



# The Power of Using the Right to Information Act in Bangladesh:

## Experiences from the Ground



Canadian International  
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## ***Introduction: The RTI Act in Context<sup>1</sup>***

The Right to Information (RTI) Act in Bangladesh was passed on March 29, 2009. In order for RTI to achieve its potential, and as international experiences show, it is critical that the Act is effectively implemented. Systematic and regular use of the RTI Act by various stakeholders may contribute to effective implementation. Through its use, it will be possible to identify areas for improvement, as well as contribute to the familiarization of government officials with the importance of RTI. Yet using the RTI Act requires a strong demand side force that can navigate the application and appeals process.

Non-governmental organizations (NGOs) in Bangladesh presently are working on strengthening the demand side for seeking information from the authorities through the RTI Act. And though the Act is young, it is being embraced by people across the country. With support from NGOs, people have started using the Act to obtain their entitlements under public schemes that provide vulnerable groups with health care, food, education, and other services. Otherwise, all too often the benefits from these schemes never reach the people that they are designed to help.

***“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 peoples’ right to information.”<sup>1</sup>***

***- Sheikh Hasina, Prime Minister of Bangladesh***

This publication documents the experiences of NGOs working in the field and how the RTI Act has had an impact on individuals. The result is fifteen stories of how citizens and communities have used the RTI Act to obtain information from the government in order to hold their local government bodies to accounts and improve their living conditions<sup>2</sup>. In general terms, the stories highlight the processes through which people requested, obtained and used information, as well as the immediate impact. Taken together, the cases are early testimony of how RTI has helped ordinary citizens to claim their dues, services, and entitlements that previously had been denied to them. Moreover, these stories from Bangladesh suggest that use of the RTI Act to claim entitlements and expose mismanagement and discrimination is fundamental to the practical realization of other rights, especially socio-economic rights.

This publication also highlights the importance of documenting work undertaken by NGOs. Oftentimes the achievements and impact of RTI efforts, especially at the local level do not receive enough attention. Due to this, exercises toward the documenting—including tracking and monitoring of information requests that would then inform the cases—efforts by NGOs will contribute to showcase in a compelling way the impact of their work. In order to also contribute to provide resources for NGOs to do this, annex II in this document includes a brief template that could be helpful for NGOs in the development of cases of their own.

<sup>1</sup> The views, findings and interpretations in this document do not necessarily reflect the views of the individuals and organizations that supported its creation.

<sup>2</sup> Bangladesh has a three-tier local government system in the rural areas: Union Parishad (collection of villages), Upazila Parishad (sub-district) and Zila Parishad (district council). Bangladesh has 7 administrative divisions: Barisal, Chittagong, Dhaka, Khulna, Rajshahi, Sylhet and Rangpur. Divisions are sub-divided into districts (zila). There are 64 districts in Bangladesh, further sub-divided into Upazila (sub-district) or thana. The area within each Upazila is divided into several unions, with each Union consisting of multiple villages.

The experiences illustrate how the Act and its implementation are being dealt with at the individual level. They also seek to share the power of RTI with a broader audience. These stories may encourage others to think about how RTI might apply to themselves or to their work.

These cases were initially collected by NGO practitioners<sup>3</sup>. The cases were also fleshed out by a 'writeshop' held in Dhaka on May 25 2011 on "How to Make RTI the Story: communicating RTI experiences and their impact," which convened practitioners from selected. The 'writeshop' and this publication were jointly supported by the Commonwealth Human Rights Initiative (CHRI), the South Asian Right to Information Advocates Network (SARTIAN), the Affiliated Network for Social Accountability (ANSA) South Asia, and the World Bank Institute's Access to Information Program, with financial support from the Canadian International Development Agency. Additionally, the Management and Resource Development Initiative (MRDI) provided useful insights during the 'writeshop'.

The case studies documented here are primarily based on RTI work undertaken by **D.Net, Intercooperation, Manusher Jonno Foundation, Nagorik Uddyog, Nijera Kori, Research Initiatives Bangladesh**, and their local partners. We are grateful to the individuals, communities, and groups which contributed to the compilation and drafting of these cases.

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<sup>3</sup> With assistance from consultants with the World Bank Institute's Access to Information Program, Stephanie de Chassy, Luis Esquivel, Megan McDermott and Tanya Shahriar, and staff from the Commonwealth Human Rights Initiative, Sohini Paul.

## **Story #1: Rezia Khatun used the RTI Act to get a Vulnerable Group Development (VGD) card**

### **D.Net**

Rezia Khatun is a 36-year-old widow whose husband died suddenly three years ago. She has three sons. Her eldest son started a new life after his marriage. Rezia, responsible for her other two boys and with no other way out, was forced to become a beggar. She began making a living by begging in different villages every morning. She had no land except a tiny house space. It seemed that begging was her only option.



### **The Problem: Rezia Khatun lacked access to the VGD program**

One day, Rezia met Sabikunnahar, who is an activist and infomediary trained by D.Net in the Meghshimul village of Ghagra Union. Rezia learned from Sabikunnahar that the group could help her to access various government services. Her hope was renewed, and thus she joined the group. She started to spend two hours a day per week in group sessions.

### **Rezia's RTI application and action taken**

During the sessions, she watched videos about different government programs such as: VGD cards, allowances for widows, and allowances for the elderly. She asked Sabikunnahar how to get a VGD card, and Sabikunnahar suggested asking the Union Parishad for this information. Rezia hesitated to meet the Chairman of the Union Parishad by herself, and she asked Sabikunnahar for assistance. Sabikunnahar brought her to the Ghagra Union Parishad, and explained Rezia's situation to the Chairman. The Chairman expressed his commitment to arrange for an allowance for Rezia. Yet Rezia did not receive a VGD card. Later on, Sabikunnahar learned that the government was allocating more VGD cards and told Rezia to apply for a VGD card. The Union Parishad Chairman discarded Rezia's application, saying that there was no additional allotment of VGD cards in the UP in the fiscal year.

Hopeless, Rezia asked Sabikunnahar to take action. Sabikunnahar communicated with the UP and learned that in Purbodhla Upazila, MPs were distributing VGD cards through party members instead of allotting them in Union Parishads. Sabikunnahar advised Rezia to submit an information request to the UP Secretary under the RTI Act. In the application, she requested how many VGD cards had been allotted to Ghagra Union that year, whether she was eligible for acquiring a VGD card or not, and how VGD cards were distributed.

The UP Secretary complied with the RTI application and provided the information about the allotment of VGD cards, which showed that Rezia was in fact eligible to receive one. As a result, the UP Chairman was compelled to allot a VGD card for her. After getting the VGD card, Rezia was no longer forced to beg.

### **Lesson learned**

Individuals are empowered when they can request information from the government about the eligibility and allocation of social protection programs, which are often ripe for RTI interventions. The RTI Act has the potential to ensure that the entitlements go to those who need it most, thus it is a powerful tool for the poor and their advocates.

## **Story #2: Shamima Akter uses the RTI Act to help vulnerable women to access government programs in her village**

### **Intercooperation**

Shamima Akter is an 18-year-old college student with clear determined brown eyes who lives in a small village of Vimkhali Union under Jamalganj Upazila of Sunamganj district. The village has no running water or electricity. Shamima and her college friends walk five kilometers each way to college as there is no public transport and a rickshaw would be too costly. She is the president of Ekota Youth Network, a youth group trained on civic engagement and participatory local governance through the Intercooperation's SHARIQUE project. The group participated in RTI training and learned about their rights and those of their community members.

#### **The Problem: Women in Shamima's village were being excluded from the VGD list**



At the same time as the training, the Upazila Administration was preparing a new Vulnerable Group Development (VGD) list for 2011-12. Shamima learned that some extremely poor women from her village were not included in the list. She and her fellow group members decided to use the RTI training experience to fight this exclusion by requesting the list.<sup>4</sup> Immediately after the training, Shamima filed an RTI application on behalf of the group.

#### **Shamima's RTI application and action taken**

As the application was filed with the Union Parishad Chairman on January 10, 2011, the concerned authority looked into the matter very reluctantly. The authority only vaguely responded verbally to Shamima, who did not get any further written information by the official response date (January 25). By this time the Upazilla Nirbahi Officer (UNO) learned about the VGD list request and set up a small inquiry committee that reviewed the list and suggested to remove a few names that were not eligible while including four women who actually were. The VGD selection committee, headed by the UNO, approved the report of the inquiry committee as well as the revised list.

On February 23, 2011, Shamima finally received the revised list from the Union Parishad, in which the names of the four women were included. Shamima and her group can now verify if the beneficiaries selected are actually eligible according to the established criteria.

#### **Lesson learned**

Youth is a tremendous force for RTI implementation. They often have a higher level of education than their parents and have the courage to challenge the system as well as the understanding of how to do so. Their determination to help themselves and their elders to live a better life is palpable and remarkable. They can serve as trainers but most of all as change agents and leaders. Youth groups can be supported to appropriately use the information and articulate their demands, not only as grievances, but as their basic rights.

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<sup>4</sup> The VGD and 40-Day programs are both safety net programs run by the Government of Bangladesh. Their aim is to help the poor during periods of crisis.



### **Story #3: Jobeda Begum uses information to increase the beneficiaries on a government program**

#### **Intercooperation**

Jobeda Begum lives in the Hargathi village of Bhalukagachchi Union.<sup>5</sup> She is divorced with two children, an eleven-year-old boy and a four-year-old girl. Her husband abandoned her during the fifth month of her second pregnancy. Since her daughter's birth, she has lived a difficult life as a single parent.

#### **The Problem: Schemes for women and disadvantaged groups are not properly implemented**

Jobeda tried to find some way to earn her living. Without a high level of education, she was unable to get a job with a decent salary. Therefore, she had to look for other options. In the process, she learned about different offices (line agencies) that provide special support under government programs for women, the poor, and other disadvantaged groups. This also opened the door for her to learn about *Samata Nari Kalyan Samity*.<sup>6</sup> In March 2011, *Samata Nari Kalyan Samity* arranged a training workshop on RTI. Jobeda attended the training and learned how and where to apply for information.

#### **Jobeda's RTI application and action taken**

She knew that every year, the government implements different projects to support the poor. From her RTI training, she learned that anyone could get detailed information about these government programs. In her application, she wanted to know the number of these projects active in the Bhalukagachchi Union. She also wanted to know who was going to benefit from these programs and the details of the procedure to be included in the recipient list for the financial year 2010-11. Using the RTI Act, Jobeda Begum applied to the Secretary of Bhalukagachchi Union Parishad for information on these projects. Her request was fulfilled, and she learned about the overall development plan of Bhalukagachchi Union.

Jobeda was able to pass along the information on the projects that she had gathered to her fellow villagers, noting that some of them were not implemented properly. After the villagers were informed about these projects, they set up a project implementing committee (PIC) to ensure a proper implementation free from corruption and favoritism. The ward member served as the chairman of the committee and Jobeda became one of the nine members. The committee prepared the list of beneficiaries, and the chairman submitted the list to the Union Parishad. As the list was prepared through consultation, shared with the entire ward, and followed a very detailed procedure, the Union Parishad included everyone on the list.

According to the list, 21 people were provided different livelihood facilities under government programs. Thanks to Jobeda's efforts, the people who genuinely needed aid actually received it.

#### **Lesson learned**

While individuals are not necessarily comfortable asking questions to government officials, particularly at the local level, RTI provides a legal mechanism and an avenue for seeking information. Individuals like Jobeda can request information using the RTI Act to empower themselves as well as individuals in their communities that face common challenges. Thus using the RTI Act can be a platform for communities to stand for the rights of their neighbors and ensure that they receive all the government benefits that they are due.

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<sup>5</sup> This Union is in the Putya Upazila of the Rajshahi District.

<sup>6</sup> Samata Nari Kalyan Samity is a community based organization partnering with Intercooperation.

## **Story #4: Rafiqul Islam demands information to bring transparency to the distribution of grains**

### **Manusher Jonno Foundation**

The Food and Disaster Management Ministry implements a safety net program called Vulnerable Group Feeding (VGF) to provide food security for vulnerable groups, particularly in the aftermath of natural disasters such as cyclones, floods, and droughts, as well as when work is unavailable. VGF is designed to provide one or more months of food ration to households in a period of distress or when acquiring food becomes difficult to them. In order to access the program, beneficiaries need to have a VGF card.



Mr. Rafiqul Islam is a farmer who lives in Lemshikhali Union Parishad, in Kutubdia Upazila, in Cox's Bazar District. He used to work in salt panning, but lost his business due to the severe cyclone of 1991, which led to major financial losses for his business. Since then Rafiqul has been involved in farming, and in his free time he provides social services for the poor in his community. As a result, the local people elected him a "Change Maker". A local NGO partner of the Manusher Jonno Foundation, Bangladesh Disaster Preparedness Centre, organized a training program on social accountability and good governance in 2009, which Rafiqul attended. At this training he learned about the RTI Act and how ordinary citizens could access government-held information.

#### **The Problem: Lack of information about VGF allocations**

In November 2009, Rafiqul heard that the government was planning to distribute rice free of cost in the Lemshikhali Union Parishad under the VGF scheme. Instead of applying for information through the RTI Act, he called the Project Implementation Officer (PIO) of Kutubdia Upazila to inquire about the quantity of rice that each VGF cardholder would receive. However the PIO did not give him any information.

#### **Rafiqul's request for information**

After the denial from the PIO, the next day Rafiqul visited the PIO's office and stated that he was well informed about the RTI Act, and it is the duty of the PIO to inform citizens about government initiatives. On hearing this, the PIO informed him that 10 kilogram (kg) of rice had been allocated per person to 2,725 inhabitants of Lemshikhali Union Parishad. Though Rafiqul did not make a formal RTI request, he received the information he had asked for from the concerned government official – because he was aware of his right to know as per the RTI Act.

#### **Impact of the information**

On the day that the rice was distributed at the UP office, people who had queued up for the food grain were informed by the Chairman that each person with a VGF card would be entitled to 7 kg of rice. Upon hearing this, Rafiqul informed everyone that he had been told by the PIO that each person was entitled to 10 kg of rice rather than 7 kg. In response, the people demanded the full amount instead of 7 kg. The UP Chairman argued that it was not possible for him to provide the entire amount, as he had to consider the costs for transportation and other related expenses. However, since the people were aware of what had been allotted to them, they staged a protest. As a result the Chairman was compelled to distribute 9.5 kg rice to each person.

#### **Lesson learned**

Even without making a written request under the RTI Act, citizens can compel government officials to disclose public information. Ultimately, the officer in this case responded verbally with the requested information when he learned of the responsibility to disclose information per the mandate of the RTI Act. While it is generally preferred to rely on written applications and responses, this case illustrates how the concept of the RTI Act can engender change within a bureaucratic culture that often reacts against the idea of sharing information.



## Story #5: RTI Act helps in implementing minimum wage in shrimp processing industry

### Manusher Jonno Foundation

The Government of Bangladesh declared minimum wage for workers in the shrimp processing industry on November 21, 2009. The main purpose of setting up minimum wage for laborers in this industry is to protect the socio-economic security of laborers in the formal sector. Minimum wage is one of the essential components of the labor law. SAFE, a partner NGO of the Manusher Jonno Foundation (MJF), works to monitor the implementation status of the minimum wage in this industry in Bangladesh to ensure minimum wages for workers.



#### **The Problem: Not all workers receive minimum wage**

It is the responsibility of the office of the Deputy Chief Inspector to monitor regularly whether the minimum wage is being paid by the shrimp processing plants. SAFE wanted to identify the number of processing plants in Khulna not complying so that it could undertake advocacy for minimum wage implementation in those industries which are not implementing the policy. To do so, SAFE undertook research in July 2010.

#### **Asad's RTI application**



Asad, an employee of SAFE, sought information from the Khulna Department of Labor on the number of shrimp processing plants that implemented minimum wage. He asked the question after attending a MJF training on the use of the RTI Act. On July 15, 2010 Asad went to the office of the Designated Officer (Deputy Chief Inspector) in person and requested the information according to the RTI Act. Yet the Designated Officer initially refused to receive the application. Sensing the reluctance of the DO, Asad requested the information through the postal service with a registry letter as his second attempt. He waited for 20 working days but got no response.

Asad's efforts seemed unproductive. Then he appealed to the appellate authority (Chief Inspector, Department of Labor) through the registry mail. In response, the Chief Inspector sent notice to the Deputy Chief Inspector, Department of Labor, Khulna Division, to provide the information to Asad. Then the concerned department (Office of Deputy Chief Inspector) communicated with Asad over the phone and told him to send a general letter requesting the desired information. He sent a letter to the Deputy Chief Inspector accordingly. However, this was also ineffective. On September 30, 2010, Asad filed a complaint to the Information Commissioner (IC). Coincidentally, that same day he received a letter from the concerned department with the requested information (though it was not mentioned that the information was given under RTI Act), but it was partially incorrect. Asad mainly wanted to know the numbers of shrimp processing plants complying with minimum wage. Asad was informed that all 39 processing plants were implementing the minimum wage. But the real situation was different. Out of 39 processing plants, 36 were implementing minimum wage yet only partially, not completely, which is violation of the policy.

On January 31, 2011, Asad got a notice from the Information Commission (IC). He was told to attend the hearing on February 15, 2011. He informed the IC of the error in the information

provided. The department came up with information that 39 processing plants implemented the minimum wage program. Asad raised two points about the information he received. First, he was given incorrect information. Second, he found that three of the 39 shrimp processing plants had been out of operation for more than a year. Asad wanted a complete and accurate list so that he could monitor the implementation status of the minimum wage. Interestingly, it was also found that not all plants were implementing the minimum wage fully. Implementation of minimum wage applies to each grade of the salary scale, which did not happen. Moreover, it is the duty of the Office of the Chief Inspector to monitor the status of minimum wage implementation.

Asad could not attend the first hearing of the IC and applied for time petition, and the next hearing was scheduled for March 7, 2011. In that hearing Asad submitted proof and documents in support of his complaint. The third hearing took place on March 21, 2011. The Chief Information Commissioner ordered the Deputy Chief Inspector to provide accurate information by Tuesday of the next week. Asad finally received the information on March 27, 2011.

### **Impact of the information**

This request for information has made the office of the Deputy Chief Inspector, Department of Labour, Khulna Division more active. This is because after getting information, SAFE demanded that the Office of the Deputy Chief Inspector to monitor the implementation status of minimum wage, which had not been done regularly by the authority. As a result of using the RTI Act, at present all shrimp processing plants (under the SAFE program area) are implementing fully the government declared minimum wage for their laborers.

### **Lessons learned**

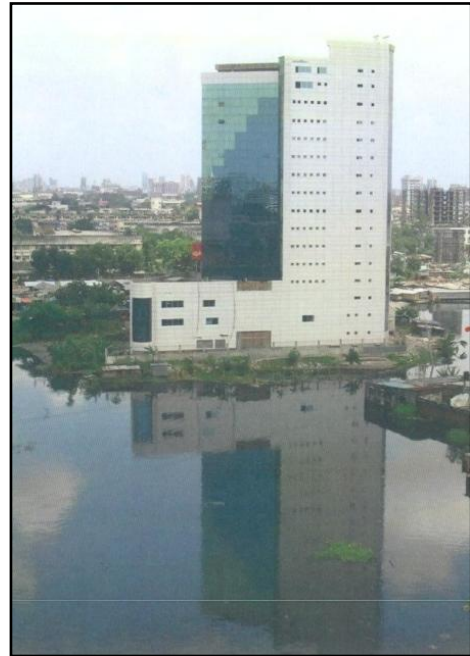
The quality of government-released information can be improved by comparing it with facts and realities on the ground. Even when the authorities release information, it may need to be verified. SAFE was able to understand the full picture of the minimum wage standard in the shrimp processing plants by doing its own research and analyzing it against the government information. Furthermore, this information strengthened the arguments of SAFE to advocate for comprehensive implementation of the minimum wage. Thus, RTI can be a useful tool to enhance fact-based advocacy by CSOs.

## Story #6: The use of RTI for environmental advocacy against illegal building

### Manusher Jonno Foundation

#### **Problem: Construction of the BGMEA tower violates government regulations**

In 1998, the Bangladesh Garment Manufacturers and Exporters Association (BGMEA) started the construction of a new building in Hatirjheel, Dhaka. The construction of the BGMEA Tower was contested by those who considered it a violation of legal procedures in the existing regulatory framework. The main issue is the site of the BGMEA Tower, which forms a part of the Hatirjheel, which was once a huge body of water and helped drain rain water during monsoon. Due to this, it is a concern for environmentalists, particularly as the land was used in the building's construction and lacked formal registration and approval. It did not follow the Urban Development Act, 1953 and the Water Body Preservation Act. Additionally, the 15-story structure was built on land that is government-owned, without approval from RAJUK (Rajdhani Unnayan Kartipakkho), the city development authority. The land had been set aside for the Begunbari-Hatirjheel integrated development project. The main objective of this project is to drain out stagnant water from the city quickly during the rainy season. Thus, the BGMEA



tower built on land filling that was a part of the Hatirjheel lake has been said to be the main reason for chronic and severe water-logging in Dhaka city. The Bangladesh Environmental Lawyers Association (BELA), urban experts, academics, and environmentalists have repeatedly called on the government to demolish the BGMEA building because it is right in the middle of the canal, it and 'defies the law in the heart of the city.'

#### **RTI application and action taken**

The use of the RTI Act has been quite encouraging throughout the entire process. On July 8, 2009 BELA, a partner organization of MJF, for the very first time, submitted an information request based on the RTI Act to RAJUK. The information request encompassed the following: approval of the BGMEA building plan, the rationale behind approving BGMEA to construct a building in a public body of water, and the processes etc. Following the RTI Act request, BELA waited for 20 working days, but no information was provided. On December 17, 2009, BELA submitted another information request. This time additional information was sought to determine whether RAJUK had appointed a Designated Information Officer (DIO) following the stipulations of the RTI Act. This attempt failed as well. Then an appeal was made to the Secretary, Ministry of Housing & Public Works (MOHPW) as the appellate authority. This was also unsuccessful. Then BELA made a complaint to the Information Commission (IC). In response to this complaint, the IC ordered RAJUK to provide the name of the DIO and his/her appellate authority. Apart from this, the IC ordered RAJUK to inform the Commission about the actions taken in response to BELA's complaint within seven days. "Otherwise legal action would be taken," the IC warned RAJUK. RAJUK remained silent, violating the order of the IC. On July 22, 2010, a legal notice was sent to the Chairman of RAJUK.

Finally all these efforts resulted in RAJUK handing over the requested information to BELA on September 19, 2010. The collected information clearly indicated that approval for the sale of the building was given upon fulfillment of some legal conditions, which were not followed afterwards. A report was published in a daily newspaper called *The New Age* on October 2, 2010. The BGMEA building was reportedly built without the permission of RAJUK. This report drew the attention of public authorities along with many people. Accordingly, a legal case started in court. This turned into

a movement to ensure that proper procedures are followed and the land is used in the best interest of the people. The lawyers of BELA submitted the documents to the court that had been collected through the use of RTI Act.

BELA President Rezwana Hasan in a hearing stated: "this (construction of the building) has violated some laws including the Environmental Act."



### Impact of the information

In the court ruling it was noted that the BGMEA had no ownership of the land on which the building was constructed and that the authorities must evict it. The BGMEA building was ordered to be demolished due to this violation of the law. Concerned offices were given time to move to other locations. As per the RTI Act, BELA found that RAJUK had not nominated a DIO, and BELA made a complaint to the Information Commission. After receiving order from the Commission, RAJUK appointed a DIO.

### Lesson learned

The RTI Act is a powerful tool for advocacy, as environmental advocacy around the BGMEA building demonstrates. The use of the RTI Act contributed to the efforts to show that the building had been erected in violation of environmental laws. On the other hand, this process led to strengthening the implementation of the RTI Act within public agencies by compelling RAJUK to appoint a DIO. When an RTI application is made and pursued, it can result in government agencies promoting better compliance with the Act.

## ***Story #7: Mosharaf Hossain uses the RTI Act to ensure that his online complaint for migrant workers is heard***

### **Manusher Jonno Foundation**

Mosharaf Hossain hails from Mohammadpur Union of Doudkandi Upazila in the Comilla District. He has a family of 12 people. Because of his family's economic situation, he decided to send his three sons abroad for work with the hope that their income would help improve their financial conditions. In order to send them abroad, Mosharaf sold his land and his house, and took out a loan at a high interest rate. Thus he gathered the 309,000 taka, which he gave to a recruiting agency called Messrs Al-Mokhles Trade Enterprise in 2007. He also gave the agency the passports of his three sons - Murad Hossain, Asif Hossain, and Zakir Hossain, who eagerly awaited going abroad to earn money to support their family.

#### **Problem: Recruiting agency swindles Mosharaf Hossain as he seeks employment for his sons**

After Mosharaf submitted the passports and paid the recruiting agency, nothing happened. Days went by, months went by, years went by, but there was no response from the recruiting agency. By 2010, Mosharaf had given up hope and their economic conditions had worsened.

At this point Mosharaf came across AHRDT (Assistance for Human Resource Development with Technology), a partner organization of RMMRU (Refugee and Migratory Movements Research Unit) that works with MJF. He registered as a member of the committee for protecting the rights of the migrant workers called Migrant Rights Protection Committee (MRPC) and learned about migration issues. He learned that the Bureau of Manpower Employment and Training (BMET) of the Government of Bangladesh takes complaints online if any potential migrant worker is cheated by any agency. He sought help from MRPC and AHRDT.

In August 2010, Mosharaf filed a complaint online at BMET against the recruiting agency that cheated him. He presented himself at BMET as many as four times for a hearing, but he never received any information indicating that he had received a fair judgment.

#### **RTI application and action taken**

Meanwhile in January 2011 MJF organized a one-day workshop on the RTI Act in Doudkandi, Comilla.<sup>7</sup> The members of local MRPC and AHRDT attended the workshop. They learned how the RTI Act can be used for redressing the denial of people's rights. They learned that the RTI Act can help solve problems of the intended migrant workers who had been cheated by recruiting agencies. They disseminated this information in their localities.



Mosharaf also learned about the RTI Act and with assistance from MRPC and AHRDT, he filed an RTI application to BMET in March 2011 asking for the copy of his judgment by referring to the RTI

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<sup>7</sup> This was facilitated by CHRI and MJF and organized jointly by the latter along with their partner organization RMMRU.

Act. Yet he did not receive any response from BMET in time. Therefore, in April 2011 he appealed to the Information Commission.

This time he was successful. In May 2011 he received a letter from the Director General of BMET regarding his complaint. It indicated that the complaint lodged by Mosharaf had been proved correct and the recruiting agency was ordered to pay Mosharaf Taka 252,000 by June 15, 2011. Otherwise, legal action would be taken by BMET against the offender in line with the Immigration Ordinance of 1982.

### **Lessons learned**

Mosharaf's experience proved that the RTI Act helps to realize rights and address instances of corruption by contributing to the trigger of existing redress mechanisms. Though Mosharaf failed to receive due justice through the BMET online complaint system, he was awarded justice successfully through using the RTI Act. Thus the RTI Act can serve as a vehicle for obtaining information when other administrative systems have been exhausted. Furthermore, the Act had an impact on the accountability of the private sector.



## ***Story #8: Information Commission helps Mosharef Hossain Majhi to access information on agriculture issues***

### **Nagorik Uddyog**

Bangladesh's Ministry of Agriculture provides various services to local farmers. These services are supposed to reach the farmers through the Upazila Agriculture Office (UAO). Mosharef Hossain Majhi is one such farmer in the village of Alta of Sadar Union in Banaripara Upazila under Barisal District. There are many complaints from farmers – like Mosharef – in their experiences of trying to access agriculture-related services.

#### **The Problem: Corruption plagues the provision of services by the Upazila Agriculture Office (UAO)**

The distribution of pesticide equipment and training to farmers through the Integrated Pest Management (IPM) club and the Integrated Crop Management (ICM) Farmer's Field School are major services provided by UAO. UAO is responsible for allocating and distributing these services among farmers according to specific procedures and guidelines, though sometimes farmers do not get these services. Moreover, rules and guidelines are not always followed properly. Sometimes agricultural equipments are sold clandestinely instead of being distributed among farmers. On the other hand, there are irregularities in operating IPM clubs and ICM schools. People in general do not know about this allotment and distribution, or other services of UAO. As a result they are not even able to take the initiative in accessing them.

Once Mosharef learned about the RTI Act from a local journalist named S. Mizanul Islam, he was interested to seek information from the UAO. S. Mizanul Islam learned about the Act after attending a workshop in Banaripara Upazila that was organized by Nagorik Uddyog and partners.

#### **Mosharef's RTI application**

With the help of S. Mizanul Islam, Mosharef submitted an application in the prescribed format as per the RTI Act, seeking information from the UAO on May 17, 2010. In his application he requested information regarding the distribution of irrigation machines and canals, power tillers, the allotment of seeds and fertilizers in that Upazila, and information regarding the training of farmers in the IPM club and ICM schools from 2001 to May of 2010. He also wanted to get information on the status of undistributed agricultural equipments.

The Upazila Agriculture Officer did not accept his application. Then Mosharef filed a request to the Upazila Nirbahi Officer (UNO) seeking information on the same issues on May 31, 2010. Following his application, UNO informed the Upazila Agriculture Officer about Mosharef's request through an official letter. Then the Upazila Agriculture Officer sent a letter to the Deputy Director, Agriculture Extension Department of Barisal region, seeking direction while identifying Mosharef's requested information as confidential. He also sent a copy to the Upazila Chairman and the UNO. Then the UNO informed Mosharef of this through an official letter. The Deputy Director of the Agriculture Extension Department of Barisal region sent a letter on July 12, 2010 to the Additional Director, Agriculture Extension Department, Barisal region (a higher authority), seeking permission to disclose the information sought by Mosharef. Unfortunately, the UAO issued a letter to Mosharef refusing to provide information in the 'Kha'<sup>8</sup> form as per procedure of the RTI Act, categorizing it as confidential Information on July 26, 2010.

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<sup>8</sup> According to section 9 (3) of the RTI Act, if for some reason the UP Secretary is unable to provide the information, he/she will inform this to the applicant within 10 working days as per form KHA. (IC handbook for Ups and Line Agencies)

### **How the applicant took action after being denied information under the RTI Act**

After getting a refusal from the UAO, Mosharef appealed to the District Agriculture Officer in the prescribed format on September 19, 2010. Yet the appeal was rejected. Then Mosharef filed an appeal to the District Agriculture Officer by post and sent a copy to the Deputy Director's Office. Following Mosharef's appeal, the Deputy Director of the Department of Agriculture Extension issued a letter to Mosharef noting that as the requested information was confidential, the Additional Director was responsible for the decision. In turn, the Additional Director referred it to the Director General (DG) of the Department. The DG replied that the information should not be disclosed. As the stipulated deadline to resolve his appeal had passed, Mosharef filed a complaint with the Information Commission (IC) by post. At first the IC rejected his complaint on the basis that it was not submitted properly and advised him to submit an application again following the correct procedure. Mosharef replied to the IC that the UAO made him submit the application in the incorrect way. The IC accepted his justification and arranged a hearing on his complaint.

On March 22, 2011, the IC held a hearing with the UAO for depriving Mosharef of information and for labeling agriculture-related information as confidential. The Commission found nothing confidential in the requested information and instructed the UAO to provide information to the requester by April 10, 2011. The IC also directed the higher authority of the Agricultural



Department to appear in the second hearing on April 17, 2011 for having given misleading instructions. The UAO provided more than five hundred pages of information to Mosharef within the timeframe stipulated. In the second hearing, Mosharef complained that insufficient information was provided, and the IC again mandated that Mosharef should be provided with the remaining information within the set time. The IC also reminded the UAO to abide properly by the RTI Act.

### **Impact of the information**

Mosharef received hundreds of pages of information and informed other farmers in his village. Now he is in the process of verifying and validating the provided information. He will conduct a social audit with the farmers in his village to verify the information provided by the UAO. Mosharef's process has inspired citizens to know their rights and already several other applications for information on different issues have been submitted to the Upazila Administration.

Before attending the hearing of the IC, public officers often stated various reasons for not providing public information in meetings in Banaripara. But after this case, their mindset has been changing and respect for citizens' right to information is growing.

### **Lessons learned**

Patience and persistence can overcome bureaucratic attitudes and the traditional culture of secrecy within many government offices. Like Mosharef, citizens and community groups can use the information gained from an RTI request to undertake a social audit or perform another type of social accountability exercise in order to hold local governments to account. This case highlights the importance of following all the steps laid out in the Act, including contacting the Information Commission.

## **Story #9: By using the RTI Act, poor women receive access to maternal health vouchers**

**Nijera Kori**

### **The Problem: unequal distribution of maternal health vouchers for poor women**

Landless groups and committees, especially women, work to assert their position in society and claim their rights. Committee members in Gangni Upazila of Meherpur District learned about irregularities in the allocation of cards under the “Maternal Health Voucher Scheme” through which poor pregnant women are entitled to health services for a maximum amount of 8000 Taka until the child is born.<sup>9</sup>

Committee members met with expectant mothers who told them that the cards were being distributed to women from wealthier families. Moreover, officials from the health department had taken 200 Taka per card from each of the 20 pregnant women who had received the cards in Gangni Municipal Corporation and Dhankola and Saharbati Union Parishads. The officials also apparently had asked for bribes from four other families. On the other hand, they had not given cards to those eligible women who had not paid the bribe. When this situation was revealed, the members of the landless organization decided to seek information from the government.

### **RTI application to the Upazila Health Agency**

The President of the Gangni landless organization and three other members, who had been trained by Nijera Kori on the RTI Act, jointly submitted a written RTI request to the Upazila Health Officer on July 19, 2010 to ask for information regarding the maternal health voucher scheme. In particular, they asked:

- ◆ How many cards are distributed monthly in Dhankhola and Saharbati Union Parishads and Gangni Municipal Corporation under the “Safe Motherhood Health Voucher” project?
- ◆ What are the criteria for selection of families for distribution of cards?
- ◆ Who is responsible for selecting the beneficiaries and distributing the cards?
- ◆ What are the benefits and services that card holders would get?
- ◆ What are the registration fees?

### **How the applicant took action**

The only information that the applicants received was quantitative data on the number of cards distributed in Dhankhola and Saharbati Union Parishads (47 families in Dhankhola and 33 in Saharbati had received cards). Yet they did not receive any information regarding Gangni Municipal Corporation. The landless group organized a meeting to discuss the implementation of the project. Instead of filing a formal appeal with the appellate authority, the group decided to collect specific evidence of irregularities in the project. On July 29, 2010 more than 200 men and women staged a demonstration against the irregularities in the project and handed over a memorandum with signatures of the community members to the civil surgeon. Copies of the memorandum were also sent to the Deputy Commissioner of Meherpur District, the Upazila Nirbahi Officer (UNO)<sup>10</sup>, and the Upazila Health and Family Officer and the Upazila Chairman of Meherpur. The committee

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<sup>9</sup> The government of Bangladesh is implementing the Maternal Health Voucher Scheme under which pregnant mothers get free consultations and services for three prenatal care visits, costs associated with safe delivery, and one post natal care within six weeks of delivery. This includes 500 taka for transportation cost to the clinic, 500 taka for referral to district hospitals, items for the mother worth 500 taka, and 2000 taka in cash.

<sup>10</sup> Upazila Nirbahi Officer (UNO) is the chief executive of an Upazila (sub-district). A junior level officer of the Bangladesh Civil Service (administration cadre) mainly senior assistant secretary is designated for this post.

To: Civil Surgeon  
General Hospital, Meherpur

Re: Irregularities in the implementation of the 'Maternal Health Voucher Scheme'

We are members of the landless group of Gangni Municipal Corporation, Roypur, Dhankhola Union. We learned from the people here that the actual beneficiaries of this project are not getting the health cards whereas those who are paying bribes are the ones benefiting. We therefore urge you to probe into these allegations and undertake necessary measures so that the actual beneficiaries receive cards.

Sincerely yours,  
On behalf of the landless group  
Bakul Biswas  
President, Landless Regional Committee  
Gangni, Meherpur

Annexure:

- 1) A list of those who have been granted card in lieu of bribe;
- 2) A list of those from whom bribes had been sought;
- 3) Photocopy of the incomplete information received

members<sup>11</sup> prepared a list of the names and addresses of the 20 families who paid bribes in exchange for cards.

Furthermore, the landless committee organized a meeting with the Mayor of the Municipal Corporation, the Chairman of the Upazila, and the Upazila Health Officer. The committee members demanded detailed information regarding the project, and the Upazila Health Officer admitted that the information was not even available in the offices and at the field level. He assured the members that detailed information would be provided.

Upon receiving the memorandum, the civil surgeon decided to probe the matter. He started the investigation on August 1, 2010 and found that in Dharmachacki village, Shaharbari Union Parishad, the cards had indeed been given to relatively wealthier families and there was corruption in the project's implementation. More than 300 members of the landless committee gathered at Dharmachacki village during the civil surgeon's visit and demanded justice for the poor. In response, the civil surgeon provided the goals of the program, the profile of the beneficiaries, and the selection criteria and procedures. The people gathered in the village, identified the local beneficiaries, and proposed the names of 20 poor and pregnant women who were eligible for benefits from the scheme.

### Impact of the information

The accused health officer was transferred out of his post after the alleged irregularities and corruption were proven. He was also forced to return the money he had collected as bribes from the members. The 20 women whose names had been proposed by the committee members were given their cards and accessed the benefits of the scheme.

### Lessons Learned

The landless group that rallied behind the RTI application was successful in part because they asked very specific questions in their RTI application. They followed a thorough approach in their collection of data and communication with the authorities. Combined with their persistence, this allowed them to overcome the initial resistance that they met when they were given incomplete information.

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<sup>11</sup> These were members of the area committee and not the Upazila committee. In case it is not possible to form committees at the Union or Upazila levels, an *anchalic* (area) committee is formed at the sub-centre to support the activities being carried out by the centre.

## Story #10: Landless committees use the RTI Act to gain access to land records

### Nijera Kori

Although Bangladesh's economy is largely agro-based, 65% of the rural population is landless and factors like growing population, conversion of farmlands to non-farm use, and land erosion add to the significant reduction in per capita farm size. An important aspect of land reform policy has been the acquisition and distribution of *khas* land, which is government-owned land that includes agricultural and non-agricultural land as well as bodies of water. Identification and management of *khas* land and bodies of water, their distribution to the landless and poor people, and their retention by the landless are some of the prime issues related to agrarian reform in Bangladesh.

#### **The Problem: Landless Groups lack information about distribution of Khas Land**

Out of the 3.3 million acres of *khas* land, only a small fraction has been distributed to the poor, who face problems in both obtaining and retaining land. In fact, only 11.5% of the agricultural *khas* land is effectively owned by those for whom it is meant- the landless poor.

Nijera Kori considers title to *khas* land by the landless an integral part of poverty alleviation in rural areas. *Khas* land should be more accessible to the poor because of the government's policy in distributing these areas to the landless. Yet in practice, most *khas* lands are illegally occupied by the relatively wealthy, oftentimes as part of the power structure. Powerful land grabbers often seek the help of officials to produce falsified ownership documents. This makes it difficult for the landless to have access to *khas* land, especially when the groups are not effectively organized and lack support.

#### **RTI application and outcome**

One of the landless organizations in Ramgati Upazila in Laxmipur District decided to seek information regarding the *khas* land available in each *mouza*<sup>12</sup> by using the RTI Act. They sought the information in order to get a baseline on the amount of *khas* land available in the area as well as to see if land distributed was allocated fairly, whether duplication occurred and whether people could retain the land distributed to them. The members of the landless organization were trained by Nijera Kori on the RTI Act, and a member called Riaz submitted a written RTI request to the Assistant Land Officer of the Alexander Union land office on September 23, 2010. Although the Assistant Land Officer received the application, when Riaz came to collect the information, the officer told him he was unable to provide it. Upon enquiring about the refusal, Riaz was told to apply to the Upazila Land Office instead.

The landless organization convened a meeting on November 13 and decided to register a complaint at the Upazila level due to the refusal of the Union Land Office to provide the information. On November 24, more than a hundred landless committee members staged a demonstration to demand information at the Upazila Land Office. They also complained about the Union Land Office to the information officer that was present. The Assistant Commissioner (Land) met with the group and informed them that they should apply for information to the Upazila Land Office and assured them that the information would be provided within the specified time limit in the Act. Siddiquir Rahman, another member of the landless committee, applied to the Ramgoti Upazila Land Office and was provided the information related to *khas* land of 31 *mouzas*. They received photocopies of the information on December 15, 2010. The information was used to formulate their action plan.

#### **Lessons learned**

Authorities are less likely to take any official measures when complaints are only made verbally rather than in writing. The landless group realized that in the future, all communication with the administration should be in written form. Written complaints contain recorded evidence and hence

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<sup>12</sup> In Bangladesh, a *mouza* is a type of administrative district corresponding to a specific land area within which there may be one or more settlements. *Mouza* is synonymous with village.

are of much greater value than oral complaints, particularly if individuals or groups feel the need to seek redress at a higher administrative level. Moreover, when multiple complaints are registered collectively in a single memorandum, they tend to hold more weight.



## Story #11: RTI Act helps improve the lives of fishermen

### Nijera Kori

The major problem in land surveying is maintaining land records, and many conflicts arising over the question of land ownership end in the courts. This creates a huge negative impact upon the lives of the small farmers in an agriculture-based economy. Land surveys have exacerbated the existing land problems rather than solving them. Sometimes, the upper class controls land administration survey teams. The result is that small and marginalized communities lose the record or title of their land. On the other hand, the landless farmers and fishermen communities have fewer entry points to government *khas* land, which are common use lands such as marshlands, water reservoirs, rivers, ponds, and canals. The Land Administration Department is often suspected of acting in connivance with groups to tamper the land records manuals and documents in order to change ownership title deeds from classification as *khas* land to private ownership.

#### **Problem: Sonaidanga Reservoir is inaccessible to communities eligible for receiving *khas* lands**

In the Sonaidanga<sup>13</sup> water reservoir, which is around 56.68 acres, there are three major problems. This reservoir has a long and complex history of changing hands. The Emperor of India is the original owner, and he allotted part of it to Umesh Chandra Singh, who later sold it to Zaheer Ali Sarker and Faye Uddin Sarker. But, the Sonaidanga water body was enlisted as government *khas* water reservoir after the abolition of the 1950 State Tenancy Act. In response, Zaheer Sarker and Faye Uddin Sarker enlisted the land under the Sonaidanga reservoir in their own names in connivance with the government land administration. Even after the independence of Bangladesh in 1971, these individuals likely modified the land record book and ensured the recording of the land in their own names in collusion with the land officials.

Zaheer and Faye Uddin Sarker also changed the classification of the land and recorded it as agricultural land although it is a body of water. As a result, the water reservoir lost its public categorization in the government land records and ordinary people were thus denied their access to this water resource. Since 1998 the Sonaidanga reservoir has been used as the government *khas* body of water by the fishermen community as a means of sustaining their livelihoods. Smaller scale fishing thus came to an end. Moreover, Zaheer Sarker and Faye Uddin Sarker, began using the reservoir for commercial fishing. Consequently, the use of the water by ordinary people to collect water or for irrigation largely declined.

#### **RTI application**

The landless organization began its efforts to make the reservoir universally accessible in 2007. In the meantime, the RTI Act was passed. The landless organization collectively decided to submit an information request under the RTI Act. The organization applied directly to the Assistant Commissioner of Land (Royganj) on January 17, 2011 for information regarding records and letters related to the Sonaidanga reservoir, and for information on the topography and nature of the land below.

Yet the Assistant Commissioner's office did not accept the application. When the landless leaders went to talk to him, he informed them that the land has been recorded as private property. In addition, he openly stated that the reservoir is listed as private property of Zaheer Sarker and Faye Sarker. He gave the landless members photocopies of such records.

#### **Action taken: Fishermen challenge the government on the information**

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<sup>13</sup> This covers the areas of Nolchia mouza, Dhangora Union, and Royganj.

The landless organization adopted strategies of both staging protests and fighting the legal battle to release the *khas* bodies of water and annul the forged land records. Around 300 fishermen families living along the banks of the Sonaidanga reservoir sent a memorandum containing hundreds of signatures to the Upazilla Nirbahi Officer (UNO) demanding the release of the *khas* land. The UNO investigated the areas close to the Sonaidanga reservoir and inquired after the land records. The UNO sent the inquiry report and relevant information to the Additional Deputy Commissioner (Revenue), who sent those documents to the Department of Land Records in Dhaka for assessment. This confirmed the complaints made by the landless people that the pages of the land record book had been changed.

The landless organization also filed a case in the Sub-Judge Court-2 of Sirajganj against the change in land records. The case number is 36 and it is ongoing.

### **Role of the landless organization in making the Sonaidanga water body accessible to all**

The local elite installed bamboo enclosures in the Sonaidanga reservoir to farm fish. As a result, the local people were unable to commute by boat. The people that were consequently cut off from the water applied to the acting in-charge Upazilla Nirbahi Officer (UNO) to open the waterway for commuting. The UNO ordered the local police to do so. But the local police station took no action. To protest this inaction, more than 400 men and women mobilized and demanded the removal of enclosures. After the demonstration, the landless leaders removed the bamboo enclosure. The local elite made complaints against the Nijera Kori employees and landless members. Police harassment ensued.

The landless organization formed a human chain in the Royganj Upazilla Sadar demanding proper justice for the harassment and the release of the Sonaidanga reservoir. Local journalists, lawyers, and students supported this human chain and participated in solidarity. The news of this human chain was covered by print and broadcast media outlets, causing the news to spread from the local to the national level. Later the landless organization also held a press briefing and demanded the annulment of the forged documents and the opening of the Sonaidanga reservoir. Confusion still exists as to the official ownership of the land, and whether it is *khas* land or privately owned. Unofficially, there is admission that tampering has taken place and records are under question. A case is under process with the court.

Half of the land in the Sonaidanga rises above the water level during the dry season. The fishermen cultivate paddy in these lands and they fish in the deep part of the lake. These two activities are the sole livelihood for around 300 fishermen and their families in the area. After the enclosures were removed, the fishermen living on the Sonaidanga took the initiative to sow paddy in the land rising from the lake. The landless fishermen members later planted paddy in 30 acres of land of the Sonaidanga in February 2011. Under the leadership of the landless organization, more than 200 members collectively harvested the paddy in April 2011. The result is that the fishermen are able to earn around 50-60 taka per day by fishing in the Sonaidanga reservoir.

### **Lessons learned**

Collective action can be combined with RTI requests for more effective advocacy against unjust practices. This powerful lesson can be applied to land administration issues elsewhere in Bangladesh to aid communities in making lawful demands.

## Story #12: By using the RTI Act, Saud Khan gets access to the Agriculture Input Assistance Card

### Research Initiatives Bangladesh

#### The Problem: Saud Khan lacks access to government assistance for farmers

Saud Khan is a community leader of a nomadic Bede community. Currently his secondary occupation is agricultural farming in Munshiganj<sup>14</sup> District. Saud Khan has been farming along the River Padma in



Lohajong Upazila for a long time. But due to lack of proper agricultural facilities including seeds, fertilizers, and equipment, as well as natural calamities, the yield from his land has always been quite poor. He has repeatedly sought help from the local officials. He was promised financial support if money was officially sanctioned. However, he was never contacted. His hope and trust in government quickly faded and he gave up on any possible assistance. In 2010 he heard from Research Initiatives Bangladesh (RIB) that there was a government scheme through which agriculture cards<sup>15</sup> were provided to

poor farmers. He felt that he had been denied this assistance because he belongs to the Bede community, which is often ostracized. After hearing about the RTI act, he discovered a way to access government information.

#### Saud Khan's RTI application

He decided to ask the Upazila Agriculture Office for the rules for obtaining agriculture cards for farmers and a list of the recipients of the card. He received the information eventually – but not within the stipulated time period. Saud Khan was called to the Upazila Agriculture Office where he was informed that his name was to be added to the list of beneficiaries. On August 8, 2010 Saud Khan was informed that he had been granted 800 taka in financial assistance from the government, and a few days later he received the money. *"I did not know until now that the right to information can be so powerful," Saud Khan said.*

#### Impact of the request and a hearing with the Information Commission

However, since Saud Khan had not received all of the information within

#### A Hearing at the Information Commission

Saud Khan took the oath and described his complaint in detail as well as the information he was seeking. He said that since he could not get the information he requested from the Upazila Agriculture Office in the timeframe, he had to file a complaint at the IC. Yet just a few days before the hearing he got the information.

The Upazila Agriculture Officer stated: *"After Mr. Saud Khan applied for the information we started collecting it. Because the RTI Act was new and we were not very aware of it, we did not furnish all the information in a proper manner. Now we are aware of it so we will furnish all information requested."*

Mohammed Abu Taher, Information Commissioner, asked if a notice was put on the board of the Upazila Agriculture Office on how to apply for information. The Officer replied "No."

Then the Information Commissioner asked: *"When did you join this office? You claim not to know the RTI Act even after being given the document. How long does it take to furnish this information?"* One day, the Officer said.

The Commissioner responded: *"You are a government official. You should give this information by yourself. You have been working here for a few years. You must know about the RTI law. You could have easily given him the information he requested for."*

<sup>14</sup> Munshiganj is in central Bangladesh and is a part of Dhaka division.

<sup>15</sup> In 2010, Government of Bangladesh introduced an Agriculture Input Assistance Card to provide cash subsidy to poor, small and medium farmers. The program streamlines the agriculture subsidy system for increased productivity. With a card, a farmer can open a bank account with 10 taka, and the subsidy for irrigation assistance will be transferred to the farmer.

the time limit under the RTI Act, he decided to file an appeal with the Information Commission (IC). A few days before the hearing, Saud Khan got the information requested.

**Lesson learned**

The Information Commission is a key component of the RTI regime from the perspective of requesters. Appeals can be submitted to the Commission when government officials are not complying, and the Commission can demand that agencies and authorities properly set up the systems required by law.

## Story #13: RTI helps to place names on a list of beneficiaries in government program

### Research Initiative Bangladesh

The Government of Bangladesh is implementing a program called “*Ekti Bari Ekti Khamar*” (one homestead, one farm). The program is aimed at making rural families self-reliant by encouraging cottage and small-scale agro-based industries to flourish at the union and village level and to encourage rural people against migrating to urban areas.

#### **The Problem: Rural communities lack information about “*Ekti Bari Ekti Khamar*”**

Although implementation of the “*Ekti Bari Ekti Khamar*” program has been taking place, its benefits were not always reaching the people. Furthermore, most people living in the rural areas were unaware of the program and the benefits they could obtain from it.

#### **Mithun’s RTI application and action taken**

Mithun Das belongs to the Rishi community in the Satkhira District (in southwestern Bangladesh) in Khulna division. On May 20, 2010 he applied for information under the RTI Act to the Khatamadhupur No. 5 Union Parishad office. He asked for information regarding the names of beneficiaries of the government program “*Ekti Bari Ekti Khamar*.” When he went to submit the application to the Secretary of the Union Parishad, he was asked “*What is this? Why do I need to tell you the names of individuals who are getting benefits from the program?*” It seemed that the Secretary had not heard of the RTI Act. Mithun, who had been trained on the RTI Act by RIB, informed the Secretary about the Act and that it had become operational throughout Bangladesh as of July 1, 2009 and that every citizen of Bangladesh has a right to ask for information from the government. On hearing this, the Secretary told Mithun that the application would be discussed with the Chairman of the Union Parishad. After two days the Chairman called Mithun and told him: “*I have read your application. I don’t know anything about the RTI Act.*” Mithun gave the Chairman a copy of RIB’s booklet on the RTI Act. In response, the Chairman told Mithun to contact the Secretary to collect the information he had sought. Mithun contacted the Secretary after 10 days, when he was informed that the list had yet to be updated and could not be given out. He was asked to contact the office after three months.

After a period of four months the Secretary called Mithun to his office and informed him that his father’s name was included in the list of beneficiaries of the “*Ekti Bari, Ekti Khamar*” program and he would receive the benefits. Though Mithun did not get the list of names for the entire upazila, he did get the list for their ward, which had his father’s and brother’s names mentioned. The Upazila Nirbahi Officer also publicly announced all the names in the list.

#### **Lesson learned**

Citizens have opportunities to make government officials aware of the RTI Act in the process of making an information request. Not all officials are necessarily knowledgeable about how the Act functions in practice and what type of information is appropriate to disclose.

## **Story #14: Rabidas community utilizes RTI for getting Old Age Pension in Saidpur, Nilphamari**

### **Research Initiatives Bangladesh**

Members of the *Rabidas* community in Saidpur (Nilphamari), like those in other parts of the country, are living in chronic poverty and face issues that seriously affect their livelihoods. They are deprived of rights and opportunities related to livelihood, employment, and services from government. The Government of Bangladesh has introduced an old age pension scheme for the poor senior citizens of the country.<sup>16</sup> However the benefits of this scheme hardly reach the members of the *Rabidas* community.

#### **The Problem: Senior citizens in the *Rabidas* community are not receiving Old Age Pensions**

None of the poor senior citizens in the *Rabidas* community are allocated old age pension. The government's social safety net scheme includes many such benefits, but none are delivered to the *Rabidas* community. In the past, when they approached the local authorities and requested access to benefits like old age pension, they were told that benefits would be allotted to them in the near future. Despite assurances given during election campaigns and other occasions, the benefits did not materialize.

With the adoption of the RTI Act and its subsequent implementation, 30-year-old Munna Das became interested in using RTI. Munna, a member of the same community from Kundal Village of Saidpur (Nilphamari), is a development activist affiliated with SHEBA, a local NGO. He started working with RIB as an animator for its RTI project. He wanted to know who was receiving the old age pensions, why they were selected, and why other senior and poor citizens from their community were not receiving similar benefits. He started consulting the community about whether they really wanted to know the reasons for not obtaining old age pensions and similar social protection benefits.

#### **RTI application and actions taken**

Munna decided to submit an information request to the Saidpur Social Welfare Officer for information related to old age pension. Accordingly, he lodged an application for the list of old age pension holders and the *modus operandi* for selecting them. A few days after submitting the application, he visited the Social Welfare Officer (SWO) of the Saidpur Upazila. The SWO informed Munna that while he was not able to offer the list to Munna, if Munna could provide a list of people with their photos for their inclusion as recipients of the pension, the SWO would consider them. Accordingly, Munna submitted a list of five applicants to which the social welfare office granted four old age pensions. The recipients received Tk. 3600 immediately.

#### **Lesson learned**

NGOs can serve as critical intermediaries for communities in making and pursuing RTI requests. NGOs can consult with members of a community or group to understand their information needs and assist with the technical aspects of writing the applications. Working on behalf of communities, these NGOs can interface with authorities and file requests and appeals as necessary. In other words, NGOs can serve as a resource for communities and help them to understand the process and value of RTI.

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<sup>16</sup> Boishka Bhata Social Pension for Low- Income Households (Old-Age Allowance Scheme) was introduced in 1997-98. The scheme provides Tk. 100 per month to extremely poor people aged 57 years and above living in rural areas. The amount was increased later and is currently Tk. 150 per month.



## ***Story #15: RTI Act enables Munna Das to get information from the youth development officer***

### **Research Initiatives Bangladesh**

The Department of Youth Development provides services to the youth in different ways. For example, it imparts skill development training for youth. The department functions at the grassroots through its offices at the Upazila level.

#### **The Problem: Youth lacked to information about government services**

Although the Department of Youth Development has set up various programs, youth in Bangladesh are unaware of the services to which they are entitled. Information related to services provided by government departments are usually not available to the intended recipients. Information is generally not proactively disclosed, either on notice boards at government offices or at places which are frequented by people.



#### **Munna Das' RTI application**

In order to know more about the programs of the Youth Department, Munna filed an RTI application after having learned about the Act. Munna is a member of the Rabidas community in Bangladesh. He lives in Saidpur in Nilphamari district in northern Bangladesh. He works as RIB's RTI animator and has attended several training workshops on RTI organized by RIB. On August 12, 2010, Munna filed a RTI application with the Upazila Youth Development Officer. He requested for the following information:

- 1) Services and benefits provided by Youth Development Cell for the youth of the area;
- 2) Trainings offered to the people;
- 3) Financial benefits offered to youth (both male and female).

#### **Information received**

After receiving the application the officer told Munna that he would get the information he had asked for on August 30, and in case of any inconvenience the information could be sent to him by post. On August 30, Munna visited the office again to collect the information. He met with the officer, who showed a lot of enthusiasm to know more about the RTI Act. Observing his interest on the subject, Munna gave him a copy of RIB's RTI user guide and explained some of the key sections to him, stressing the fact that all citizens of Bangladesh have the right to ask for information from the government and that the Designated Information Officer in each authority is responsible for providing such information. The officer, after reading the user guide, quickly wrote down the information sought and gave it to Munna.

#### **Lesson learned**

Despite perceptions that government officials are disinterested in granting requests for information, there are important exceptions. This example of enthusiasm on RTI from a local government official is encouraging. These individuals can become champions for RTI within the bureaucracy. Furthermore, requesters with some knowledge on the RTI Act can contribute to enhancing its implementation by collaborating with government officials who are unaware of their responsibilities.

## Conclusions

The cases presented in this document provide insight into the advances of the RTI Act implementation and its early achievement in Bangladesh. While specific lessons are gleaned from each particular case, several overarching observations can be drawn. Throughout the cases it is possible to underscore the fact that RTI has had concrete impact on the ground, improving the conditions of individuals and communities who have made use of the Act. However, there are still many challenges. Hopefully, the lessons drawn from these experiences can inform efforts in Bangladesh—and elsewhere—to improve RTI implementation in order for it to achieve its transformative potential.

- **Citizens' awareness about RTI:** 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.
- **Government officials' knowledge about the RTI Act:** Not only citizens must know about the RTI Act, but also government officials. As some of the cases showed, initial reticence by government officials to disclose information was due to their lack of knowledge about the Act. While it is true that some officials continued to deny information even after learning about the Act, others were open and willing to comply with it. Additionally, through submitting RTI applications, citizens are contributing to raise awareness about the Act among government officials.
- **Role of 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<sup>17</sup>.
- **Follow up to information requests:** Given that the process of submitting information requests might be somewhat burdensome, particularly for vulnerable groups, efforts led by intermediaries to monitor and track the status of submitted requests are important. Support for follow up by NGOs to information requests can contribute to avoid disillusionment by citizens when information is not provided on the first instance. NGOs can encourage while guiding requesters to continue the process to obtain information by submitting appeals to the corresponding authorities. In this regard, annex III includes a template that can be used to track RTI requests.
- **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.

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<sup>17</sup> For an interesting experience regarding capacity building for NGOs and grassroots groups, please see: 2010 Guerrero Amparán, Juan Pablo and Maylí Sepúlveda Toledo. "The Right to Information for Marginalized Groups: the experience of Proyecto Comunidades in Mexico" Mexico City, 2009. Available here: <http://right2info.org/resources/publications/Juan%20Pablo%20Guerrero%20on%20RTI%20for%20Marginalized%20Groups-The%20Experience%20of%20Proyecto%20Comunidades.pdf/view>

- **Collective requests and advocacy:** As seen in some of the cases, communities are learning that it is easier to access information with collective rather than individually requests. Also grassroots and community groups can pursue RTI requests to complement other approaches to collective action on social accountability.
- **Inspiring further use of the RTI Act:** Effective use of the RTI Act by citizens can not only enhance individual living conditions, but can also inspire other members of their community to make use of RTI. In some of the cases presented citizens were inspired to use RTI after witnessing the result of RTI use by others.
- **Wide range of issues in which RTI can exert a positive impact:** The various cases described here highlight the wide array of issues for which RTI can be used. For instance, a recurrent issue was access to entitlements under specific government programs, including on food, agriculture and land distribution, health, rural employment, and more. Other issues include land records to determine the proper ownership of land, labor regulations, environmental issues, the triggering of complaint mechanisms, and general information about government programs. Of course, RTI can have an impact in many more areas; these are only a sample of the wide range of issues where RTI can make a difference.
- **Varying impact of RTI requests:** The impact of specific RTI requests may vary, while some requests may only have an impact on an individual, other requests will have a broader impact in the community. For instance, some information requests are not fully complied with by government officials—there is no formal response to the request—yet result in the incorporation of the requester into social programs. Additionally, some requests have a broader impact by triggering or strengthening social accountability exercises and other accountability mechanisms.

The cases and lessons drawn by no means attempt to provide a full picture of RTI implementation in Bangladesh. Bangladesh still faces important challenges regarding the RTI Act implementation. Yet, the emergence of such challenges is shared by many other countries implementing this kind of legislation. Thus it is important to highlight that while challenges are present, Bangladesh has made progress, as the presented cases suggest. Documenting and showcasing examples that describe the impact that RTI can have at the individual and community levels can inspire others to further its use, while providing some insights on good practices that can strengthen implementation.

## **Annex I: About the Organizations**

### **D.NET**

Development Research Network, D.Net, is a non-profit organization founded in 2001, which envisages to use information and communication technology (ICT) for economic development in Bangladesh. Working with different interfaces, D.Net seeks to build itself up as a multi-disciplinary organization. Currently D.Net is undertaking research and various programs in areas where information and knowledge can contribute to poverty alleviation, economic growth, and peace. As part of this work, D.Net has focused on strengthening the use of the RTI Act in Bangladesh.

### **INTERCOOPERATION**

Intercooperation is a leading Swiss non-profit organization engaged in development and international cooperation since 1982. Its local governance project in Bangladesh is called SHARIQUE, which means 'partner' in Bangla. The aim of the project is to reduce poverty through participatory and accountable local governance, leading to equitable local development for all segments of the society, especially the poor, women, and other vulnerable groups. The rationale is that with government moving closer to the people, more citizens participate and are able to influence the decision-making process at the local level. When communities make their own decisions, this can result in better services and infrastructure and contributes to better living conditions and economic growth. This in turn contributes to poverty reduction and creates equity among all.

Intercooperation has found that people on both the supply and demand sides are not fully aware about their obligations to disclose information under the RTI Act. To address this issue, Intercooperation started working to support the implementation of the RTI Act and promote awareness of the law. As a result, three training modules were developed for three groups: communities, Union Parishads and Upazila Parishads. The modules have been used in many training of trainers (ToT) series within government and communities.

### **MANUSER JONNO FOUNDATION**

Manusher Jonno Foundation (MJF) is an organization designed to promote human rights and good governance in Bangladesh. It is committed to promoting peoples' voices where rights are being denied and violated; linking and aligning efforts and actions on human rights and governance; and challenging the vested interests and established hierarchies in society that perpetuate poverty. MJF worked with more than 100 partner organizations to spearhead the NGO movement in demanding the RTI Act in Bangladesh. Presently MJF provides capacity building support to government institutions as well as its partner organizations on RTI. It has developed a partnership with the Bangladesh Public Administration Training Centre (BPATC) to train government officials and Designated Officers on the RTI Act. It has facilitated the preparation of information disclosure policies of all its partner organizations and is in the process of mainstreaming RTI in their work. Many of MJF's partners and the groups they work with have been using RTI for effective delivery and implementation of government schemes and projects.

### **NAGORIK UDDYOG**

The name Nagorik Uddyog ("The Citizen's Initiative") epitomizes the organization's fundamental goal as well as the strategies and activities it utilizes to achieve this goal. Specifically, since its establishment in 1995, Nagorik Uddyog (NU) has worked to strengthen local government in Bangladesh via the dual imperatives of, on the one hand, raising awareness among the general masses of people's basic human rights and, on the other, building people's capacity to pursue and realize these rights. NU recognizes that democratic elections are by themselves insufficient in fulfilling democracy; the poor and disadvantaged must be given the power to participate in and contribute to all decision-making processes that affect their lives. Accordingly, NU strives to provide an enabling condition for the people to set up institutions and mobilize themselves. RTI has been a key focus of NU's advocacy efforts since 2003. With five other organizations, NU initiated a Campaign on Citizens' RTI (CCRTI) that advocated for the enactment of the RTI Act and is now working towards

its effective implementation. NU serves as the Secretariat of CCRTI. NU works collaboratively with local groups and officials, building civil society capacity as well as working with policy makers, including the Information Commission.

### **NIJERA KORI**

Nijera Kori means “we do it ourselves.” ‘We’ stands for the people’s collective, and the people and Nijera Kori work together and support each other in attaining a common goal: self-reliance and improved production through mobilization and collective action with a focus on empowerment of the poor and gender equality. One of the key activities has been to organize landless people, because Nijera Kori believes that the cause of poverty is not paucity of resources or overpopulation but rather unequal distribution of wealth. Normally the majority of rural populations in developing countries are dependent on land as their primary source of income. Bangladesh has been experiencing a growth of landlessness, which poses a threat to socio-economic progress. Nijera Kori has been engaging in conscientization and mobilization of landless people by helping organizing and forming committees<sup>18</sup> so that their voices can be heard. In its efforts to help organize and provide legal advice to the landless, Nijera Kori has been building capacities to use the RTI Act to monitor the implementation of various government schemes and projects.

### **RESEARCH INITIATIVES BANGLADESH**

Research Initiatives Bangladesh (RIB) is undertaking a program on RTI which focuses on empowering vulnerable communities in Bangladesh. RIB is working primarily with: the Rishi<sup>19</sup> and Munda<sup>20</sup> communities of the Satkhira and Khulna districts, the Bede<sup>21</sup> community of the Munshiganj district, the Harijan<sup>22</sup> community of the Kushtia district, and the Rabidas<sup>23</sup> community of the Nilphamari district. The key objective of RIB’s work is to empower vulnerable communities by using the RTI Act to improve their quality of life and promote social justice.

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<sup>18</sup> Nijera Kori organizes the landless into groups with a minimum of 16 and a maximum of 30 members. Initially men and women form separate groups and later on when they are ready and able to work together as equals the groups are integrated into one. Nijera Kori strengthens organizational capacity through a phased process of federation. Four kinds of committees (village, area, union and Upazila) are formed when groups reach a level of maturity. It is through a process and by working in groups that the landless people develop their organizational capacity, become aware of their rights as well as responsibilities and gradually get capacitated to claim their rights as citizens of the country.

<sup>19</sup> Rishi’s are one of Bangladesh’s most ostracized communities. Contemptuously called “*muchi*” or shoemaker, Rishis are known as “a minority within a minority” and are considered untouchable because of their traditional dealings with cowhides and leather.

<sup>20</sup> Mundas are among the indigenous people of the Indian sub-continent. They live in southwestern Bangladesh.

<sup>21</sup> Bedes are nomadic communities (river gypsies) that are disadvantaged Muslims engage in catching and selling snakes, and curing snake bites.

<sup>22</sup> Harijans are the community of “untouchable” people who work as sweepers and cleaners to keep public places clean. Mahatma Gandhi gave the name “Harijan” or “son of God” to this community. About 5.5 million Harijans live in Bangladesh. They are politically, socially, and economically isolated from mainstream community.

<sup>23</sup> Rabidas community members are cobblers who belong to the lowest rung of the Hindu caste system.

## **Annex II: Telling a Compelling Story, reporting from on the Ground**

As mentioned, one of the main aspects highlighted in this document is the importance of NGOs conducting work on RTI to document cases that showcase the impact and achievements of their programs and that of information requests as part of their programs. On the one hand this will contribute to provide further evidence of the positive impact that RTI can have on the livelihoods of citizens, particularly vulnerable groups. On the other hand, these efforts can encourage other organizations or citizens to start using RTI.

This simple template can serve as a guide for NGOs to gather basic information that will enable them to prepare short cases describing the impact of information requests as part of their activities. These cases oftentimes benefit from illustrating human-centered stories that can help to convey the key messages, while also providing a wide array of emotions to which readers can relate.

1. In brief, what is the background / context in which the information request takes place?	
2. What information was sought? What for?	
3. What were the challenges faced in obtaining the information?	
4. Who were the stakeholders / individuals involved?	
5. What was the outcome? Was the information obtained?	
6. How was the information used?	
7. What are the stakeholders /individuals saying?	
8. What did it change as a result of using such information?	
9. What are the main lessons learned?	



### *Annex III: Tool for information request tracking<sup>24</sup>*

One key aspect in order to make RTI useful is the monitoring and tracking of information requests once these are submitted by citizens or organizations. In Bangladesh, assistance provided in this regard by NGOs has been crucial.

In addition to lessons learned in Bangladesh, experiences from other countries are also helpful. In Indonesia for instance, the Indonesia Center for Environmental Law, the World Resource Institute, the Access Initiative, WALHI and LBH Semarang developed a simple tool to track information requests, illustrated below. With this simple format, citizens, communities and organizations can easily monitor the progress of multiple information requests. Organizations in other countries can easily adapt this tool for their own use.

This template can be modified to reflect the particular procedures and mechanisms of each country in which it is implemented.

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<sup>24</sup> We are grateful to the World Resource Institute, the Indonesia Center for Environmental Law, the Access Initiative, WALHI and LBH Semarang for granting permission to include and use this tool for information request tracking. This tool was developed under the SHRIMP project.

**Tracking Book for Information Request**

**Name** : .....

**Organisation** : .....

**Address** : .....

**Telephone** : .....

Request No : .....

Registration No : .....

1. Summary of information request

.....  
.....  
.....  
.....  
.....  
.....

Reasons to request the information:

.....  
.....  
.....  
.....

2. How the Information is requested?

☐ Oral      ☐ Written form      ☐ email      ☐ fax

Date of submission : .....

Person to whom information is submitted:

: .....

Received by : .....

Who is the FOI Officer : .....

Date should be responded: : .....

Efforts being done by requester : .....

3. Do you get any respond? (Y/N)

Date of response : .....

What was the response?

.....  
.....  
.....  
.....

Was there a charge : \$. .....

4. Did you file an internal appeal? (Y/N)

☐ Oral ☐ Form ☐ email ☐ fax

Date submitted : .....

Submitted to : .....

Office : .....

Date should be responded : .....

Reason for submitting the appeal:

- ☐ No response
- ☐ The response is not as it was requested
- ☐ The request is not fulfilled
- ☐ Unreasonable costs

How much : .....

How many pages : .....

- ☐ Response exceeded the time limit determined by the Act

How long : .....

- ☐ The request is rejected based on exemption

The reason for exemptions:

.....  
.....  
.....  
.....  
.....

5. Did you get response for the internal appeal? (Y/N)

Date of the response : .....

What was the response for the internal appeal?

.....  
.....  
.....  
.....

**6. Based on the response from the internal appeal process, did you file an information complaint to the Information Commission? (Y/N)**

Which Commission of Information?

: .....

Date of submission?

: .....

What is the reason for filing the information complaint to the Information Commission?

- : ☐ The requested information is not under the exemptions list, as claimed by the public body  
☐ Public Body did not respond the information request;  
☐ Public Body made a mistake as it did not respond the request as it was requested, it responded with other information;  
☐ Public Body did not respond to the request in full, information provided was incomplete.

Attached documentation to the dispute submitted to the Information Commission

- : ☐ Information request  
☐ Receipt of information request  
☐ Written notification/respond from the Public Body  
☐ Written notificaton/letter of refusal from the Public Body  
☐ Internal appeal letter submitted to the superior's of the FOI officer  
☐ Receipt of the internal appeal letter request  
☐ Written response from the superior of the FOI officer related to the internal appeal  
☐ Copy of identity  
☐ Copy of the organisation's charter

When was the request registered as an information dispute with the Information Commission

: .....

Registration No

: .....

**7. How the Information Commission settle the information dispute? (Mediation/Ajudication?)**

**Mediation**

When was the mediation held

- : 1. ....  
2. ....  
3. ....  
4. ....  
5. ....

Did the mediation result an agreement? (Y/N)

.....  
.....  
.....

If Yes

The result:

.....  
.....  
.....  
.....  
.....  
.....

If Not

Did the Information Commission decide to go for the adjudication? (Y/N)

If Yes

When was the  
adjudication conducted : 1. ....

What was the agenda?

.....  
.....  
.....

8. What is the content of the Commission Information's decision for the adjudication?

.....  
.....  
.....  
.....

9. Is the decision being executed? (Y/N)

If not, what are the reasons

.....  
.....  
.....

If you find this book please return to:

Name : .....

Organisation : .....

Adress : .....  
.....  
.....

**This tracking book is the result of the cooperation between the following organizations:**

