GLOBAL INFORMATION SOCIETY WATCH 2009

Focus on access to online information and knowledge
– advancing human rights and democracy

Global Information Society Watch 2009

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2009

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Dedicated to A.K. Mahan - an activist who valued intellectual rigour and concrete outcomes.

BANGLADESH

Bytes for All
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Introduction

In Bangladesh, the link between "access to information" and development is not properly articulated at the policy level. Robert Chambers[1] made a good argument to show the link between the two. He called poverty a deprivation trap with five linked clusters of disadvantage: physical weakness, isolation, vulnerability, powerlessness, and poverty itself. The issue of "access to information" is related to the "isolation" cluster that leaves people with little or no participation in the system. They are uninformed and do not have contact with the market or other important institutions of the society.

An easy, affordable and functioning access to information system starts to break this isolation and relieve people from the clusters of disadvantages that they are trapped in. For example, the Bangladeshi government provides a USD 20 subsidy for each sack of fertiliser to increase agricultural production. However, this fact is known to only 5% of the farmers, who often buy sacks of fertiliser at a higher price set by unscrupulous retailers. Similarly, 20% of all the costs related to electricity-run irrigation pumps are subsidised by the government. But this benefit often does not help farmers because they do not have the information. Therefore "access to information" has a direct link to the development drive of the country.

Policy and legislative environment

Bangladesh's constitution does not make direct reference to the right to information, but Article 39(2) states that "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 – the right of every citizen to freedom of speech and expression, and the freedom of the press, are guaranteed." The interpretation of this Article is intended to include discussion and dissemination.

In Bangladesh, an interim caretaker government[2] first took a pragmatic step in approving the draft Right to Information (RTI) Ordinance (2008), which was later given the go-ahead by the elected government in the country's ninth parliament, and was gazetted as an Act in April 2009. Amongst other things, the law requires all but eight intelligence and law enforcement agencies to provide information on a person's life and death status and criminal record, as well as information on development work and government policies and legislation to an information-seeker within 24 hours. Information on corruption and violations of human rights must also be published, even by security and law enforcement agencies. A three-member Information Commission has been formed to enforce the law. Anyone who fails to meet the law's provisions can be fined up to BDT 5,000 (USD 73). New posts will be created in most of the government offices and non-governmental organisations (NGOs) to provide information on demand. Article 19 of the Act can override inconsistent provisions in other laws, specifically in the Official Secrets Act (1923).

In 2006, the government enacted the Information and Communication Technologies (ICT) Act (2006) which includes provisions that affect cyber identity, such as digital signature and encryption. The law also covers cyber crime. The Act was supposed to appoint a controller to monitor its implementation within 90 days of its enactment. However, that did not happen. The new government has taken an initiative to amend the provision of 90 days and was planning to appoint a controller soon.

Government officials abide by what is known as a "Secretarial Instruction", which was modified in 2008 to integrate and recognise the role of ICTs. In the Secretarial Instruction 2008, the use of email as a government document, soft copy processing and digital documents have been recognised. Government officials are encouraged to use ICTs as a tool to establish a paperless office.

Although the government has passed the RTI and ICT Acts, there are a number of laws still in place that contradict the vision of a free flow of information in society. These are: Section 5(1) of the Official Secrets Act (1923); Sections 123 and 124 of the Evidence Act (1872); Rule 28(1) of the Rules of Business (1996); Rule 19 of the Government Servants (Conduct) Rules (1979); and oaths of secrecy under the constitution. For a true application of the right to information, these laws need to be modified to avoid contradictions.

Government-to-government (G2G) and government-to-citizen (G2C) information services

Most of the forms for government services are now available online; 50 of these are in a single location[3] and the others are available from the respective ministry websites. However, users cannot submit or respond to these forms online, as back-office automation has not yet been done. A national web portal[4] provides one-stop access to information and e-services provided by the government. The portal is bilingual, although some of the information is available only in Bangla. Around 200 or more government agencies now have websites.

1 Chambers, R. (1983) *Rural Development: Putting the Last First*, Longman, Essex.
2 See: en.wikipedia.org/wiki/Caretaker_government_of_Bangladesh
3 www.forms.gov.bd
4 www.bangladesh.gov.bd

A portal on legislation, president's orders, and ordinances in Bangladesh[5] was launched 2007. Government gazettes are also now available online through a website.[6] The website has published all gazettes since February 2008 and has plans to publish an archive of previous gazettes in the future. All circulars and announcements related to cabinet meetings are published on the cabinet website.[7]

An Integrated Budget and Accounting System (iBAS) helps the government improve financial management and financial control systems by consolidating accounting data and supporting the standardisation of the budget preparation process for line ministries and the government's finance division.

Government officials are now also able to access their long and short personnel data sheets (PDS)[8] through the Ministry of Establishment website.[9] This helps them to track their career development and provides regular information on career opportunities.

Election results, polls schedules, candidates' profiles and disclosures, constituency information, amongst other things, are published regularly by the Election Commission's website.[10] The voter identity (ID) card project, one of the most successful and grand ICT projects in Bangladesh, has registered all eligible voters in a database with their ID photos, signatures and scanned copies of their index fingers. There are plans to put this database online so that an eligible voter or citizen can access that information or can apply to be a voter.

The database has laid the foundation for delivering various information services to citizens such as birth registration, preparation and distribution of vulnerable group development (VGD)/vulnerable group feeding (VGF) cards, passports and driving licences, providing vaccination and school enrolment services, and so on.

A Geographic Information Systems (GIS)-based school mapping project at the Bangladesh Bureau of Educational Information and Statistics (BANBEIS) enables citizens to identify areas in need of priority intervention, such as areas with poor teacher training, lack of infrastructure or infrastructure affected by disaster, and other critical educational issues. A number of government ministries, international organisations, donor agencies, and research organisations are accessing and using this mapping project. The Education Board of Bangladesh, which is under the Education Ministry, also regularly publishes all public examination results online.

A GIS-based Agriculture Resource Planning (ARP) database prepared by the Planning Commission and used by different stakeholders contains information on the country's land resources, including physiographic, soil, climate, hydrological and crop information. At the same time, a National Water Resources Database (NWRD) and Integrated Coastal Resources Database (ICRD), prepared by the Ministry of Water Resources, offers information on things like surface water, ground water, soil and agriculture, fisheries, forestry, socioeconomics, meteorology and the environment. This helps users to implement projects related to these areas.

Finally, the research and development website of the Roads and Highways Planning Department provides important and critical information on roads and bridges, finances, testing procedures, design standards and management plans. Planners can prioritise areas for intervention using this data.

Access to information through mobile phone devices

Mobile phones play a key role in accessing information or services from remote locations. A number of service sector agencies, both in the government and non-governmental sectors, are providing on-demand services via short message service (SMS) or email request. For example, electricity customers in Dhaka, Chittagong, Cox's Bazar and Chittagong Hill can pay their bills through mobile phones from anywhere anytime. Similar facilities for the whole country exist for consumers of natural gas and owners of land phones provided by Bangladesh Telephone Company (BTCL).

Vital information such as tax assessments, graveyard bookings, trade licence renewals, and railway schedules, fares or seat availability can also be accessed nationally through mobile phones, as well as internet services. One private enterprise offers agricultural and health-related information via phone.

Using SMS, eligible voters can find out which polling station they are registered at. During local government elections in the past, tens of thousands of voters have used this service. Different news media organisations are providing on-demand and up-to-date news services and information via mobile phone.

Access to business-related information and services

Access to different types of business-sector information and services are possible nowadays. The following are some examples:

- Online searching and clearance services for company names from the registrar are available.

- The online submission of import general manifests (IGM) and export general manifests (EGM) for shipping agents, freight forwarders and other stakeholders at Chittagong and Dhaka Custom Houses is possible. As the e-payment system is yet to be introduced, the system uses pre-paid cards for payment.

- The Board of Investment (BOI) has introduced an online investment tracking system through which interested parties can find foreign investors' information.

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5   bdlaws.gov.bd

6   www.bgpress.gov.bd

7   www.cabinet.gov.bd

8   Personal and confidential human resources files.

9   www.moestab.gov.bd

10 www.ecs.gov.bd

- Farmers can access daily, weekly and fortnightly price information for different agricultural items and commodities using the online market price index developed by the Department of Agricultural Marketing.

- Bangladesh Bank, using customised software, can now easily generate and publish different reports such as export receipts, import payments, scheduled bank advances and deposits, scheduled bank bills and debits and summary statements. This reduces the need for telephone inquiries and personal visits to the bank.

New trends and action steps

Recently the government unsuccessfully tried to block access to several streams of communication – only to later withdraw their attempts. In 2006, the Bangladesh Telecom Regulatory Commission (BTRC) issued a circular to all mobile phone companies to shut down the midnight calling packages, which were extremely popular among the younger generation.[11] In July 2008, the government blocked a popular Bangla blog site, Sachalayatan,[12] which had become a major source of news and information on public unrest at Dhaka University. However, the block was withdrawn after a few days. A similar thing happened in March 2009 when the government blocked access to YouTube,[13] which resulted in severe criticism from civil society organisations.

With the approval of the RTI Ordinance in the Parliament and the subsequent formation of the Information Commission (as per the RTI Act) it is very likely that these sorts of attempts would now be monitored by the Commission. The RTI Act is meant to ensure transparency, good governance and accountability of government institutions. Any aggrieved person/institution can now approach an Information Tribunal seeking justice.

However, the Act has some drawbacks. Some rules within the Act exempted the public authority from sharing information on the grounds of safety and national security. It also created an Information Tribunal but did not mention any specific time limit to resolve issues. As a result, one might have to wait for a long period of time before receiving justice. Also the compensation package (BDT 5,000 or USD 75-80) that has been offered (in case of information being held) is thought to be too little.

Private authorities such as trade bodies (particularly those that receive public funding) are also subject to the Act. However, NGOs often receive public funding but do not share information on their activities, accounting systems, services, fund management, etc.

Section 7 of the RTI Act defines the categories of information that are not open. These include: "information related to commercial or business confidence, copyright or intellectual property rights, the disclosure of which would harm the intellectual property rights of any third party." As a result, the private sector can exercise restraint in making information available in the name of intellectual property rights.

Access to information is useless when it is not supported systemically by an institution. For example, many government ministries do have a website, but they are not updated regularly or no one is assigned to keep track of the feedback received through the website. This can dampen the entire spirit behind the citizen's right to access to information. On the other hand, many individuals and organisations are unaware of their rights and ways to access information on demand. Because of this, media and civil society organisations need to do campaigns to make people aware of their rights, and the processes and means of demanding information, as well as the legal remedies that they can follow if the information is not shared. It is also important for the media and civil society organisations to show the direct link between access to information and the development problems faced by the country. This would enable citizens to understand how it is important to their day-to-day lives.

Another interesting trend is that different shared access points, such as telecentres, are being used to provide low-cost access to critical livelihood information on agriculture, health, human rights, education and employment at the grassroots level. It is estimated that there are about 2,000 or more telecentres in different locations across the country. The telecentre movement within the country will certainly add a new dimension to the nature of access to and demand for information. ∎

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11 The government believed the youth were losing their moral values.

12 www.sachalayatan.com

13 The government was embarrassed that an audio file of a conversation between a military officer and Prime Minister Sheik Hasina was in the public domain.

GLOBAL INFORMATION SOCIETY WATCH (GISWatch) 2009 is the third in a series of yearly reports critically covering the state of the information society *from the perspectives of civil society organisations across the world.*

GISWatch has three interrelated goals:

- **Surveying** the state of the field of information and communications technology (ICT) policy at the local and global levels

- **Encouraging** critical debate

- **Strengthening** networking and advocacy for a just, inclusive information society.

Each year the report focuses on a particular theme. **GISWatch 2009** focuses on *access to online information and knowledge – advancing human rights and democracy.* It includes several thematic reports dealing with key issues in the field, as well as an institutional overview and a reflection on indicators that track access to information and knowledge. There is also an innovative section on visual mapping of global rights and political crises.

In addition, 48 country reports analyse the status of access to online information and knowledge in countries as diverse as the Democratic Republic of Congo, Mexico, Switzerland and Kazakhstan, while six regional overviews offer a bird's eye perspective on regional trends.

GISWatch is a joint initiative of the Association for Progressive Communications (APC) and the Humanist Institute for Cooperation with Developing Countries (Hivos).