

RIGHT TO EDUCATION

This chapter identifies the reasons for the poor quality of education due to inadequate budgets, poor and untimely textbook production in the primary sector, low quality of secondary school teachers, corruption, lack of regulation in public and private universities, and bias in policy making. It also discusses instances of the violation of right to freedom of expression and sexual harassment in universities.

Primary Education

Under the six year second *Primary Education Development Plan* costing almost Taka 180 billion¹ some 5.5 million boys and girls receive stipends in state primary schools.² The 2008 budget pledged to reduce the student teacher ratio from 55 to 46 and to improve the net admission rate by 90 per cent within the year 2009.³

Text Books

School text books distributed free of charge to about eight million students in primary schools reportedly contain lots of mistakes.⁴

About half of the text books distributed free of cost to almost eight million students of class three and five are used books, many with torn pages and completed exercises.⁵ The Government declared that new books would be made available to all primary school students from 2009.⁶ Despite this declaration, timely production of text books, for both primary and secondary schools has become uncertain since the *Karnaphuli Paper Mill* is wholly preoccupied with priority printing of materials for the national and Upazilla elections under the directions of the Election Commission.⁷ This repeats a pattern of annual uncertainty over the publication and dissemination of text books.

Absence of Regulations for Kindergarten and English Medium Schools

Despite promulgation of the Private Schools (English Medium) Ordinance in January, no school was registered under the new law,⁸ and they have remained largely unregulated to date.

Although almost 1.1 million Government employees are part of 29 cadre services of civil service, there is no cadre facility for over 0.3 million teachers, employees and employers at 83,000 private primary schools.⁹ As a result, due to lack of trained, qualified teachers, the quality of primary education is poor.

On 13 March, the Department of Primary Education issued a circular that the Government would contract out to BRAC, the world's largest development organization, responsibility for monitoring, supervision and training of teachers at 3,124 schools in 20 Upazilas.¹⁰

A sections of teachers,¹¹ academics¹² and citizens criticised this decision,¹³ alleging that it constituted an abdication of the state's responsibility to provide primary education and amounted to privatization of the sec-

1 Budget 2008-09, Para 133.

2 *Ibid.*

3 *Ibid.*, Para 134.

4 See series on "*bhule vora pattho boi*" [Textbook full of mistakes], *Prothom Alo*, 30 June - 4 July 2008.

5 "Used Textbooks hampers studies of 80 lakh primary students", *New Age*, 9 February 2008.

6 "All Primary Level Students Will Receive New Books from 2009", *Shamokal*, 22 April 2008.

7 "Scarcity of Paper, Title not Ready/Receiving Text Books at the Beginning of the Year Uncertain", *Prothom Alo*, 12 November 2008.

8 *Ibid.*

9 "BCS Primary Education Cadre Being Created, Summary at the Chief Headquarters", *Janakantho*, 25 May 2008.

10 Report of the Ministry of Primary and Mass Education. See, Mohammad Jafar Iqbal, Mohammad Zafar Iqbal, "*Ghor pora gorur chokhe prathomic shikkha o BRAC*" [Primary Education and BRAC through the Eyes of One Whose Dwelling has Burnt Down], *Prothom Alo*, 24 June 2008.

11 "*BRAC ke daetto deyar shiddhanto batiler dabi*" [Demand for Cancellation of Decision to give BRAC Responsibility], *Jugantor*, 25 May 2008; "*Prathomic shikkha besorkari konoren sujog nai*" [No Scope to Privatise Primary Education], *Noya Digonto*, 10 August 2008.

tor, and questioning BRAC's expertise and experience in delivering formal sector primary education.¹⁴ Others however acclaimed the decision, referring to BRAC's innovative practices in primary education, including providing mother tongue education for indigenous children (reportedly around 17,000 indigenous children receive such education in 686 BRAC schools in Khagrachari District alone).¹⁵

Quality of Secondary and Higher Secondary

Achieving MDGs

The Finance Advisor, in the Budget speech announced major improvements in increasing gender equality in education, improving the rate of admission and developing girls' education at primary and secondary levels pursuant to the Millennium Development Goals.¹⁶ He also announced initiatives to set up a model high school at each upazila that has no Government high school, and the selection of 63 schools to be set up as model high schools.¹⁷ Since the number of female students at secondary and higher secondary levels has increased by 52 per cent,¹⁸ it was decided to give scholarships to underprivileged male students in 121 upazilas from 2009¹⁹ to increase the rate of admission of male students.

Continuing Inadequacies

Between 2006-2008, out of 832,000 scholarship recipients at the higher secondary level, 60 per cent dropped out before HSC.²⁰ The drop out rate at the secondary level was 48.25 per cent.²¹ Six- to ten per cent schools have a shortage of water and 6 per cent of schools have no toilets. Twenty per cent of schools, 22 per cent of colleges and most madrassahs have no laboratories. Eighty per cent of teachers do not use the necessary equipment in the classroom.²² Forty three percent students in Government primary schools and 85 per cent in high school keep private tutors.²³

Ninety eight per cent of the secondary and higher secondary educational institutes under the Ministry of Education are private.²⁴ In a number of cases where the Ministry's Inspection and Audit Department has found evidence of corruption and taken steps to penalize them, the institutes have resorted to litigation, with 6,000 such cases filed to date.²⁵

University Education

National University

Higher education institutions are mired in corruption, which affects students' right to education. The operations of the National University, comprising more than 1700 private colleges as well as all government col-

12 Mohammad Zafar Iqbal, "Ghor pora gorur chokhe prathomic shikkha o BRAC" [Primary Education and BRAC through the Eyes of One Whose Dwelling has Burnt Down], *Prothom Alo*, 24 June 2008.

13 "Maan unnoyoner daetto BRAC ke deyar protibad/ dabi campuse chattro fronter michil" [Protest Against Giving BRAC Responsibility of Improvement of Quality/Procession of the Student Front at the DU Campus], *Jugantor*, 30 May 2008.

14 "Prathomic shikkha besorkari konoren sujog nai" [No Scope to Privatise Primary Education], *Naya Digonto*, 10 August 2008; Mohammad Zafar Iqbal, "Primary Education and BRAC through the Eyes of One Whose Dwelling has Burnt Down", *Prothom Alo*, 24 June 2008.

15 "BRAC initiative in Khagrachhari/17,000 indigenous students taking lessons in mother tongue" *The Daily Star*, 30 June 2008.

16 Budget 2008-09 Para 56.

17 *Ibid.* Para 136.

18 *Ibid.* Para 137.

19 *Ibid.* Para 137.

20 "60 pc stipend recipient girls drop out of HSC courses in 3 years", *New Age*, 19 April 2008.

21 "2009 shal theka sob prathomic shikkhatri notun boi pabe" [From 2009 all Primary Level Students will Receive New Books], *Shamokal*, 22 April 2008.

22 "The Deplorable State of Private Institutes of Education", *Ittefaq*, 16 June 2008.

23 "South Asia-Pacific Education Watch Report", *Prothom Alo*, 22 April 2008.

24 Budget 2008-09, para 135.

25 "2009 shal theka sob prathomic shikkhatri notun boi pabe" [From 2009 all Primary Students will Receive New Books], *Shamokal*, 22 April 2008.

leges, have been rife with allegations of corruption, leaking of question papers, arbitrary administration, and appointment scandals. About 400 colleges are beset with disputes regarding the post of principal. Over 100 colleges face allegations of corruption against principals. Another 100 colleges are mired in litigation. Such disputes contribute to conflicts between and among teachers and employees and vitiate any academic atmosphere.²⁶ In an important development, a criminal case was finally lodged against the University four years after the appointment of 700 persons following the publication by the National University of a *Ghupchi* (congested *very small*)²⁷ advertisement.²⁸ The matter was under investigation.²⁹

Public Universities

Efforts during the year to investigate and address allegations of corruption including appointment scandals at various public universities yielded mixed results. Vice Chancellors of several public universities, appointed under the last government,³⁰ were removed from their posts on allegations of corruption and indiscipline. However, as they were appointed on deputation, they returned to their respective universities. Vice Chancellors were appointed by a Search Committee in all public universities this year, apart from Dhaka, Chittagong, Jahangirnagar and Rajshahi Universities. The Government declared that in future the appointments of pro-vice Chancellor and treasurer will be carried out by the Search Committee.

The UGC submitted a report of its investigation into alleged corruption and appointment scandals in thirteen public universities but no action has been taken to date.³¹ A number of public universities were founded this year, including the Asian University for Women, Bangladesh University of Professional, Rangpur University.

Dhaka University declared that a minimum qualification of 200 marks in the Bangla and English course at HSC level would be required for admission to six Departments of Dhaka University.³² This was met by protests at discrimination against madrassah students. They organised street protests with groups of Dhaka University students and vandalized the office of the Vice-Chancellor in his presence. The “white panel” of teachers (supporters of the BNP and the Jamat), extended support to the protestors and pledged not to conduct any examination until withdrawal of this precondition.

On 26 October, the High Court issued a show cause to the Dhaka University authorities to explain why the imposition of this pre-condition would not be declared to be without lawful authority.³³ On 2 December, the High Court issued a stay on³⁴ the applicability of the conditions that disqualify Madrassah *Alem* graduates for admissions to seven departments at Dhaka University for four weeks. The admission procedure for B and D units (The departments include Bangla, English, International Relations, Mass Communication and Journalism, Economics, Women and Gender Studies and Linguistics) was postponed.³⁵

26 “*Odhdhapok podke kendro kore 4 shotadhik colleagee kondol*” [Disputes in 400 colleges over the Post of Principal], *Noya Digonto*, 15 June 2008.

27 An advertisement was published by forging a newspaper page for corruption. Usually such things take place for tender forgery. This is the first time such an incident has come to light in relation to a university.

28 “*Jatiyo bishobiddaloye chancholokor durniti*” [Sensational forgery at the National University], *Shamokal*, 8 June 2008.

29 See Joydevpur police station, Gazipur Case No.-84/2008 dated 16 April 2008.

30 Four Party Alliance Government (2001-2006).

31 “*13 public bishobiddaloye oniyom durniti*” [Indiscipline and Corruption at 13 Public Universities], *Shamokal*, 19 October 2008.

32 M Khairul Hasan, “Admission controversy in public universities”, *New Nation*, 3 November 2008.

33 “*Dhaka bishobiddaloye bhortir shorto proshne high courter rule*” [HCD’s rule on the conditions on DU admission], *Prothom Alo*, 27 October 2008; “HC rule on DU authorities to explain admission rules of 7 depts”, *The Daily Star*, 27 October 2008. Writ petition filed by five DU admission seekers including Ibrahim Khalil, who had secured GPA-5 in the Madrassah Education Board examinations.

34 “*Dhaka Bishobiddaloye dui uniter vorti prokkier upor shthogitadesh*” [Stay on the admission procedure of 2 units of DU], *Prothom Alo*, 3 December 2008.

35 “HC stays admission process of 7 DU depts for 4 weeks”, *The Daily Star*, 3 December 2008.

In another litigation, some 59 students out of 201 who had been expelled after being illegally admitted to various departments, recommenced classes after obtaining a stay order from the High Court.³⁶

Freedom of Expression on Campus

The Rajshahi University authorities banned the drama group *Dhumketu* as well as the national cultural organization, Udichi Goshti Shilpi, from performing within the campus, and also purported to ban any performance of the play titled *Mandar*, ignoring the recommendation of the inquiry body established for this purpose. It was alleged that the University was acting under pressure from the *Islami Chhatra Shibir*.³⁷

Sexual harassment in universities

Several public universities - Jahangirnagar, Dhaka and Sylhet - faced ongoing protests in response to allegations of sexual harassment of female students by teachers. At Dhaka University, Associate Professor Dr Syed Kamaluddin of the Psychology Department was sent on forced leave following a *prima facie* evidence of sexual harassment of a female student.³⁸ In contrast, at Jahangirnagar University, Associate Professor and head of drama and dramatics (D&D) Department Sanower Hossain Sunny, was on 13 September exonerated by the Syndicate of allegations of sexual harassment brought by five female students on the ground that these had not been 'proved beyond reasonable doubt'. Protesting students, joined by eminent citizens including former Vice Chancellors and academics across the country alleged that the administration was biased.

BOX XIII.1: High Court Directs Commission of Inquiry into Jahangirnagar Sexual Harassment

On 4 May, four women drama students brought allegations of sexual harassment against a teacher. The University appointed three separate committees to inquire into the allegations. On 13 September, a Syndicate meeting decided to discharge the accused teacher on the ground that 'the allegations ... had not been proved beyond a reasonable doubt'. On 21 October 2008, the accused teacher returned to the campus, and was embroiled in an altercation with a large number of students.³⁹ Cadres of student organizations, fronts of the two major political parties, the AL and BNP, then assaulted several students. On a complaint by the teacher, the University suspended seven students out of the 100 plus agitating students (five of those suspended had initially made the complaints of sexual harassment, and the other two had been witnesses).

On 1 December, the High Court stayed the said suspension order for three months against seven students.⁴⁰ It also asked the University authorities to explain in two weeks why the decision to exonerate Sunny should not be held to be without lawful authority, and why a fresh probe under a former Supreme Court judge should not be established.

Action on Sexual Harassment

High Court Directs Government to Frame Policy on Sexual Harassment

For over a decade, since the incidents of sexual harassment at Jahangirnagar in the late 1990s, there have been active efforts to formulate policies against sexual harassment. On 18 August, the High Court issued a rule on

36 "High courter shthogitadesh niya class korchen 59 shikkhatri" [59 Students Attending Classes after Obtaining High Court Stay Order], *Prothom Alo*, 8 March 2008.

37 "Drama group Dhumketu and drama Mandar banned in RU", *Janakantha*, 20 November 2008.

38 "Dhaka bissobiddaloye jouno nirjatoner daye ovijukto sikkhoker chuti karjokor", *Prothom Alo*, 25 August 2008.

39 "Teacher cleared of sexual abuse charge assaulted", *The Daily Star*, 22 October 2008.

40 "Sexual Harassment Issue/HC rule on JU authorities", *The Daily Star*, 2 December 2008.

the Government, in a public interest litigation filed by the Bangladesh National Women Lawyers Association, to show cause why it should not establish a committee to draft a Policy for Prevention of Sexual Harassment.⁴¹ UGC Regulation for the Prevention of Sexual Harassment: The University Grants Commission framed draft Regulations for the Prevention of Sexual Harassment which were submitted on 13 November to the Education Ministry for final approval.⁴² The draft included provisions for establishing inquiry bodies on sexual harassment at all higher education institutes of the country, undertaking initiatives to raise awareness among both teachers and students of sexual harassment, its impact and available remedies and penalties.

Private Universities

During the year, a raft of allegations were made against 53 private universities, ranging from inadequate facilities, indiscipline and lack of minimal standards. Legal action was initiated against several institutions, but they continued to operate by obtaining stay orders from the courts, often for prolonged periods.⁴³ Forty-one universities failed to fulfil the precondition of establishing their own campuses within five years.⁴⁴ At least 132 illegal branches of 15 private universities reportedly continued to operate, with at least 35,000 students at the graduate and postgraduate levels.⁴⁵ One report alleged that an individual had been operating seven separate educational institutes, upto university level, from the roof top of a derelict building in Pabna.⁴⁶

In response to such reports, the long awaited Private Universities Ordinance, 2008, was finally promulgated on 24 November.⁴⁷ This provides for forming an Accreditation Council⁴⁸ to assess public and private universities in comparison with international standards. The law has been criticized for allowing private university authorities to establish external campuses without prior permission of the UGC.⁴⁹

Campus Violence

Reportedly, 49 incidents of student violence occurred in higher educational institutions during the year, killing two and injuring 811 persons.⁵⁰ A number of institutes of higher education were closed due to violence and student conflicts.⁵¹

41 “Writ Petition No. 9414 of 2008, in which a bench comprised of Justice Syed Mahmood Hossain and Justice Farid Ahmed, issued the *Rule Nisi*. The following were added as parties to the petition: Secretary of Cabinet, Ministry of Law and Parliamentary Affairs, Ministry of Education, Ministry of Women and Children, Ministry of Labor, University Grants Commission, Dhaka University, Jahangirnagar University and also other Universities of the country.

42 “*Uchcho shikkha protissthane joyno nipiron norod choranto notimala hostantor*” [Handover of the Final Regulations for the Prevention of Sexual Harassment in Institutes of Higher Education], *Prothom Alo*, 14 November 2008.

43 “*Bondo tin beshorkari bisshobiddaloy cholche adaloter raiya*” [Three Closed Private Universities Running Under the Order of the Court], *Prothom Alo*, 24 July 2008.

44 *Ibid*, 29 September 2008.

45 “*Uchcho shikkhar pheriwala-1*” [The Peddling of Higher Education], *Prothom Alo*, 24 September 2008.

46 “*Pabnai ek chade noyti rohoshshomoy shikkha protissthan*” [9 Mysterious Educational Institutes under One Roof in Pabna], *Prothom Alo*, 15 June 2008.

47 “Owners oppose proposed private univ ordinance”, *New Age*, 16 July 2008. An attempt to promulgate the Ordinance earlier in the year reportedly failed because of lobbying by the Private Universities Association.

48 Budget 2008-09, Para 139.

49 “Private Universities Ordinance is not enough to check fraud”, *Prothom Alo*, 26 November 2008.

50 Table showing Student violence in the academic year up to 14 October 2008, Research Unit, ASK.

51 “*Shikkhangon pher oshanto*” [Education Institutes once again Unsettled], *Jugantor*, 3 September 2008.