

Improved Transparency and Access to Laws in Bangladesh Concept Paper

Date: 15 June 2005

1. Type/modality of assistance (double-click on appropriate box)

- Lending
 - Project loan
 - Program loan
 - Sector loan
 - Sector development program loan
 - Other:
- Nonlending
 - Project preparatory
 - Other than project preparatory
 - Economic, thematic, and sector work
 - Institutional development
 - Other:

2. Assistance Focus

- a. If assistance focuses on a particular sector or subsector, specify the
Sector(s): Law, Economic Management and Public Policy
Subsector(s): Law and the Judiciary
- b. For project preparatory and lending, classification
 - Core poverty intervention
 - Poverty intervention
 - Other
- c. Key thematic area(s)
 - Sustainable economic growth
 - Inclusive social development
 - Governance
 - Gender and development
 - Environmental sustainability
 - Regional cooperation
 - Private sector development

3. Coverage

- Country
- Subregional
- Interregional
- Internal policy development

4. Responsible division/department: Office of the General Counsel

5. Responsible ADB officer(s): Kamal Ahmad, Counsel

6. Description of assistance(s)

a. **Background/linkage to country/regional strategy:** In Bangladesh, there is presently no organized repository where law and regulations are systematically deposited after being promulgated, and where such laws and regulations could be easily retrieved. Citizens, their lawyers, and even judges often do not have access to the latest laws and regulations. As a result of this lack of information on the law, citizens and their lawyers are unable to prosecute crimes or defend their rights. Judges hand down decisions that are no longer in accord with existing law. There are more opportunities for public servants to deny citizens' rights and entitlements or to engage in corrupt practices. The problem of corruption is exacerbated by the fact that some of Bangladesh's laws are in Bangla and others, in English. Citizens, particularly from poor and vulnerable groups, who are unable to understand the laws in English, and foreign investors who do not understand the laws in Bangla, run the same risk of falling prey to unscrupulous government officials who refuse to provide the required service without receiving a bribe. Although many laws in Bangla require that they be translated into English, the Ministry of Law, Justice and Parliamentary Affairs' translation department is unable to complete the translations due to lack of resources.

The Bangladesh CSP provides that, notwithstanding Bangladesh's substantial progress in improving its human

development indicators, weak governance continues to impede development. A recently completed governance assessment reaffirmed the need to improve governance including curbing corruption. The CSP provides that ADB is committed “to strengthen its support for anticorruption initiatives” and “facilitate access of the poor to justice.”

This initiative, which aims to set up a website that would act as an official repository of all laws and regulations promulgated in Bangladesh, contributes to the CSP because it aims to prevent corruption by making laws transparent and accessible to Bangladesh’s citizens. Moreover, in translating laws in English to Bangla, it aims to make justice more accessible for the poor. In translating laws in Bangla to English, the initiative also aims to make Bangladesh’s laws transparent and accessible to investors, thus contributing to a more predictable business environment that could best facilitate economic growth and development.

b. Goal and purpose: The overall objective of the TA is to reduce the opportunity for corruption in justice and quasi-judicial institutions and improve access to justice. The TA’s purpose is to make available to Bangladesh’s justice institutions, lawyers, investors and citizens, particularly the poor, all Bangladesh laws, as well as approved translations of all commercial Bangla laws to English and all commercial laws in English to Bangla, via a regularly updated internet site that serves as an official repository of all such laws.

c. Components and outputs: The TA’s components and outputs include the following: (a) development of a web-based system on the internet serving as a regularly updated repository of all Bangladesh laws; (b) approved translations of all commercial laws originally in Bangla to English, and all commercial laws originally in English to Bangla, that would be posted on the website together with all other Bangla laws; (c) internet information kiosks where the website can be accessed by any interested party, to be located in places frequented by potential “heavy users” (such as members of the bar and judiciary, citizens’ groups, etc.); (d) training sessions for personnel who would be taught how to maintain and update the website with new laws; and (e) users’ training.

d. Expected results and deliverables: The TA’s deliverables include the following: (a) website acting as official repository of all Bangla laws and approved translations of commercial laws from Bangla to English and English to Bangla, which should be operational within 12 months from TA’s commencement; (b) information kiosks where the website can be accessed by any interested part, set up, equipped and functional within 18 months from TA’s commencement; and (c) trained personnel proficient in website maintenance, upkeep and usage within 24 months from TA’s commencement.

e. Social or environmental issues or concerns: There are no social or environmental issues or concerns.

f. Plans for disseminating results/deliverables: The TA’s main output is a website that would act as an official repository of all Bangla laws passed by the Parliament, as well as the original and translated versions of commercial laws in English and Bangla. New laws are expected to be uploaded on the website by trained personnel on a regular basis, thereby ensuring wide dissemination of these laws to all interested parties. As a strategy to ensure that the information kiosks, another output of the TA, would be used to their greatest advantage, the kiosks would be positioned in places where there is heavy traffic of parties and groups identified to be potential “heavy users” of the website. Such kiosks will be set up in or near court houses, bar association offices, law schools, etc. Trainings will be held to ensure that there will be a cadre of personnel proficient in the maintenance and use of the website. User training will also be conducted among targeted groups.

7. Proposed executing/implementing agency or agencies: Ministry of Law, Justice and Parliamentary Affairs and the Law Commission

8. Nature/extent of government/beneficiary involvement in identifying or conceptualizing the assistance:

The Ministry of Law, Justice and Parliamentary Reform, through Additional Secretary Mr. Kazi Habibul Awal and the Chairman of the Law Commission, former Supreme Court Chief Justice Mustapha Kamal, have endorsed this initiative and have agreed to support the project’s execution.

Dhaka University’s Department of Law has expressed interest in participating in the endeavor by providing faculty and students to serve as project staff. The TA will also explore the possibility of public-private partnerships in supporting the endeavor.

9. Timetable for assistance design, processing, and implementation

- a. Year included in CSP, CSP Update, RCSP, RCSP Update, or interregional work plan: 2005
- b. Expected date of submission for approval Lending:

Nonlending (project preparatory):
 Nonlending (other than project preparatory): 2005

- c. Period and duration of assistance
 Lending:
 Nonlending: 2005 – 2007 (two years)

10. Financing Plan

- a. For lending
 Ordinary capital resources: \$
 Asian Development Fund: \$
 Other: \$

If cofinancing is required, indicate amount and sources sought: \$____, from _____.
 If known, provide cost estimates and financing arrangements.

Source	Amount (\$)
ADB Financing	
Government Financing	
Other Financing	
Total Cost	

- b. For nonlending
 No resources required, other than ADB staff
 ADB's administrative budget: \$
 Grant TA funds
 Other: GCF \$450,000.00

If cofinancing is required, indicate amount and sources sought: \$____, from _____.
 If known, provide cost estimates and financing arrangements.

Web content development and design.....	\$180,000.00
Translation.....	50,000.00
Internet info kiosks (internet charges and/or necessary hardware/ software).....	75,000.00
Operations and Maintenance.....	75,000.00
Training.....	50,000.00
Contingencies.....	20,000.00
Total.....	\$450,000.00

Source	Amount (\$)
ADB Financing	
Government Financing	
Other Financing: GCF	
Total Cost	450,000.00

ADB = Asian Development Bank, CSP = country strategy and program, RCSP = regional cooperation strategy and program, TA = technical assistance.