

RIGHT TO INFORMATION DAY 2015

Challenging irregularities in the Education Sector

SHAMSUL BARI and RUHI NAZ

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 resented 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

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

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.



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.

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;

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.

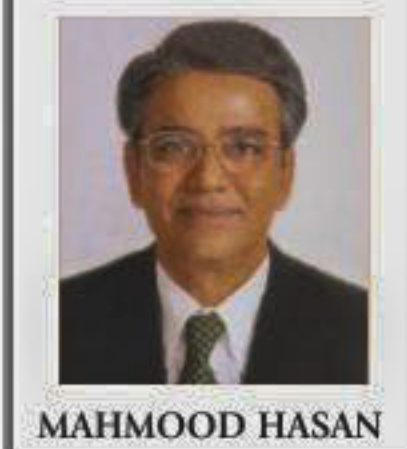
Ripon still decided not to give in. He eventually got the information but with a request that he would not make it public. The officials orally admitted to him that such

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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.

REFUGEES SPLIT EU

FROM A BYSTANDER



MAHMOOD HASAN

EUROPEAN Union is faced with a daunting humanitarian problem. Tens of thousands of refugees from Middle East and Africa have been crossing over to Western Europe for the past several months.

The migration to Europe started with the Arab Spring in North Africa in 2011. At the beginning this was just a trickle, but when ISIS (Sunni Salafists) joined Syrian rebels fighting Assad's Alawite Shia regime in 2013, the migration crisis accelerated.

International Organisation of Migration estimates that nearly half a million people have entered Europe since January 2015. They come from different countries, mostly from failed states like Syria, Iraq and Afghanistan. The UN has warned that around 5,000 refugees will continue to flow every day.

Europe is the chosen destination for these people because of its economic development and political stability. Above all, people think that there is a better chance of finding jobs there. Even if the war ceases in Syria, these refugees will not be going back. Many of them might prefer to remain as permanent immigrants in the country they've chosen to migrate to. On the other hand, with an ageing and declining population (population growth rate was 0.21 percent in 2013), the

European Union needs a young working population to keep its economy churning.

People have undertaken extremely risky journeys by unworthy sea vessels across the Mediterranean to reach Italian shores. Hundreds perished in the Mediterranean trying to reach Europe. Since this route proved to be extremely dangerous, human traffickers started pushing refugees through land routes of South East Europe, mainly Greece. There were clashes with border police of different countries as refugees forced their way towards Germany and Sweden, but no custodial deaths have been reported.

What is confusing are the terminologies used to define these people. The terms "refugees", "migrants" and "asylum seeker" are being used randomly. Each of these words has legal implications and different international obligations and consequences. There is no doubt that these people are fleeing war and/or poverty. In fact, the 1951 Refugee Convention outlines the basic rights of a refugee.

Brussels is still confused about how to handle this problem. This huge influx has created chaos in the European Union, which is now badly divided. The EU is facing a human rights issue with a moral dimension - they now have to decide whether or not to take in these refugees.

On September 22, 2015, EU Interior Ministers met in Brussels and passed a controversial plan to relocate 120,000 refugees from Italy, Greece and Hungary over the next

two years. Western Europe voted in favour of quotas, while Central European members opposed the compulsory system. Britain has opted out of the plan that was approved by EU leaders on September 23, 2015, despite strong opposition. The plan, however, does not speak about the new refugees arriving in Europe now.

German Chancellor Angela Merkel was the first European leader to welcome the refugees. Germany has asked other EU countries to share the burden. Earlier, on September 20, unable to keep up with the wave of refugees, Germany and other countries blocked their borders, suspending the Schengen passport-free travel zone.

The welcome smiles of cheering crowds have started to wear off. Islamophobia has gripped Europe's Catholic societies. The influx of Muslim refugees has become a hot agenda for extreme right wing parties in Germany, France and Britain. These Diaspora communities can eventually change the demography, create voting blocks and threaten political stability. With economies of many EU member states not doing well, the pressure of additional demands on resources is threatening. Besides, many fear losing jobs to young refugees.

For now, the traumatised, desperate refugees are happy to be in safe Europe. These refugees may not pose any serious threats. However, there are fears that ISIS fighters may have infiltrated into Europe with the refugees. Syria is a medium ranked HDI country

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(118 HDI, 2014). Most of these refugees are educated and will be able to assimilate well into the European societies. However, they may have to face discrimination and exclusion here. Lack of job opportunities might also be another issue that they will have to worry about. Racial tensions may spike from time to time, as xenophobic attacks on Muslims are not uncommon in Europe.

What surprises many is the reluctance of Gulf States to take in Syrian refugees. There are several reasons behind their unwillingness to take in refugees. First, Sunni Gulf governments are afraid that the highly politicised Assad loyalist (Alawite Shia) will infiltrate the Gulf countries, and with support from (Shia) Iran may upset the political stability of the Gulf States. Second, allowing Syrians refugees will alter the demographic balance of these states. And finally, the general opinion is that the Syrian crisis was created by the West and therefore, the Western nations have to bear the consequences.

The war in Syria is the result of disagreements among major powers. Moscow firmly backs the Assad regime. Washington, supported by Europe, wants a regime change in Syria. Regional Arab nations are divided as they have their own agenda. The United Nations has failed to find a solution to this devastating war that has taken nearly 220,000 lives so far. The emergence of Islamic State has further complicated the situation.

As there is no hope of peace in the Middle East as of now, millions living in refugee camps in Turkey, Lebanon, and Jordan are planning to migrate to Europe. The "Relocation Plan" is an ad hoc arrangement that has created deep fissures in the European Union. To stop the increasing flow of refugees, EU leaders should seriously work to resolve the Syrian crisis.

The writer is former Ambassador and Secretary.

QUOTABLE Quote

Banksy, Artist

The greatest crimes in the world are not committed by people *breaking the rules* but by people *following the rules*. It's people who follow orders that drop bombs and massacre villages.

CROSSWORD BY THOMAS JOSEPH

ACROSS

- Author Cather
- Classical language
- Zodiac ram
- Wear away
- Settle, as a debt
- Low cards in pinochle
- Posted
- Used a chair
- Mesh perfectly
- Chopping tools
- Whitening agent
- Admit
- Pago pago's setting
- Followed as a result
- Suit piece
- Gladiators' weapons
- Sleuth Spade
- Neckline shapes
- Student of Sorcrates
- Baggy
- Parting word
- Radio dial
- Casting slots
- Ranch animal

DOWN

- Simple card game
- Anger
- Mouth part
- Rents
- So far
- Soup veggies
- Onassis nickname
- Great weights
- Notion
- Bird abode
- Arrest
- Secluded valley
- Yoked animals
- Docs for dogs
- Omits
- Prayer end
- Expense
- Toppers
- On edge
- Game cube
- Shoulder muscles, for short
- Rigging support
- Ray of films
- Letter carrier's delivery
- Golf peg
- Count starter
- Glimpse
- Make a misstep

YESTERDAY'S ANSWER

G I S T S S E W E D
O C T E T A R I S E
D I R E R D A N C E
S C E N I C G O D
O L E K E G G E R S
N E T E N L I S T
G O T O N
S T A I R S S P A
P A E L L A S T O V
A H A L O C A T E
C A P O N V O T E R
E R O D E E V E N T
D A T E D R E N T S

BEETLE BAILEY by Mort Walker

BABY BLUES by Kirkman & Scott