

## **The Importance of Right to Information in Education: Putting a Human Face on a Fundamental Right**

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“If you have knowledge, let others light their candles by it.” This is the philosophical underpinning of the freedom of information movement. Freedom of information and in particular, the right of access to information held by public bodies, has attracted a substantial amount of attention recently. In the past several years, many countries have taken steps to enact legislation giving effect to this right. By doing so, these countries join others around the world which have a long tradition to right to information, such as Sweden, the United States, Finland, the Netherlands, Australia and Canada. At this time the importance of freedom of information as a cornerstone right is more than an accepted notion; it is an obvious fact of life, which has been articulated as a fundamental right in numerous international conventions such as the Universal Declaration of Human rights and the International Covenant on Civil and Political Rights. However, the right to access to information has not been realized by the majority of India’s people. Rather than protecting citizens right to information, India and other developing countries have created a “poverty of information” through sanctioning an official culture of secrecy.

Freedom of information should be analyzed on several different levels. For certain segments of society, for example, the middle and upper classes, access to information often times simply makes life a bit more secure or stable. However, for those who are poor and struggling for literacy, right to information becomes crucial. Without access to information, the most vulnerable become even more disenfranchised.

In the past, right to information has often been an academic exercise in transparency couched in esoteric terms detached from the realities of grassroots organizations and movements. However, we know from the struggles of these groups that the right to information, if guaranteed and implemented in the right spirit, can empower communities to take charge of their lives by participating in decision-making and by challenging corrupt and arbitrary actions at all levels. This empowerment is particularly significant in developing countries, such as India, which is a nation afflicted with low literacy rates, high birth and infant mortality rates, social and economic tensions, class, caste and communal conflicts, gender discrimination and a relatively poor record of civil rights.

Climbing down from the ivory towers of academia results in a greater understanding of the significance of right to information. A walk around any slum or disadvantaged community reveals a multitude of concrete examples where the people's right to information is not simply an academic exercise, but rather a matter of survival, security, or sustenance of life.

Education underpins a person’s ability to access important information. When there is no freedom of information regarding educational opportunities, the entire project of obtaining information is jeopardized. For example, while attendance at a college or university often guarantees a continuance of the status quo for those in the middle and upper classes, for a disabled person from a lower class, admission to university often means an escape from poverty.

A recent news story (*Times News Network* : June 6, 2002) highlights how a lack of information can bar the economically disadvantaged from opportunities already present. Though poor and visually impaired, two sisters managed to finish their secondary school in good standing, and had aspirations to attend university and to then become teachers. However, neither they nor their family had any knowledge that due to their physical impairments, they were eligible to apply for university admission under a "disabled quota" that reserves three percent of seats in all institutes. Because of this lack of information, the sisters were unable to pursue their dreams. University seats often go empty because of the public's lack of awareness of quotas. For example, at Delhi University, *out of the total of 44,000 available seats*, 1,320 seats are reserved for the physically disadvantaged. However, in 2001, only 250 such disabled students gained admission under this quota. There are approximately 200,000 disabled school aged children in Delhi.<sup>1</sup> The fact that not even one percent of Delhi's disabled students take up university seats for which they are eligible shows the tragic extent to which this information is not made available. Does one draw the conclusion that none of these students would be sufficiently qualified to pursue university degrees or are these students simply unaware of the disabled seats for which they are eligible? The latter explanation seems the more plausible.

The loss of educational opportunities because of *people's inability to gain access to relevant information* extends beyond the loss of university seats. Children's education at the most basic level is neglected due to inaccessible information. While more government funds still need to be allocated to education, the discovery that allocated funds are going unspent shows that the right to information must be a concurrent primary goal.

Outlook magazine's recent article on India's collective neglect of her children, "*When the State's a Poor Parent*": March 18, 2002, presents distressing statistics compiled by the Delhi based NGO, *HAQ: Centre for Child Rights*. HAQ's review of ten years of Union budgets indicates that despite the severity of overwhelming needs and suffering of children in this country, substantial funds sit unused or under-utilized in the central government. *Outlook reported* that for every Rs 100 spent by in the 1990's, only 60 paise had gone to children's education, 40 on their development and 20 on their health. These niggardly sums inspite of the fact that 75 million children in India are chronically undernourished. India's largest funded childcare plan, ICDS, reaches only 38% [23 million out of 60 million] of children younger than six years living below the poverty level, at a mere 19 paise per child per day while the actual cost of reasonable childcare is a minimum of Rs 15 per day or Rs 200 crore a year. While this fund typically leaves 11.6% of its budget unspent, such waste is exemplary compared to the average 90% unspent by other funds.<sup>2</sup>

The budget indicates that only 1.3 percent of the Union Budget in the last decade was spent on children. Approximately half of all children are out of school, usually involved in child labor schemes. The latest budget has 18 elementary education schemes, with outlays varying from Rs 1.8 crore to Rs. 1,330 crore. However, it does not matter how much money is earmarked for education if the money is never used. In one shocking example, three successive budgets allotted Rs.420 crore to the 1998 vintage Free Education for Girls scheme, while no actual money was spent

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<sup>1</sup> Times of India, April 20, 2002 \_\_\_\_\_.

<sup>2</sup> Such as DPEP, Mahila Samakhya, Teachers Training Programme, Special school for the disabled and NCLP. See HAQ report, p23

In addition to under-spending nationally allocated funds for education, the government also fails to spend the money it continues to request annually from foreign donors. Over one-half of the child health budget and more than one-fourth of all expenditures for children comes from foreign loans on which the taxpayers must pay interest, despite the fact that the funds may go unused. Dr. Biswajit Dhar, who acted as an economic advisor to *HAQ*, comments, "This means that the citizens of India, the taxpayers, are actually paying interest on an amount of funds that is simply accumulating, virtually collecting dust. Under these circumstances, why take the aid at all?" The World Bank is acutely aware of this problem and is attempting to increase India's poor aid utilisation rate.

The litany of India's failures in protecting and caring for her children, despite being a signatory state to numerous conventions and international declarations involving children's rights, is appalling and made more horrific when existing funds are not disbursed and utilized.. The executive secretary of *HAQ*, Enakshi Ganguly Thukra, summed up the situation this way. "The government is not only not committing the money, it's not even putting the systems in place. We just want it (the government) to put its money where its mouth is." Under-use or poor use of funds meant for children is a crime due not only to the helplessness of the target group, but also due to a lack of transparency as to how the government is using money it allocates. The total underutilization of desperately needed funds earmarked for children's programmes exists primarily because the public--parents, advocates, NGO's, and civil society, do not have sufficient access to information.

*HAQ* researchers indicated in their report that they experienced great difficulty in accessing the information necessary to complete their study.<sup>3</sup> They indicated that data was not always available from all sectors for the ten years and that the basic document for data on budgets, Detailed Demands for Grants of all the Ministries/Departments, was also not always available for all the years. Even when available, data for the same sectors for the same years in two documents did not always tally, demonstrating that the governments own records are inconsistent. Additionally, there was no one central source of information on programmes/schemes related to children because children's issues are dealt with by several ministries and departments. For example, in addition to the Department of Women and Child Development and the Department of Education, Ministry of Human Resource Development, that have child specific programmes, the Ministry of Labour looks into child labour problems and the Ministry of Social Justice and Empowerment addresses the needs of children belonging to the Scheduled Castes/Scheduled Tribes/Other Backward Classes as well as children with disabilities, children of prostitutes and the juvenile offenders. Other children's programmes and schemes are covered in other ministries, i.e., the Ministry of

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<sup>3</sup> CHRI staff interviewed researchers at *HAQ* to discuss their difficulties in accessing records, budgets, and other relevant information necessary for the completion of their study. *HAQ* worked on this report for approximately two years. As *HAQ* noted in its preface, "The biggest handicap that we faced in undertaking this study was the availability of information and data. It would have continued to be so, had it not been for the assistance we received from Mr. Vinay Bhatnagar." CHRI staff was told that *HAQ*'s researchers had effectively run into insurmountable obstacles following standard procedures until Mr. Bhatnagar, a member of parliament, intervened on their behalf.

Health and Family Welfare.<sup>4</sup> The lack of coordination of all these programmes suggests that the funds that actually do get spent are not being used most efficiently or effectively.

Given the difficulty of trained researchers in obtaining such important information, how will average citizens determine how much money the Central and State governments receive for children's education, health and general welfare and how much of this money is tied to specific programmes that do not have implementation systems in place? How can we learn when funds are not being used properly, or are simply, due to bureaucratic inertia, not being utilized at all?

An article published in the Times of India on August 22, 2002, entitled "*Sarva Shiksha? You must be joking*", brings to light a similar scenario, whereby apart from the Rs 1,300 crores to be distributed for the working of the Sarva Shiksha Abhiyan (a central government funded programme for universal education that completes its first year in September) an additional Rs 10,000 crores was promised by the parliament and the 10<sup>th</sup> Plan to be spent annually. However, according to NAFRE (the National Alliance for Fundamental Right to Education) convenor Sanjiv Kaura, the actual dispersal has been only a meagre 10% of the promised funds. Again, there is a huge gulf between allocations and disbursements. Funds for education sit and collect dust on the shelves of the Treasury while the quality of education deteriorates.

The lesson to be learned from these illustrations is that if more people had access to information, which begins with learning the correct questions to ask to get the correct information, communities, parents, and others would become more engaged in the process of understanding, monitoring, and then evaluating potentially available public funds for children which are being under utilized. Public pressure would force government to enact effective programmes to utilize these funds; public eyes would continue to monitor these programmes and their results. This is a classic example of the empowerment of information. Knowledge is power, but only if it is shared. We have witnessed this phenomena time and again during the evolution of the freedom of information movement at the grassroots level. With continued pressure on legislatures to enact right to information legislation, public awareness of these provisions, and a proactive approach on the part of governmental bodies to provide information to the public, government becomes more transparent, and in turn, more responsive.<sup>5</sup> Increased awareness of right to information is a viable tool for those seeking to maximize educational and other opportunities provided by government.

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<sup>4</sup> *India's Children and the Union Budget*, Study by HAQ: Centre for Child Rights, p. 14-15.

<sup>5</sup> For more information on Right to Information in India and the Commonwealth, please contact Commonwealth Human Rights Initiative, N-8, 2<sup>nd</sup> floor, Green Park, New Delhi, India 110016, [chriall@nda.vsnl.net.in](mailto:chriall@nda.vsnl.net.in); or check our website at [www.humanrightsinitiative.org](http://www.humanrightsinitiative.org)