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Information Institutions and the Political Accountability in Bangladesh

Md Mahmudul Hoque

Abstract: Accountability of the elected leaders is one of the key factors in a representative democracy. Bangladesh restored a democratic ruling system in 1991 but has struggled to create an effective institutional mechanism to hold the political leaders before the citizens. Information has often been called the oxygen of democracy because of its power to bring accountability through transparency and public disclosure. With the boom of news media organisations and the emergence of the movement for the right to and freedom of information in the early 2000s, many argued that information institutions could build the mechanism for political accountability. On that background, Bangladesh enacted the Right to Information Act in 2009 and established a few key public information institutions including the Information Commission (IC) and Access to Information Programme hoping that the freedom of information would not only challenge the culture of secrecy and veil but also encourage the elected leaders to be answerable to the citizens. But did it really happen? Why? I looked for the answers in this study through the conceptual and analytical lens of freedom of information, proactive disclosure and accountability. For this study, I mainly used the data and cases gathered from secondary sources namely policy papers, reports, newspapers, journals, books and online spaces. I also utilised my own experience of working with a few state organisations. I analysed the current status of accountability mechanisms in Bangladesh focusing mainly on the political accountability (often called the vertical accountability). I also examined a few recent cases in order to understand the role of the information institutions in bringing the political accountability in the current fragile democracy in Bangladesh. Considering the poor democratic practices in the recent years, findings of this study suggest that the accountability of the political leaders has increased to a certain considerable extent. I argue that this is partly because of the increased transparency and proactive disclosure in the formal and informal institutional mechanisms, and mostly because of the leading active role of the mass media organisations. I conclude with the argument that despite having this increased transparency and freedom of information, this improved accountability is not sustainable without an effective democratic institutional mechanism.

Key words: Right to information, Freedom of information, Political Accountability, Information institutions

third wave of democracy during the mid-1990s (Skaaning, 2013 p, 97) when the movement for the right to and freedom of information took place in many developing countries, particularly in South Asia. Due to the extensive demand from the civil society and human rights organisations, India enacted Right to Information Act in 2005 (Webb, 2010) which immediately fuelled the movement in neighbouring countries. Bangladesh followed the path of India and enacted this ‘Revolutionary Act’¹ (Roberts, 2010) in 2009. This enactment instigated hope among many civil society organisations and common people that this Act would

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Introduction

Information is often claimed to be ‘the oxygen of democracy’ (Bassegy, 2009). This takes us back to the

¹ Roberts (2009) termed this Act as ‘Revolutionary’ meaning that this Act was originated in a revolutionary way and, would bring revolutionary changes in the way information floats in the society and state mechanism.

empower citizen to hold the government accountable (Iftakharuzzaman, 2011 p, 2). The Prime Minister of Bangladesh termed this enactment as an epoch-making incident in the history of Bangladesh and told that it would greatly help establish accountability and transparency in every sphere of society and the administration (Cited in Iftakharuzzaman, 2011). As Bangladesh restored democracy in 1991, and there were a several formal ways to hold the administration of the Government especially the elected officials accountable before the citizens (Mollah, 2005). These accountability mechanisms were namely the parliament, judicial systems, and traditional Audit and Accounts Department of the state. These mechanisms in Bangladesh could not grow as effective institutions (Buchmann, 2013; Opel, 2010). The right to information Act came as a new mechanism which not only gave the citizens the right to seek information from public offices but also asked public offices to disclose and free information through various means (GOB, 2009). Reports claim that despite having many limitations, the Act has made public offices more alert to provide and disclose information (Bari *et al*, 2016). My interests and questions originated from this.

Since 1991, Bangladesh created a number of democratic institutions in both public and socio-political spheres. The boom of privately owned media, both print and electronic, brought a culture of asking questions on behalf of the citizens in the early 2000s. These media emerged as an informal institutional accountability mechanism. The Right to Information Act (RTI), 2009 paved the way of informal and formal accountability mechanisms. The government established a few formal information institutions to ensure the freedom of information. So, on one hand, the citizens had the right to seek and have information; and on the other hand, the media could use the information to hold elected officials accountable before the citizens. Hypothetically, the mechanisms were set to hold the public officials accountable before the citizen. But, did it really happen? Why? The answers lie in how these institutions and mechanisms affected political ac-

countability in Bangladesh, and if they were effective. Bhuiyan (2011) argued that the RTI has affected the bureaucracy and the way the administration functions which supports my own experience to an extent, although the effectiveness can be questioned. To answer the question in this paper, I focus on the accountability of the elected or nominated representatives or officials in Bangladesh, and the activities of selected information institutions.

I argue that in the context of the right to information and increasing transparency in public offices through proactive disclosure of information, the political accountability has been on the rise. Although the citizens are not very interested to utilising the law to ask for information or answers directly from their representatives, the concerned laws and institutions have created an environment where elected political leaders or officials are placing themselves before the citizens in some ways. The evidence and my observations suggest that this considerable development in political accountability is the result of very vibrant actions from journalists, and civil society members through mainstream media (including social media that I do not focus in this paper).

In the first part of this paper, I shall discuss the main concepts used in the argument namely around the political accountability and the freedom of information. I shall also briefly include the context of political accountability in Bangladesh. In the second part, I shall highlight what are the major information institutions in this context and how these institutions are contributing to increasing political accountability in Bangladesh, and in the last part, I shall conclude with my arguments and analysis.

PART I: Concepts and Context

Political Accountability and the Bangladesh Context

The main idea behind accountability as Lindberg (2009) noted, 'when decision-making power is

transferred from a principal (e.g. the citizens) to an agent (e.g. government), there must be a mechanism in place for holding the agent to account for their decisions and if necessary for imposing sanctions, ultimately by removing the agent from power'. To Joshi (2015), the elements of accountability are the authority to hold accountable, the standards, the answerability (information and justification) and the enforcement mechanism. This accountability can be internal, external, formal or informal; it also can be vertical or horizontal (Mohmand, 2016). Accountability may take place in different forms of linkages between the citizens and elected officials (Kitschelt & Wilkinson, 2007) during the period of representation. The following diagram (figure 1) shows how different kinds of accountability mechanisms (horizontal, vertical and diagonal) work in a democratic setting like Bangladesh. In an ideal situation, the vertical (political) accountability works through formal institutional mechanisms, while in many not-fully-functioning democracies, the diagonal accountability where the bureaucrats are held accountable before the citizens on behalf of the elected officials.

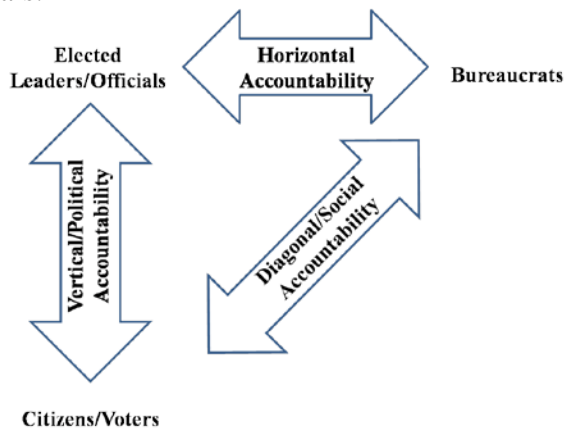


Figure 1: Accountability Mechanisms (Mohmand, 2016; Fox, 2014)

In general, what I mean here by political accountability is the ability of citizens to ask questions to their elected or nominated representatives as well as to get an answer or explanation. It also encompasses the mechanisms in a state that hold the elected

political leaders to give the accounts of their duty, power and authority derived from the public. I also mean that if the existing practices, rules and regulations create an environment where the political leaders feel to or do not have a choice but to provide their accounts (or justifications) is an accountability mechanism. It can also merely be if the political leaders are doing what they promised in terms of policymaking and implementation during the election, and if they are being transparent enough. In this paper, I focus and discuss this political accountability in a functioning democratic atmosphere. By information institutions, I mean the institutions that derived from the idea of people's right to information and transparency.

In Bangladesh, the concept of accountability may be the same, but the context is definitely much different than many other democratic or less democratic countries around the world. In a parliamentary democracy like Bangladesh, parliament is supposed to hold the government and other elected public office holders accountable on behalf of the people. The members of Parliament (MPs) are supposed to represent the interests of their electorates. However, since Bangladesh restored democracy in 1991, in most cases MPs of the main opposition party boycotted the parliamentary sessions (Al-Jazeera, 2013). This absence of MPs results in the passing of the bills uncontested and the MPs of the ruling party were seen reluctant to join the parliamentary sessions. This has been a recent political practice and this is how the main institutional accountability mechanism in Bangladesh has been paralysed.

With that background, the current Awami League-led government came to power through January 2014 election in which the main opposition Bangladesh Nationalist Party did not participate, and according to a 2014 election report of the Election Commission, only around 22% voters turn out to vote. News reports

claimed the percentage much less than that. More significantly, 153 electorates which are more than 50% of the total electorates of 300 were elected unopposed without any poll (Ahmed, 2014). The election came as a real surprise for those who believed that election is the backbone of an electoral democracy (HRW, 2014), especially given the fact that the previous election in 2008 was much free and fair (AP, 2008). Kumar (2014) states that in a democratic country, it (the election) was a shock and many civil society organisations and the opposition political parties termed this election 'undemocratic' and demanded re-election as they thought it was a political monopoly of Awami League. Awami League formed the government again and Jatiyo Party, the main political alliance of Awami League, took the opposition positions in the parliament and sarcastically also held a few cabinet positions in the government.

These underdeveloping political events were neither good for democracy nor for accountability. Many political parties and a corner of the civil society claimed that the government, to an extent, showed its autocratic nature in decision making as it refused to give space for other political parties to protest. By doing so, the government was able to stop violence on the street and the common people more or less like it as they witnessed the massive political protests and violence throughout the year of 2013. In this background, very few people expected the elected and nominated (those who were elected unopposed) political leaders would be accountable to the citizens. Basically, the traditional accountability mechanism² that Przeworski, Stokes, and Manin (1999 p, 9) noted on policymaking and implementation process in a representative democracy hardly works in Bangladesh.

From Right to Information to Proactive Disclosure and Transparency

² Przeworski *et al.* (1999) explains the policy process in a democratic settings as preferences→signals→ mandates→policies→outcomes; and this works between the citizens and the elected officials. If the elected official fail to deliver, then the accountability mechanism works in the forms of sanctions.

The concept of Right to Information is a right-based approach towards the freedom of information. Bangladesh gave the right to citizens to ask for information through the RTI Act which according to many was crucial for bringing transparency (Sultana, 2012 p, 67). However, the more important and crucial aspect of the Act was that it paved the way of proactive disclosure of information. While discussing proactive disclosure, Darbishire (2011 p, 3) noted:

'There are two main ways by which information held by public bodies can be accessed by the public. The first is when individual members of the public file requests for and receive information (reactive disclosure). The second is when information is made public at the initiative of the public body, without a request being filed. This is known as proactive disclosure and the result is proactive transparency which can be achieved using a multiplicity of means ranging from publications and official gazettes, to publicly accessible notice boards, to radio and television announcements, to posting on the Internet via a public institution's website.'

In the context of accountability in general both reactive and proactive disclosure are significant but the latter, in my observation, contributes to bringing political accountability in Bangladesh which is also the focus of this paper. The preamble of the Right to Information Act, 2009 says that it is expedient and necessary to make provisions for ensuring transparency and accountability in all public, autonomous and statutory organisations and in other private institutions constituted or run by the government or foreign financing. Section 6 of the Act states the provisions of the publications of information and directs that 'every authority shall publish and publicise all information pertaining to any decision taken, proceeding or activity executed or proposed by indexing them in such a manner as may easily be accessible to the citizens'. These provisions set the base of proactive disclosure and transparency in Bangladesh.

PART II: Information Institutions and Political Accountability in Bangladesh

Information Commission

As directed in the Right to Information Act, 2009, Bangladesh immediately established an Information Commission (IC) which broadly has two major tasks; one is to oversee the implementation of the right to information policies in Bangladesh, and second is to work as the appellate authority for mitigating any complaint about violating the Act or rules by any public office holders³. Much was expected from this Commission in terms of implementation of the right to information policy and many have argued that the commission did not meet this expectation (Bari, 2014 p, 2). But, the annual report (2014) of the commission demands the opposite. According to the report, despite many challenges the commission has considerable successes in facilitating people to use this law to obtain information, as well as pushing public offices to disclose information in their websites. As Bari (2014 p, 2) also noted that an increasing number of people including the journalists are using this law to hold the public officials accountable before the citizens. I believe this is where the success of the commission an institution is unnoticed.

Over the years, the commission has listened to 124 complaint cases (IC, 2014) and punished a number of government officials, as well as directed many elected officials to provide citizens with the information they were rejecting to give at the first place. This diagonal accountability really worked in Bangladesh in many cases. For instance, while working at the District Administration (DA), I have witnessed a case in Sirajganj where a journalist took information about the number of *Jatra*⁴ from DA (ordered by IC as it lost the case against the journalist) and published a report how much money those *Jatras* were generating for the local Member of Parliament. This news generated a protest⁵ in the local area (Mollah, 2012) and eventually

³ Visit the website of Information Commission for more information about their duties and responsibilities: www.infocom.portal.gov.bd

⁴ *Jatra* is a kind of local theatre where petty crimes like gambling take place at night
⁵ The video of this protest is available at <https://www.youtube.com/watch?v=ATGRTF0SI5M>

the local MP had to stop those *Jatras*. There are many such cases IC has facilitated political accountability. Theoretically, as most of the MPs are elected unopposed (they were declared winners before the election), the vertical accountability (Mohmand, 2016) that voters would ask directly do not much work. The point here is people found a way (in most cases diagonal or the short route) to ask questions to their representative by using the institutions of the right to information, guided and guarded by the commission.

Information and Communication Technology Act

The 2013 amendment of the Information and Commission (ICT) Act, 2006 is another byproduct of Right to Information in Bangladesh. The Awami League as a political party before forming the government promised in 2008 to build a 'Digital Bangladesh' (Karim, 2010), and this ICT Act was amended to institutionalise that political agenda into reality. This Act directed all public office to have their own websites including the offices of elected representatives and publish all information (including the financial and budgetary). This legal framework was a landmark for ensuring accountability through transparency mechanism (Khan, 2015).

The making of digital Bangladesh brought new mechanisms of transparency and accountability. Access to Information (a2i), a jointly run project by the Government of Bangladesh and United Nations Development Programme (UNDP) has been working to make all important information disclosed before the public. In 2014, Bangladesh launched the largest public web portal in the world containing 25,000 websites of public offices at the national, regional and local levels (Islam, 2014). These websites are continuously updating information about necessary information that helps political leaders to explain their decisions and policies as well as to bring transparency.

Due to this political commitment to bring transparency and accountability through e-governance, the whole

accountability organism got improved. Freedom of information and proactive disclosure are the key factors here. Before the political leaders (national and local level representatives such as MPs, local government leaders and politically nominated or elected officials) used to receive funds for implementing varied development projects and there was almost no mechanism to hold them accountable. Now, the information regarding who got what are all published in their respective ministry or government office websites. Information regarding budget, tendering, job opportunities and beneficiaries get published. Social safety net programs can be cited as a good example. Before, local political leaders used to utilise programs like cash transfers as means of providing benefits to their relatives and supporters. Now, the list of beneficiaries gets published on local government websites. This transparency helps bring political leaders accountable (Khan, 2010).

Proactive disclosure has also enforced accountability to the top leaders of the government including the ministers and advisors. The Aid Information Management System (AIMS) is a good example how it is working as a one-stop-shop for all information related to foreign assistance in Bangladesh. AIMS records and processes information provided by donors on development activities and related aid flows in the country. Several years back people did not have an idea how much foreign aid money was coming to the country and how much of it was being spent on particular projects. Journalists had to use their investigative skills to reveal the information before people. Now, AIMS web portal⁶ publishes all these information including aid and projects allocated for ministries, MPs and local political leaders. Besides these proactive actions, as Uddin (2015 p, 36) noted that the electronic tendering has created opportunities to make the whole public procurement process transparent and accountable.

The ICT institutions within the sphere of political

commitment towards good governance through electronic means have paved the way for civil society organisations and news media to ask questions to the political leaders on behalf of the citizens. Nowadays, before taking any decisions regarding a policy, law or bill, the government publishes a draft in their respective public website where people can criticise, suggest or comment on the policy. If there is anything flawed, civil society organisations and media can make it a public agenda and ask the government to change or adjust it before it passes through the Parliament or the Cabinet. Thus, the whole information and disclosure system are helping elected political leaders being accountable before citizens.

Anti-Corruption Commission and Election Commission

Anti-Corruption Commission (ACC) and Election Commission (EC) are two major state institutions that create mechanisms to hold the elected officials accountable. What Fox (2014) talked about having “teeth” in terms of social (diagonal) accountability, I believe, in the case of Bangladesh, transparency has given these teeth to these two institutions. Fox (2014) argued that the accountability mechanisms need the capacity to sanction what he referred as “teeth”. Previously many civil society organisations have claimed that ACC in Bangladesh had been toothless (Bdnews24, February 2, 2010). But, the Right to Information Act, 2009 and the proactive disclosure mechanisms have lately made them more effective.

In recent years, the EC has made it mandatory to declare the assets of candidates that are going to take part in any elections. EC has published this information on the website. Elected public officials including the ministers and MPs are required to submit their asset description in every two years to EC. Any citizen can avail the information about the assets that he or she was had before the election and compare it with the current achievements. Media can publish the report is about this as well. In many cases, both ACC and EC worked together to disclose corruption cases of elected

⁶ For more information please visit <http://aims.erd.gov.bd/>

officials. Though these two institutions have not been able to be highly effective over the years, but certainly people can see the improvement.

I can mention about one case here. On Aug 21, 2014, the ACC filed a case against current MP Abdur Rahman Badi accusing him of concealing assets of Tk. 110 million. EC commission gave information to ACC that this Awami League MP had given false information about his possession of assets before 2008 and 2013 elections (Bdnews24, 2015). He is awaiting the verdict from the Supreme Court. Despite some criticisms (see Mehta, 2012), the performance of ACC in terms of fighting corruption has been better in recent years due to the availability of information. Lately, EC has sacked many local-level elected officials for being corrupt. It has also arrested hundreds of public servants in August and September 2016 (Kaler Kantho, October 31, 2016). These incidents have created fear among the elected political leaders, especially at regional and local levels.

Active and Effective Press

It is a proven fact that media as an information institution can play a big role to hold political leaders accountable before the people in a democratic country. The media boom in the late 1990s and the early 2000s in Bangladesh strengthened the watchdog mechanism. The right to information and proactive disclosure along with the press freedom guaranteed by article 39 of the constitution (GOB, 2015) offer a lot for the media activists and journalists to ask questions to the elected leaders and bring answers for the citizens. As Ali (2006) analysed the role of media in Bangladesh and recognised media's immense influence over governance. Nowadays, Journalists in Bangladesh are using the right to information effectively to get information about public finances, project expenditures, budgets etc and asking questions to policy makers through news media (Ahmad, 2010) which definitely has improved the accountability of elected officials. Television channels broadcast a number of regular po-

litical talk shows and debates in which they invite political leaders including the MPs, Ministers and local government leaders. As Rahman and Marjan (2014) found that these TV talk shows try to create confrontation between political leaders in power and in opposition, and try to create a shadow parliament to hold the political leaders accountable. As the Parliament in Bangladesh has become a monopoly of Awami League and its alliance MPs, people do not have much faith in the Parliamentary Committee's performance to hold the elected ones accountable. Media in Bangladesh is definitely filling in the gap.

Part III: Argument and Analysis

I have drawn the below diagram (figure 2) to show how citizens utilise their right to information and public office websites to get and claim answers to the elected political leaders at the top. The diagram depicts the current political accountability mechanisms in Bangladesh. The political leaders use reactive and proactive disclosure mechanisms to offer their answers and justifications for the questions that citizens ask by themselves or through using formal and informal institutions. Information is produced as the accounts. These accounts bring the answerability and responsiveness among the political elected officials. The institutions have certainly help or force both the citizens and the political leaders to participate in this accountability mechanism.



Due to the activeness of the information institutions, the whole accountability mechanisms have increased to a considerable extent, especially if we compare the current status of political accountability with the status of that after 2014 election. This increased accountability is, of course, neither sufficient nor an ideal one. This has two-folded explanations. One, the press or the media has actively produced information that the citizens need to ask questions to their elected leaders. Political leaders can also use media to provide answers and explanations in favour of their actions and behaviour. Thus, despite the inactiveness of the formal accountability mechanisms, the media has not only strengthened the short route (diagonal) of accountability but also facilitated the vertical one. Two, as I discussed above, the information institutions have ensured the freedom of information through both proactive and reactive disclosure of information. This free information has been working as accounts in the political accountability mechanism and has put an end to the culture of secrecy.

This analysis takes us to one major concern. Is this increased accountability sustainable? The answer is NO for two main reasons. Firstly, as Przeworski *et al.* (1999) argued that the best accountability mechanism has to have a formal sanction system. In Bangladesh the formal sanction is still not working as the voters (Principal) do not have much power in their hands in order to force sanctions on the elected official (Agents). This absence of sanction power demeans the basic value of democracy. Secondly, the institutions that are working to hold the political leaders accountable in Bangladesh is a network of second line formal and informal institutions. According to the basic principle of democracy, as Joshi (2015) notes, the formal institutions like the Parliament has to take the responsibility to ask questions on behalf of the citizens. The most effective and sustainable way to

build a good political accountability system is to make the formal institutions active and responsible, and then leave the second line and informal institutions as supportive forces.

Conclusions

Although Bangladesh is not a fully functioning democratic country and it never was, in the last two decades it has developed a number of democratic institutions. Institutions like the Right to Information, Information Commission, Anti-Corruption Commission, ICT-based governance system, media are those that have actively paved the way and created the opportunities to practice democratic governance in recent years. As many rightly argued and claimed that the traditional vertical accountability has not been very successful in Bangladesh and it is in the worst situation with the 2014 debated national election. However, these democratic institutions, as I discussed above, have created a structure, a system that allows practising political accountability.

As I analysed, the Right to Information gave the foundation to these institutions. Then other information institutions including political commitments like the digital Bangladesh and e-governance are altogether ensuring proactive disclosure and a free flow of information within different democratic institutions. This freedom of information brings transparency and accountability to the rule of the game. On one hand, citizens use this information to ask questions to the elected leaders through varied mechanisms including media, civil society organisations and the respective Commissions. On the other hand, through the proactive and reactive disclosures, the elected or nominated political leaders can publish information or answers to the question that citizens have. Despite some notable limitations in ensuring democratic practices, the Government definitely has shown the commitment to bring transparency through the effective use of information

and communication technology. I argued that these democratic institutions that facilitate and process information for the citizens of the state are helping to bring political accountability in practice. Considering the poor democratic practices in the recent years, I found a notable increase in political accountability. This is partly because of the increased transparency and proactive disclosure in the formal and informal institutional mechanisms, and mostly because of the leading active role of the mass media organisations. I also argued that this improved accountability is not sustainable without an active and effective formal and democratic institutional mechanism to bring the political leaders accountable before the citizens.

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