# Uses of Right to Information (RTI) Act by Journalists in Promoting Accountability and Transparency in Public Services and NGOs

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#### Abstract

The Right to Information (RTI) Act 2009 was enacted in Bangladesh to ensure free flow of information and peoples' right to information. The law is the key to all others rights which truly empower the common people. RTI Act is considered as a milestone in Bangladesh's democratic journey as peoples are the power of all sources. Being the part of the society, journalists can be the representative of common people in terms of using RTI Act for revealing information of public interest. Gathering information through RTI Act, a journalist can contribute to ensure transparency in public, professional, social and personal spheres. The study explores to find out trends of use of the law by journalists and major challenges they face using the act. Besides, how journalists promote accountability and transparency in public services and non-government organizations using RTI Act is also analyzed. In the study, Agency theory is applied to portray principal-agent relationship while survey is the main methodology here. This research utilized purposive sampling technique to select 25 respondents from Newspaper, Television and Online news portal. The study will contribute to represent tendency of use of RTI Act and how they promote transparency in the society using the act.

**Keywords:** RTI Act, Accountability, Transparency, Journalist, Public service, NGO, Newspaper, Television, Online News Portal.

#### Introduction

Nowadays information empowers people. Without any information, none can enjoy the rights and opportunities s/he deserves. Hence, right to access information is a basic right in any civilized country.

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According to Transparency International Bangladesh (TIB) Executive Director, 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. The United Nations has called it the touchstone of all the freedoms to which UN is consecrated (Iftekharuzzaman, 2010).

In the wider context of democratic, participatory, transparent and accountable governance system, freedom of and access to information is currently considered to be as valuable as other basic rights of a common citizen, argues (Anam, 2012). She views legal structure for right to information - a precondition to such right based approach - has been established in Bangladesh through the introduction of the Right to Information Act (RTIA) 2009 with the preamble "to ensure free flow of information and people's right to information" (RTI Act 2009, p. 7138).

Mass media, which is the fourth state organ of a country, can play a pivotal role in implementing RTI with a view to acquiring more information. The audience, through media, can "raise the people's awareness about keeping a close watch on RTI implementation" (Bhattarai, 2013).

Being the part of the society, journalists can be the representatives of common people in terms of using the RTI Act for revealing information of public interests. Legislation of the RTI Act gives the opportunity to the journalists to use this act as a weapon to break stumbling blocks in the path of investigative, analytical and popular journalism as its difficulty in getting access to the official information (The Legality and the Reality, 2011). Without using RTI Act it's very difficult for a journalist to go into the depth of any matter properly. With the legislation of RTI Act, a journalist easily gathers information which helps him/her ensure transparency in public, professional, social and personal sphere.

Gathering information through using RTI Act particularly can help to expose corruption, mismanagement and wastage of public funds which fundamentally serve public interest. As it's considered that, the more access to information in a society will give more space to reflect the public's wishes in the public policy. Besides, in-depth coverage of various issues will attract a comparatively more discerning and intellectual readership. These trends, thus, will strengthen the media's reputation as watchdog.

Moreover, the short time frame mentioned in the act which authorities are expected to respond to information requests under RTI would save the time of journalists, therefore ensuring greater efficiency. As timely

information would also ensure that high quality and comprehensive reporting occurs in or around the time that a given issue is current in the media (Gehan, 2014, p. 51).

In order to maintain accountability and transparency in the society, journalists disclose information for their readers and audience. They have to access the pros and cons of a matter and gather a convincible knowledge about the fact in this regard. RTI Act has opened the doors for getting such information easily. Therefore, the study examines how journalists tend to use RTI Act for their news. What types of major challenges they face in seeking information through RTI and how use of RTI Act by journalists shapes the accountability in public services and non-government organisations, run by government or foreign funds, have been analysed in the study.

#### Background of the Study

In 1946, the United Nations General Assembly recognised Right to Information first through its Resolution 59 (I) and saying, "Freedom of information is a fundamental human right and the touchstone of all the freedoms to which the United Nations is consecrated." Article 19 of United Nations Declaration of Human Rights (UDHR) and Article 19 of International Covenant on Civil and Political rights (ICCPR) also recognize right to information. These documents safeguarded right to information as integral part of freedom of expression (Hasan, 2014, p. 8). The same trend was followed in different regions.

In Bangladesh, the Press Commission raised the demand for disclosure of information in 1983 and pointed some recommendations. The demand for RTI from civil society and media got a momentum by the year 2004 (Ibid, p. 8). Manusher Jonno Foundation (MJF) facilitated forming a coalition named the RTI Forum. The RTI Forum placed a draft RTI Bill to the Caretaker Government of Bangladesh and the Government published the gazette notification of the RTI Ordinance 2008, on 20 October. Later the newly formed elected government enacted the ordinance as RTI Act through notification in the Gazette on 6 April, 2009. The Act enables establishment of an unprecedented regime of right to information for the citizens of the country. It overrides the Official Secrets Act 1923 and similar laws and rules like the Evidence Act 1872, Government Service (Conduct) Rules 1979, Rules of Business 1996, and the oath (affirmation) of secrecy (Ibid, p. 8).

Annual report of Information Commission mentions that the application of seeking of information using RTI Act, are not more than 20 thousand on average each year where as this ratio is around 55 lakh in our neighbour country India (Bari, 2016).

In Bangladesh there are many schemes which have been introduced targeting population in vulnerable situation, like widows, old age, and Advise people among others. Since the prime objective of the Act is to ensure transparency and accountability in governance, so integrating RTI Act will help in promoting good governance. On the other hand, targeted beneficiaries will be able to receive services offered by the government and non-government organizations (Sobhan, 2011).

According to RTI Act-2009, responsible officer shall provide information within 20 working days from the date of receipt of application; In case more than one "information providing unit" or authority is involved with the information requested, then information shall be given in 30 working days from the date of application.

If the responsible officer rejects a request, he must inform the applicant the decision and reasons for rejection within 10 working days from the date of application; If the basic information concerning any person's life or death, arrest and release from jail is sought then it must be given within 24 hours from receiving the request (Right to Information Act, s9).

In a workshop jointly organized by Dhaka Reporter's Unity (DRU), the Ministry of Information and the Information Commission for journalists, DRU president Shahed Chowdhury said that 'Implementation of the Right to Information (RTI) Act largely depends on how journalists use the act. DRU trained nearly a thousand of its member journalists over the last two years on how the act can be used in the field of journalism. At the same program Information Minister Hasanul Haq Inu said that 'Application of the RTI act by journalists can bring the secrets of politicians and different institutions to an end, but journalists are not using the act that much (The Daily Star, November 19, 2014).

Organisation for Security and Corruption in Europe-OSCE (2012) identifies several yardsticks for promoting accountability and transparency in the any institutions. These include public finance management, human resources management, and documentation management among others. Corruption of disbursing public money during projects and tender, violation of rules and regulations during recruitment process and producing of fake documents for corruption are the most yarning subjects for a journalist to investigate.

Media men can utilise the act for breaking important news stories to this end. For investigative report, journalists have the chance to enrich their stories with relevant information and documents through RTI act. On the other hand, they can use the act for their daily news purposes in some cases using the 24-hours timeframe. Whatever the information, journalists manage to get through RTI Act, the main purpose is to ensure transparency and accountability in public services and NGOs as well.

#### Objectives of the research

The objectives of this research are:

- 1) To find out scope of RTI Act for media practitioners.
- 2) To find out major challenges usually journalists have to face in collecting Information through RTI Act.
- 3) To evaluate media performance in promoting accountability and transparency in public and private services those operate using government or foreign funds.

#### Research questions

This study aims at finding the answers of the following questions:

- 1. How do journalists use RTI Act in collecting information for developing their news stories?
- 2. What types challenges do they face in collecting information through RTI Act?
- 3. How does RTI Act usage by journalists promote accountability and transparency in different institutions?

#### Limitation of the Study

The objective of any research work is to uncover the truth. Researcher primarily needs to spend substantial amount of time and efforts. In the study sampling is confined to small size and only one research method has been used in the study because of short time frame. The study was conducted in a limited time span for an academic requirement.

To collect primary data, the respondents were selected only from Dhaka city. The study has been limited also because of financial constraints and lack of human resources.

#### Literature Review

For the conceptual basis of the thesis, a number of relevant books, journals, reports and website documents have been reviewed.

From the beginning after adaptation of RTIA-2009 in Bangladesh, the World Bank has been associated with this significant initiative (Zamir, 2015). The World Bank noted that "the implementation stage is much more of a challenge than that of drafting or the passage through the legislature" of such a measure. They have recently outlined their suggestions about the implementation process of the RTI Act in

Bangladesh in a document entitled "Connecting Government with citizens: draft strategic plan on implementing Right to Information Act in Bangladesh - an agenda for 2014-2018". It has also marked some important challenges in their document. Those are "(a) the existing mindset of the bureaucracy, particularly those officials who are tasked to provide information; (b) the lack of capacity in the areas of record-keeping and record-making; (c) insufficient resources and infrastructure; (d) inadequate staff and (e) lack of capacity building".

Regarding the scope of RTI Act, the Manusher Jonno Foundation mentions that demand for such act came from every corner of the society like human rights defenders, media professionals, academicians, legal activists, civil society, grassroots organisations, national NGOs and above all, from concerned citizens (Sobhan, 2011). 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.

Research Initiatives, Bangladesh -RIB (2014) conducted a study on the procedural and social aspects of implementation of Right to Information (RTI) Act in Bangladesh by generating about 1500 initial applications from marginalised and underserved communities. The study analysed the implementation of RTI from a peoples' perspective. The study titled 'Empowering Communities through Right to Information' finds that access to and transparency in public services for marginal groups has been increased through use of RTI Act in their project areas. Also dissemination of the cases and processes of achievements of citizen's groups as well as the good practices of the public authorities has been achieved. The areas included the indigenous Rakhains of Cox's Bazaar district, the nomadic Bedes of Munshiganj, the Hindu indigenous Barmans of Gazipur, and the Dalit Rishis or leatherworkers of Shatkhira.

Another study of RIB (2016) titled 'Identifying approaches to establish an informed interaction and collaboration between supply and demand sides through DAC' shows that a total of 2837 RTI applications were submitted to the authorities of Gazipur district during the six-month period of January to June 2016 and a total of 3286 RTI applications were submitted to the authorities in Nilphamari district in the same period. Of these, a total of 300 and 1085 responses were provided by the authorities in Gazipur and Nilphamari districts respectively. Appeals/ complaints were filed as necessary but no response or action has been reported yet as the time required for their completion was not over during research period. However, hearing took place at the Information Commission on 8 August 2016.

This study also mentions that many senior officials confessed that they were not aware about the law or its provisions or have not even seen the gazette on the law and asked RIB staff for a copy of new law.

Mentioned study and other reviewed literature have vividly portrayed regarding RTI Act implementation and its challenges. Despite many studies on RTI Act implementation, there is no particular study about "Uses of RTI Act by Journalists in Promoting Accountability & Transparency in Public Services & NGOs". So this particular study is badly needed in promoting accountability and transparency in different institutions.

#### Theoretical framework

Agency Theory

To find scope and use of RTI Act by journalist, agency theory will be followed in the research. This theory emerged in the 1970s from the combined disciplines of economics and institutional theory although there are some contentions as to who originated the theory with theorists Stephen Ross and Barry Mitnick claiming its authorship (Mitnick, 2006). "The agency theory is a supposition that explains the relationship between principals and agents in business. This theory addresses problems that arise due to differences between the goals or desires between the principal and agent. Common examples of Agency relationship include corporate management (agent) and shareholders (principal)" (Investopedia, n.d.).

Despite Agency theory basically connected with economics and market perspective, this theory is very much contextual in political science. In this perspective, politicians are considered as agent and voters are principal. Although in political and administrative sphere, the principal-agent concept is not obvious. The legal framework of RTI Act is that, every citizen of the country is the source of all power or principal, on the hand every government authorities and their officers and clerks are agent of people's (Bari, 2016).

To implementation RTI Act properly the principal-agent relationship must establish that people are the principal and owner of all power in a democratic country, at the same time governmental institution and their officers and clerks are agent. They are always liable to provide information according to people's demand.

# Methodology

Methodology is a system of methods used in a particular area of study or activity (Methodology, n.d.). The choice of appropriate research methodology is important for any research work. This study followed survey method. The survey questionnaire consisted of structure and unstructured questions. The survey was conducted among journalists from print, broadcast and online media.

Under this research, 25 journalists of mainstream media houses in Dhaka city were interviewed. The interviewees were selected based on their knowledge in Right to Information (RTI) Act. Among selected journalists, 10 were from print media, 10 from broadcast journalists and other 5 journalists from online newspapers. The respondents of this study were selected by following purposive sampling method.

### **Analysis of Data**

This part deals with the presentation of data collection from respondent on selected questionnaires. The respondent journalists of the interview belong to only demand site. Interviewees were selected from print, broadcast and online media journalists.

The questionnaire prepared for interview contains 13 questions. The first twelve questions thereof with a view to finding out scope and trend of uses of RTI Act by journalists in promoting accountability and transparency. The last questions asked for their suggestions for improvement of the implementation of the law among the journalists.

Understanding level of journalists about RTI
Act
64%

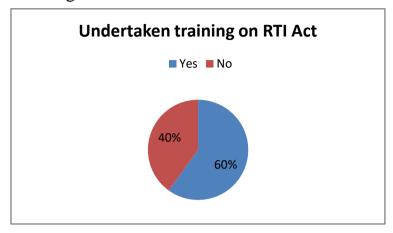
32%

Very Low Low Moderate High Very High

**Graphs 1:** Understanding-level of journalists about RTI Act:

The above chart represents the level of understanding of journalists about the RTI Act. The level ranges from Very Low to Very High. 64 percent journalists have moderate level of understanding about this law while 32 percent of journalists mentioned that they have high level of understanding and only 4 percent respondents have very high level of understanding about RTI Act. Majority of the journalists are yet to be acquainted High/Very High level of understanding with the provisions of RTI Act.

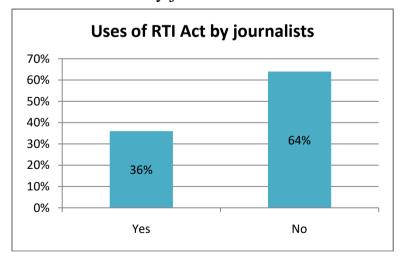
**Graphs 2:** Training on RTI Act



To increase the understanding of journalists on RTI Act, many training programmes were organised by Dhaka Reporters' Unity (DRU) and Press Institute of Bangladesh (PIB) in association with Information Commission (IC). Beside those trainings, Management and Resources Development Initiative (MRDI) also trained up many journalists on RTIA.

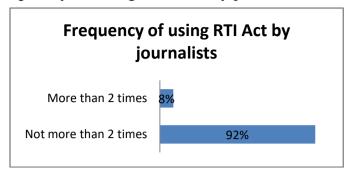
The above pie chart reflects that 60 percent respondents of interviews got training on RTIA from mentioned institutions and organisations, while 40 percent respondents did not get any training on this law. However, it is very important to ensure training for the journalists to increase their level of understanding on RTI Act as they have the opportunity in doing investigative report and many other types of report using this act.

Graphs 3: Uses of RTI Act by journalists



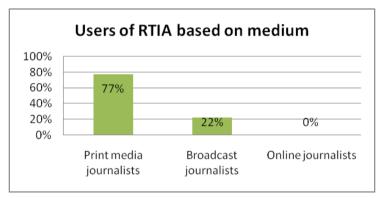
The above chart shows that majority of journalists did not ever applied for information to Government or Non-Government Organisation (NGO) using RTI Act. 36 percent of respondents applied for information through RTIA for their news report while 64 percent of journalists never used this law.

Graphs 4: Frequency of using RTI Act by journalists



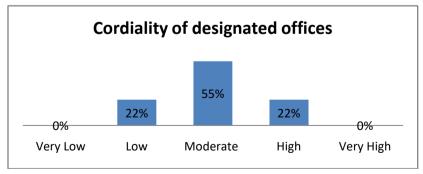
92 percent of journalists who used this law did not apply for information more than 2 times. Only 8 percent journalists used this law more than 2 times. This statistics reveals that most of the journalists do not use this law spontaneously for their news report.

**Graphs 5:** RTIA based on Medium



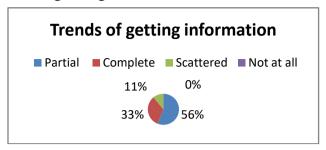
Majority of the journalists who used this law were from print media but no one was found from online news portal. The percentage of print media journalists and broadcast journalists are 77 percent and 22 percent respectively. This statistic reveals that broadcast and online journalist hardly used this law.

Graphs 6: Journalists' opinion about cordiality of designated officers



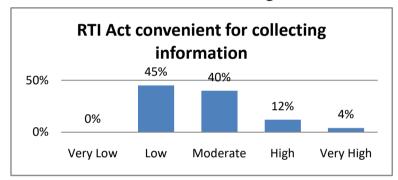
The above chart shows RTI Act users' opinion about cordiality of designated officers. 55 percent of journalists opined regarding disclosure of information is moderate. 22 percent of journalists mentioned that officer's cordiality is low and same percent of journalists mentioned high level of response.

**Graphs 7:** Trends of getting information



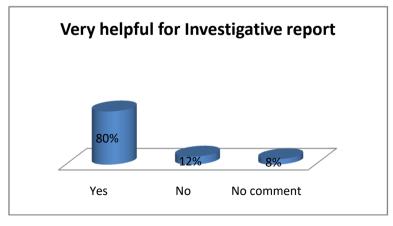
The pie chart mentions that 56 percent of journalists who applied for information using RTI Act got partial information. However, 33 percent and 11 percent of respondents got complete and scattered information respectively. This scenario shows that majority of designated officers do not cordial in providing information. They tend to hide information from journalists as much as they can, according to this study.

**Graphs 8:** RTI Act convenient for collecting information



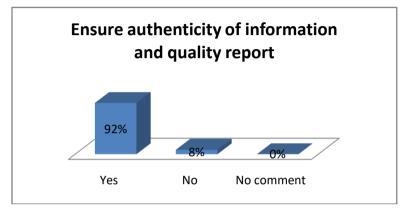
45 percent of respondent journalists think that RTI Act is not properly convenient and marked low level convenient for journalists to use in collecting information for their news. However, 40 and 12 percent of journalists marked this law as moderate and high level respectively. Only 4 percent of journalists mentioned that this law is very convenient to use in collecting information.

**Graphs 9:** RTI Act is very helpful for Investigative report



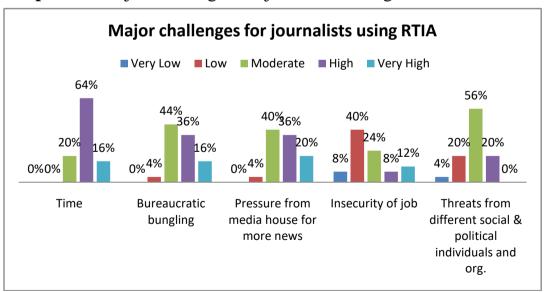
It is very appreciating that majority of respondent journalists found RTI Act useful for investigative report. 80 percent journalists think that this law is very useful for them and every journalist of print media expresses same opinion. However 12 percent respondent not this law as useful for them in doing investigative news and 8 percent respondents were reluctant to comment.

**Graphs 10:** RTI Acts ensures authenticity of information and quality report



92 percent journalists mention that RTI Act ensures authenticity of information and quality of report if journalists use this law for their news report. However, 8 percent of respondent journalists claim that this law is not enough to ensure authentic information because many designated officers may provide wrong information.

**Graphs 11:** Major challenges for journalists using RTI Act



The chart shows that journalists have to face lots of challenges using RTI Act. Despite of recognition that this law is very helpful for them, many journalists were not able to use this act because of those problems. Respondent journalists marked time, bureaucratic bungling and pressure from media house for more news as major challenges to

use this law. In addition, respondents marked insecurity of job and threats from different social and political individuals and organisations as comparatively less challenging factors.

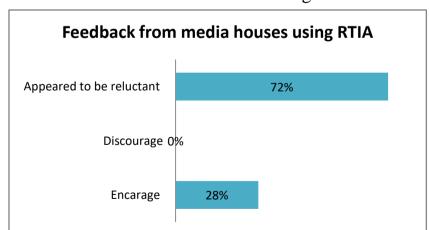
64 percent of journalists marked time as high level of challenge. However 20 and 16 percent of journalists marked time as moderate and very high level of challenge respectively.

Bureaucratic bungling is another major challenge for the journalists using RTI Act. 44 and 36 percent journalists mentioned this is moderate and high level of challenge. 16 percent of journalists claimed as very high level of challenge.

Almost all of our media houses try to cover more day event news. For this reason journalists are asked to cover straight jacket news or day event news. Because of pressure from media house journalists do not get enough time in doing investigative if get duration is very few. 40 and 36 percent journalists mention this problem as moderate and high level of challenge respectively. However 20 percent journalists marked this problem as very high.

40 and 24 percent journalists mentioned that insecurity of job problem as low and moderate level of challenge. 12 percent respondents feel very high insecurity of job in their media houses.

Threat is a common phenomenon for the journalists but using this Act they do not get very high level of threat from different social and political individuals and organisation. However, 56 percent of respondents think that treats is moderate level of challenge in using RTI Act.

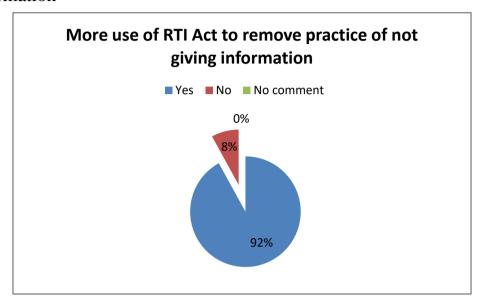


**Graphs 12:** Feedback from media houses using this Act

Most of the media houses do not want to encourage or discourage their journalists using RTI Act. They feel free to be reluctant about using this law. However 28 percent respondent journalists mentioned that their houses encourage them to use this law in collecting information

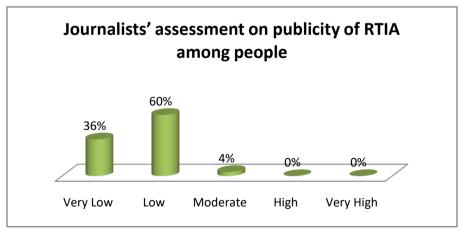
and doing investigative news. Many media houses encourage their journalists whenever they fail to gather information through as usual process then they this law as alternative.

**Graphs 13:** More use of RTI Act to remove practice of not giving information



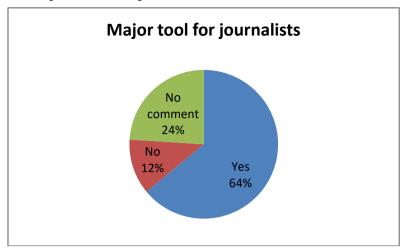
There is an inherent tendency from British period about not giving information to the common people as well as others. To remove these types of practice, more use of RTI Act is very necessary. 92 percent of journalists opined that more use of RTIA can remove the practice and mentality of not giving information. However, only 8 percent respondents differ with this.

Graphs 14: Journalists' assessment on publicity of RTIA among people



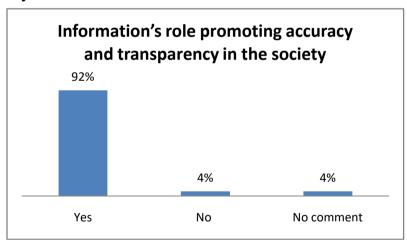
It is very frustrating scenario that this law still now cannot draw common people's attention. 36 and 60 percent journalists mentioned that general people's knowledge about this Act are very low and low respectively. Only 4 percent journalists think that public has moderate level of knowledge.

**Graphs 15:** Major tool for journalists



This pie chart shows that 64 percent journalists think that RTI Act is a major tool for them working with accuracy and transparency in the society. This scenario is very much appreciating. However, 12 percent respondents think this law is not major tool form them and 24 percent journalists reluctant to comment about this.

**Graphs 16:** Information's role promoting accuracy and transparency in the society



Free flow of information is very important in a country to ensure accuracy and transparency. RTI Act gives the opportunity to seek any sort of information from the government and non-government organisations. 92 percent of respondent journalists think that information can play a vital role in promoting accuracy and transparency in the society. However, only 4 percent respondent express negative opinion about role of information and others 4 percent were reluctant to make comment. Through RTI Act, they tend to seek information on public finance management, human resource management and documentation management of the organisations, which are the preconditions for promoting accuracy and transparency in the society.

#### **Findings of the Research**

After analysing the collected data, the study carried out some major findings which are mentioned below:

#### Lack of high level of understanding among journalists on RTIA

Majority of journalists do not have high level of understanding on RTI Act. 32% of respondent journalists have high level of understanding and only 4% journalists have very high understanding about this law.

#### Trends of use of the RTI Act is Very low

80% of journalists think that RTI Act is very helpful in doing investigative report. Despite that only 32% journalists use this law. However majority of them from print media journalists. Broadcast and online newspaper journalists usually do not use this law.

The percentage of print media journalists and broadcast journalists are 77 percent and 22 percent respectively and respondents of online media journalists never use this law. In addition, only 8% journalists use this law more than 2 times.

#### Designated Officer Provide Incomplete Information

56% journalists got partial information and 33% journalists got complete information. RTI Act user-journalists mentioned that designated officers are not very much cordial in proving information.

#### RTI Act is Very Helpful for Investigative Report

RTI Act is very helpful for investigative report, according to 80% respondent journalists. But they need support from their media houses.

# RTI Act Ensures Quality of Report

According to 92% journalists, use of RTI Act can greatly help to ensure authenticity of information and quality of report as provided document is official. They can use proper sources without hesitation.

# Major Challenges for Journalists Using the RTIA

Majority of the respondent journalists mentioned that time, bureaucratic bungling and pressure from media houses for more news are the major challenges for them.

Besides, they face lots of other challenges like insecurity of job, treats from different social and political individuals and organization, try to manage them not doing report any particular issues.

# Media Houses Appeared to be Reluctant to Encourage Using RTIA

72% respondents mentioned that their media houses are reluctant to encourage or discourage them to use this law. Only 28% media houses encourage their journalists, most of them are from print media.

#### Major Tool for Promoting Accuracy and Transparency in the Society

64% journalists think that RTI Act is a major tool for them to promote accuracy and transparency in the society. On the other hand they claim that information can play a vital role to make a transparent and responsible society. 92% journalists acknowledge RTI Act play a vital role.

#### RTI Act Promotes Accuracy and Transparency

RTI Act gives the opportunity to seek any sort of information from the government and non-government organisations. Journalists get information on corruption and irregularities in public finance management, human resource management and documentation management of the organisations through RTI Act.

#### Conclusion

Right to Information Act (RTI) is a law which truly empowers the common people. It is a landmark law in Bangladesh. Using this law citizen can seek and receive information from public services and non-government organisation (NGO) as well. This law is greatly helpful to ensure free flow of information and people's right to information within the society. In present time democratic, participatory, transparent and accountable government system, freedom of and access to information are considered to be as valuable as other basic rights of a common citizen, use of RTI Act provide legal opportunities to preserve those rights. As a part of common people journalists also have great opportunity to use this law.

Findings of the present study demonstrate that journalists have great scope in doing investigative news using this Act and they can also use this law as a major tool in their profession. If journalists properly use the RTI Act, it will be very much helpful in promoting accountability and transparency in public services and Non-Government Organizations (NGO) run by the government and foreign funds as well.

#### Recommendations

The findings of the study point out number of issues where we need to concentrate. These are:

Journalists should be self-motivated and make long term plan to do investigative report using RTI Act.

Information Commission (IC), journalists' institutions and media houses should introduce separate awards to encourage the journalists for investigative news using RTI Act.

- 1. Media houses should give well treatment on RTI related news and arrange programme to make awareness among common people about this law.
- 2. More training for the journalists should be arranged to increase level of understanding on RTI Act.
- 3. Media houses should encourage their journalists to use this law and provide them enough time and scopes.
- 4. Media houses should emphasis on more investigative news using RTI Act.
- 5. Massive programme should be organised by information commission for wider publicity of the law among the people.
- 6. Information Commission should take initiative to make social awareness commercial or advertisement on RTI Act to show how useful this law for the common people.
- 7. Information Commission should provide proper instruction and training to the designated officers in providing complete information.

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