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**RIGHT TO INFORMATION DAY 2015**

## **Challenging irregularities in the Education Sector**



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A common reaction of most people about the RTI Act is a lack of trust in its efficacy. It is this general lack of faith in the willingness of public officials to break away from the age-old culture of official secrecy -- tinged with fear that the officials might react negatively if the information sought is found to be sensitive -- which has kept particularly the middle class from using the RTI Act in significant numbers.

Fortunately, this has not been the case for many ordinary citizens. As stated in this column before, those who were sensitised about the RTI law by NGOs and activists, and understood its benefits, have shown greater resilience in making use of the law. Education is one such field where people have made effective use of the law.

Since 2009, when the RTI Act came into force, about 15 to 20 percent of all RTI applications to public authorities and complaints to the Information Commission have been related to the education sector. They were largely focused on the irregularities of teachers and management bodies of educational institutions. It is perhaps reflective of the importance the education sector has gained over the years and the corruption that has crept in there. The nature of information sought also reveals the concerns of the applicants and their socio-economic backgrounds.

Applications from more disadvantaged groups included queries on topics such as: government guidelines for distribution of biscuits and other energy boosting food among students; guidelines for distribution of government scholarships to children; quotas for marginalised communities; number of students receiving scholarships and the amount they received; number of students who were from marginalised communities; the management of the Dalit Education Fund; the process through which committee members were chosen; reasons for levying extra money on students; size of school management committees, background of members and whether representatives from marginalised communities were included; attendance of teachers at school, etc.

Applications from underprivileged rural folks included queries on: the appointment process of teachers; their educational qualifications; actions taken against teachers for deliberate negligence of duty, e.g. long absences without permission; the role of management committees and their irregularities, etc. Questions were also raised on markings on examinations, including BCS examinations. A case regarding the latter is currently presented before the High Court Division, as a result of a writ petition filed by a complainant against the decision of the Information Commission.

The nature of the queries shows how empowered ordinary citizens feel by the law to demand information of relevance from public authorities whom they greatly feared in the past. Irrespective of whether they receive the desired information, by simply asking for them, they achieved two things. One, they gained confidence that whatever their socio-economic status, they have the right as citizens to demand accountability from public officials and, two, the latter was made to realise that an alert population was now monitoring their work. If more of such demands were made, their impact on removing many other malaises in the education sector can well be imagined!

The role of the educated middle classes, however, should be more crucial. To illustrate with a simple example, let us consider the situation where people begin to ask for information from public library authorities, including those of public universities, on the fund they annually receive from the government for books and other materials, how much they spend in a given year for the purpose and the proof of such purchases. What could be the outcome? Even assuming that a proper answer may not be forthcoming right away, it is certain that such queries would alert the authorities about proper utilisation of funds in the future. That is no small gain for transparency and accountability.

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For the politically and socially aware population that we are, there is perhaps no need for further examples. It may, however, be useful to indicate some areas where RTI could be used to probe different aspects of education. These are: 1) opportunities, including courses offered, eligibility, scholarships, prospects; 2) admissions, including selection process; 3) standards, including quality of teachers and their attendance, libraries and other support; facilities such as girls' toilets, playfields, etc. and 4) examinations, including unfair practices, leaked papers, cheatings, unfair assessments etc. Even a casual

reflection would reveal the umpteen number of RTI applications that may arise from these.

Let us conclude by looking at two case studies, illustrating how ordinary citizens are using RTI to correct irregularities in our education system.

Case one: Irked by irregularities in the appointment of teachers in the Khagrachori Hill District of Bangladesh, a local RTI activist, Ripon Chakma, decided to make use of the RTI Act. He sent an application to the Designated Officer (DO) of the Khagrachori District asking for a copy of rules and regulations for appointment of primary school teachers and list of teachers appointed in recent times. He also asked to see exam sheets of those who qualified and were subsequently appointed as teachers.

The DO's initial reaction was to refuse and play tough. When that failed, he asked Ripon to withdraw his application against an informal settlement. As this too did not work, he eventually provided some incomplete information. Being dissatisfied, Ripon appealed to the designated higher authority. In response, the latter invited Ripon to his office and requested him to withdraw his appeal. When that failed, he tried to scare Ripon through local power brokers.

Ripon still decided not to give in. He eventually got the information but with a request that he would not make it public. The officials orally admitted to him that such irregularities did exist but promised that this would not happen again. Ripon decided not to pursue the matter further. He subsequently learnt that due to his intervention, there was a significant decrease in corruption and irregularities in this regard.

Ripon and his colleagues next turned their attention to combating illegal collection of money by school authorities from parents of students at local schools. They raised the matter with the Upazila education officer and apprised him about their intention to submit an RTI application in this regard. The education officer assured them of quick action. Subsequently, the headmaster of the school concerned agreed to return the money he had collected irregularly from students in the name of issuing certificates after year-end examination.

Case two: The headmistress of the local school in Khariya Union of Munshiganj District was notorious for committing irregularities. A group of young residents, being sensitised to RTI, decided to do something about it, particularly with regard to irregularities in the payment of stipends meant for meritorious and underprivileged children.

In April 2014, a few of them submitted an RTI application asking for information on the number of children who received primary education stipends from the school, together with their names and addresses, for school year 2012-2013. The headmistress was furious and scolded the applicants, saying, "How dare you come to me with this! A couple of years ago you were my students, now you dare to seek secret information from me? Go tell your parents that I am not going to disclose any information to you and am also not accepting your application." Undeterred, the RTI activists discussed the matter further

and decided to approach the headmistress again the next day, accompanied by a senior member of the group.

The headmistress once again refused, saying that she was not obliged to reply to underage citizens. At that point, the senior member showed her the text of the RTI Act, drawing her attention to the particular section in the law regarding age. The headmistress refused to budge, whereupon her attention was drawn to Section 4 of RTI Act 2009, which underlined that every “authority shall, on demand from a citizen, be bound to provide him with the information.” At this point she gave in, deciding to respect the law and providing the young citizens with the information they sought.

**The writers are Chairman, Research Initiatives, Bangladesh (RIB), and Project Coordinator (RTI section), RIB, respectively.**

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*The RTI column comes out on the 15th of every month. However, this month, we're running this column on the 28th in observation of RTI Day. The regular column will be resumed from next month.*