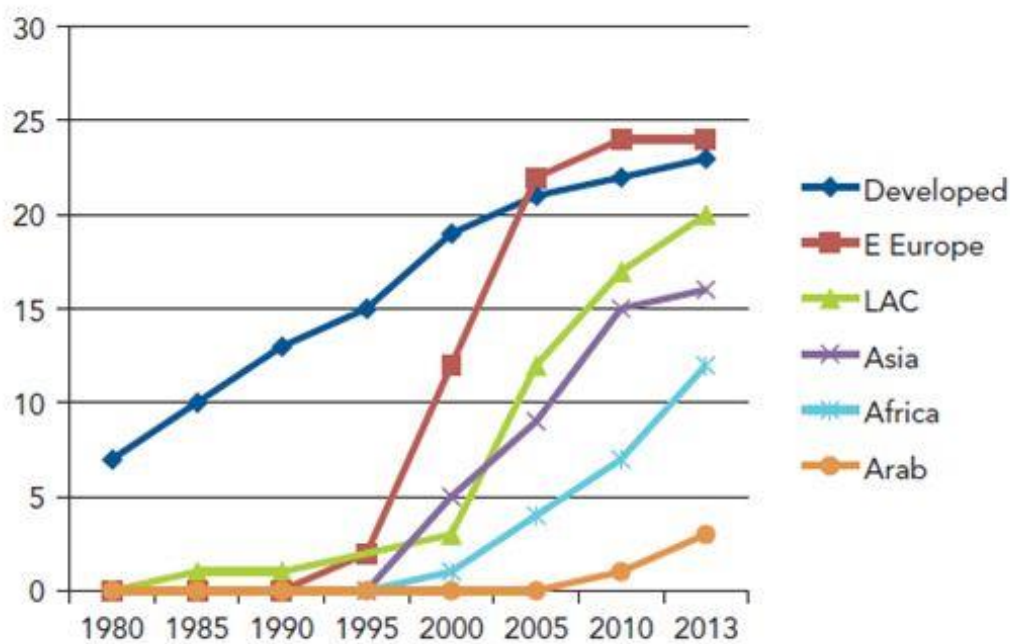


(Source: RTI rating by the Centre for Law and Democracy and access info Europe)

Table 1: Geographic distribution of RTI laws by end 2013

Region	Number
Eastern and Central Europe	24
Developed industrialized countries	23
Latin America and Caribbean	20
Asia and Pacific	16
Sub-Saharan Africa	12
Middle East and North Africa	3
Total	98

(Source: RTI rating by the Centre for Law and Democracy and Access info Europe)

Figure 2.2: Chronological Development of RTI laws by region

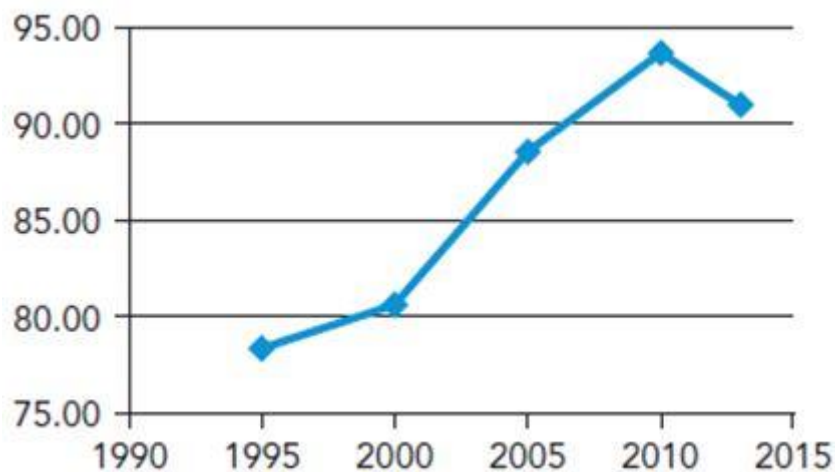
(Source: RTI rating by the Centre for Law and Democracy and access info Europe)

The average law adopted by 1995 scored only 76 out of a possible total of 150 points on the Rating, increasing to an average score of nearly 94 points for laws adopted between 2005 and 2010, albeit dropping back a bit after that. The reasons for this overall increase have not been carefully studied, but it seems likely that a combination of factors have contributed, including better understanding and experience of what makes a good law, increasingly strong normative standards for these laws, and a growing movement of organizations and individuals promoting this right.

While one must always be careful in projecting present trends into the future, it is reasonable to assume that the growth in the number of laws will continue at least in the near term. A number of countries are either close to adopting a law or have longstanding campaigns for the adoption of one, and at least some of these ongoing initiatives are likely to come to fruition over the next few years. There is certainly room for growth. The Middle East and North Africa and Sub-Saharan Africa are the two regions of the world with the lowest density of laws, at around 14 and 20 percent, respectively. Asia has achieved around a 50 percent rate of coverage, and there are still some important gaps in Latin America. There is also a relative paucity of laws among smaller island

States in the Caribbean and Pacific, which is no doubt due at least in part to capacity constraints.

Figure 2.3: Average score of RTI laws by year



(Source: RTI rating by the Centre for Law and Democracy and access info Europe)

2.3 Background of RTI in Bangladesh

Few other pieces of law in Bangladesh have risen as high expectations as the Right to Information (RTI) Act 2009, adopted in the first session of the Ninth Parliament on March 29, 2009. The provisions of the law became effective on July 1, 2009, while on the next day the Government formed the Bangladesh Information Commission as provided by the law. The heightened expectation

of the law is primarily because of the kind of potential and opportunity created by it as captured by the Prime Minister in the above statement. The Right to Information Act 2009 was a ground breaking decision on the part of the Bangladesh government and paved the way for all citizens to get information from public authority as a right. The rationale for the law is clearly stated in the preamble, “The right to information shall ensure that transparency and accountability in all public, autonomous and statutory organizations and in private organizations run on government or foreign funding shall increase, corruption shall decrease and good governance shall be established. It is expedient and necessary to make provisions for ensuring transparency and accountability.”

Unlike India, the law was passed through the efforts and effective lobbying and advocacy of many civil society organizations, academia, media, researchers, legal experts, etc. rather than initiating from the grass root level.

The demand for a law on freedom of Information was first articulated by the Press Council in the early 1980s as a response to curtailment of Press Freedom under a dictatorial regime. After that a number of civil society organization started to have discussions on the necessity of adopting a RTI regime in Bangladesh. The Law Commission prepared a working paper on RTI in 2002. Looking at examples of other countries where RTI regimes have changed the outlook of public institutions, Manusher Jonno

Foundation with others embarked on a mission to facilitate the enactment of the RTI law by first commissioning a study to assess the existing perception about RTI in Bangladesh, which was more related to freedom of information with respect to the media than right to information as a governance or

development tool. The main reason behind this is the “culture of secrecy” which prevails in every sphere of the governance system of the state.

Three Core Groups were formed, such as the Law Drafting Core Group, Policy Advocacy Core Group and Awareness/Capacity Building Core Group, to broaden the support base and raise demand for the law and these groups were facilitated by MJF.

The Law Core group comprised of noted legal experts of the country provided inputs, feedback and reviewed the draft several times while Advocate Tanjibul Alam drafted the law. After a series of regional and national level consultation meetings, the draft was formally presented to the Law Advisor of the Care Taker government in 2007. In 2005, MJF partnered with Commonwealth Human Rights Initiative for technical assistance in catalyzing RTI in Bangladesh. Meanwhile, a process of knowledge building was started through developing various communication materials. MJF partner organizations plus other networks were actively involved in this process. The core group on Policy Advocacy and Mass Mobilization also initiated a series of activities such as writing articles, holding TV talk shows, orienting NGOs, local journalists, policy makers, etc. Through regional and international networking, alliances were built with national and local partners for issue based mobilization on RTI such as Transparency International Bangladesh, PET, Bangladesh Enterprise Institute, SUPRO, SANAK, Article 19, Commonwealth Human Rights Initiative (India), MKSS (India). Eminent personalities were approached to act as champions for the law as well as to lobby and advocate for enactment of the RTI law.

In March 2007 the Law Core group submitted the draft law to the Law, Justice and Parliamentary Affairs and Information Advisor for its review and consideration. In December 2007, the Care Taker Government declared officially that RTI will be enacted as an Ordinance and instructed the Information Ministry to prepare the draft law with assistance from the draft submitted by the civil society. The Ministry of Information (MOI) formed a working group to draft and finalize the law and MJF representative was officially part of the working group. Before finalization the MOI organized a national seminar in March 2008 to share the draft and put it up on the website for comments. This is one among very few initiatives of Bangladesh Government where it opened up its policy for public comments. The Council of Advisors approved the ordinance on 20 September 2008. In 20 October 2008, it was passed as an Ordinance by the President.

Networking and Alliance building with different Stakeholders including Media Engaging Government, a Right to Information (RTI) Forum consisting of 40 members was set up with the objective of creating demand for the enactment of the RTI Ordinance and monitoring its implementation. The Forum appeared through a press release on 24 July 2008 with an aim to advocate for formulation of an effective, useful, pro-people RTI Act with a provision of strong and neutral information commission. Civil society groups were aware that political parties need to be engaged if the law was to be passed in Parliament once an elected government came to power. With this view a series of consultations and meetings were held with members of the main political parties. After the General Elections of December 2008, the RTI Forum again started to lobby with Parliamentarians for the enactment of RTI law. Finally, on March 20, 2008 it was approved in the Cabinet and on March 29,

2008 it was passed in the very first session of Parliament with few changes recommended by the special committee. The law has included the provision of supremacy of this Act in case of contradiction with other laws in disclosing information. Government nominated person involved in journalism profession or citizen involved in mass communication was included in the selection committee of Information Commission.

The exemption list for restricting information is quite longer, though provision has been made for providing information within 24 hours in the case of human rights violation (arrest and bail) and information related with life and death. Other minor change was made in the case of quorum formation of Information Commission meeting.

Though the list of exemption is long and civil society groups are critical about it, there is scope to make strong advocacy to make it more focused and specific during implementation. Government is yet to decide on the authority of the Information Commission and rank and salary of Chief Information Commissioner.

Though the RTI Act, 2009 has not fully incorporated all international best practices, compared to many countries, it is a progressive law to ensure the effective usage of this law, massive campaign and mobilization are required. Civil society organizations and the Information Commission have already embarked on awareness raising campaign and dissemination.

In enactment of the RTI Law Bangladesh has made a strong statement to the world that it is committed to establishing transparency and accountability in public institutions. This commitment will be tested only with proper implementation of the law.

2.4 Right to Information ACT, 2009

Bangladesh like other countries of the world is trying to keep pace with the modern world maintaining all the contemporary issues. The country is setting example in many sectors. The government is being more transparent and willingly be accountable to its people. Implementation of RTI act in 2009 is a giant step to go with this track.

Bangladesh gained her independence in 1971 after a bloody war. There was much hope and aspiration that the post war Bangladesh will be a better place to live and the country would prosper economically and socially. Unfortunately the expectation remained farfetched due to very bad governance and power games of the political leaders and power hungry army men. The democratic process has not been smooth all these years since independence. Bangladesh is submerged in deep corruption due to lack of transparency and accountability of those who are in authority. A revolutionary change in the governance is the only way out of the problems and to setting a course towards meaningful development. The enactment of Right to Information Act 2009 is a great step towards a success.

In the preamble of the Constitution of Bangladesh it is pledged that “it shall be a fundamental aim of the State to realize through the democratic process a socialist society, free from exploitation a society in which the rule of law, fundamental human rights and freedom, The Right to Information Act in Bangladesh:

An Analysis in the Light of Johannesburg Principles of Freedom of Information Legislation equality and justice, political, economic and social, will be secured for all citizens. ”It is absolutely compulsory that this pledge should be

reflected through inter alia freedom of information legislation. The Constitution also guarantees freedom of speech and of expression in unequivocal terms. Article 39 reads-

1. Freedom of thought and conscience is guaranteed.
2. Subject to any reasonable restrictions imposed by law in the interests of the security of the State, friendly relations with foreign states, 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 press are guaranteed.”

Universal Declaration of Human Rights and The International Covenant on Civil and Political Rights made it mandatory to the state parties that they enact suitable legislation to empower people with Freedom of expression which includes right to seek, receive and impart all kinds of information except those are necessary for state security and securing privacy of ordinary citizens. Bangladesh became signatory to The International Covenant on Civil and Political Rights on December 6, 2000. So Bangladesh is bound by international law to enact laws which will ensure greater freedom and access to its citizens and stakeholders and adopt policies to be more transparent and accountable.

Before the enactment of Right to Information Act 2009, there was no specific law or regulation which provides citizens to seek information from government or non-government organizations. On the other hand there have been some prohibitory laws in order to ensure secrecy.

Some notable are as follows-

1. Section 5 (1) of the Official Secrets Act, 1923 which intends to secure some very confidential information like passwords, the release of which can harm the concerned authority or project.

Nevertheless, this section has been widely used as an excuse to withhold information even though their release in no way could have been harmful.

2. Section 123 of the Evidence Act -this section gives wide power to the head of department to decide whether a piece of unpublished information relating to state matters which could be used as IIUC Studies, Vol. 7 evidence in the court should be released or not. He has got absolute discretion on the release and it is not compulsory that his decision should be based on any reasonable grounds and it is not also mandatory to provide the reasons for information rejection. Only subjective satisfaction is required in this case.

3. Rule 28(1) of the Rules of Business 2009 prohibits publication of official matters.

4. Rule 19 of the Government Servants (Conduct) Rules, 1979 sets up disclosure liabilities to the government officers.

There are many other provisions scattered in different laws and rules prohibiting access to information. Information generally remains secret if not stated or classified otherwise. Although disclosures (should) be the general rule, not the exception; that all individuals have equal rights of access; that the burden be on the Government to justify the withholding of a document, not on the person who requests it. Upon the demands of civil society and journalist communities, the Law Commission of Bangladesh prepared a draft paper on

RTI in 2002. However, this working paper was prepared without proper consultation of people and stakeholders and later the process was blocked in the bureaucratic red tape. For some years the whereabouts of the paper were even unknown.

In 2005 Manusher Jonno Foundation (MJF) which represents an association of non-governmental organizations, took the initiative to revive the RTI legislative effort. The organization invited the Commonwealth Human Rights Initiative (CHRI) to provide technical assistance in terms of capacity building, awareness rising, and creating better understanding of the benefits of RTI.

In the meantime, the demand for RTI was intensified by different groups such as media, research groups, academia, NGOs, etc. A process of promotion started through developing various communications materials, popular theatre, and songs on RTI, and conducting of research. Many non-governmental organizations and other networks become keenly involved in this process.

In 2007 the change in the political scenario in Bangladesh actually helped speed up the enactment process of RTIA. The transitional government was keen to improve governance and the law was drafted, The Right to Information Act in Bangladesh:

An Analysis in the Light of Johannesburg Principles of Freedom of Information Legislation reviewed and critiqued by experts and submitted to the Information Ministry in 2007. The Ministry finalized the draft and finally signed it as an ordinance by the president in October 2008. According to the Constitution the ordinance has to be ratified by the next elected parliament. A general election was held in December 2008. The RTI Forum lobbied with the

members of new parliament for the enactment of the RTI law. The law minister, information minister, and several MP's were met individually to promote its enactment. The newly elected government has set up a review committee of experts to evaluate the ordinance passed during the time of caretaker government. The RTI

Forum also lobbied with the expert group in order to expedite the rectification of the ordinance.

Finally, on March 29, the bill was enacted in parliament as Right to Information Act (RTI), 2009 ushering Bangladesh into the new challenge of implementing the law.

Johannesburg Principles of Right to Information legislation and analysis of RTI Act Article 19, an International Human Rights Organization and Centre for Applied Legal Studies (CALS) at the University of Witwatersrand, South Africa, jointly convened a meeting of some 36 leading experts from different parts of the world in Johannesburg, South Africa on Freedom of Expression In 1995. Their aim was to set authoritative standards and the legitimate scope of restrictions on freedom of expression in protecting national security. The group of experts discussed, debated and developed principles on Freedom of Expression and Information which was released in 1996 in the name of The Johannesburg Principles: National Security, Freedom of Expression and Access to Information. These principles received wide recognition from judges, lawyers, civil society actors, academics, journalists around the world. The principles were also endorsed by the UN Special Rapporteur on Freedom of Expression. In 1999 Article 19 published a set of detailed general standard and process clarifying the principles relating to Freedom of Information in

Johannesburg document in the name The Public's Right to Know, Principles on Freedom of Information Legislation. We will discuss the principles in brief in the following.

Principle 1: Maximum disclosure

Freedom of information legislation should be guided by the principle of maximum disclosure. This principle establishes a legal presumption that all information held by public bodies is subject to disclosure and this presumption may be rebutted only in minimum circumstances. It embodies the core concept of Freedom of information and right to know and should always be given the best priority. Everybody in the state should have access to this right and should not require the information seeker to demonstrate specific interest in the information sought. The above principle is reflected in Section 4 of Right to Information Act, 2009, which spells out in clear terms a statutory right to information for every citizen. The section runs as, 'Subject to the provisions of this Act, every citizen has a right to information from the Authority and the Authority shall on demand from a citizen be bound to provide information'.

Principle 2: Obligation to publish

Public bodies are under obligation to publish key information. Public bodies should not only respond to information request but also make available for general people certain important information relating to their function, activities, finance and service they provide. The law must establish both a general obligation to publish and main categories of information that must be published. This makes it convenient for the members of the public to obtain service from the related bodies. Section 6 of the Act lays down the obligation

for public authorities to publish certain information from time to time. They may be summarized as follows.

a. Description of the organization and responsibilities of the executives of the public authority and description of its decision making process and responsibilities of its officers and employees.

b. Classes of records in the possession of the Public Authority including the rules, regulations, instructions and list of manuals used by its employees.

c. A statement about the conditions upon which citizens can acquire any license, permit, grant, allotment, consent, approval The Right to Information Act in Bangladesh: An Analysis in the Light of Johannesburg Principles of Freedom of Information Legislation or other benefits of any nature from the Public Authority or upon which transactions or contracts of any category can be entered with the Public Authority.

d. Name, designation and location of the officer to whom information request should be made. It is also stated that the above information will be made available to the public for inspection free of cost and be supplied the copy with nominal fees. In order to fulfill the requirement of this section, authorities may establish websites to publish their information also provide information kiosks in their premises to supply this general information. Although website establishment is not clearly indicated in the section but the objective is better achieved with the setting up of interactive websites where people can view, search and download latest updates from the organization and it has shown very fruitful so far. It is also important that such websites are regularly updated.

Principle 3: Promotion of open government

Public bodies must actively promote open governance. Public bodies must inform the people of their rights and a culture of openness must be promoted inside the government. Reluctant officials can seriously undermine the working of even most advanced right to information legislation. The law should require that proper resources and attention are deployed to promote openness. General people should be educated and made aware of their rights and ways to realize them through mass media and such other methods. The law should also provide ways to deal with official secrecy.

There is no specific section as to the openness of the government in the Act. However, penalties have been imposed in case of the failure disclosing information or failure to give reasons for non-disclosure or delay.

Principle 4: Limited scope of exceptions

Exceptions should be clearly and narrowly drawn and subject to strict “harm” and “public interest” tests. All requests for information should be dealt with individually unless the public body can show the requested information falls within the narrow categories of exceptions. The law should provide a complete list of the legitimate aims in order to justify non-disclosure of information. A three part test must be done before any information denial.

- a. The information must be within the scope of legitimate aims listed in the law.
- b. Disclosure of such information must cause a threat of substantial harm to that aim.

c. The harm to the aim must be greater than the interest of the public in having the information.

Section 7 points out the circumstances in which information may be withheld by the authorities. The authorities shall not be obliged to provide following information.

a. Information which pose threat to the security, integrity and sovereignty of Bangladesh.

b. Any information relating to any foreign policy matter as may offend the existing relationship with any foreign country or international organization or any regional bloc or organization.

c. Secret information received from a foreign government.

d. Publication of any information relating to inherent secrets of commercial or business nature, copyright or intellectual property publication of which may harm the intellectual property right of a third party.

e. Disclosure of any of the following information which may be gainful or damaging to any particular individual or organization, such as:-

i. any advance information about income tax, customs, VAT and law relating to narcotics, about budget or change in the tax rate;

ii. any advance information about changes related to exchange rate and interest rate;

iii. any advance information about the management and supervision.

- f. Disclosure of any such information as may obstruct the enforcement of law or may incite any offence.
- g. Information, the disclosure of which would endanger the security of public or impede the due judicial process of a pending case.
- h. Information, the disclosure of which would offend the privacy of the personal life of an individual.
- i. Information, the disclosure of which would endanger the life or physical safety of any person.
- j. Information given in confidence to law enforcement organization by a person.
- k. Any matter pending in any court of law and which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court.
- l. Information which would impede the process of investigation.
- m. Any information which would affect any criminal investigation process and arrest or prosecution of offenders.
- n. Any such information which, according to law, is liable to be published only for a certain period of time.
- o. Information obtained through technical or scientific experiment, which it is expedient to keep secret for strategic or commercial reasons.
- p. Any information pertaining to a purchase process before it is complete or a decision has been taken about it;

- i. such information as may be prejudicial to the special rights of the National Parliament;
- ii. any secret information of a person which is guarded by law;
- iii. advance information relating to question papers of an examination or marks obtained;
- iv. documents including summaries to be placed before the Cabinet, or as the case may be, Council of Advisers and information relating to discussions and decisions of such meetings:

Provided that the decisions of Cabinet or Council of Advisers, as the case may be, reasons thereof, and the material basis upon which the decisions were taken, may be made public.

It seems that the above list tries to cover state security, price sensitive information, and personal privacy and sub-judicial matters. Many observers believe that the exception is too broad and susceptible to be issued as an excuse for non-disclosure by the authorities unless a clear explanation is provided by the authority in relation to applying these exceptions on information requests.

Principle 5: Processes to facilitate access

Requests for information should be processed rapidly and fairly and an independent review of any refusals should be available. A process of information request decision should be dealt in three levels: within the public body; appeals to an independent administrative body and appeals to a court.

According to Section 24 of the Act any person who does not receive a decision within the time specified in the Act or is aggrieved by a decision of the officer in-charge may prefer an appeal to the Head of the concerned authority within 30 days of time expiry or receipt of impugned decision. The appellate authority may accept a late application if there is sufficient cause for such delay. The appellate authority will direct the officer in-charge to supply the information or discharge the appeal application within fifteen days of the receipt of the appeal.

Section 25 tells us the procedure for complaints to the Information Commission. A person may lodge a complaint if he does not receive information, aggrieved by the decision of the appeal, or does not get information within the time or any other matters concerning supply of information.

Section 29 says 'no court shall entertain any suit, application or other proceeding in respect of any order made under this Ordinance and no such order shall be called in question otherwise than by way of an appeal under this Ordinance'. A person aggrieved by the decision of information officer or Information Commission cannot go to the court.

This provision has been criticized by Right to Information Activities. In my opinion this provision is against the spirit of Right to Information.

Principle 6: Costs for obtaining access to information

Individuals should not be deterred from making information request by the excessive costs. The cost for obtaining access to information should not be so high as to discourage the general people for making request.

Section 9 lays down the procedure for providing information including costs. The officer in-charge will let the applicant know about the cost of information sought and the cost should not exceed the actual cost for retrieving and printing or otherwise supplying through electronic ways.

Principle 7: Open meetings

Meetings of public body should be open to public. People should know what their government is doing and they should have a way to participate in the decision making process. There a presumption should be established that all government meetings are open to public unless there is a compelling reason not to be so. A meeting in this context is referred as formal meetings.

There are no such provisions in the act as to open meetings. Open formal meetings are very crucial. They provide people a chance to witness what is going on in an organization and to what extent such organization is serving to the public.

Principle 8: Disclosure takes precedence

Laws which are inconsistent with the principle of maximum disclosure should be amended or repealed. The right to information law requires that all the other laws should be interpreted in such way as to be consistent with its provisions so far as possible. In cases where this is not possible, other legislation dealing with information should be subject to the principles underlying the freedom of information legislation. As we have seen earlier there are many secrecy laws that can deter free flow of information and some of which are so ambiguous as to have potentials to create barrier to any kind of information request. Unless RTI is given the priority over secrecy, the

objects of the Act could not be realized. The Act has not outlined any specific provision as to the circumstances where the RTI will get privilege.

Earlier in this article, it is discussed the myriad of secrecy regulations of the country. It is quite understandable that there will be potential conflict between secrecy provisions and RTI obligations. From the IIUC Studies, Vol. 7 general reading of the Act, It is obvious that the law makers intended to make right to information as a general rule, nevertheless, the intention may be defeated as the host of exceptions within the law and previous secrecy legislation will stand on the way of free flow of information if the law does not say anything about which law takes precedence. Section 3 (b) gives the Act precedence over any other Act coming in conflict with the RTI ACT. However, the exceptions laid down in the Act are too broad and could be applied to any information request resulting in the denial as such. The Government should make specific guidelines as to the scope and extent of the application of those exceptions.

Principle 9: Protection for whistleblower

Individuals who release information on wrongdoing or whistleblower must be protected. Persons should be protected from any legal, administrative or employment related sanctions for releasing information on wrongdoing. In this context wrongdoing may include but not limited to criminal activities, failure to comply legal obligation, mischief, miscarriage of justice, corruption, dishonesty and nepotism. The RTI law should have lent such protections to the people who reveal in order to encourage openness and accountability. Many people in the administration who come across corruption and mal administration will spontaneously come up and reveal the wrong doers if we

the government guarantees their security and protection from the retaliation of the persons whose wrong doing were exposed.

2.5 Present status of RTI in Bangladesh

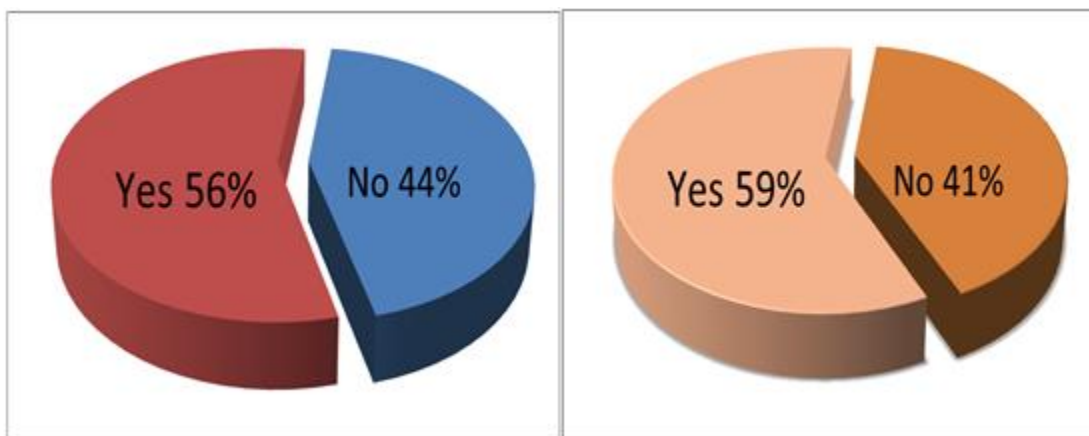
Though the government is trying its best to make the overall situation of our country democratic, different initiatives are being taken. RTI 2009 is obviously the best and promising. With this law, govt. is trying to involve people with the mainstream of governance programs. But the matter to regret is that we have not reached our expectation yet. Recently we have observed 7th year of its creation, but we have too many steps to go. On completion of the second year of the implementation of RTIA, Right to

Information Forum (RTIF) initiated a survey to assess the implementation progress of the RTIA and to investigate the other preconditions for free exchange of information. The survey was conducted both among the citizens and government and private institutions with the objective of identifying the experiences of both information providers and information receivers and determining the action plan for the advancement of RTIA. This paper is a reflection of the main survey outcomes, acknowledging that the circumference of the survey was very limited and the sampling was not a representative one. As a result, it does not necessarily represent the complete scenario of Bangladesh, rather it represents the condition of the individuals and the institutions considered in the survey only. At the same time, this paper primarily focuses on the outcomes from the citizen survey while only drawing on the relevant institutional findings in general terms without much details. It may be argued that demand for information by the citizen is preconditioned by the awareness of their own right to information and the legislative

framework upholding this right. Surprisingly, an overwhelming proportion of the respondents are found to be unaware of the legislation. The citizen survey found that 44.2 percent of the respondents were unaware of RTI and RTIA. Of the 55.8 percent survey respondents who knew about RTIA, 59.2 percent sought information from institutions after the enactment of RTIA (on July 1, 2009). Indeed, this indicates a significant share of information seekers in the survey population (33.1 percent).

The following figures show how much people are yet unknown about RTI.

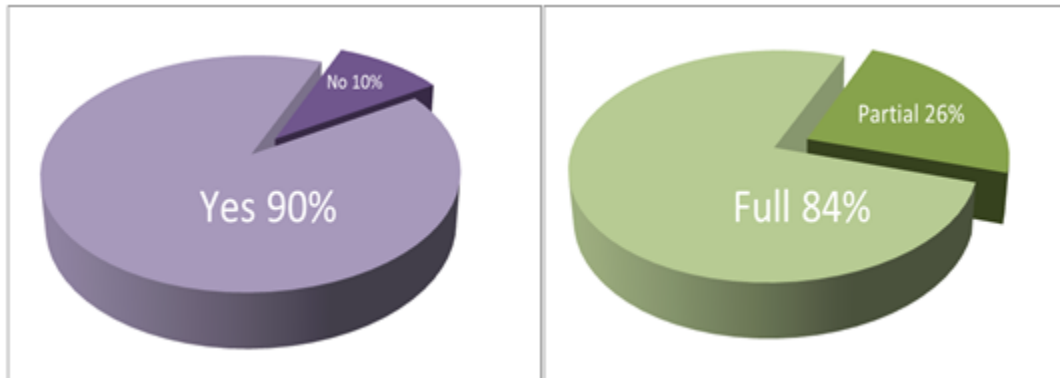
Figure 2.4: Citizen awareness of the RTI act and share of information seekers



(Source: Citizen Survey 2012)

Besides, the demand for information exists among the survey respondents. Lack of awareness of the legislative framework seems to appear as a major constraining role in this regard.

Figure 2.5: Success rate in receiving information and receipt of information (partial Vs full)



(Source: Citizen Survey 2012)

RTIF also surveyed on the reasons of key factors or challenges that hinders the progress of the implementation of RTI. They also show the ratio how much each factor is responsible solely. The following table is concerned with the issue.

Table 2: Key challenges for implementing RTI act

Key Challenges	Govt. (%)	Non-Govt. (%)	Total (%)
Unawareness about RTI act	72.2	74.1	73.5
Lack of interest of the authority	26.2	63	44.7
Lack of demand of information	31.8	53.2	33.5
Inadequate publicity	77.6	73.1	75.3
Non participation of NGOs	17.8	27.8	22.8
Wrong explanation of law of institution	5.6	9.3	7.9
Lack of readiness of institutions	26.2	35.2	30.7
Lack of technical readiness	22.4	18.5	20.5
Secretive mentality	27.1	49.1	38.1
Frustration from limitations of law	10.3	15.7	13
Lack of interest of media	11.2	21.3	16.3
Others	15	12	13.5

(Source: field survey, 2011)

So it is clear that Balance of Supply and demand is a precondition to any form of exchange. RTIA can ensure the supply of information but the demand has to be ensured by public participation. Introduction of RTIA not only makes the information providing officials accountable but also increases the responsibility of the citizens, mass media and development workers for

identifying the impediments to the establishment of RTI and creating the demand of information among the public.

2.6 Conclusion

Enactment of a right to Information law is a significant event in the judicial history of Bangladesh. There is no doubt that merely enacting law is not adequate to change the present secretive and conservative government. In order to bring real change the law must be implemented effectively. But it is not an easy task for a developing country like Bangladesh. We have the experience that a lot of good laws prevail in our country but in reality people are not getting the fruit of these laws properly. One of the biggest obstacles to implementation of RTI is the wide spread corruption in each and every sector of the country. In addition, the Parliament of Bangladesh is not functioning properly to safeguard the interest of the people. It is true that at present the Government does not have the infrastructure and system to fully realize the potential of the Act. Digital divide and lack of Information technology support exists which is seriously undermining facilitation of required infrastructure for implementing the Right to Information Act.

CHAPTER 3

GOOD GOVERNANCE: WHAT SHOULD BE AND WHAT WE FIND

3.1 Introduction

Good governance is not so easy a term to realize for every people to understand whatever the country is. But it is visible that people at least feel this abstract idea as a medium to pave the way to democracy, development and participation. Recently the terms "governance" and "good governance" are being increasingly used in development literature. Bad governance is being increasingly regarded as one of the root causes of all evil within our societies. Major donors and international financial institutions are increasingly basing their aid and loans on the condition that reforms that ensure "good governance" are undertaken. This article tries to explain, as simply as possible, what "governance" and "good governance" means.

3.2 Governance

The concept of "governance" is not new. It is as old as human civilization. Simply put "governance" means: the process of decision-making and the process by which decisions are implemented (or not implemented). Governance can be used in several contexts such as corporate governance, international governance, national governance and local governance. Since governance is the process of decision making and the process by which decisions are implemented, an analysis of governance focuses on the formal and informal actors involved in decision-making and implementing the decisions made and the formal and informal structures that have been set in place to arrive at and implement the decision.

Government is one of the actors in governance. Other actors involved in governance vary depending on the level of government that is under discussion. In rural areas, for example, other actors may include influential land lords, associations of peasant farmers, cooperatives, NGOs, research institutes, religious leaders, finance institutions political parties, the military etc.

The situation in urban areas is much more complex. At the national level, in addition to the above actors, media, lobbyists, international donors, multi-national corporations, etc. may play a role in decision making or in influencing the decision-making process. All actors other than government and the military are grouped together as part of the "civil society." In some countries in addition to the civil society, organized crime syndicates also influence decision-making, particularly in urban areas and at the national level.

Similarly formal government structures are one means by which decisions are arrived at and implemented. At the national level, informal decision-making structures, such as "kitchen cabinets" or informal advisors may exist. In urban areas, organized crime syndicates such as the "land Mafia" may influence decision-making. In some rural areas locally powerful families may make or influence decision-making. Such, informal decision-making is often the result of corrupt practices or leads to corrupt practices. In Peoples Union for Civil Liberties union of India the Supreme Court observed that in Right of information is a facet of the freedom of 'speech and expression' as contained in Article 19(1)(a) of the Constitution of India. Right of information, thus, indisputably is a fundamental right. However, every time the Constitution is amended, the 'basic structure' test laid down in Keshavanada

Bharti Case has to be satisfied. The test provides that a constitutional amendment should not be in derogation of the basic features of the Constitution like judicial review, 12 (Keshavananda Bharat v. State of Kerala, AIR 1973 SC 1461) democracies or Rule of Law. While including the right to information is as a fundamental right, if at all there is any effect on any of the basic structure it would be in the nature of strengthening the democracy and making it progressive, as envisaged by the makers of our Constitution. The nature of problems, the Act has faced till date ranges from administrative interpretation against the grant of requested information, to ordinary and easy amendment to reduce the scope of the Act. The above problems would not have arisen had the right been a fundamental right under the Constitution.

3.3 What is Good Governance?

The concept of governance is as old as human civilization. What is "Governance"? It simply means the process of decision making and the process by which decisions are implemented. The majority of the member States of the comity of nations today are founded on the principle of "Welfare State", run with full participation of their respective inhabitants, striving to achieve the common good and in the process affording optimum opportunity and involvement for growth of the individual so as to sub serve the societal interests. This has led to evolution of "Good Governance".

Good governance" means the efficient and effective administration in a democratic framework. It involves high level organizational efficiency and effectiveness corresponding in a responsive way in order to attain the

predetermined desirable goals of society. Good governance is essentially dovetailing policies which the respective states must ensure while formulating their policies, regulations and laws. Good governance policies and practices necessarily vary according to the particular circumstances and needs of different societies. Simultaneously the responsibility for determining and implementing such practices, based on transparency and accountability.

According to Oxford Dictionary good governance means “Act or manner of governing” and “the office or function of governing” while “govern” is inter alia defined as rule or control (a state, subject etc.) with authority conduct the policy and affaires of (an organization etc.), which means governance refers to as process or the act or function of exercising (usually legitimate) authority to regulate affairs of men in a given territory generally a state. As per the United Nation’s Commission on Human Rights, the key attributes of good governance include transparency, responsibility, accountability, participation and responsiveness to the needs of the people. A Government is expected to be fully accountable to its people and transparent in the use of public resources. (Oxford Advanced Learner’s Dictionary, page 557)

Good governance is an indeterminate term used in the international development literature to describe how public institutions conduct public affairs and manage public resources. Governance is "the process of decision-making and the process by which decisions are implemented (or not implemented)". The term governance can apply to corporate, international, national, local governance or to the interactions between other sectors of

society. The concept of "good governance" often emerges as a model to compare ineffective economies or political bodies with viable economies and political bodies. The concept centers on the responsibility of governments and governing bodies to meet the needs of the masses as opposed to select groups in society. Because countries often described as "most successful" are Western liberal democratic states, concentrated in Europe and the Americas, good governance standards often measure other state institutions against these states. Aid organizations and the authorities of developed countries often will focus the meaning of "good governance" to a set of requirements that conform to the organization's agenda, making "good governance" imply many different things in many different contexts. The United Nations is playing an increasing role in good governance.

According to former UN Secretary-General Kofi Annan,

"Good governance is ensuring respect for human rights and the rule of law; strengthening democracy; promoting transparency and capacity in public administration." To implement this, the UN goes follows 8 characteristics:

Consensus Oriented

Participatory

Rule of Law

Effective and Efficient

Accountable

Transparent

Responsive

Equitable and Inclusive

Using these methods, the UN focuses on strengthening decolonization, localization and, human rights around the world.

The World Bank is more concerned with the reform of economic and social resource control. In 1992, it underlined three aspects of society that they feel affect the nature of a country's governance: type of political regime; process by which authority is exercised in the management of the economic and social resources, with a view to development; and capacity of governments to formulate policies and have them effectively implemented.

3.4 Characteristics of good governance

Good governance has 8 major characteristics. It is participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive, and follows the rule of law. Good governance is responsive to the present and future needs of the organization, exercises prudence in policy-setting and decision-making, and that the best interests of all stakeholders are taken into account.

3.4.1 Rule of Law

Good governance requires fair legal frameworks that are enforced by an impartial regulatory body, for the full protection of stakeholders.

3.4.2 Transparency

Transparency means that information should be provided in easily understandable forms and media; that it should be freely available and directly accessible to those who will be affected by governance policies and practices, as well as the outcomes resulting therefrom; and that any decisions taken and their enforcement are in compliance with established rules and regulations.

3.4.3 Responsiveness

Good governance requires that organizations and their processes are designed to serve the best interests of stakeholders within a reasonable timeframe.

3.4.4 Consensus Oriented

Good governance requires consultation to understand the different interests of stakeholders in order to reach a broad consensus of what is in the best interest of the entire stakeholder group and how this can be achieved in a sustainable and prudent manner.

3.4.5 Equity and Inclusiveness

The organization that provides the opportunity for its stakeholders to maintain, enhance, or generally improve their well-being provides the most compelling message regarding its reason for existence and value to society.

3.4.6 Effectiveness and Efficiency

Good governance means that the processes implemented by the organization to produce favorable results meet the needs of its stakeholders, while making the best use of resources – human, technological, financial, natural and environmental – at its disposal.

3.4.7 Accountability

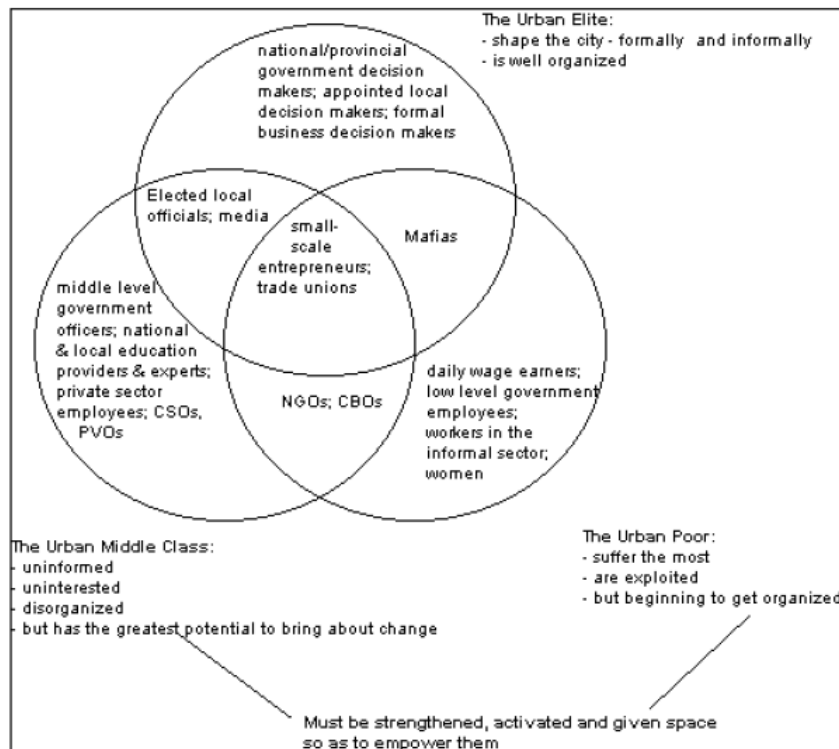
Accountability is a key tenet of good governance. Who is accountable for what should be documented in policy statements. In general, an organization is accountable to those who will be affected by its decisions or actions as well as the applicable rules of law.

3.4.8 Participation

Participation by both men and women, either directly or through legitimate representatives, is a key cornerstone of good governance. Participation needs to be informed and organized, including freedom of expression and assiduous concern for the best interests of the organization and society in general.

Here is a model that can be more or less appropriate to show the governing process of a developing country like Bangladesh.

Figure 3.1: Model of governance



(Source: United Nations Economic and Social Commission Asia and the Pacific)

3.5 The present status of good governance in Bangladesh

In contemporary Bangladesh anyone who criticizes the government or indeed the opposition is branded as a political and even personal enemy. This uninterrupted tradition of official hostility to criticism has, however, been of little service to the government since it has proved to be seriously detrimental to Good governance in Bangladesh. Successive governments have convinced themselves that those who criticize any failings of policy or aspect of governance are hostiles, even enemies and probably in collusion with their political opponents. The concept of this objective criticism thus appears to

have become unacceptable within the prevailing culture and those criticized are always inclined to pose the question, what is the intent? This question implies that the critic is either motivated by some private agenda-searching for career advancement, patronage or publicity, or is in league with one's political opponents or is trying to undermine some particular person for personal and/or political reasons.

Everyone knows that to create a congenial environment an all-out concerted effort of both the government and the opposition parties is a must. In Bangladesh, it is designed to conceal information rather than share it. This lack of transparency in governance does not limit itself official dealings with the public but is even more prevalent within the government. Years of concealing information has meant that mechanisms of information gathering, storage and retrieval have fallen into disuse so that any effort to access information devolves into a major administrative exercise. In the absence of any system of bottom up reporting from the field and top-down supervision, systems of accountability within a ministry remain virtually non-existent. As a result, there is no basis on which to hold anyone accountable if anything goes wrong within any part of the government. Our crisis of governance is thus inherent in the system of non-accountable administration. Such a milieu of information blackout and lack of accountability is aggravated by the fact that ministers and also secretaries rarely visit the field to elicit first-hand information. Rare field visits tend to degenerate into ceremonial exercises carefully managed to conceal damaging information that reflects poorly on the local or project officials. Such management of information is, in many cases, designed to conceal serious inefficiencies as well as corrupt practices of

people along the administrative chain. (MP 1-2, 2005 - Dobro upravljanje u Bangladešustr. 159-176)

Within such an administrative culture of concealment, if a government is genuinely committed to good governance, any person who brings to light particular wrongdoings within the government is doing them an enormous favor. Such critics may help to reveal information, which has been kept concealed from the policy makers either by motivated intent or more often because the system is, itself, designed to conceal such information. If however, Ministers really want to improve the quality of governance within their domain they should move to view their critics as their allies in the pursuit of good governance. To this end every minister should employ a full time special assistant whose job would be to go through the newspapers, including those in conspicuous opposition to the government, and to keep track of seminars where papers are presented.

With a view to take note of comments of the limitation of governance in particular areas. Obviously some of these criticisms will be uninformed, misinformed weakly argued and even downright tendentious, often with political motive. But even such criticisms may carry a kernel of truth worth retrieving. Even patently motivated and malicious criticism, originating from known political enemies, should not be dismissed since such criticisms need not always be incorrect. More to the point, even malafide criticism can serve to alert a government to issues that are agitating the minds of their opponents since such issues could escalate into a political mobilization against the government. Such issues need to be confronted at an early stage where it is presented as an argument on paper, either through remedial governance or by

political debate. (Ibid.MP 1-2, 2005 - Dobro upravljanje u Bangladešu (str. 159-176)

Such efforts, including criticism of official actions, should be encouraged and even rewarded. It would, for example, suggest that every month a prize be given-perhaps a mobile telephone-to the person writing the best investigative report in any newspaper during that period. This could be judged by an independent panel to ensure objectivity. Ministers should invite their academic critics to share their information and analysis with them so as to test the validity of their facts and the logic of their criticism. In such an environment a government widens its knowledge base, often beneficially, because it obtains information not at its disposal and may even derive useful ideas about corrective action. Even where no such positive outcomes emerges from such exchanges, a government which exposes itself to public debate, generates confidence in its openness and builds an image of being receptive to outside ideas. Each minister should thus hold periodic exchanges with a cross section of their critics rather than to limit themselves to token exchanges with their political friends and personal admirers. All these observations should apply particularly to the highest office of the Prime Minister and also the leader of the opposition. Looking at the behavior of Bangladesh politicians, it seems that they consider the country as just a piece of land. They forget that all their activities are being reported in the world media and people are watching. They have constantly failed to understand the question of survival in politics does not depend on patronizing criminals. The fundamental aim of politics is to serve the people, not to victimize them.

Unlawful expenditure during local and national elections and the use of muscles power is largely to be held responsible for the lack of political commitment and at times this is reflected in the parliamentary proceedings. Furthermore, the political parties themselves are devoid of democracy. Each MP is supposed to disclose information to the election commission but this is not done. Such matters should be brought to the notice of the general public. Public should be able to scrutinize such disclosures. Participants even suggested that the political parties should disclose their income and expenditure. It is time for our leaders to break out of this protective encirclement and throw open their windows to the world by exposing themselves to independent opinion, including encounters with their harshest critics. Our leaders should publicly face such critics and challenge them either by a superior-truth or assimilate their criticisms by putting it to positive use in improving the quality of governance.

Acknowledging error is no sign of weakness but a measure of political strength and maturity. Such a self-exposure to criticism by our leaders, thus, presumes that they recognize that their critics could also be their friends and play a politically beneficial role in our system of governance. It is only in such an open environment of receptivity to criticism that good governance and political statesmanship in Bangladesh may be expected to flourish.

We believe in the light to development within the Human rights regime.

Therefore, an independent commission on Human rights is established in Bangladesh. The government has also taken initiative to create the office of Ombudsman to ensure transparency and accountability in the government. In the context of social development, education and health care have received

priority attention. The role and involvement of the civil society have been extensive in our development and democratization efforts. We, however, recognize that a lot more remains to be done. (Ibid.MP 1-2, 2005 - Dobro upravljanje u Bangladešu, str. 159-176) Good governance and economic development, paper presented at a seminar on “Bangladesh Beyond 2000” organized by the American Chamber of Commerce in Bangladesh, 1998. The indicators for good governance by World Bank showed lowest ranking of Bangladesh in these six indicators. Here in the following table I have put some data in contrast with other countries.

Table 3: Comparative picture of good governance

Countries	Violence and Accountability	Political stability	Government effectiveness	Regulatory quality	Rule of law	Control of corruption
Bangladesh	0.37	0.40	0.35	0.44	0.27	0,24
Denmark	0.81	0.79	0.87	0.63	0.90	0.93
USA	0.63	0.41	0.79	0.71	0.78	0.76
China	0.51	0.71	0.50	0.59	0.57	0.57

(Source: World Bank)

3.6 What can be done to have Good Governance?

Following are some of the approaches that could be addressed at various levels to create a condition of humane and responsive governance In Bangladesh:

1. Improving the management of public delivery system, reforming public sector institutions and administrative procedures to reach the poor and the disadvantaged;
2. Sustainable improvements in livelihoods and basic services for the poor and those vulnerable to poverty;
3. Ensuring better law and order system to protect life and security of the people.
4. Creating a system of governance that is transparent and responsive;
5. Mapping governance needs of the poor;
6. Improved realization of human rights and improvement in the positions of women and disadvantaged in the society;
7. Improving public sector financial accountability;
8. Enhancing the business and regulatory environment;
9. Promoting fairness and justice within the organization of civil society;
10. Working for the promotion and protection of civil and human rights;
11. Helping the country put International human rights agreements into practice. The key ingredient for installing Good governance is political will.

Unfortunately there is no evidence that any of the political parties in Bangladesh seems to champion the cause and concern of good governance.

3.7 Conclusion

From the above discussion it is clear that improving Governance is challenging because there are powerful vested interests, which benefit from the status quo and resist change. Courageous political leadership and vigilant citizens who demand change are essential. Good governance initiatives need to recognize the importance of a conducive political economy and domestic ownership to sustainable reforms. Bangladesh achieved nothing because of political instability. The people of Bangladesh, nevertheless, show a remarkable resilience in the face of adversities, often live on hopes. No wonder that a successful transition to a democratic government on the threshold of third decade of the nation's existence in 1991. (Hye, Hasnat A, International seminar on Good governance, Ministry of local government, rural development and cooperatives, 1998.) In this situation the spirit of the concept of Good governance is essential for Bangladesh. Good governance is a fragile plant that will need sustained nourishing. It will require a fundamental change in mentality and social expectations that will change only gradually.

CHAPTER 4

RESEARCH METHODOLOGY

4.1 Introduction

The main objective of this chapter is to discuss and justify the research method used in this study to answer the research questions addressed in Chapter 1. To clearly represent the total activities related to data gathering and interpretation, this chapter is divided into four sections. The first section explains the rationale, purpose and nature of the study. It also introduces the research design and the sample region. The second section discusses the qualitative data collection procedures and ethical considerations. The procedures used to analyze the data are presented in the third section. The final section discusses the strength and limitations of the methodology which is followed by a discussion on the reliability and validity of the method.

4.2 Purpose of the Study

The study actually represents different folds in different phases. Firstly, this study intends to explore the concept of people's participation in the Bangladesh context through the implication of RTI act. Secondly, it aims to find out the strength and weaknesses of the present situation of RTI in governance, particularly in its service delivery processes. Thirdly, it seeks to frame an effective means of people's participation or possible solution for removing barriers to ensure an effective participatory process that will ensure effective development. More specifically, this study will explore issues like the impact of social capital, civil society, trust, control of power, corruption, policy instability in making people's participation effective for a transparent,

accountable and predictable governance, that is, good governance. In addition, this study attempts to investigate the gap between the theory and practice of people's participation mechanisms, i.e. look into the present situation of accountability, transparency and rule of law at the grassroots levels in Bangladesh, and how they have impacted on the performance of the development programs for people. Based on the suggestions of the stakeholders, those responsible for implementing good governance in the government, the study will suggest probable future strategies for the successful implementation of the good governance strategies that are applicable in developing countries.

4.3 Nature of the Study

The main objective of this study is to discover the causes for the ineffectiveness of RTI, barriers to good governance development and, thus, to find the factors that hinder the effective outcomes of the development programs. The review of the literature related to people's participation process in developing societies has shown that this barrier is mainly caused by the insignificant role played by the bureaucrats, public representatives and local stakeholders (Morshed 1997; Siddiqui 2005). Hence it is very difficult to identify a particular problem within such a big canvas of a research area. The problem may exist within any level of the bureaucratic hierarchy, i.e. ministry to local Upazila, or at any level of people's representation, i.e. MP to local chairman, or within the wide range of local stakeholders, i.e. elites to simple peasants. All these are purely subjective factors. In contrast, in the developing economies, where management activities linked with the society are not well developed (Battaglio 2009), the system itself may be faulty, that is, not an

effective system bound by rules and laws to ensure people's participation, or mishandled by the actors running the system. Thus, the barrier could be a structural factor also. Hence, the inquiry issue in this study (i.e. the barriers to people's participation) has been shaped by the long practice of a government-run service delivery system within a particular socio-cultural context, which contains both subjective and structural factors.

The research framework developed through the literature review focused mainly on the stages of people's participation in the process of gathering information and the state of governance. The concept of people's participation remains ambiguous and complex. Hence an exploratory and descriptive research is necessary to expose such critical phenomena. Exploratory research is particularly suitable to clarify ambiguous (Zikmund 2003) and complex (Stebbins 2001) issues. The exploratory approach will help to gain insight and understanding into the social and human phenomena, that is, the socio-economic context that creates a barrier to effective people's participation. On the other hand, the descriptive approach will help to explain and describe the means to overcome existing barriers to people's participation in developing countries. Thus, it is concluded that the nature of the study is both exploratory and descriptive.

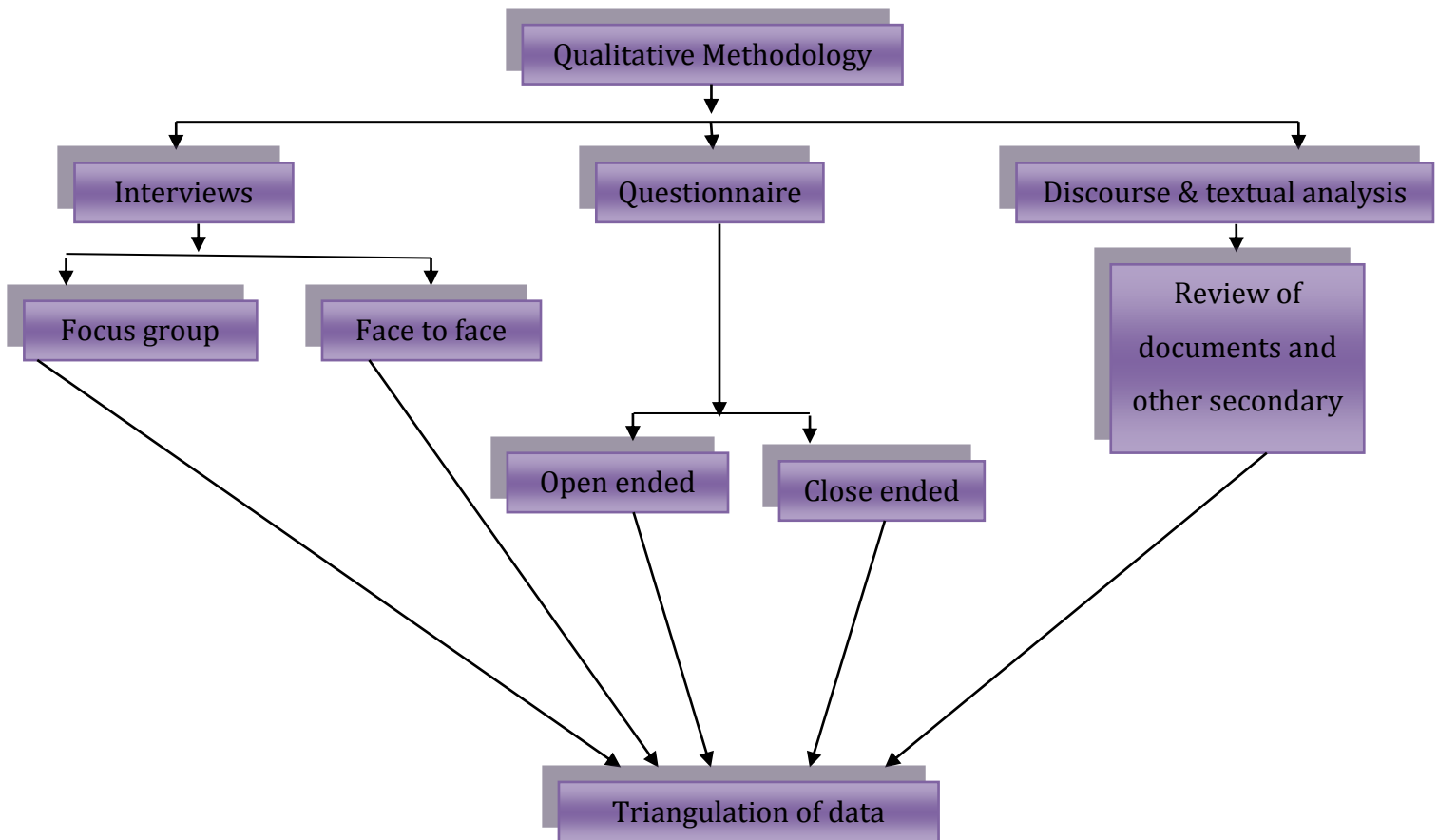
4.4 Research Design

This study is researching the core benefits of RTI and its impact on governance system in implementing accountability and transparency. The focus is more specifically on the stakeholders, their representatives, bureaucrats and the existing system that is harnessed to ensure good governance. To achieve the purpose of the study, qualitative methodology has

been adopted for the research work. Interviewing and gathering views from questionnaire research approach have been selected so as to use a range of methods to collect the maximum data for this research. As Travers pointed out, 'there are five main methods employed by qualitative researchers: observation, interviewing, ethnographic fieldworks, discourse analysis and textual analyses'. This research, though, has adopted four qualitative methods, namely: interviewing, discourse analysis, observation and textual analysis to explore all research questions. The 'ethnographic fieldwork' which requires a long time to complete has been discarded because of time constraints. Cho and Trent assert that 'qualitative research can be more credible as long as certain techniques, methods, and/or strategies are employed during the conduct of the inquiry' (2006, p. 322). While the research has used questionnaires. It would be helpful to make the result practical. As the advantages of questionnaires being practical, large amounts of information can be collected from a large number of people in a short period of time and in a relatively cost effective way that can be carried out by the researcher or by any number of people with limited affect to its validity and reliability. The results of the questionnaires can usually be quickly and easily quantified by either a researcher or through the use of a software package and can be analyzed more 'scientifically' and objectively than other forms of research. When data has been quantified, it can be used to compare and contrast other research and may be used to measure change. (K. Popper, *The Logic of Scientific Discovery* (1959), reprinted (2004) by Routledge, Taylor & Francis, S. Ackroyd and J. A. Hughes, *Data Collection in Context* (1981) Longman.) The following figure illustrates how the qualitative methods like interview, observation, discourse and textual analysis would help to analyze a wide

range of data to find the effectiveness of RTI act on their base of people's participation influencing the development of good governance.

Figure 4.1: Research Design Flowchart



4.5 Rationale of Using Qualitative Methodology

The central intent of this study is to explore how barriers hinder the development of the good governance process, and why these barriers emerged during the implementing of RTI ACT in Bangladesh. This aspect of social enquiry leads to using the qualitative approach as researchers asserted that a 'how' or 'why' question being posed renders a case study strategy suitable (Yin, 2003). Nonetheless, a qualitative methodology has been selected

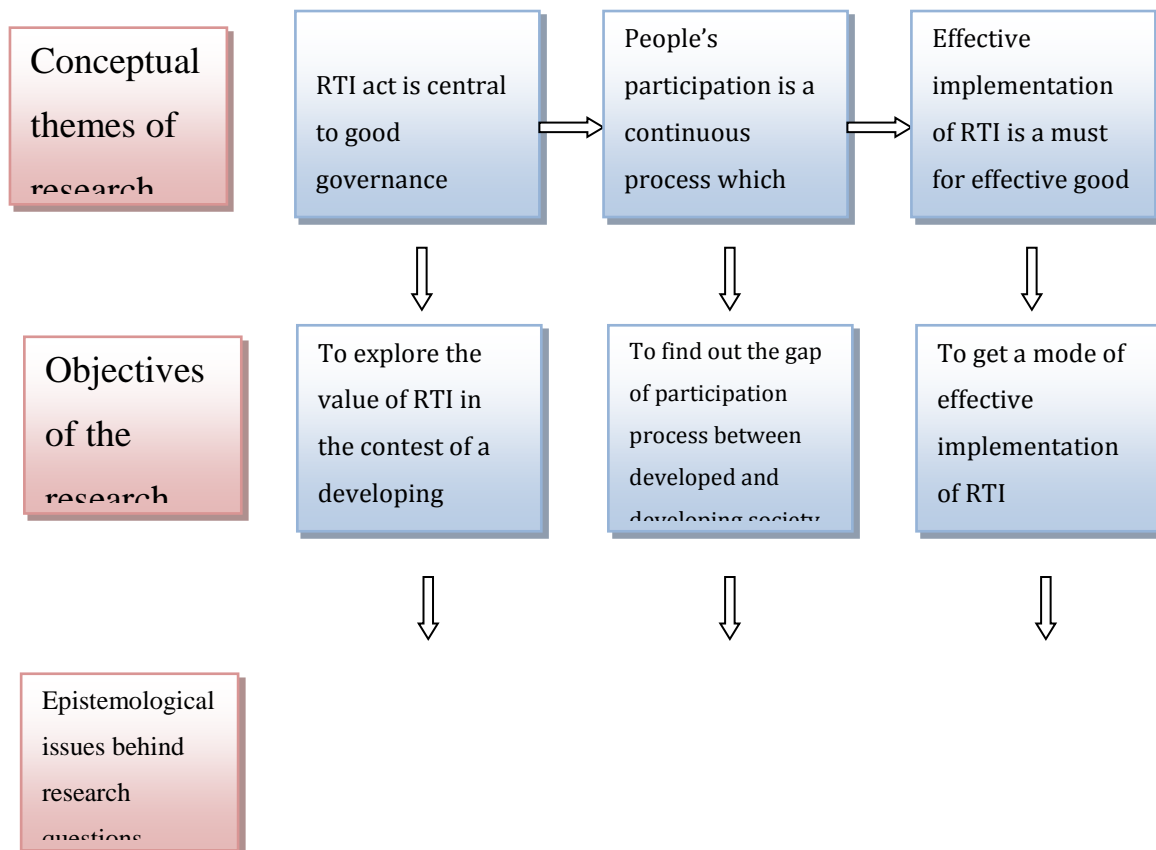
to explore this research area to obtain a detailed understanding of the problem, because 'the qualitative study is a particularly suitable methodology for dealing with critical problems of practice and extending the knowledge base of various aspects' (Merriam 1991, p. 54). The complexity and context of the research area are among the other concerns for selecting qualitative methodology. The following discussions will show how socio-cultural and literacy background in Bangladesh leads to using qualitative methodology.

The three players mainly responsible for improving good governance in Bangladesh in accordance with RTI act are: local beneficiaries, public representatives and government bureaucrats. So this study will particularly focus on the interaction between these players and their dealing with extended society to make a transparent, accountable and predictable governance system. Therefore, as most of the inquiring elements are subjective or naturalistic, this study is justified in using qualitative methods, because qualitative techniques are particularly suitable to enquire into these types of socio-cultural, phenomenological or conventional realities. Guba and Lincoln asserted that 'qualitative methods are stressed within the naturalistic paradigm not because the paradigm is anti-quantitative but because qualitative methods come more easily to the human-as-instrument' (2000, p. 200).

As the main research data are expected from the local stakeholders (local businessmen and student's guardians) who are mostly illiterate, a questionnaire survey (quantitative method) may mislead them to understand the view behind the research questions (since it would be dependent on an interpreter's version). To avoid this phenomenon this study used interview methods, which are also supported by many researchers conducting research with illiterate people in developing countries (Elmendorf & Luloff 2001; Kroeger 1983). Some researchers mentioned that a qualitative method is better than using quantitative in an illiterate or semi-literate developing society to overcome problems related to getting an in-depth knowledge of reality (Van der Reis 2000). In Bangladesh, where 80 percent of the rural populace is illiterate, a qualitative interview is better than the quantitative

survey since the interpretation of survey questionnaires, by the interpreter, can lead the interviewee to a biased answer through their interpreter's way of interpreting the question. Moreover, with the variations of different cultural and circumstantial contexts, more explanation of the survey questions is always needed, which poses difficulty in conducting a survey and in maintaining the consistency of a predesigned questionnaire for survey in developing countries like Bangladesh (Newby et al. 1998). In addition, the recall nature of the responses in interviews, that is, recall from memories and previous experiences gathered during the project implementation process, also leads to selecting qualitative methodology, because a qualitative method is important to facilitate recall procedure during interviews (Elmendorf & Luloff 2001). The following figure shows the use of qualitative methods justified for the basic concepts of this study.

Figure 4.2: Rationale of using qualitative methods



As a new theory or model of people's participation through RTI for good governance suitable to the least developed society/economy is expected through this research, the chosen qualitative methodology could have been driven by Grounded theory (Glaser & Strauss 1999). This research, however, did not follow Grounded theory fully. Instead of the 'objective' (neopositivist) approach of Grounded theory (Guba & Lincoln 2000), the epistemological issues of this study are more subjective and conceptually debatable. Similarly, instead of the long time observation/fieldwork on a single social phenomenon as typified in Ethnographic theory (Denzin & Lincoln 2000), this research collects data on different development programs and their use, from its stakeholders' long experience during the implementation time and the use of those outcomes. Nonetheless, while both the grounded and ethnographic theories introduce either agency variables (focusing on Objectives of the research questions People's participation (PP) is central to Good governance (GG) PP is a continuous process and only empowerment of people can ensure effective participation Effective PP is a must for effective development by ensuring GG Conceptual themes of research questions To explore the value of People's participation in the context of developing society To find out the gap of participation process between developed and developing society To get a model of people's engagement to ensure good governance suitable for developing society Ethnographic realism –a system developed over time;

mostly subjective variables Critical realism- reality is there but not clearly identified; amalgamation of both subjective and structural variables Relativism-constructive issues; mostly subjective variables Epistemological issues behind research questions Interview and observation Contexts and interviews compare and contrast with related theories Interview, observation and Textual /documents analysis Method used to get answer of questions human subjectivity), or structural variables (social context –power, politics, wealth etc.) at the case study level (Waters 1994), this research does not only investigate for agency issues or the structural issues. As both the agency and structural components are investigated in this research, this study draws on ‘adaptive theory’ (Layder 1993, 1998). Investigation of both agency and structure in this study is justified because the ontology of the paradigm is constructivism i.e. the research area is critical, ambiguous and complex (Guba 1990, p. 23). In adaptive theory it is possible to collect broad based data for broad based interpretation and an effective generation of theory (Denzin 1989, p. 159; Layder 1993).

4.6 Rationale for Selecting the Study Area

As the study mainly focuses on the effectiveness and status of people’s participation in ensuring good governance with the help of right to information act, so, as to achieve effective outcomes in implementation of the act perfectly, Bangladesh has been selected for some specific reasons.

Firstly Bangladesh represents the salient features of a developing country. So it stands as a good example to study good governance as we find more obstacles or barriers on the way to its implementation. The more barriers, the more solutions to come, on the basis, Bangladesh as the study area of the

research can play the role of a model for most of the developing countries of the world.

Secondly, Bangladesh has got the act recently. Among the south Asian countries where Pakistan adopted the act in 2002, India 2005, Bangladesh is the new adopter. So as a recent and most talked issues by the government, the study area got preference. As Bangladesh is going to the process of development day by day, how far People are getting connected about their right to information, how they are involved in the process of development and how RTI is playing role in this development process- the study area has been selected. Above all, as a researcher the mother country will be helpful to work in an acquainted area, known environment. So Bangladesh has been selected.

Thirdly, Bangladesh has been a fore running in implementing good governance programs to get effective returns in its service. Regarding this participatory decision making process, govt. has been trying to involve people in the governing process by giving them the right to gather information on various state issues. It is the policy to empowerment of citizens and about building responsiveness of the state and its organs, the political parties and leaderships, administration and other institutions to the citizens. The RTI act gives the citizen the right to ask for information from the government, non-government and other institutions, where it also creates the opportunity for those in position of power to develop it through sharing of information. The act can be a key legal instrument to support, protect and facilitate democracy in Bangladesh. So the RTI act being an epoch-making issue is getting popularized in this country.

Fourthly, the RTI act is the production of the present government's assurance before the 9th parliament election. A close look at the AL manifesto for the 9th

Parliament elections makes it easy to realize how RTI was dovetailed with its commitment to promote good governance and control corruption. In addition to specific commitment to ensure right to information, at least 13 more specific commitments stand out that can contribute to the creation of institutional and policy structures facilitating people's right to information. These are: 1) making the parliament effective so that the government can be held accountable; 2) annual disclosure of wealth statement and source of income of the Prime Minister, members of the cabinet, Parliament members and their family members; 3) ensuring genuine independence and impartiality of the judiciary and the rule of law; 4) effectiveness and independence of the Anti-corruption Commission; 5) administrative reform to make it pro-people and free from politicization; 6) efficiency and merit to be established as the basis of appointment and promotion in public service, and curtailing the discretionary powers of officials; 7) e governance; 8) police and other law enforcing agencies to be kept above political influence; 9) competitive market system in commerce and industry to be established by eliminating bribery and administrative difficulties and breaking the state or private monopoly; 10) strong measures against those having unearned and black money, loan defaulters, tender manipulators, and users of muscle power in every stage of state and society; 11) effective Human Rights Commission; 12) appointment of Ombudsman; and 13) introduction of Citizens Charter in every department and widespread computerization. The key first step towards implementing the RTI – generating the political will – therefore appears to have been taken. So, it is interesting to seek for the attempts of the government making the RTI act fruitful.

Fourthly, Bangladesh owns many NGO's which are working with RTI issue. So it is better or easier to get much data for the free flow of the study. The media of a country has played a major role in implementing the law, where the RTI became popular. The media plays two important roles in implementing the RTI law. Firstly, by publishing or broadcasting news items on application of the law, evaluation of the information commission and conceptual improvement of the people on the law; and, secondly, by running in-depth investigative story by using the RTI law. This study has analyzed the role of the media in Bangladesh in creating public awareness on using the law and in its own journalistic exercise. In raising public awareness, the media is playing a proper role. The media is covering related stories giving it an important treatment. The stories focus on analysis of Information Commission's Annual Report, first penalty for refusing information by the Commission, research reports findings, recommendations of workshops, seminar on RTI Act and, directives to government bodies and summoning of officers for refusal of information. News content also includes the cases of journalists and other citizens who had attended hearing session at the Information Commission when they were refused information.

However, it is found that the media covers related news only when there is an event and they do not prepare news on the basis of self-motivation. There is almost no instance of self-driven news on RTI in the media. The issue of encouraging the use and practice of the law is neglected in the news. Besides, the media has published with importance the news only when they found noncooperation by the government authority in providing or publishing information. The NGOs do not use the law directly; however, they are helping their beneficiaries to file information applications. As the law has placed the

NGOs in the shoes of the authority, they themselves do not take much initiative to apply for information. In Bangladesh there are RTI practitioner NGOs, which are working for good governance, media and communications, promoting ICT, women and child rights. The NGOs are basically involved in training, publicity and research on RTI Act. However, all of these initiatives are tailored to the wishes of the donor organizations and the purpose of the projects. Some experiences of using information from secondary sources by NGOs were also found. For example the first hearing of the Bangladesh Information Commission was held on the basis of a complaint lodged by the Chief Executive of Bangladesh Environmental Lawyers' Association (BELA). Besides many other non-governmental organizations are also working on this issue.

Finally, the study perceived it necessary to investigate the level of people's involvement in governance through RTI in Bangladesh. The expected findings of this study can help the authorized personalities as well as people in general can get the highest benefits by following suitable strategies to ensure good governance. To investigate the research questions three Upazilas of Bangladesh, namely: 1) Dhaka city 2) Dhamrai Upazila, 3) Gouripur Upazilla with different socio-economic development status, as shown below, have been selected for study. This has been done to get a wider picture of people's participation in different socio-economic situations.

4.7 Data Collection

Information is collected from selected direct interview, observation techniques. Researcher has conducted the interview session with the active participation of the interviewees according to their convenient time and place.

Researcher has taken the notes simultaneously in the time of interviews. Before ending the interview, the researcher has asked the respondents that are anything they would like to include or exclude. Then she has started to transcribe the empirical data as a readable scientific text. After completing the presentation of data as a case, the researcher has started the analyzing part. By using the related literature, she has discussed the research findings in relation to the conceptual framework and earlier research. Qualitative research was carried out on the primary and secondary data collected during the research.

4.7.1 Primary Data Collection

Primary data were collected through interviews in addition to practical observations. Two types of interviews such as focus group interview, face-to-face interview were conducted, and recorded by audio-tape recorder. All interviews were 'tape-recorded to ensure accuracy of information' (Elmendorf & Luloff 2001, p. 143). For each case, beneficiaries groups, designated officers, bureaucrats, RTI specialists were interviewed. A semi-structured questionnaire was prepared to conduct interviews. More or less similar questions were asked to all interviewees to gather maximum data for each aim of the research, and then triangulation to get the best possible interpretation of the study. The basic philosophies framing the questions for interviews are shown in the following table:

Table 4: Basic Philosophies that framed the questionnaire

Premise of research concept	Objective/aim/purpose of the study	Knowledge/philosophy that frame questions for interview
People's participation in central good governance	Explore how people's participation matters to the local government bodies in the developing countries.	<ol style="list-style-type: none"> 1. Does people's participation matters to the government of developing countries 2. How is people's participation perceived by the concerned stakeholders in Bangladesh local governance?
People's participation is a continuous process and only empowerment of people can ensure effective participation	Investigate the effectiveness of people's participation process in service delivery by Bangladesh local government bodies	<ol style="list-style-type: none"> 1. Can people be empowered through a gradual engagement (participatory process) with governing bodies in developing societies? 2. What is the strength and weakness of BD local governance concerning people's engagement to establish good governance?
Effective people's participation is	Examine how People's participation varies within different socio-	<ol style="list-style-type: none"> 1. Can greater people's participation ensure effective development in

must for effective development by ensuring good governance	economic contexts, in particular the gap between the developed and developing society, and possible remedy to fill up the gap (if any)	rural Bangladesh? 2. What is the solution to feel the gap, if any, between theory and practice of people's participation process?
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4.7.1.1 Focus group interview

A focus group interview with the expected beneficiaries was conducted in each Upazila. Focus group interviews were conducted to gather people's perceptions formed through their participation in governance programs. Hughes and DuMont (1993) argued that the focus group is very effective for reflecting the social realities of a group, through direct access to the language and concepts which construct the participants' experience.

In the case of a survey within the rural Bangladesh context where the majority of people are illiterate, an educated person is needed to read and explain the questions. In this situation there is every chance of bias by the preconceived ideas of the interviewer or the interpreter or the translator. Patricia van der Reis (2000) identified that illiterate and less-literate respondents encounter the lack of a full understanding of the questions, even though they may be asked in their own language. Moreover, in Bangladesh, rural people are always shy to speak individually but not when in a group. To overcome these types of problems a focus group interview was found very useful. Kidd and Parshall (2000) found through their research that individuals in groups answer questions in more comprehensive ways, and the control over the

direction of the interview actually shifted from the interviewer to the interviewee during focus group interviews.

Target population and Sampling strategy

The target population is the specific complete group relevant to the research area (Zikmund 2003). In this way the target populations for this research are beneficiaries of the act related to cases respectively.

The population is relatively heterogeneous because they experienced different cases from different situations. However in terms of interest in related to getting services, the population was homogeneous in all cases and places. The population was also homogeneous in terms of age and status as most of them were aged between 25 to 45 years [mature], and from the same rural areas. Though some researchers (Carey 1994) supported the homogeneity of focus groups in terms of age, status, class, occupation and other characteristics, many others (Powell, Single & Lloyd 1996) rejected the issue placing more importance on the purpose, time and availability of interviewees for study. People deprived of the safety net programs or services and then asking for information are considered as population. Kitzinger (1994, p. 105) mentioned that 4 or 5 focus groups may be a perfectly adequate number when working with particular populations, whereas, Krueger (1994) suggested that the minimum may be 3 and the maximum of 12 per focus group session is adequate.

Analyzing the arguments of different researchers, McLafferty (2004) viewed that the sample size for a focus group may vary from four to twenty. Thus, this research followed the middle way: neither a small nor a large sample size for the interview. From each project area 5-12 of the expected beneficiaries were

randomly (from various age groups) selected as a sample for focus group interviews. Here all populations were both from rural Bangladesh, and the total focus groups were 6 in number, which seems adequate according to the previous findings.

Data collection technique

The research data collection was started through visiting Dhamrai Upazila. At first the researcher went to the UNO's office to procure her consent to conduct interviews within her jurisdiction, though a verbal consent had already been indicated over the telephone. He went to the people who are deprived of the programs or services as per the study, visited the officers and met designated officers. After completion of the interview, the researcher went to see the outcomes accompanied by the interviewees. This helps the interviewees to recall many other related events during the cases.

As moderation is a very important role during focus group interviews (McLafferty 2004), the researcher himself moderates the focus group interviews. His previous knowledge of working with rural people and observing development sites with interviewees (during previous interview) helped to moderate the interviews.

4.7.1.2 Face to face interview

Face to face interviews with local people, public representatives, bureaucrats, and high officials were conducted for detailed understanding of the people's participation process with the development projects. A semi-structured questionnaire was used to conduct interviews. Most researchers assert that in face-to-face interviews, any oblique answer can be detected through the

respondent's behavior, body language, manner, emotion or any other indication/ reflection (Denzin & Lincoln 2000)

Target population and Sampling strategy

The target populations in this case were the concerned individuals who are involved in seeking information and the programs. Sampling choice was very narrow in this case because emphasis was placed on the most important persons who are mandatory to work, and who have sufficient documents related to those i.e. key informants. UP Chairmen (3 UPZ); Information Officers (3 UPZ); UNOs (3 UPZ); Project Directors [PD] (2); Deputy Secretary of the Information Ministry (1) and RTI specialist(2) were selected for face to face interviews.

Data collection technique

At the end of the Upazila visit, the researcher went to the Upazila headquarters to collect data and conducted interviews with the government officials. Interviews with the Ministry officials and Project officials were very difficult since most of them were unwilling to face any interview, especially when it would be recorded. However, official and personal communications have been used to conduct such interviews.

4.7.2 Secondary Data Collection

The secondary data was collected from the different layers of administration like Union Parishad, Upazila Parishad (Sub-district), District Office, Ministry of Information and also from the Information Commission. Batch-mates who are working in the Ministry levels have helped to collect official documents and other development agencies' reports related to cases. Moreover, the

bureaucratic position of the researcher helped to gain access to all these institutions to collect data.

4.8 Ethical Consideration

In research, ethical consideration is the most important part of the study. According to Bulmer (2008, p.146), ethics is a matter of principled sensitivity to the rights of the others. Interviewer's interest, willingness and fruitfulness are very essential for accomplishing the study. Mason (1996), Milean Huberman (1994) stated that, ethical considerations are an important aspect of qualitative research. The informed consent, confidentiality and anonymity of respondents' personal profile are the basic consideration to conduct the research. First of all I had to think about informed consent where the respondents were free to choose to take part or refuse, specific place, her convenient time etcetera (Bulmer,2008,p.150). I have noted all interview session. Recording has great advantages. Like Borg and Gall mentioned the advantages of recording. Kvale and Brinkmann (2008) emphasize the importance of applying ethics throughout the research process. For conducting the research I had to inform the respondents about the purpose of the study. Negative consequence oriented word was not used.

The questionnaire was also very flexible, and any question that embarrassed the interviewee was dropped unconditionally. A written statement of confidentiality and privacy was also provided to all of them, along with the purpose of the study; and the right of withdrawing anytime was made clear to the respondents, both through the informed consent form and through clarification by the researcher. In terms of protecting the individual from any adverse consequences of participating in the interview (Black 2002), the

researcher allowed responses to be submitted anonymously. In the case of government officials and public representatives, as requested by the respondents, off the record comments have been extracted separately to keep the confidentiality of the interviewee.

However, in qualitative research, maintaining ethics is not just about maintaining confidentiality and anonymity of the objects (here interviewees): recognizing and taking into account the reflexivity and positionality of the subject (here, the researcher) is also equally important (Sultana 2007; Nagar 2003; Robertson 2002). Reflexivity in research entails reflection of self in the research process and in data collection and interpretation. Being reflexive is significant in situating the research and knowledge assembly so that ethical commitments can be sustained (Sultana 2007; Nagar 2003). On the other hand, positionality is a key component of self-critique, which is premised on the specification of the identity of the researcher in different cultural environments (Robertson, 2002).

4.9 Data Analysis

The primary and secondary qualitative data were analyzed thoroughly to address the research questions. The recorded data from face to face and other group interviews were transcribed manually (see Appendix 4 for extracts from all interviews). This transcription was used as the basis for the analysis. Each transcript was read and reviewed in its entirety. The transcripts were read by two reviewers. The transcribed data initially were filled and indexed to prepare for using the NVivo program for qualitative data analysis. Margin codes that related to each of the research questions were identified and tagged with different marks. Here, the entire perceptions and interpretations

by all interviewees regarding the issue of people's participation in government programs through implementation of RTI have been categorized according to their relationship with the research questions. A precise indexing through comparing and contrasting different segments of texts was done to get a general theme. A hierarchical coding was then done manually, to break down that general theme according to similarities and differences in conceptualizing people's participation by different segments, and thereby enable the construction of different categories or sub-themes of a big picture (King 2004). Interview transcriptions were examined line by line during coding and categorizing to find out contradictions and consistency within entire texts that shared particular distinguishing characteristics (Strauss & Corbin 1998). A comprehensive set of core themes were thereby generated by clustering the codes into more inclusive categories. Emergent categories were then reconstructed through expansion, consolidation or division to further generate and develop previously identified categories (Johnson et al. 2007). The NVivo software thus entailed new themes since it involved coding, categorizing, choosing, centering, shortening, and transforming the basic raw data (Welsh 2002). The entire data that were collected from interviews and written documents were also analyzed through the constant comparison method (Denzin & Lincoln 2000, p. 783). In this method, data related to same research question from different development programs and locations were gathered and compared critically. These results were then compared and contrasted with the data from the practical observations and other secondary sources i.e. documents and literature. Finally these results were contrasted with the related theoretical concepts. This involves a constant 'flip flop' between the data and analysis (Strauss & Corbin 1998). Access to subjective

factors (thoughts, feelings and desires) of interviewees also was considered to compare and contrast with the recorded data. This process of data analysis thus helped to develop a wider base of understanding the empirical context, and also helped to determine the emergent themes.

Triangulation of data from the cross-sectional socio-economic environments and multiple sources like local community, local leaders, elected members, bureaucrats and existing literatures was applied in the critical interpretation of the data to get greater validation, reliability and predictive value (Fielding & Fielding 1989). Behavioral and emotional reactions of the local community, leaders and bureaucrats also were considered to analyze thematically and interpret the data in all possible ways. Moreover, just as in a case study, the same data was used for different purposes (Travers 2002); the collected data were used to interpret both the level of participation through RTI and the quality of governance.

4.10 Strengths and weaknesses of the research

The research deals with two hierarchical issues like RTI act and good governance. So it was very difficult to find everyone completely concerned with the issues properly. Thus the axiomatic concept of the research is phenomenologically very complex. To one end, the research is focused on exploring the position of government programs through the implementation of RTI act. To the other end, it is concerned with identifying the state of good governance that is reflected through different services given by different government institutions. Both the epistemological issues, that is, position of RTI and state of governance, can hardly be exposed /discovered by measuring 'on a physical scale' (Schulze 2003, p. 12). Thus a qualitative approach

appeared the best option to conduct this research. Kaplan and Maxwell (2005, p. 30) asserted the 'goal of qualitative research is understanding issues or particular situations by investigating the perspectives and behavior of the people in these situations and the context within which they act'. Therefore, the qualitative method has been particularly adopted here in investigating the uncongenial situation for people faced during gathering information, behavior of the designated officers in that situation to understand the management issues of participation and the social situation of governance in Bangladesh. Hence the only and one way to conceptualize the overall relationship between RTI and good governance is framing the result or analysis through qualitative method.

Moreover this research area developed on the basis of several theoretical concepts which are pervasive within different disciplines. The management of service delivery by government bodies that can be framed under public management is one discipline. Again the act of social science of empowering people, or developing civil society or developing social capital is another discipline of this research. Cassell and others argued that the qualitative research is precisely defined 'because of its multidisciplinary and interdisciplinary nature' (Cassell et al. 2006, p. 161). So, at the present body of knowledge, no single theory is available that can be deducted for this particular context, mainly, because of its multi-disciplinary nature. Thus this research is inductive in nature. While Popper (2003) claimed that science advances only by disproving theories, this research is opposite to it: being naturally inductive, this research is aimed at improving or developing theories. This position can be justified with Locke's statement that 'theory building research in the social sciences, management and psychology

included, should be inductive' (Locke 2007, p. 867). Hence the use of the qualitative methods proved a point of strength of this research as qualitative is primarily inductive (Kaplan & Maxwell 2005). Nevertheless, 'qualitative research is more useful for exploring phenomena in specific contexts, articulating participants' understandings and perceptions and generating tentative concepts and theories that directly pertain to particular environments' (Schulze 2003, p. 12).

Another point of strength of this study is in the setting methods for data collection. Use of only one method to collect data from such a complex and vast phenomena could be as insignificant as the story of seeing an elephant through the eyes of the blind (Bosson, Swann & Pennebaker 2000). Thus this research used interviews, questionnaires to get a wide range of data for triangulation and analysis. Kaplan and Maxwell described that 'qualitative data are gathered primarily from observations, interviews, and documents, and are analyzed by a variety of systematic techniques' (2005, p. 30). So this research gathered data primarily in the forms of words rather than numbers. This approach is useful in understanding causal processes, and in facilitating action based on the research results (Kaplan & Maxwell 2005).

One of the major limitations of the study has been the probability of getting biased responses from the interviewees. These biased responses are reasonable as the perceptions of the respondents are affected by their interest (Funnell 1996, p. 169). However, in this research, data from different cases and multiple sources/stakeholders like community, local leaders, government bureaucrats and review of existing literature have been taken into account for

triangulation of data, and thus helped to avoid the charge of bias (Funnell 1996).

In most of the cases, the required number of respondents was not available and if I found and met with them, they were not interested to take part in the interview. In some cases family was supportive but the respondents were not. And it was only women so, in terms of Bangladesh it is always a problem. Another thing is that respondents were not interested to talk in every question. They thought, I had very personal interest on this work. It was not easy for them to understand. Even for talking more than one hour with a respondent, it was very difficult to manage them for interview.

Another limitation of the research could be inaccurate information supplied by the respondents based on their memories from the previous events. As the research selected two cases which already have been implemented and are being used by the local beneficiaries, the respondents might have needed to recall the then situation during the implementation of the projects (Elmendorf & Luloff 2001). To overcome this situation, the completed projects were visited with the respondents to revisit their memories. On the other hand, public officials used their According to [South Asian] folklore, there were once six blind men heard of the animal called the elephant but did not know what one was like. To satisfy their curiosity, they decided one day to use their sense of touch to determine the creature's appearance. Matters become confusing, however, when each man touched a different part of the elephant and become convinced that he alone understood its true nature. 'The elephant is very like a snake!' proclaimed the man who had touched its trunk. The fellow who had touched its side, however, declared the elephant to be 'nothing but a wall,'

whereas the man who touched the creature's tusk claimed that the elephant was 'like a spear,' and so on. It is no wonder, then, that the six men could not agree on the true appearance of the elephant. (Bosson, Swann & Pennebaker 2000, p. 631) Official archived documents to recall the situation for authentic answers. This observation and document consultation helped to overcome this limitation (Elmendorf & Luloff 2001).

Visiting more cases and developing countries could have helped to have a wider range of data and more findings. However, it could not have been possible because of time and resource constraints. This limitation may preclude this case study from making generalizations on the basis of the conclusions of this research.

4.11 Reliability and Validity

Zikmund (2003) stated that reliability applies to an evaluation process when similar results are attained over time and across situations. Generally, reliability is the scale to which measures are 'free from error and therefore yield consistent yields' (Zikmund 2003, p. 300). Theoretically validity and reliability are related, however, reliability is necessary but not sufficient for validity. Validity, on the other hand, is a term describing an evaluation process that accurately reflects the idea it has intended to evaluate (Kumar 1996). The quality of the data and the method used to gather that is broadly addressed by the reliability and validity issues in research studies.

Though concerns about validity in qualitative research have increased presently, the related issues have been addressed for more than half a century (Atkinson, Coffey & Delamont 2003). Cho and Trent stated that 'validity in qualitative research involves determining the degree to which researchers' claim about knowledge correspond to the reality (or research participants' constructions of reality) being studied' (2006, p. 319). To justify the statement, several steps have been taken in this research, firstly, in the selection of participants for conducting interviews. As local people are the main beneficiary of the good governance and development programs, most valuable data were collected from local beneficiaries through focus group interviews. Respondents in group interviews were selected randomly and voluntarily, so they responded willingly. Moreover, the fact that these groups of peoples previously knew each other, through their living, working (in case of businessmen) or socializing (in case of school), helped them for collective-remembering during interviews. Kitzinger (1994) argued that research participants who already knew each other provide advantage through relating to each other's comments and collectively remembering any shared events. Nonetheless, people of Bangladesh are not only shy, but also afraid to comment individually when it is tape-recorded. Morgan mentioned that 'focus group are particularly suited to the study of attitudes and cognition' (1988, p. 17). Secondly, all data through interviews, observation and documents were collected without political affiliation. Finally, justified use of the inquiry paradigm determines the validity and reliability of the research. Creswell and Miller (2000) pointed that the appropriate validity of research depends upon the application of inquiry paradigms in qualitative research. To fulfill this concern, this research has used more than one inquiry paradigm to answer

the problem with deep insights into the agent and structural phenomena of the research realms.

Validity is also adjusted by interviewing several groups with some open questions based on the same epistemology of philosophy in an array of socio-economic contexts. The realities [matter of inquiry] of this research are not only confined within service delivery management, or project management, or office management or people networking management. Management is commonly conceived of as a collective institutional necessity or as a set of individual practices (Tsoukas 1994). A single paradigm is thus deemed enough to see the whole problem in this research realm. All data related to the same research questions were then triangulated to get more accurate and reliable results. Seale emphasized that triangulation, when 'use[d] with due caution, can enhance the credibility of a research account by providing an additional way of generating evidence in support of key claims' (1999, p. 61).

4.12 Conclusion

The above chapter discussed the different important aspects of research methodology. The respondents were totally free for participate the research work. I will conclude by summarizing the reflections on case study methodology that I have made in this presentation.

CHAPTER 5

FINDINGS OF THE RESEARCH

5.1 Introduction

This chapter contains the findings and analysis of the research interviews. The researcher conducted several interviews with RTI specialists, bureaucrats, civil society and common people also. For maintain the hetero generosity, the researcher took different age level, area of professional experiences and different education status. To dig out the different point of views and ideas, she chose different respondents. The researcher analyzed this case study in this research work. Among them the maximum were not satisfied about the present status of RTI act and the governance system itself.

5.2 Findings and Analysis of Qualitative Study

The research findings are analyzed using under following sub-heading:

5.2.1 Lack of interest in gathering information

5.2.2 Co operational support

5.2.3 Overall educational status

5.2.5 Not concerned about good governance

5.2.4 Level in decision making sector

5.2.5 Lack of coordination with administration

5.2.6 Negligence of the designated officer

5.2.7 Awareness level

5.2.8 Regularly facing multiple and diversified challenges

5.2.9 Analysis of unexpected experiences about asking for information

5.2.11 Analysis of Governmental initiatives

5.2.12 Analysis of non- government initiatives

5.2.14 Accountability

To maintain the aim of the study, the researcher used the empirical data which she collected from the respondents but for every theme. She uses the different respondents' responses while she used maximum relevant arguments for the analysis.

5.2.1 Lack of interest in gathering information

While conducting the research, the researcher found that many people don't know about their right to information or they ever tried to establish their right boldly. Attending interviews with the designated information officers of different institutions, he came to know that they find very little numbers of demands for information with the right procedure as mentioned in the RTI act. One of the interviewees told

"We are always open for all. We appreciate their asking if they have any. We are successful when we find people are very curious about any activity. People easily can identify the corrupted officials, and try to prevent this corruption".

5.2.2 Co operational support

Among the respondents during data collection, the researcher found that most of the applicants for information lack proper support. They actually don't know what RTI is, where to go, what to do etc. Most of them asked for information with the help of RTI activists initiated by different NGOs. Respondents opined that,

"I didn't know about RTI a bit.....Ifwould not help me.....if the NGO would not tell me.....it would not possible for me to do this....."

So the research extraordinarily finds that those who have no cooperational support, they dare not to ask for information though they have desire to get it.

5.2.3 Overall educational status

Bangladesh is an ongoing developed country. The governance system is getting democratic day by day through its transparent and accountable nature. In this regard RTI act can play a vital role. But our overall educational status is very poor. Though various statistics show that we are 61.5% OR 75% literate but actually literacy and education differs a lot. All of interviewees said that,

“There is nothing but our educational status helps us in gaining proper success of RTI”

One of the respondents told that,

“Since I have no education.....as I can't read or write so well.....I don't know about RTI.....”

5.2.4 Not concerned about good governance

It is really an unacceptable picture in Bangladesh that people are somehow, more specifically, for their necessity knows about RTI act but they don't realize the term good governance whether they are educated or uneducated .Governance is related to government and to common people it means related to politics. So the research tries to find the tentative result of proper implementation of RTI to strengthen good governance. Among the interviewees, one of them told that,

“.....RTI and good governance are interwoven from the perspective of transparency and accountability.....hence one can't face the question of success without other.”

But another RTI specialist opined that

“.....when people are getting participated to make government accountable throwing their questions.....then it's less important to know good governance by definition.....they are being practically involved.”

5.2.5 Level of empowerment

Public empowerment is the main findings of this research. As long as the victims complained against their injustice or forced them to be accountable to them providing information they are getting participated with the activities. So the main issue to find through the research is to prove that nothing can be stronger or powerful than RTI to strengthen good governance. Most of the respondents were surprised at the implementation of RTI. One of them told after getting his or her benefit....

“.....where we can't imagine to get our proper demand, RTI plays the role of magician.....I'm too happy.”

Another bureaucrat said

“RTI can play the role of a catalyst to strengthen the governance system.....”

5.2.6 Lack of coordination with administration

There is a lack of coordination between governance and the common people which effects negatively. One of the respondents said that,

“No one wants to know our problems.....We do election for the people but what is our achievement..we can't tell our problems to our leader.....because of direct coordination with them..... ”

Besides civil society members and RTI specialists also opines that designated information officers also say that,

“.....we are working under someone higher than us.....we have also pressure not to give proper information, especially on the financial issues.....”

5.2.7 Negligence of the designated office

The research step by step unfolds the challenges to the proper implementation of RTI act. Hence it is one of the major findings is that the designated officers sometimes show negligence to provide information, even threatens. One of the respondents shared an experience that,

“.....He then scolded me profusely and asked how he had dared to make such an application..... He also told that he was not bound to provide the information..... the official was very angry and threatened me with legal action...”

5.2.8 Awareness level

It is clear that potential users must first know about the RTI Act. Furthermore, as seen throughout the research, besides awareness about the Act, citizens must also understand how RTI can help them to address specific problems; one of the interviewee told that,

“Surprisingly, an overwhelming proportion of the respondents are found to be unaware of the legislation. The citizen survey found that 44.2 percent of the respondents were unaware of RTI and RTIA. Of the 55.8 percent survey respondents who knew about RTIA, 59.2 percent sought information from institutions after the enactment of RTIA (on July 1, 2009). Indeed, this indicates

a significant share of information seekers in the survey population (33.1 percent).....”

5.2.9 Facing multiple and diversified challenges

Therefore, the demand for information seems to exist in Bangladesh. The key barrier to information flow that came out of this survey is the unawareness of the citizens about RTIA. The respondents tend to put the blame on the government for not reaching out to the mass in building the required awareness, deliberate or not. The study found 84.1 percent respondents identified inadequate publicity as the major obstacles. One of the interviewees told

“.....as a newborn issue RTI must need some special care to flourishfrom top to bottom.....govt. to designated officer everyone.....”

5.2.10 Analysis of unexpected experiences during information gathering

Conducting interviews on experience about asking information, the research opens up some crucial issues like bribe, mutual without going forward etc. One of the victims told,

“.....Upon receiving his application, the DO got in touch..... and asked him to agree to an informal settlement upon withdrawal of his application..... he was provided with some incomplete information ...invited to his office and requested him fervently to withdraw his appeal..... to influence him through the help of local power brokers. He was told that if he did not agree to an informal settlement, he could get into serious trouble.....”

5.2.11 Analysis of facing government initiatives

RTI Act 2009 is a milestone for the government of Bangladesh. It means the country is going ahead to the recognized way of democracy. The government has told that every possible assistance is a must to provide to implement the act strongly to ensure peoples participation in governance to strengthen it. But during this research period while collecting data and interviewing different personalities, most of them told government should be more pragmatic to correlate RTI act and good governance. One of the interviewees told,

“.....the main disappointment in this regard is the almost total indifference of the Government towards the implementation of the Act. From the time the law was enacted, there has hardly been any serious gesture from the Government to show that it really cares for its success. Without this, the response from those who are supposed to make it work, the public officials in particular, can hardly be very positive.....”

5.2.12 Analysis of non-government initiatives

While the promising picture of RTI falls to the question of negativity, somehow another side also shows the rays of success from the role of some intermediaries. An approach that has yielded significant results, as evidenced by the cases is the presence of intermediaries—NGOs, community based organizations, youth groups, and others—to support citizens in submitting information requests and acting upon such information. In addition to awareness raising campaigns and trainings, follow-up support to requesters has contributed to ease the oftentimes lengthy process of RTI applications, as

well as to be more effective when making use of the information obtained. Due to this, building the capacity of these intermediaries to provide support and follow up is crucial. One of the respondents told that,

“.....the gains can be attributed primarily to the efforts of people at the grassroots level and their facilitators who belong to a small number of NGOs in the country who sought to promote the use of RTI mainly as a tool to empower disadvantaged communities and improve their situation.....”

5.2.13 Accountability

Though the outcomes of RTI act combines mixed ratio of success and failure, it can't be denied that proper nurture of the act can be a good actor to set up an expected relation between government and the common people which is the precondition to overall success. Many respondents during data collection told that they are surprisingly happy getting the officials to whom they wanted to know, accountable to them and most of the cases they got the answers. One of them told that,

“ previously we hardly got any medicine at the hospital but now we not only get the medicine freely but more medicine than we got before.....”

And their respondent told,

“I was overwhelmed with joy that he could get the money through only two applications under the RTI Act when he had almost given up

hope of ever getting his money back.I still cannot believe that a law can be so powerful that it could not only help to get my money back but also worked as a check against corruption.....”

5.2.14. Analysis the role of the Information Commission

While in some of the cases presented, officials disclosed the information without intervention of the Information Commission, others had to take their requests to this appeal mechanism. In such cases, the Commission ruled in favor of the requester. On the one hand, these decisions can contribute to strengthen a culture of openness among government officials; while on the other, this enhances citizens ‘awareness of the fact that there is an agency that can ultimately rule in their favor.

5.3 Significant Results of the Qualitative Study

“When we first met in New Delhi in March 2010 to discuss progress and prospects of RTI/FOI laws in South Asia, the Bangladesh RTI Act 2009 was only nine months in force. Those of us who came from Bangladesh had thus very little experience to share at the meeting on the application of the law in our country. We had expressed our general optimism about it and we made up for our lack of experience with our excitement and enthusiasm for it. With the passage of more than three and a half years since that law came into force, we can now talk about our experience during this period. Have our expectations been met? How much have we been able to achieve? Where have we failed? What challenges/hurdles do we face and how should we deal with them? (Bari; 2009)”

The research from first to its last point has tried to seek for the answers of the above questions which automatically come to our mind when we talk or do something on RTI. After a deep analysis of the questions and views given by

different personalities from beneficiaries to authorized persons, the study represents as best as it can the overall picture and significant results. The first thing the research finds out surprisingly, an overwhelming proportion of the respondents are found to be unaware of the legislation. Participation of people or their interest to ask for information is not satisfactory. It is much unexpected situation that educational qualification of people is very poor and hence they need cooperational support to apply for any kind of information. The shortcomings relate primarily to the seeming indifference of the Government towards its implementation. The work of the Information Commission too has left much to be desired. Equally disappointing has been the lack of engagement by the more educated classes, the professional groups, the media, the political parties, many NGOs and the civil society in general. Most of the people lack necessary moral support and have overwhelming fear about possible retaliation by the authorities. Publicity and awareness-building about its scope and objectives does not take place so often before its formal adoption. The role of information commission is also needed to be more pragmatic. To be fair, it did a good job in the beginning in ensuring/obtaining the necessary government support for the setting up of a functioning Information Commission with the necessary paraphernalia, including infrastructure, office space, equipment, staff, website etc. It also undertook extensive awareness building activities. In short, it did most of the things necessary to set the ball rolling. What is clearly lacking, however, is the commitment necessary to wage a relentless crusade against the existing culture of official secrecy and the colonial mindset of the officialdom. This requires going the extra mile and the willingness to identify the hurdles and roadblocks in order to remove them. It also calls for greater visibility about its

efforts and achievements. This unfortunately has not happened. More importantly perhaps, the ICB failed to create a reputation of being people-friendly which the law clearly demands since it was designed as an instrument to empower people public authorities. Workshops or training programs have been arranged not satisfactorily.

The research also shows another problem impeding the progress of RTI in Bangladesh is the intimidating atmosphere at complaint hearings in the Information Commission. Most of the uneducated even educated peoples do not have the proper knowledge about public Information officers, the procedure of paying fees and to get information. Non-availability of user guide is another main challenge before successful RTI act implementation. Absence of user guide creates difficulty on the part of the Information seekers to gather knowledge about the process for submitting a RTI request. Lack of commitment in efficient record management both state and central government instructions posing challenge before successful implementation of RTI act. Due to the lack of efficient record management system, the public Information Officers face difficulty to get accurate and easy access of information from the concerned department. Bureaucracy also hides information for fear of criticism and to give a good image of them before public. However the research doesn't only shows the negative findings to criticize RTI or people related to it, rather to pave a better path to achieve the desired goal; it discusses the issues to solve.

CHAPTER 6

CONCLUSION AND RECOMMENDATION

6.1 Introduction

In this chapter, findings that surfaced in the previous three chapters are analyzed collectively to identify ways of reducing, and perhaps overcoming, the barriers to establishing good governance in Bangladesh through proper implementation of RTI act. The main objective of this chapter is to overview the whole research, its preamble, problems discovered by analyzing research questions, and probable solutions. To achieve this objective, this chapter is discussing valuable recommendations. The chapter also discloses the desired ways to strengthen governance making it correlated with the powerful and demanding RTI act. The chapter also provides a review of the findings in accordance with research questions. It also evaluates the conceptual framework for effective people's participation. Lastly the chapter recommends a possible solution on the basis of barriers identified through this research. The final portion states the contribution, implications, methodological justification and further research areas.

6.2 Similarities and Dissimilarities with the Assumptions

For making the idea and following path the researcher has three assumptions. I want to mention whether the assumptions are right or wrong. The first assumption was regarding educational status of people. The researcher thought that only education can involve people interested in using RTI. But the assumption proved wrong when he interviewed the beneficiaries. Not

only education but also moral support and cooperational support are needed to implement RTI properly. The second assumption was about awareness level of people about information gathering and being involved in governance. Yes, I found it is right. It is clear that potential users must first know about the RTI Act. Furthermore, as seen throughout the cases, besides awareness about the Act, citizens must also understand how RTI can help them to address specific problems; that is, they must make the link between RTI benefits and their current situation. For instance, it was only after citizens realized how knowing the criteria and list of beneficiaries of social programs like the VGF could lead to their inclusion into such programs that they decided to submit RTI requests. My third assumption was about stating the topic again that only RTI act can and certainly can establish accountable and transparent governance system .So there is no doubt that there is an undeniable relationship between good governance and RTI act. This assumption also proved right. I found that people are happy being participated with the information gathering process. The designated information officer finds themselves more bound to their work. Even the govt. officials who never thought to be accountable to common people also get concerned about their responsibilities.

6.3 Possible recommendations

Here the researcher is providing some relevant recommendations which are as follows:

1. Coming Out from the Culture of Secrecy can play a vital role to inform people what they want to know

2. Training arrangement is a better way to set up a RTI act friendly environment. Experts say one of the very important elements to successfully implementing the RTI Act is to provide adequate training to the officials and staffs dealing with the law on the rights to information. If the people dealing with RTI Act are not aware about the legal provisions, implementing the law becomes impossible. Through training, the officials will learn about the benefits of the law and their obligations.

3. Information officers should have complete freedom about providing information. The information officers should have the power to decide disclosure of information. They may take advice from higher authorities while dealing with sensitive issues, but, otherwise, in most cases, the information official should be able to take decisions on his/her own.

4. A quick resolution or processing of an application or quick release of information is an important ingredient in ensuring right to information.

Delay in delivering information can destroy the whole process. Public awareness is the most effective and major element in ensuring participation. The primary stage of implementation of the RTI Act is very vital as during this time, the peoples' realization about the law will make

5. Public awareness is the most effective and major element in ensuring participation. The primary stage of implementation of the RTI Act is very vital as during this time, the peoples' realization about the law will make them interested about it. Besides, it is hard to retain the positives that are observed during the initial period. If the law does not reach the public initially, it becomes difficult to implement it.

6. The role of the civil society in establishing general peoples' access to information is vital. The civil society appears as the information demander on many occasions in greater interest of the people. So they should be the pioneer of the common people.

7. Rules, laws, regulations that hinders to provide information needs to be revised.

8. To evaluate and monitor the law a provision of monitoring committee will have to be formed.

9. The election process is needed to be reorganized. Information of each political party and candidate should be made open before the people.

10. Government should take initiatives to publish annual report regularly mentioning information regarding its activities and allocation for activities.

11. Electronic/digital documentation and e-governance should be introduced to avoid corruption and to bring transparency in public sector.

12. Information intermediaries should be developed in a planned way to disseminate information more effective.

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

13. A wide range of consultation involving all sections of people is needed on the draft law.

14. Campaign and strong advocacy is needed to aware people regarding the necessity and advantage of information accessibility. Following such process a

grassroots constituency needs to be built and demand for such law should come from local level.

15. Local government institution needs to be strengthened further to play an important role in protecting people's right to know.

6.4 Recommended Model of People's Participation through RTI in Governance

This research study found that the present system of people's participation through RTI, described above, is not desirably working for ensuring good governance in Bangladesh. This system can only be used for a top-down approach to service delivery, not for involving people. In fact, this system weakens all three of the elements of local governing bodies. The three components of a governing body are: structural, financial and functional. None of these three components is sufficiently functioning. For instance, an office or institution is not structurally fit because authority controls these institutions instead of local people, and there is no sound structure for including the grassroots for decision making. Likewise, an office or institution is not functionally sound for instance, providing demanded information, because there is no mechanism to monitor, and there are not even any rules or laws to make a viable participatory environment (no mechanism to empower local communities). Similarly, an office or institution is not financially viable because of its dependency on the central government's fund (unilateral link with central not with donors). However, studies show that while the structural, functional and financial elements of Bangladesh local government bodies have been changed time after time, the main function of local government, such as linking local people to the government, has not yet

been fulfilled (Khan 2000; Sarker 2003; Siddiqui 2005; Waheduzzaman 2008a; Zafarullah & Siddiquee 2001). More precisely, the normative/visible structure (four tiers or three tiers or two tiers has been changed many times but the instrumental/core structure that helps the government to reach the grassroots level has never yet been established by any government. To ensure good governance, government needs to encourage more participation, which this study suggested as a fourth element of governance system: that is, congregation.

Though the challenges and difficulties of people's participation have been noted (Booher 2004; Bureekul 2000; Carley 2006; Olson 1965), this study has revealed that effective developments cannot be provided by Bangladesh government institutions without direct people's participation by strong implication of RTI act. Like other developing societies, where local people have a distant relation with their political leaders (Mahmud 2004; Thorlind 1999) and officials are not accountable for their services (Sarker 2006b), direct participation is found to be obvious in achieving pro-people development.

Nonetheless, a robust legal framework is needed to develop trust among all actors. Researchers have recommended that trust and ethical behavior should be reflected in the legal framework in achieving good governance (Agere 2000, p. 77; Lowndes & Wilson 2001). In this case RTI can play the role of a

successful catalyst. Thus laws for people’s participation need to change, but laws do not change automatically, because of the socio-cultural legacy of the society (Aguilera & Cuervo-Cazurra 2004). Political and bureaucratic will is essential to change these laws, overcoming legacy and paving the way for good governance (Zafarullah & Khan 2005). A sound legal system not only increases social capital, but also helps to reduce corruption. Two World Bank researchers (Shah & Schacter 2004, p. 14) developed the following table for enhancing good governance by reducing corruption in the society.

Table 5: Enhancing Good Governance by reducing corruption

Incidence of corruption	Quality of governance	Priorities of anticorruption efforts for enhancing governance
High	Poor	Establish rule of law; strengthen institutions of participation and accountability; limit government intervention; implement economic policy reform
Medium	Fair	Decentralization and reform economic policies and public management
Low	Good	Establish anticorruption agencies; strengthen financial accountability; rise public and official awareness

(Source: Shah & Schacter 2004)

This Table indicates that Bangladesh needs to establish rule of law for enhancing good governance at all levels.

Moreover, social accountability has not been affirmed in the present system of service delivery by government institutions. Social accountability has appeared as an essential tool for good governance by ensuring the responsibility of service providers to the users (Sirker & Cosic 2007). Thus we see that, for Bangladesh, many issues need to be considered to ensure participatory good governance through strong emphasis on RTI act. Among these issues, legal frameworks, leadership and the development of people's awareness are very important for ensuring effective people's participation.

6.5 Contribution of the research

The findings of this research study contribute both theoretically and empirically. Theoretically they contribute to the present body of literature on participatory good governance. The present status of good governance, and more importantly, the process of people's participation in government programs, has been exposed through this research. It also affirms the value of good governance in developing societies, the vagueness of decentralization in development evaluation, the impact of civil society and social capital for ensuring good governance.

On the other hand, this research identified the faults in the process of involving people in gathering information, which would help the central Government of Bangladesh. The research has also found an appropriate way to empower people in poor socio-economic nations.

Moreover, this research study has provided grounds for the theory that continuous participation of people cannot bring empowerment of the people unless there is sufficient social capital and a civil society. Community spirit and knowledge of civic rights are important to form a civil society group in such a society, but leadership was found the single most important factor to bring people into the participatory process to ensure accountability, transparency and legitimacy of government functions i.e. establishing good governance.

6.6 Future Research

This research study sets the ground for many further research studies. Top of all, the recommended system of effective RTI implication could be tested in the field. If Bangladesh does not change their present system of people's participation in pursuing good governance, they will face another 'lost decade' (Squire 1991) in the near future. Several initiatives by the government and the development agencies for proper implementation of RTI will also not get momentum if these countries fail to overcome bad governance and to achieve pro-people development. A further research could be conducted to explore the validity of the recommended model. The relation of RTI with good governance can be further tested in other developing countries, even in the context of developed societies.

A broad based research could be conducted to test validity of this study in a broader context. More government institutions in different geographical areas and developing countries could be selected for such a wide ranging test. For good governance in developing countries, participation of all walks of life of the society is highly encouraged by international development agencies and

social workers (ADB 2004a; Hossain & Matin 2007; Sultana & Abeyasekera 2008). But this research did not try to assess the effectiveness of participation. Rather this research focused on participation of expected beneficiaries as a whole. Thus research could be conducted further to explore the effectiveness with the issue,

6.7 Conclusion

This concluding chapter has further discussed the findings of this research study. These discussions helped to answer each of the research questions set out at the beginning. These answers pointed to the main barriers for implementing RTI establishing good governance and thus effective development. The exposed barriers finally helped to develop a robust people's participation model. This chapter also summarizes the implications and contribution of this research, and indicates further research areas.

This research study explores the fact that, although people are participating in government programs, this participation has not, however, been enough to ensure good governance. In fact, the meaning and mechanism of the notion of good governance through effective implementation of RTI that has been imported from the western developed democratic countries.

The findings of this study further imply that the western democratic type of participatory governance demanded by development agencies is irrelevant to local systems of social organization and is, therefore, not achievable in Bangladesh. This confirms that participation varies with the variations of culture and socio-economic conditions of a particular society. Different government bodies in different countries with various socio-economic circumstances may well need different models for people's participation. The

presence of civil society and social capital should be considered as the most influential factors for planning strategies in achieving good governance in a particular society. Adequate legal frameworks are also essential to develop trust among different actors and make the participation process perfect.

Moreover, this study found that the congregational element in governance needs to be added as an additional and important element to foster RTI implication in developments, and to bring services close to people.

This thesis has achieved its prime objective of conceptualizing the knowledge of participatory governance, exploring the possible barriers to people's participation, and proposing a model for improving participation through RTI act in achieving good governance and effective development.

BIBLIOGRAPHY

ADB ---- 2000, Promoting Good Governance: ADB's Medium-term Agenda and Action Plan, The Asian Development Bank, Manilla.

ADB ---- 2004a, 'Local Governance and Service Delivery to the Poor: Bangladesh Case Study', paper presented to Local Government Pro-Poor Service Delivery, Manila, 9-13 February.

ADB---- 2006b, Guidelines for Preparing Performance Evaluation Reports for Public Sector Operations, Operations Evaluation Department, Asian Development Bank, Manilla.

Aguilera, RV & Cuervo-Cazurra, A 2004, 'Codes of Good Governance Worldwide: What is the Trigger?', Organization Studies, vol. 25, no. 3, pp. 415-43.

Agere, S 2000, Promoting Good Governance: Principles, Practices and Perspectives, Commonwealth Secretariat, London.

Atkinson, P, Coffey, A & Delamont, S 2003, Key Themes in Qualitative Research: Continues and Changes, Altamira Press, New York.

Andrews, M & Shah, A 2003, 'Citizen-centered Governance: a New Approach to Public Sector Reform', in A Shah (ed.), Handbook on Public Sector Performance Reviews, The World Bank, Washington, DC.

Azmat, F & Samaratunga, R 2007, 'Reforming the Structural Adjustment Programs: the Third World Experience', *Monash Business Review*, vol. 3, no. 3, pp. 1-8.

Arnstein, SR 1969, 'A Ladder of Citizen Participation', *Journal of the American Planning Association*, vol. 35, no. 4, pp. 216-24.

Azmat, F, Alam, Q & Coghill, K 2009, 'Integrated Governance: A Pre-Requisite for Sustainable Market-Oriented Development in Bangladesh', *International Journal of Public Administration*, vol. 32, no. 10, pp. 829-51.

Arko-cobbah, A 2006, 'Civil Society and Good Governance: Challenges for Public Libraries in South Africa', *Library Review*, vol. 55, no. 6, pp. 349-62.

Andrews, M & Shah, A 2003, 'Citizen-centered Governance: a New Approach to Public Sector Reform', in A Shah (ed.), *Handbook on Public Sector Performance Reviews*, The World Bank, Washington, DC.

Bureekul, T 2000, 'Public Participation in Environmental Management in Thailand', paper presented to The ASIA Pacific Governance 2000 Conference, Brisbane, 27-28 April.

Bosson, JK, Swann, WB & Pennebaker, JW 2000, 'Stalking the Perfect Measure of Implicit Self-esteem: the Blind Men and the Elephant Revisited?' *Journal of Personality and Social Psychology*, vol. 79, no. 4, pp. 631-43.

Battaglio, RP 2009, 'Privatization and Citizen Preferences: A Cross-National Analysis of Demand for Private Versus Public Provision of Services in Three Industries', *Administration & Society*, vol. 41, no. 1, pp. 38-66.

Besancon, M 2003, Good Governance Ranking: the Art of Measurements, World Bank, WPF Reports, no 36.

Bishop, P & Davis, G 2002, 'Mapping Public Participation in Policy Choices', Australian Journal of Public Administration, vol. 61, no. 1, pp. 14-29.

Barten, F, Montiel, RP, Espinoza, E & Morales, C 2002, 'Democratic Governance - Fairytale or Real Perspective? Lessons from Central America ', Environment and Urbanization, vol. 14, no. 1, pp. 129-44.

Blakeley, G & Evans, B 2008, 'It's Like Maintain a Hedge': Constraints on Citizen Engagement in Community Regeneration in East Manchester', Public Policy and Administration, vol. 23, no. 1, pp. 100-13.

Blair, H 2000, 'Participation and Accountability at the Periphery: Democratic Local Governance in Six Countries', World Development, vol. 28, no. 1, pp. 21-39.

Brett, EA 2003, 'Participation and Accountability in Development Management', Journal of Development Studies, vol. 40, no. 2, pp. 1-29.

CHRI Report, 2003, Open Sesame: Looking for the Right to Information in the Commonwealth, published by CHRI.

Cho, J & Trent, A 2006, 'Validity in Qualitative Research Revisited', Qualitative Research, vol. 6, no. 3, pp. 319-40.

Cassell, C, Buehring, A, Symon, G & Johnson, P 2006, 'Qualitative Methods in Management Research: an Introduction to the Themed Issue', Management Decision, vol. 44, no. 2, pp. 161-6.

Carley, M 2006, 'Partnership and Statutory Local Governance in a Devolved Scotland', *International Journal of Public Sector Management*, vol. 19, no. 3, pp. 250-60.

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.

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 Edited by Arifin Mir Shamsul, 1999, *Rules of Business*,1996, Seraj Books Syndicate.

Denzin, NK & Lincoln, YS (eds) 2000, *Handbook of Qualitative Research*, 2nd edn, SAGE Publications Inc, Thousand Oaks.

Denzin, NK 1989, *The Research Act: A Theoretical Introduction to Sociological Methods*, Prentice-Hall, Inc, New Jersey.

Elmendorf, WF & Luloff, AE 2001, 'Using Qualitative Data Collection Methods when Planning for Community Forests', *Journal of Arboriculture*, vol. 27, no. 3.

Fielding, NG & Fielding, JL 1989, *Linking Data, Qualitative Research Method Series*, Sage Publications, Newbury Park.

Funnell, R (ed.) 1996, *A Handbook for Research in Adult and Vocational Education*, NCVET, Adelaide.

Fischer, F 2007, *Deliberative Policy Analysis: Argumentation, Rhetoric, and Narratives*, in F Fischer, GJ Miller, MS Sidney (eds), *Handbook of Public Policy Analysis: Theory, Politics, and Methods*, CRC Press, New York, pp. 223-236.

Grindle, MS 2004, 'Good Enough Governance: Poverty Reduction and Reform in Developing Countries', *Governance: An International Journal of Policy, Administration, and Institutions*, vol. 17, no. 4, pp. 525-48.

GOB, 1998, *The Constitution of Peoples Republic of Bangladesh*, Bangladesh Government Printing Press.

GOB, 1998, *The Evidence Act 1872*, Bangladesh Government Press, Tejgoan.

Gaventa, 2004a, 'Towards Participatory Governance: Assessing the Transformative Possibilities', in S Hickey & G Mohan (eds), *Participation, from Tyranny to Transformation? : Exploring New Approaches to Participation in Development*, Zed Books, New York, pp. 25-41.

Gibson, PD, Lacy, DP & Dougherty, MJ 2005, 'Improving Performance and Accountability in Local Government with Citizen Participation', *The Innovation Journal: The Public Sector Innovation Journal*, vol. 10, no. 1, pp. 1-12.

Geddes, M 2005, 'International Perspectives and Policy Issues', in P Smyth, T Reddel & A Jones (eds), *Community and Local Governance in Australia*, University of New South Wales Press Ltd, Sydney, pp. 13-34.

Gurung, SM 2000, 'Good Governance, Participation, Gender and Disadvantaged Groups', paper presented to Dialogue on National Strategies for Sustainable Development in Nepal, Nepal, 23 December 2000.

Guba, EG & Lincoln, 2000, 'Paradigmatic Controversies, Contradictions, and Emerging Confluences', in NK Denzin & YS Lincoln (eds), *The Handbook of Qualitative Research*, SAGE Publications Inc, Thousand Oaks.

Guba, EG (ed.) 1990, *The Paradigm Dialog*, Sage Publications, Newbury Park.

Hughes, 2003, *Public Management and Administration*, 3rd edn, Palgrave-Macmillan, New York.

Hope Sr., KR 2009, 'Capacity Development for Good Governance in Developing Countries: Some Lessons from the Field', *International Journal of Public Administration*, vol. 32, no. 8, pp. 728 - 40.

Hye, HA 2000, 'Good Governance: A Social Contract for the New Millennium', in HA Hye (ed.), *Governance- South Asian Perspectives*, The University Press Limited, Dhaka.

Hout, W 2002, 'Good Governance and Aid: Selectivity Criteria in Development Assistance', *Development and Change*, vol. 33, no. 3, pp. 511-27.

Hout, W 2002, 'Good Governance and Aid: Selectivity Criteria in Development Assistance', *Development and Change*, vol. 33, no. 3, pp. 511-27.

Hossain, N & Sengupta, A 2009, 'Thinking Big, Going Global: The Challenge of BRAC's Global Expansion', *IDS Working Papers*, vol. 2009, no. 339, pp. 1-42.

Hossain, N & Matin, I 2007, 'Engaging Elite Support for the Poorest? BRAC's Targeted Ultra Poor Programme for Rural Women in Bangladesh', *Development in Practice*, vol. 17, no. 3, pp. 380-92.

Innes, JE & Booher, DE 2004, 'Reframing Public Participation: Strategies for the 21st Century', *Planning, Theory & Practice*, vol. 5, no. 4, pp. 419-36.

Johnson, P, Buehring, A, Cassell, C & Symon, G 2007, 'Defining Qualitative Management Research: an Empirical Investigation', *Qualitative Research in Organizations and Management: an International Journal*, vol. 2, no. 1, pp. 23-42.

Kenny, C 2007, 'Internet Governance on a Dollar a Day', *Information Polity: The International Journal of Government & Democracy in the Information Age*, vol. 12, no. 1/2, pp. 83-94.

Kaufmann, D, Kraay, A & Lobaton, PZ 1999, *Governance Matters*, The World Bank, Washington, DC.

Khwaja, AI 2004, 'Is Increasing Community Participation Always a Good Thing?', *Journal of the European Economic Association*, vol. 2, no. 2-3, pp. 427-36.

Kroeger, A 1983, 'Health Interview Surveys in Developing Countries: A Review of the Methods and Results', *International Journal of Epidemiology*, vol. 12, no. 4, pp. 465-81.

Kaplan, B & Maxwell, JA 2005, 'Qualitative Research Methods for Evaluating Computer Information Systems', in JG Anderson & CE Aydin (eds), *Evaluating the Organizational Impact of Healthcare Information Systems*, 2nd edn, Springer, New York, pp. 30-55.

Kitzinger, J 1994, 'The Methodology of Focus Groups: the Importance of Interaction between Research and Participants', *Sociology of Health & Illness*, vol. 16, no. 1, pp. 103-21.

Khan, AZ & Akther, MS 2000, 'The Role of Growth Centers in the Rural Economy of Bangladesh', paper presented to H & H 2000 Conference (Village Infrastructure to Cope with the Environment), Dhaka, Bangladesh, 24-26 November.

Law Commission, 2002, Draft Information Act, Bangladesh.

Lewis, 2004, 'On the Difficulty of Studying 'Civil Society': Reflections on NGOs, State and Democracy in Bangladesh', *Contributions to Indian Sociology*, vol. 38, no. 3, pp. 299-322.

Layder, D 1993, *New Strategies in Social Research: An Introduction and Guide*, Polity Press, Cambridge.

---- 1998, *Sociological Practice: Linking Theory and Social Research*, SAGE Publications Ltd, London.

Locke, EA 2007, 'The Case for Inductive Theory Building', *Journal of Management*, vol. 33, no. 6, pp. 867-90.

Lowndes, V & Wilson, D 2001, 'Social Capital and Local Governance: Exploring the Institutional Design Variable', *Political Studies*, vol. 49, no. 4, pp. 629-47.

Mandal Govinda et.al., 2005, *Rapid Assessment Report on Situation of Access to Information in Bangladesh*, Manusher Jonno Foundation.

Manowong, E & Ogunlana, SO 2006, 'Public Hearings in Thailand's infrastructure Projects: Effective Participations?', *Engineering, Construction and Architectural Management*, vol. 13, no. 4, pp. 343-63.

Morshed ---- 1997, *Bureaucratic Response to Administrative Decentralization: A Study of Bangladesh Civil Service*, The University Press Limited, Dhaka.

---- 2007, *Essays on Capacity Building: Human and Institutional Aspects*, Bangladesh Civil Service Administration Academy, Dhaka.

Merriam, SB 1991, *Case Study Research in Education, A Qualitative Approach*, Social & behavioral science series, Jossey-Bass Publishers Inc, San Francisco.

McLafferty, I 2004, 'Methodological Issues in Nursing Research: Focus Group Interviews as a Data Collecting Strategy', *Journal of Advanced Nursing*, vol. 48, no. 2, pp. 187-94.

Mahmud---- 2004, 'Citizen Participation in the Health Sector in Rural Bangladesh: Perceptions and Reality', *IDS Bulletin*, vol. 35, no. 2, pp. 11-8.

Newby, M, Amin, S, Diamond, I & Naved, RT 1998, 'Survey Experience among Women in Bangladesh', *American Behavioral Scientist*, vol. 42, no. 2, pp. 252-75.

Nagar, R & Farah, A 2003, 'Collaboration Across Borders: Moving Beyond Positionality', *Singapore Journal of Tropical Geography*, vol.24, no. 3, pp. 356-72.

OECD 2000, *Engaging Citizens*, Organisation for Economic Co-operation and Development, Paris.

Olson, M 1965, *The Logic of Collective Action: Public Goods and the Theory of Groups*, Harvard University Press, Cambridge.

Pateman, C 1970, *Participation and Democratic Theory*, Cambridge University Press, Cambridge.

Putnam, R 1993, *Making Democracy Work*, Princeton University Press, Princeton NJ.

Parker, A & Serrano, R 2000, *Promoting Good Governance through Social Funds and Decentralization*, Social Protection Unit, Human Development Network, The World Bank, Washington, DC.

Paul, S 1987, *Community Participation in Development Projects: The World Bank Experiences*, Discussion Paper No. 6, The World Bank, Washington, DC.

Pronk, JP 2001, 'Aid as a Catalyst', *Development and Change*, vol. 32, no. 4, pp. 611-29.

Rhodes, 2000, 'Governance and Public Administration', in J Pierre (ed.), *Debating Governance*, Oxford University Press, Oxford, pp. 54-90.

Rajan, R & Subramanian, A 2007, 'Does Aid Affect Governance', *American Economic Review*, vol. 97, no. 2, pp. 322-7.

Robertson, J 2002, 'Reflexivity Redux: A Pithy Polemic on Positionality', *Anthropological Quarterly*, vol. 75, no. 4, pp. 785-92.

Saxena, KBC 2005, 'Towards Excellence in e-Governance', *International Journal of Public Sector Management*, vol. 18, no. 6, pp. 498-513.

Shah, 2006a, Corruption and Decentralized Public Governance: World Bank Policy Research Working Paper 3824, Report No. 3824, The World Bank, Washington, DC.

Sobhan, R 2000, 'Governance and Local Government System', in HA Hye (ed.), Governance South Asian Perspectives, The University Press Limited, Dhaka.

---- 2002, The Incapacity of Structural Adjustment Reforms to Eradicate Poverty: An Agenda for Change, Centre for Policy Dialogue, Dhaka.

Stivers, C 2009, 'The Ontology of Public Space: Grounding Governance in Social Reality', American Behavioral Scientist, vol. 52, no. 7, pp. 1095-108.

Shand, D & Arnberg, M 1996, 'Background Paper' in Responsive Government: Service Quality Initiatives', Organization for Economic Cooperation and Development, no. 22 February 1996, p. 298.

Siroros, P 2002, Public Hearing, Conflict Resolution and Enhancing Participatory Management between Government and People: Experiences from the West and Proposal to Practice in Thai Society, Thammasat University, Bangkok.

Sarker, AE 2003, 'The Illusion of Decentralization: Evidence from Bangladesh', International Journal of Public Sector Management, vol. 16, no. 7, pp. 523-48.

---- 2006a, 'New Public Management in Developing Countries: An Analysis of Success and Failure with Particular Reference to Singapore and Bangladesh', International Journal of Public Sector Management, vol. 19, no. 2, pp. 180-203.

---- 2006b, 'The Political Economy of Decentralized Governance: An Assessment of Rural Local Government Reforms in Bangladesh', *International Journal of Public Administration*, vol. 29, no. 13, pp. 1285-309.

Siddiqui, K 2005, *Local Government in Bangladesh*, The University Press Limited, Dhaka.

Stivers, C 2000, 'Resisting the Ascendancy of Public Management: Normative Theory and Public Administration', *Administrative Theory and Praxis*, vol. 22, no. 1, pp. 10-23.

Sultana, P & Abeyasekera, S 2008, 'Effectiveness of Participatory Planning for Community Management of Fisheries in Bangladesh', *Journal of Environmental Management*, vol. 86, no. 1, pp. 201-13.

Shigetomi, S 2002, 'The State and NGOs: Issues and Analytical Framework', in S Shinichi (ed.), *The State and NGOs: Perspective from Asia*, Institute of Southeast Asian Studies, Singapore, pp. 1-33.

Santiso, C 2001, 'Good Governance and Aid Effectiveness: The World Bank and Conditionality', *The Georgetown Public Policy Review*, vol. 7, no. 1, pp. 1-22.

Stebbins, RA 2001, *Exploratory Research in the Social Sciences*, vol. 48, *Qualitative Research Methods*, Sage publications Inc, Thousand Oaks.

Sultana, F 2007, 'Reflexivity, Positionality and Participatory Ethics: Negotiating Fieldwork Dilemmas in International Research', *ACME: An International E-Journal for Critical Geographies*, vol. 6, no. 3, pp. 374-85.

Strauss, AL & Corbin, JM 1998, Basics of Qualitative Research, 2nd edn, Sage Publications Ltd, London.

Schulze, S 2003, 'Views on the Combination of Quantitative and Qualitative Research Approaches', *Progressio*, vol. 25, no. 2, pp. 8-20.

Shah, A & Schacter, M 2004, Combating Corruption: Look Before You Leap -A Lack of Progress in Eradicating Corruption could be due to Misguided Strategies, Finance & Development Division, World Bank, Washington, DC.

Sirker, K & Cosic, S 2007, Empowering the Marginalized: Case Studies of Social Accountability Initiatives in Asia, World Bank Institute, Washington, DC.

Tsoukas, H 1994, 'What is Management? An Outline of a Metatheory', *British Journal of Management*, vol. 5, no. 4, pp. 289-301.

Thorlind, R 1999, Development, Decentralization and Democracy: Exploring Social Capital and Politicization in the Bengal Region, Nordic Institute of Asian Studies, Copenhagen.

UNESCAP 2008, 'What is Good Governance?', in Governance, Human Settlements, Poverty Reduction Section, United Nations Economic and Social Commission for Asia and the Pacific.

Van der Reis, P 2000, Transportation Surveys Among Illiterate and Semiliterate Households in South Africa, Transport Research Board, Washington, DC.

World Bank, "Legislation on Freedom of Information: Trends and Standards," PREM Note No.93, October, 2004.

World Bank and Proshika, 2002, Bangladesh Urban Service Delivery A Score Card, Colour line Printers.

Waters, M 1994, Modern Sociological Theory, Social Science, SAGE Publications Ltd, London.

Welsh, E 2002, 'Dealing with Data: Using NVivo in the Qualitative Data Analysis Process', Forum: Qualitative Social Research, vol. 3, no. 2, pp. 1-9.

Waheduzzaman 2008a, 'Good Governance in Democratic Developing Countries: A Paradox', paper presented to 22nd AIRAANZ (The Association of Industrial Relations Academics of Australia and New Zealand) Conference, Melbourne, Australia, 6-8 February 2008.

World Bank 2002b, Taming Leviathan: Reforming Governance in Bangladesh -an Institutional Review, The World Bank, Washington, DC.

---- 2003, Bangladesh Achievements and Challenges: Development Policy Review, The World Bank, Dhaka.

--- 2007a, Bangladesh and India: Strengthening Accountable Local Governance, South Asian Regional Strategy Update, The World Bank, Washington, DC.

Zafarullah, H & Siddiquee, NA 2001, 'Dissecting Public Sector Corruption in Bangladesh: Issues and Problems of Control', Public Organization Review: A Global Journal, vol. 1, no. 4, pp. 465-86.

Zafarullah, H & Huque, AS 2001, 'Public Management for Good Governance: Reforms, Regimes, and Reality in Bangladesh', International Journal of Public Administration, vol. 24, no. 12, pp. 1379-403.

Zikmund, WG 2003, Business Research Methods, The Dryden Press, Florida.

Zafarullah, H & Khan, MM 2005, The Bureaucratic Ascendancy: Public Administration in Bangladesh the First Three Decades, A H Development Publishing House, Dhaka.

11. What was there attitude towards your seeking for information?

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12. Do you have any suggestion?

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Appendix B: Questionnaire sample 02

Dear Sir/Madam

I am conducting a survey on the relationship between Right to Information Act and Good governance. Your response will be beneficial in helping me understand the interactions properly whether it is really interconnected or not. It would be appreciated if you could convey your views by answering the questions below. Thank you for sparing your valuable time.

Personal Information:

Gender :

Profession :

Age :

Educational Qualification :

01. What is your opinion about restoring good governance through implementation of RTI?

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.....
.....

02. Have we reached the expected point of success about RTI?

Yes

No

10. Should RTI be included in our academic sessions?

A) Yes

B) No

11. Do you find the overall process of getting any information complicated for the general people?

A) Yes

B) No

12. Would you share your valuable suggestion please?

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Appendix C: Right to Information Act 2009

Right to Information Act, 2009

Act. No. XX of 2009

An Act to make provisions for ensuring free flow of information and people's right to information.

Whereas freedom of thought, conscience and speech is recognized in the Constitution of the People's Republic of Bangladesh as one of the fundamental rights and right to information is an inalienable part of freedom of thought, conscience and speech; and Whereas all powers of the Republic belong to the people, and it is necessary to ensure right to information for the empowerment of the people; and Whereas if the right to information of the people is ensured, the transparency and accountability of all public, autonomous and statutory organizations and of other private institutions constituted or run by government or foreign financing shall increase, corruption of the same shall decrease and good governance of the same shall be established; and Whereas it is expedient and necessary to make provisions for ensuring transparency and accountability in all public, autonomous and statutory organizations and in other private institutions constituted or run by government or foreign financing; it is hereby enacted as follows :-

Chapter 1

Introductory

1. Short title and commencement.-

(1) This Act may be called the Right to Information act, 2009.

(2) Of this Act-

(a) all the sections except sections 8, 24 and 25 shall be deemed to have come into force on 20 October, 2008; and

(b) sections 8, 24 and 25 shall come into force on 1 July, 2009.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

(a) “Appellate Authority” means—

(i) in case of and information providing unit, the administrative head of its immediate superior office; or

(ii) if there is no superior office of such unit, the administrative head of that unit;

(b) “Authority” means—

(i) any organization constituted in accordance with the Constitution of the People’s Republic of Bangladesh;

(ii) and ministry, division or office established under the Rules of Business made under article 55(6) of the Constitution of the People’s Republic of Bangladesh;

(iii) any statutory body or institution established by or under any Act;

(iv) any private organization or institution run by government financing or with aid in grant from the government fund;

(v) any private organization or institution run by foreign aid In grant;

(vi) any organization or institution that undertakes public functions in accordance with any contract made on behalf of the Government or made with any public organization or institution; or

(vii) any organization or institution as may be notified in the official Gazette from time to time by the Government;

(c) “officer” shall also include and employee;

(d) “information providing unit” means—

(i) head office, divisional office, regional office, district office or upazila office of any department, directorate or office attached to or under any ministry, division or office of the Government;

(ii) head office, divisional office, regional office, district office or upazila office of an authority;

(e) “Information Commission” means the Information Commission established under section 11;

(f) “information” includes any memo, book, design, map, contract, data, log book, order, notification, document, sample, letter, report, accounts, project proposal, photograph, audio, video, drawing, painting, film, any instrument done through electronic process, machine readable record, and any other documentary material regardless of its physical form or characteristics, and any copy thereof in relation to the constitution, structure and official activities of any authority:

Provided that it shall not include note-sheets or copies of note sheets;

(g) “right to information” means the right to obtain information from any authority;

(h) “Schedule” means Schedule to this Act;

(i) “third party” means any other party associated with information, other than that applying for information or any authority providing such information;

(j) “officer-in-charge” means any officer appointed under section 10;

(k) “prescribed” means prescribed by rules or regulations;

(l) “regulations” means regulations made under section 34;

(m) "Selection Committee" means the selection committee constituted under section 14;

(n) "rules" means rules made under section 33.

3. Act to override.—Of any existing law—

(a) the provisions of providing information shall not be affected by the provisions of this Act; and (b) the provisions of creating impediment in providing information shall be superseded by the provisions of this Act if they become conflicting with the provisions of this Act.

Chapter 2

Right to, Preservation of, Publication of and Access to Information

4. Right to information.—Subject to the provisions of this Act, 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.

5. Preservation of information.—(1) In order to ensure right to information under this Act, every authority shall prepare catalogue and index of all information and preserve it in an appropriate manner.

(2) Every authority shall, within a reasonable time-limit, preserve in computer all such information as it thinks fit for preservation in computer, and shall connect them through a country-wide network to facilitate access to information.

(3) The Information Commission shall, by regulations, frame instructions to be followed by every authority for the preservation and management of information and all authority shall follow the instructions.

6. Publication of information.—(1) Every authority shall publish and publicize all information pertaining to any decision taken, proceeding or

activity executed or proposed by indexing them in such a manner as may easily be accessible to the citizens.

(2) In publishing and publicizing information under sub-section (1), no authority shall conceal any information or limit its easy access.

(3) Every authority shall publish a report every year which shall contain the following information, namely:—

(a) particulars of its organizational structure, activities, responsibility of the officers and employees, or description and process of decision making;

(b) lists of all laws, Acts, Ordinance, rules, regulations, notifications, directives, manuals, etc. of the authority including the classification of all information lying with the authority;

(c) description of the terms and conditions under which a citizen may get services from the authorities in obtaining any license, permit, grant, consent, approval or other benefits and of such conditions that require the authority to make transactions or enter into agreements with him;

(d) particulars of the facilities ensuring right to information of the citizens, and the full name, designation, address, and, in cases where applicable, fax number and e-mail address of the assigned officer.

(4) If the authority frames any policy or takes any important decision, it shall publish all such policies and decisions and shall, if necessary, explain the reasons and causes in support of such policies and decisions.

(5) The report prepared by authority under this section shall be made available free of charge for public information and its copies shall be stocked for sale at nominal price.

(6) All the publications made by the authority shall be made available to the public at reasonable price.

(7) The authority shall publish and publicise the matters of public interest through press note or through any other means.

(8) The Information Commission shall, by regulations, frame instructions to be followed by the authority for publishing, publicising and obtaining information and all the authority shall follow them.

7. Publication of or providing with certain types of information not mandatory.—Notwithstanding anything contained in any other provisions of this Act, no authority shall be bound to provide with the following information, namely—

(a) any such information that may, if disclosed, cause a threat to the security, integrity and sovereignty of Bangladesh;

(b) any such information relating to any aspect of foreign policy that may affect the existing relationship with any foreign country or international organization or any regional alliance or organization;

(c) any secret information received from a foreign government;

(d) any information relating to inherent secrets of commercial or business nature, copyright or intellectual property right that may, if published, affect the intellectual property right of a third party.

(e) any of the following information that may, if disclosed, be gainful or damaging to any particular individual or organization, namely :—

(i) any advance information about income tax, customs, VAT and law relating to excise duty, budget or change in the tax rate;

(ii) any advance information about changes relating to exchange rate and interest rate;

(iii) any advance information about the management and supervision of the financial institutions including banks;

- (f) any such information that may, if disclosed, obstruct the enforcement of law or incite any offence;
- (g) any such information that may, if disclosed, endanger the security of public or impede the due judicial process of a pending case;
- (h) any such information that may, if disclosed, offend the privacy of the personal life of an individual;
- (i) any such information that may, if disclosed, endanger the life or physical safety of any person;
- (j) any such information given in confidence to any law enforcement agency by a person;
- (k) any matter pending before any court of law and which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;
- (l) any such information that may, if disclosed, impede the process of investigation;
- (m) any such information that may, if disclosed, affect any investigation process of offence and the arrest and prosecution of offender;
- (n) any such information which is, according to law, liable to be published only for a certain period of time;
- (o) any such information that is generated through technical or scientific experiment, and is expedient to keep secret for strategic or commercial reasons;
- (p) any such information pertaining to a purchase process before it is complete or a decision has been taken about it;
- (q) any such information that may be prejudicial to the special rights of the House of the Nation;

(r) any secret information of a person which is protected by law;

(s) any advance, information relating to question papers of an examination or marks given;

(t) any document including summaries to be placed before the Cabinet or, as the case may be, before the Council of Advisers and information relating to discussions and decisions of such meetings :

Provided that after taking any decision by the Cabinet or, as the case may be, by the Council of Advisors, the reasons of taking such decisions and the basis upon which the decisions are taken may be disclosed :

Provided further that the concern authority shall take prior approval from Information Commission for withholding information under this section;

8. Request for Information.—(1) Under this Act a person may apply to the officer-in-charge requesting for information either in writing or through electronic means or through e-mail.

(2) The request made under sub-section (1) shall include the following information, namely :—

(i) name, address of the person making request, in applicable cases, his fax number and email address;

(ii) correct and clear description of the information sought for;

(iii) other related information so that the location of the information sought for may be easily found out;

(iv) description of the modes how he wants to have the information, that is making inspection, having copy, taking note or any other approved method.

(3) The request for information under this section shall be made in a form printed by the authority, or as the case may be, in prescribed format :

Provided that if the form is not printed or is not easily available or if the format has not yet been prescribed, request may be made for information by inserting information mentioned in sub-section (2) on a piece of white paper, or in electronic form or through e-mail.

(4) In the case of obtaining information under sub-section (1), the person making the request shall pay reasonable fees as may be prescribed by the officer in- charge for such information.

(5) The Government may, in consultation with the Information Commission, fix the fees for having any information by notification in the official Gazette, and, if necessary, may fix the price of information, or as the case may be, may exempt an individual or a class of individuals or any other class from paying such price.

(6) Every authority shall prepare and publicize a list of information to be supplied free of cost upon an instruction of the Information Commission.

9. Procedure for providing information.—(1) The designated officer shall, on receipt of a request under sub-section (1) of section 8, provide the information to the applicant within 20 (twenty) working days from the date of receiving the request.

(2) Notwithstanding anything contained in sub-section (1), if more than one unit or authority are involved with the information sought for, such information may be provided within 30 (thirty) working days.

(3) Despite anything contained in sub-section (1) and (2), if the officer-in charge, due to any reason, fails to provide the information sought for, he shall inform the applicant the reasons thereof in writing within 10 (ten) working days.

(4) Notwithstanding anything contained in sub-section (1) and (2), if a request made under sub-section (1) of section 8 is relating to the life and death, arrest and release from jail of any person, the officer-in-charge shall provide preliminary information thereof within 24 (twenty-four) hours.

(5) Where the officer-in-charge fails to provide information within the timeframes mentioned in sub-section (1), (2) or (4), it shall be presumed that the request for information has been rejected.

(6) When any information sought for is available with the officer-in-charge, he shall determine a reasonable price of that information and shall request the applicant to pay the price within 5 (five) working days.

(7) For determining the price under sub-section (6), the price shall not exceed the actual expense of providing information such as cost of printing electronic format or photocopying or print-out.

(8) Where an officer-in-charge thinks that the request made for information under sub-section (1) of section 8 is appropriate, and such information has been supplied by a third party or a third party's interest is involved in it and the third party has considered it as secret information, the officer-in-charge shall cause a notice to be served upon the third party within 5 (five) working days for written or oral opinion, and if the third party gives any opinion in response to such notice, the officer-in-charge shall take into consideration such opinion and make a decision in respect of providing information to the applicant.

(9) Notwithstanding anything contained in section 7, no request for information may be totally rejected on the ground that it is associated with information that is not mandatory for publication, and the portion of the

requested information which is not mandatory for publication and is reasonably separable from the portion shall be provided to the applicant.

(10) Where access to the record or a part thereof is required to be provided to a perceptual handicapped, the officer-in-charge shall provide assistance to him to enable him to access such information and such assistance shall be deemed to include any assistance which is required for such inspection.

Chapter 3

Designated Officer

10. **Designated Officer.**—(1) Within 60 (sixty) days after commencement of this Act, all authorities existing prior to such commencement shall appoint designated officer for each of the units for providing information according to the provisions of this Act.

(2) Any authority established after the commencement of this Act shall, within 60 (sixty) days after such establishment, appoint a designated officer for each of the units for providing information according to the provisions of this Act.

(3) If any authority establish any office after the commencement of this Act, it shall, within 60 (sixty) days of such establishment, appoint a designated officer for each of the units for providing information according to the provisions of this Act.

(4) All authorities shall inform the Information Commission the names, designation, address and, in case where applicable, fax number and e-mail addresses of the designated officers appointed under sub-section (1), (2) and (3) within 15 (fifteen) working days from the date of such appointment.

(5) A designated officer discharging his duty under this Act may seek assistance from any other officer and the officer whose assistance is sought shall be bound to extend necessary help to the officer-in-charge.

(6) If a designated officer seeks support from other officer under sub-section (5) and any provision of this Act is contravened due to failure of giving such assistance, then such other officer shall also be deemed to be the officer in charge for determining the liability under this Act.

Chapter 4

Establishment of Information Commission, etc.

11. Establishment of Information Commission.—(1) After the commencement of this Act, a commission to be known as the Information commission shall be established for carrying out the purposes of this Act and in accordance with its provisions.

(2) The Information Commission shall be an independent body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and shall by its own name sue and be sued.

(3) The head office of the Information Commission shall be at Dhaka and the Commission may, if necessary, establish branch offices anywhere in Bangladesh.

12. Constitution of the Commission.—(1) The Commission shall consist of the Chief Information Commissioner and 2(two) other Commissioners, at least 1 (one) of whom shall be a woman.

(2) The Chief Information Commissioner shall be the Chief Executive of the Commission.

(3) No act or proceeding of the Commission shall be invalid merely on the ground of existence of any vacancy in, or any defect in the Constitution of the Information Commission and no question shall be raised in this regard.

13. Powers and functions of the Information Commission.—(1) If any person files a complaint regarding any one of the following reasons, the Information Commission shall, subject to the provision of this Act, receive, inquire into and dispose of such complaint, namely:—

(a) non-appointment of an officer-in-charge by any authority, or its refusal to accept a request for information ;

(b) refusal of any request for information;

(c) a request for information has been left unattended or no information received within the time-limit specified under this Act;

(d) if the applicant is asked for a fee or compelled to pay an amount of fee which he considers to be unreasonable;

(e) if the applicant is provided with incomplete information or such information that appears to be misleading or false; and

(f) any other matter relating to requesting or obtaining information under this Act.

(2) The Information Commission may, on its own accord or upon a complaint, conduct an inquiry regarding the complaint raised under this Act.

(3) The Information Commission, or as the case may be, the Chief Information Commissioner or Information Commissioners, may exercise such powers as a civil court may exercise under the Code of Civil Procedure, 1908(Act V of 1908) in respect of the following matters, namely :—

(a) to issue summons to enforce the attendance of persons and compel them to give oral or written evidence on oath and to produce the documents or other things;

(b) to examine and inspect information;

(c) to receive evidence on affidavit;

(d) to bring in any information from any office;

(e) to issue summons for witnesses or documents; and

(f) any other matter prescribed by rules for carrying out the purposes of this Act.

(4) Notwithstanding anything contained contrary in any other law, while inquiring after a complaint under this Act, the Information Commission or, as the case may be, the Chief Information Commissioner or the Information Commissioners may examine on spot any information relating to the complaint kept in the custody of any authority.

(5) The Functions of the Information Commission shall be as follows namely :-

(a) to issue directives for the preservation, management, publication, publicity of and access to information by authority;

(b) to prescribe the procedure for applying for information from the authority and, as the case may be, to fix appropriate price of information;

(c) to formulate guidelines and directives as to the preservation and implementation of the right to information of the citizens;

(d) to consider the provisions recognized under the Constitution of the People's Republic of Bangladesh or any other law for the time being in force in order to preserve the right to information and recommend to the Government for their effective implementation by indicating the impediments;

(e) to identify the impediments against the preservation and implementation of right to information of the citizens and recommend to the Government for appropriate solution;

(f) to conduct research on the agreements relating to the right to information and other international instruments and to recommend to the Government for their implementation;

(g) to examine the similarities of the prevailing law relating to the maintenance and implementation of the right to information of the citizens and to make necessary recommendation to the Government or, as the case may be, to the appropriate authority in order to ensure their harmonization with the international instruments;

(h) to advise the Government to ratify or sign any international instrument on right to information;

(i) to conduct research on preservation and implementation of the right to information and to assist the educational and professional institution for conducting such research;

(j) to publicize the issues relating to the preservation and implementation of the right to information among different classes of citizens of the society and to increase their awareness about the right to information by publishing, disseminating or any other means;

(k) to advise and provide assistance to the Government in order to make necessary laws and administrative directives for preservation and implementation of right to information;

(l) to advise and provide assistance to the organizations or institutions working for the preservation and implementation of the right to information and to citizens in general;

(m) to increase public awareness on right to information by conducting research, seminars, symposiums, workshops and similar other measures and disseminate the result obtained from the research;

(n) to give the authority technical and other assistance with a view to ensuring right to information;

(o) to establish a web portal for Bangladesh to ensure right to information;

(p) to oversee the actions taken under any other law relating to the preservation and implementation of the right to information;

14. Selection Committee.—(1) A selection committee shall consist of the following 5 (five) members with a view to providing recommendation for the appointment of the Chief Information Commissioner and Information

Commissioners, namely :—

(a) a judge of the Appellate Division, nominated by the Chief Justice, who shall also be its Chairman;

(b) the Cabinet Secretary of the Government of the People's Republic of Bangladesh;

(c) one member from the ruling party and one from the opposition, nominated by the Speaker while the Parliament is in session;

(d) one representative nominated by the Government from among the persons involved in the profession of journalism holding a post equivalent to the editor or a prominent member of the society related to mass communication.

(2) The Ministry of Information shall provide necessary secretarial assistance to constitute the selection committee under sub-section (1) and to carry out the functions of such selection committee.

(3) The presence of at least 3 (three) members shall constitute the quorum of the selection committee.

(4) In order to appoint the Chief Information Commissioner and the Information Commissioners, the selection committee shall, on the basis of the decision of the majority members present at the meeting, recommend 2 (two) names against each vacant post.

(5) In the event of equality of votes in the selection committee, the Chairman shall have right to a second or a casting vote.

(6) The selection committee shall prescribe the procedure of its meetings.

(7) No act or proceeding of the selection committee shall be invalid merely on the ground of existence of any vacancy in or any defect in the constitution of the committee and no question shall be raised in this regard.

15. Appointment, tenure, resignation etc. of the Chief Information

Commissioner and other Commissioners.—(1) The President shall, on the recommendation of the selection committee, appoint the Chief Information Commissioner and other Information Commissioners.

(2) The Chief Information Commissioner or other Information Commissioners shall not be eligible to be appointed or hold office after he has attained the age of 67 (sixty-seven) years.

(3) The Chief Information Commissioner and other Information Commissioners shall hold office for a term of 5 (five) years from the date of appointment or till he attains the age of 67 (sixty-seven) years, whichever is earlier.

(4) The Chief Information Commissioner or other Information Commissioners shall not be eligible for reappointment for the same post, but an Information

Commissioner shall not be ineligible for appointment to the post of Chief Information Commissioner.

(5) Subject to the provisions of this section, the Chief Information Commissioner and the Information Commissioners Shall be appointed from amongst the persons with broad knowledge and experience in law, Justice, Journalism, education, science, technology, information, social service, management, or public administration.

(6) The Chief Information Commissioner or an Information Commissioners may, at any time, resign from his office by writing under his hand addressed to the President.

(7) If the office of the Chief Information Commissioner becomes vacant or if the Chief Information Commissioner is on account of absence, illness or any other cause unable to perform the functions of his office the senior-most Information Commissioner shall perform the functions of the Chief Information Commissioner until a newly appointed Chief Information Commissioner has entered upon that office or until the Chief Information Commissioner has been able to resume his own duties.

16. Removal of the Chief Information Commissioner and Information

Commissioners.—(1) The Chief Information Commissioner and any Information Commissioner shall not be removed from his office except in like manner and on the like grounds as a Judge of the Supreme Court.

(2) Notwithstanding anything contained in sub-section (1), the President may remove the Chief Information Commissioner or any Information Commissioner from their respective offices, if he—

(a) is declared by a competent court to be insolvent;

(b) engages himself in any post extraneous to his own duties during his term of office for remuneration;

(c) is declared by a competent court to be of unsound mind;

(d) is convicted of an offence involving moral turpitude.

17. Ranks, remuneration, allowances and other facilities of the

Information Commissioners. The rank, remuneration, allowances and other facilities of the Chief Information Commissioner and the Information Commissioners shall be determined by the Government.

18. Meetings of the Commission.—(1) Subject to the provisions of this Act, the commission shall determine the procedure of its meetings.

(2) The Chief Information Commissioner shall preside over all the meetings of the Commission and in the case of his absence, the senior-most Information Commissioner shall preside over the meeting.

(3) The Presence of the Chief Information Commissioner and any 1 (one) of the Information Commissioners shall constitute the quorum of a meeting of the Information Commission.

(4) The Chief Information Commissioner and other Information Commissioners shall have one vote each in taking decision of the meeting of the commission and in the event of equality of votes, the person presiding over the meeting shall have the right to a second or casting vote.

Chapter 5

Financial matters of the Information Commission

19. Information Commission Fund.—(1) There shall be a fund to be called the Information Commission fund to carry out the purposes of this Act.

(2) The management and administration of the Information Commission Fund shall, subject to this section and the provisions of the rules made thereunder, be vested in the Information Commission.

(3) The salaries and allowances of the Chief Information Commission, the Information Commissioners, the Secretary and other employees of the Commission shall be paid from the fund in accordance with the terms and conditions of their service, and other expenses of the Information Commission shall also be disbursed from this fund.

(4) The following money shall be deposited to the fund, namely :—

(a) annual grants provided by the Government;

(b) grants provided by any institution with the approval of the Government.

20. Budget. The Information Commission shall, within the time fixed by the Government, submit an annual budget to the Government for the next financial year in appropriate form specified in this behalf by the Government for approval and shall mention therein how much money it may require from the Government for such financial year.

21. Financial independence of the Information Commission.—(1) The Government shall, after due consideration of the Information Commission's requisition, allocate specified amount of money to defray its expenses and the Information Commission need not to take the previous approval of the Government to spend the money allocated against the approved and prescribed heads.

(2) The provisions of this section shall not be construed to have prejudiced the rights of the Comptroller and Auditor General as mentioned in article 128 of the Constitution of the People's Republic of Bangladesh.

22. Accounts and audit.—(1) The Commission shall maintain its accounts properly and prepare an annual statement of its accounts.

(2) The Comptroller and Auditor General of Bangladesh, hereinafter referred to as the Auditor General, shall audit the accounts of the Commission every year and shall submit a copy of the audit report to the Government with a copy thereof to the Information Commission.

(3) In order to conduct the audit in accordance with sub-section (2), the Auditor General or any person empowered by him in this behalf shall have access to all records, documents and papers, cash or money kept in the bank, undertakings, treasury and other property and may examine the Chief Information Commission, the Information Commissioners or any officer or employee of the Commission.

Chapter 6

Officers and Employees of Information Commission

23. The Secretary and other officers and employees of the Information

Commission.—(1) There shall be a Secretary of the Information Commission.

(2) The Commission may, subject to the prior approval of the Government by determining the organizational organogram appoint such number of officers and employees as may be necessary for the efficient performance of its functions under this Act.

(3) The salaries, allowances and other terms and conditions of service of the Secretary and other officers and employees shall be determined by the Government.

(4) The Government may, upon request from the Information Commission, appoint any officer or employee of the Republic on deputation to the Commission.

Chapter 7

Appeal, Complaint, etc.

24. Disposal of appeal, etc.—(1) If Any person fails to receive information within the time specified in sub-section (1), (2) and (4) of section 9 or is aggrieved by a decision of the officer-in-charge may, within 30 (thirty) days from the expiry of such period or, as the case may be, from the receipt of such a decision, prefer an appeal to the appellate authority.

(2) If the appellate authority is satisfied that the appellant has failed to prefer an appeal within the time-limit as mentioned in sub-section (1) for any reasonable ground, it may accept the appeal even after the expiry of that time.

(3) The appellate authority shall within 15 (fifteen) days of the receipt of the appeal under sub-section (1) or (2)—

(a) direct the concerned officer-in-charge to supply the appellant the requested information; and

(b) dismiss the appeal if it is not considered fit for acceptance.

(4) The officer-in-charge on being directed to supply information under sub-section (3) shall, within the time specified in sub-section (1), (2) or, as the case may be, (4) of section 9, provide the appellant with the requested information.

25. Making of Complaint, disposal, etc.—(1) A person may lodge a complaint to the Information Commission for any of the following reasons namely :—

(a) if he gets no information under sub-section (1) of section 13;

(b) if he is aggrieved by the decision on his appeal under section 24;
(c) if he gets no information within the time-limit mentioned in section 24 or, as the case may be, gets no decision about providing information.

(2) A complaint may be lodged to the Information Commission at any time in respect of any matter mentioned in clause (a) of sub-section (1), and within 30 (thirty) days from the date of such decision or, as the case may be, the date of exceeding the time-limit in respect of any matter mentioned in clause (b) and (c) of sub-section (1).

(3) If the Information Commission is satisfied that the complainant, for any reasonable cause, fails to lodge a complaint within the time limit as mentioned in sub-section (2), it may accept the appeal even after the expiry of that time.

(4) If the Information Commission is satisfied upon a complaint or otherwise that any authority or, as the case may be, any officer-in-charge has failed to do an act or has done an act that was not necessary to do in accordance with the provisions of this Act, it may take action against such authority or, as the case may be, such officer-in-charge under this section.

(5) On receipt of a complaint under sub-section (1) or if it is required to take an action under sub-section (4), the Chief Information Commissioner himself shall enquire into the complaint or delegate the duty to any other information Commissioner to enquire into the same.

(6) The Chief Information Commission or, as case may be, the Information Commissioner, within 30 (thirty) days from the date of taking or receiving duty under sub-section (5), shall, after completing the enquiry into the complaint, prepare a decision-paper for the Information Commission.

(7) The decision-paper mentioned in sub-section (6) shall be presented in the next meeting of the Information Commission, and it shall, on discussion in the meeting, take decision regarding the matter.

(8) During the enquiry into any complaint under this section, the authority or, as the case may be, the officer-in-charge against whose decision the complaints lodged, shall be given an opportunity to present arguments in support of his decision.

(9) If a third party is involved in the complaint, the Commission shall also give such third party an opportunity to present his statements.

(10) The Information Commission shall, in general, dispose of any complaint made under sub-section (1) within 45 (forty five) days of receiving such complaint, but, in special cases, if it requires extended time to complete the enquiry and depositions of the witnesses, the complaint may be disposed of within such extended time :

Provide that the time limit of disposing of a complaint shall not, in any way exceed more than 75 (seventy five) days inclusive of extended time.

(11) At the time of taking decision under this section, the Information Commission shall have the following powers namely :—

(a) to direct the authority or, as the case may be, the officer-in-charge to take the following steps which are necessary to take under the provisions of this Act, namely :—

(i) to provide the requested information in a specific manner;

(ii) to appoint an officer-in-charge;

(iii) to publish any special information or special class of information;

(iv) to bring changes in the procedures to be followed by the authority in respect of preservation, management or publication of information;

(v) to impart better training on right to information to the officers of the authority;

(vi) to give compensation for any loss or damage;

(b) to impose fines under this Act;

(c) to keep the decision of the authority in force;

(d) to reject any complaint;

(e) to classify the information newly by the authority;

(f) to interpret any matters relating to the nature, classification, preservation, publication, supply of information in the light of this Act.

(12) Any decision passed under this section by the Information Commission shall be binding upon all concerned.

(13) The Information Commission shall inform its decision to all concerned in writing.

(14) The Information Commission shall take other steps in disposing of a complaint in such manner as may be prescribed by regulations.

26. Representation. The parties to a complaint may present their statements before the Commission either personally or through a lawyer.

27. Fines, etc.—(1) With reference to the disposal of any complaint or otherwise, if the Information Commission has reasons to believe that an officer in-charge—

(a) has refused to receive any request for information or an appeal without assigning any reasons;

(b) has failed to provide information to the applicant or to make decision within the time-limit determined by the Act;

(c) has refused to receive a request or an appeal with mala fid intention;

(d) has provided wrong, incomplete, confusing and distorted information in place of the information that was sought for;

(e) has created impediments in receiving information; then, the Information Commission may impose fine for per day 50(fifty) taka from the date of doing such action by the officer-in charge to the date of providing information, and such fine shall not, in any way, exceed more than 5000 (five thousand) taka.

(2) The Information Commission shall, before imposing any fine under subsection(1), give the officer-in-charge an opportunity of hearing.

(3) If the Information Commission is satisfied that the officer-in-charge has created impediments in getting information of any citizen by any act under subsection (1), than, it may, in addition to imposing fine under sub-section (2),recommend the concerned authority to take departmental action against the

officer, treating his such act to be a misconduct, and may request the authority to inform the Information Commission about the action taken last in respect of this matter.

(4) If any fine or compensation payable under this Act is not paid, it may be recoverable from the concerned officer through such procedures as are applicable for the recovery of a land revenue in accordance with the provisions of Public Demands Recovery Act, 1913 (Act IX of 1913).

28. Application of the Limitation Act, 1908.—Subject to the provisions of this Act, the provisions of the Limitation Act, 1908 (Act IX of 1908) shall, as far as possible, apply in the case of preferring an appeal or lodging a complaint under this Act.

29. Bar against filing suit. No person shall, except preferring an appeal before an appellate authority or, as the case may be, lodging a complaint

before the Information Commission under this Act, raise any question before any court for anything done or deemed to be done, any action taken or the legality of any order passed or any instruction made under this Act.

Chapter 8

Miscellaneous

30. Annual Report of the Information Commission.—(1) The Information Commission shall, by 31 March of every year, furnish an annual report of its functions performed during the previous year to the president.

(2) In the report mentioned in sub-section (1), the following information shall be included, namely :—

- (a) the number of requests for information made to each authority;
- (b) the number of decisions for refusing requests for information to the applicants, and description of the provisions of this Act under which these decisions were taken;
- (c) the number of appeals preferred against the decisions of the officer in-charge, and the result thereof;
- (d) particulars of any disciplinary action taken against any officer by any authority;
- (e) the amount of money collected by each authority under the Act;
- (f) description of different activities taken by the authorities in implementing the provisions of this Act;
- (g) reform proposals received from different authorities relating to ensuring right to information of the citizens;
- (h) number of complaints received by the Information Commission;

- (i) description of the actions taken by the Information Commission in respect of the complaint received;
- (j) number of officers punished by the Information Commission and description of such punishments;
- (k) total amount of fine imposed and recovered by the Information Commission;
- (l) description of the regulations made and instructions issued by the Information Commission;
- (m) accounts of incomes and expenditures of the Information Commission;
- (n) any other related matters that the Information Commission thinks necessary to be included;
- (o) specific recommendations to take actions against those authorities that appear to be unwilling to follow the provisions of this Act.

(3) After receiving the report under sub-section (1), the President shall cause the report to be laid before the Parliament.

(4) The Information Commission shall publish and publicize its annual report submitted to the President under sub-section (1) on the mass media and website.

(5) For preparing the report under this section, every authority shall give other related assistance to the Information Commission along with providing necessary information.

31. Protection of action taken in good faith. No, suit, prosecution or other legal proceedings shall lie against the Information Commission, the Chief Information Commissioner, the Information Commissioners or any officers or employee of the Information Commission, or officer-in-charge of any authority

or any other officer or employee there of it any body is affected by any information made public or deemed to be made public in good faith under this Act, or rules or regulations made there under.

32. Inapplicability of this Act in case of certain organisations and

institutions.—(1) Notwithstanding anything contained in any provisions of this Act, this Act shall not apply to the organisations and institutions which are involved in state security and intelligence mentioned in the Schedule.

(2) Notwithstanding anything contained in sub-section (1), this section shall not apply to such information that are pertaining to corruption and violation of human rights in the above-mentioned organisations and institutions.

(3) On receipt of any request for information under sub-section (2), the concerned organisation or institution shall, subject to the approval of the Information Commission, provide the applicant with the requested information within 30 (thirty) days from the date of receipt of such request.

(4) The Government if necessary may, in consultation with the Information Commission, amend the Schedule increasing or decreasing the number of organisations and institutions mentioned in the Schedule by a notification published in the official Gazette from time to time.

33. Power to make rules.—For the purposes of this Act, the Government may, by notification in the official Gazette, make rules in consultation with information commission.

34. Power to make regulations. For the purposes of this Act, the Information Commission may, with the prior approval of the Government and by notification in the official Gazette, make regulations.

35. Removal of ambiguity. If any ambiguity arises in implementing any provisions of this Act, the Government may, by notification in the official

Gazette and subject to consistency with the provisions of this Act, remove such ambiguity.

36. Original and English Text. The Original Text of this Act shall be in Bangla and there shall be an authentic text of an authorized translation of it in English: Provided that in the event of conflict between the Bangla and the English text, the Bangla text shall prevail.

37. Repeal and savings.—(1) The Right to Information Ordinance, 2008(Ord. No. L of 2008) is hereby repealed.

(2) Notwithstanding such repeal, any act done or any measures taken under the Ordinance shall be deemed to have been done or taken under this Act.