

Study Report
On
Diverse Streams of Education in Bangladesh
and Realization of the Right to Education
(Package-3)



Prepared for:

National Human Rights Commission

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Abbreviations

BOU: Bangladesh Open University

CADE: Convention against Discrimination in Education

CEDAW: Convention on Elimination of all forms of Discrimination Against Women

CERD: Convention on Eradication of Racial Discrimination

CESCR: Committee on Economic, Social and Cultural rights

CRC: Convention on Rights of the Child

ICESCR: International Covenant on Economic, Social and Cultural rights

MDG: Millennium Development Goals

NCTB: National Curriculum and Textbook Board

NEP: National Education Policy

OHCHR: Office of the High Commissioner of Human Rights

RTE: Right to Education

UDHR: Universal Declaration of Human Rights

UNESCO: United Nations Educational, Scientific and Cultural organization

UNGA: United Nations General Assembly

WCEFA: World Conference on Education for All

Glossary

Alim: Higher Secondary

Baul: Mystic song artist

Dakhil: A degree given by the *Madrassa* Board Equivalent to Secondary School Certificate

Deoband: A term used for a revivalist movement in Sunni Islam (*Ahlu-Sunnah wal-Jama'ah*). It is centered primarily in India, Pakistan, Afghanistan and Bangladesh and has recently spread to the United Kingdom and has a presence in South Africa. The name derives from Deoband, India, where the school Darul Uloom Deoband is situated. The movement was inspired by the spirit of scholar Shah Waliullah (1703-1762).

Fazil: Graduation

Fiqh: Islamic jurisprudence

Gurukul: A type of school in India, residential in nature, with pupils (shishya) living near the guru, often within the same house. Prior to British rule, they served as South Asia's primary educational institution

Hadith: The sayings and practices of Prophet Muhammad (PbuH)

HSC: Higher Secondary School Certificate. A public examination in Bangladesh after passing 12th grade

Ibtedayi: Primary/ Beginners

Kamil: Post Graduate

Khanka: a building designed specifically for gatherings of a Sufi brotherhood

Maktab: Muslim Elementary School

Madrasa: Educational institution. In Bangladesh it denotes institutions where Islamic education is imparted.

Qawmi: an adjective describing one of the two major *madrassa* educational categories in Bangladesh. The Qawmi madrasahs are not regulated by the Bangladesh Madrassa Education Board.

Sher: Urdu/Persian poetry

SSC: Secondary School Certificate. A public examination in Bangladesh after passing 10th grade

Tafsir: Exegesis of the Quran

Unitrack: A system where every stream shall study every subject in a limited manner

Usul: Fundamental principles

Upazilla: Town

Chapter One

Diverse Streams and Realization of Right to Education in Bangladesh: A Glance into the Idea

1.1 Prelude

Education is a human right with immense power to transform. On its foundation rest the cornerstones of freedom, democracy and sustainable human development

Kofi Annan

Right to Education in Bangladesh has been manifest in multiple dimensions, being divided into formal and informal. Education had been viewed as a key to a better future, a vital tool for development. Education was a priority for the State since its very inception. In attaining the goal of realizing education for all the citizens, the State spread the avenue to many quarters, leading to multiple dimensions of education opportunities.

The numerous streams and mediums of education in Bangladesh has been an issue of extensive discussion, debate and sceptical controversy for quite a long period of time. Right to education as a human right was formally incorporated in the Universal Declaration on Human Rights (UDHR 1948)¹, International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966² (art 13) and other later instruments. The ICESCR in its General Comment on art 13 specifically mentions that Right to Education has four basic components and characteristics³, amongst which one is accessibility. This element involves the right to choose the type of education received.⁴ Accessibility to education includes the freedom of choice to decide the streams of education offered in a given State.

¹ Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A(III) (UDHR)

² International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3

³ General Comment No.13 of CESCR has enunciated four core component of Right to education, namely: Availability, Accessibility, Acceptability and Adaptability, See, CESCR General Comment No. 13: The Right to Education (Art. 13) (adopted on 8 December 1999)

⁴ 'The Right to Education'(Module 16 of Economic, Social and Cultural Rights Activism: A Training Resource) <<http://www1.umn.edu/humanrts/edumat/IHRIP/circle/modules/module16.htm>> accessed 25 May 2014

From this perspective, the diverse streams of education prevalent in Bangladesh, e.g. the national curriculum (in Bengali and English), the English Medium based upon the syllabus from the UK, the Vocational studies and the Madrasa education to mention a few; can be taken to be a dimension of ensuring accessibility of education and facilitating the people's freedom to choose a particular stream according to their cultural suitability and orientation. However, given the context, the reality is much drab and discouraging.

The curricula strikingly vary from one another, the contents of the textbooks are very different and most importantly, the students of each distinct stream grow up with quite different orientation. This difference becomes most visible and apparent at the tertiary level, when the students face differing standards and requirements in entering the universities according to their educational background.

This is the proposition on which this study report intends to base itself: although having diverse stream of education encompasses an aspect of right to education, yet in Bangladesh the interconnection amongst the streams, the way *how* these streams meet at a common point at the tertiary level creates the greatest problem in realizing the right to education. Moreover, along the way, this diversity fragmentizes the population by giving them divergent orientation, consequently it impedes the process of building national consensus and sense of unity in the long run, such fragmentation of society has serious adverse consequences in the national life.

As such, the proposition of this study report is: while the policy makers in Bangladesh opted to interpret the Right to education as *access to education*, tis narrow perspective actually hindered the realization of right to education.

1.2 Objective and Purpose of the Study

This study will analyse and explore how the current education system with its *uncoordinated* diverse streams is increasing discrimination and non-equality in the society, and consequently how the narrow understanding of Right to Education has resulted in partial realization of the Right, obstructing effective participation⁵ of the people.

In analyzing this proposition, the study shall try to answer the following questions:

⁵ International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3 (ICESCR) art 13(1)

1. What are the dimensions of Right to Education under contemporary Human Rights Jurisprudence and discourse?
2. What is the current state of education in Bangladesh? How is this right interpreted in Bangladesh?
3. *Education v. Effective Education*: what impact do the diverse streams of education in Bangladesh have on developing the people as conscious citizens? How effective is the system in ensuring human development?
4. What are the human rights implications of the current system of education?
5. How does this diversity fail to fulfil the conditions of equality and non-discrimination as part of Right to education?
6. What are the legislative and policy gaps that create such situation? What can be the possible solutions to this scenario?

1.3 Methodology of the Study

The study adopts an analytical and critical evaluation of the existing scenario on the basis of existing literature, policy analysis and comparative scrutiny. In doing so, the materials have been collected from relevant sources, including interviews with concerned quarters. The primary sources are the legislations, policies, and instruments (national and international) while the secondary sources have been various reports, evaluations, and scholarly articles. It is pertinent to mention that, keeping in mind the fact that this study focuses on an issue that has been a subject of popular debate for a long period of time in the national discourse, the study from time to time refers to public opinion and people's perception on the existing system and its effects. In doing so, reference has been drawn to various public forums such as social networks and online platforms. We believe they are vital sources of understanding and analyzing the popular outlook.

1.4 Limitations of the Study:

The study cannot be taken to be having singular authority over the issue. This study has been conducted pursuant to the conditions and stipulations mentioned by the National Human rights Commission, Bangladesh. The study has been completed within a short time span and hence extensive or exhaustive survey has not been possible. In analyzing the diverse streams, the study has focused principally on the institutional streams i.e. the Board curriculum, the *madrasa* curriculum and the English medium curriculum. The other streams have been mentioned but not

analysed at length. The analysis has been drawn mainly on the basis of available literature and popular discourse with a limited reference to personal accounts of two subjects who are members of the target groups (one *madrassa* student and one English medium student). There was lack of sufficient opportunities to go to field level for first hand data collection.

1.5 The Structure of the Study

In conducting this study the various issues have been discussed under appropriate heading. This study comprises Five Chapters. The summary of the chapters can be ascertained under following outline:

Chapter One illustrated the preliminary scenario on diverse streams of education in connection to realization of right to education in Bangladesh. This chapter mainly proposed the fundamental proposition of the study. Additionally it has set the approaches and methodologies to be adopted for the study.

Chapter Two has discussed the key international instruments and frameworks featuring right to education. The purpose of this chapter is to explain various dimension of right to education as ensured by these instruments. In addition to that chapter has set a comparative picture of national and international framework by illustrating the related frameworks and policies adopted in Bangladesh.

Chapter Three has comprehensively portrayed the different of streams of education and related institution exists in Bangladesh. This chapter categorically analyses development of these diverse streams and institutions starting from its origin to its present status and the contributing factors involved therewith.

Chapter Four has provided an in-depth analysis of the effect of the diverse streams of education in realizing right to education in Bangladesh. It has unearthed the constraints and limitations of the diverse streams of education and its negative impact on the various class of the society. This chapter has closely scrutinized the social, economical and cultural implication involved with streams of education and the educational institutions. The chapter has drawn a picture: how these diverse streams are affecting the realization of right to education in Bangladesh

Chapter Five is the concluding chapter of the study. It has summarized the issues that have been discussed throughout this study and proposed definite sets of recommendation to address the issues related to diverse streams and facilitate a way towards the solution.

Chapter Two

Dimensions of Right to Education under National and International Framework

2.1 Introduction

The jurisprudence of Human rights encompasses certain rights as prerequisite to effective realization of other rights (be it civil and political or economic, social and cultural or group rights). These may be termed as core human rights, in absence of which prevalence of human rights and fundamental freedom remains a hollow aspiration. As one of such core human rights, education can be termed as an empowerment right that works as the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities.⁶ Universal Declaration of Human Rights in verbatim mandated the education *to be directed for the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms*. The remarkable lines tend to signify the indispensable prominence of right to education in the human rights discourse. As a corner stone, the spirit of UDHR has been objectified in the contemporary international human rights instruments, constitutional dispensation, (even more in) national legal and policy framework.

This Chapter scrutinises the key international instruments and frameworks featuring right to education. In doing so, the Chapter will focus on the dimensions and explanation of the right to education, its key components, and finally, how the principles underlying the international instruments are reflected in the national policies and legislations.

2.2 Discourse on Right to Education

To understand the nature of right to education, at the start, it is essential to conceptualize the connotation of the term Education. It will crystallize our understanding to draw a demarcating line between education and mere literacy. This thin but major line plays a central role in formulating framework and action plan in international and national arena. Moreover, the broader understanding of the concept of education will help to understand the magnitude of Right to education as human rights. At the beginning, it would be pertinent to quote Nelson Mandela who

⁶ CESCR General Comment No. 13: The Right to Education (Art. 13) (adopted on 8 December 1999)

has redefined the concept of equality and human rights discourse. *Education is the most powerful weapon which you can use to change the world*; these are the words he used to articulate the magnitude of education. Therefore, different discourses on concept of education need to be understood from its utilitarian perspective. In the following discussion, we would try to depict the definitional scope of Education to find out its expediency in individual human and for the development of the society.

2.2.1 Understanding the Implication of Education

At the start we would begin with the most basic question what does Education⁷ means? In a wider sense, education means “all activities by which a human group transmits to its descendants a body of knowledge and skills and a moral code which enable that group to subsist”⁸ whereas, in narrower sense, education connotes teaching and instruction in specialised institutions. To be more precise, it means formal teaching or instruction, comprising primary, secondary and higher education.⁹ From this these two aspects of definition, the significance of education can be drawn. It the way by which the level institutions (be it primary, secondary or tertiary with their diverse stream) facilitate to realize their existence in the society. In other words, all the basic necessities that human beings need to survive and develop in the society can be by far achieved, if he or she has proper orientation to education. This proposition may appear to be a bit exaggerating if consider the people who subsisting even being completely illiterate, but if we set a close insight as to their life, we would found that their life are being roam around the cycle stagnation. Therefore, education plays a vital role in formulating a human ability as well as developing the condition of the society. It should be emphasised, is an interactive process. Merely attending educational institutions, without learning anything, does not amount to education. The right to education must therefore be

⁷ In English the term “Education” has been derived from two Latin words Educare (Educere) and Educatum. “Educare” means to train or mould. It again means to bring up or to lead out or to draw out, propulsion from inward to outward. The term “Educatum” denotes the act of teaching. It throws light on the principles and practice of teaching. The term Educare or Educere mainly indicates development of the latent faculties of the child. Cited in: Satish Kumar and Sajjad Ahmad, ‘ Meaning, Aims and Process of Education (Lecture 1 at School of Open Learning in University of Delhi) <<https://sol.du.ac.in/Courses/UG/StudyMaterial/16/Part1/ED/English/SM-1.pdf>> accessed 3 June 2014

⁸ Klaus Dieter Beiter, *The Protection of the Right to Education by International Law: Including a Systematic Analysis of Article 13 of the International Covenant on Economic, Social and Cultural Rights* (1st edn Martinus Nijhoff Publishers, Leiden 2006) 20

⁹ *ibid*, 18

understood in the sense of a right *to be educated*.¹⁰ We can perceived similar notion from the dictum of the famous case of *Brown v. Board of Education*,¹¹ It is asserted in this case that "in these days, it is doubtful that any child may reasonably be expected to succeed in life if he [or she] is denied the opportunity of an education."¹² Therefore, the implication of education has to be understand in such way that people could effectively utilize this *weapon*. But in order to ensure such weapon could be use effective it need to be effectively forge i.e. structure of education has to be formulated in a such way so that people could utilize for their human development. This indispensable character has brought Right to Education into centre human rights discourse. The substantial number of international human rights instrument, national legislations and policy framework recognize the significance of Right to education. In particular international instruments extensively depicted the various dimensions of Right to Education. In order to realize right to education as a means of development all these aspects of the right has to be incorporated in a implementation stage. For the purpose of this study we will make a comparison between international mandates and the present status of the right in Bangladesh. More precisely, this chapter will facilitate to understand the normative standard established by the international instruments and how these norms have been appreciated in the legislative and policy framework of Bangladesh.

2.3 Right to Education under International Human Rights Instruments

The right to education embodies the principles of the universality, indivisibility and interdependence of all human rights. Thus, the right to education has a particularly close connection with the right to work, the right to health and the right to freedom of expression and information and so on. The right to education in international instruments comprises the dual aspects, namely, the development of the individual; and the promotion of respect for human rights.¹³ From the classical human rights instruments (e.g. International Bill of Rights) to specific conventions (e.g. Convention against Discrimination in Education, CRC) and other international instruments (UNESCO convention, WCEFA, Dakar) have unequivocally enumerated Right to education.

¹⁰ *ibid*, 20

¹¹ (1954) 347 U.S. 483

¹² Douglas Hodgson, 'The international human right to education and education concerning human rights' (1996) 4 *IJCR* 237

¹³ 'Selected Human Rights Documents: Interim Report on the Right to Education' (2006) 2 *APJHRL* 113

2.3.1 Right to Education in International Bill of Human Rights

Initially, the international Bill of Rights set the standards of right to education. The UDHR has set the spirit and subsequently two operative covenants (ICCPR and ICESCR) have illustrated dimensions of this right. UDHR, in Article 26 enunciated that *everyone has the right to education*. with these introductory remarks, it has set the following dimensions of the right:

Firstly, education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit. *Secondly*, Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. *Thirdly*, It shall promote understanding, tolerance and friendship among all Nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace. *Fourthly*, Parents have a prior right to choose the kind of education that shall be given to their children.

Although ICCPR¹⁴ has incorporated some notion of RTE in Article 18(4)¹⁵ but the right has explicitly elaborated in Article 13¹⁶ and 14¹⁷ of ICESCR. Article 13, the longest provision in the Covenant, is the most wide-ranging and comprehensive article on the right to education in international human rights law.¹⁸ The reason it has been considered as the most comprehensive article is because it has facilitate the elaboration of the dimensions laid down by the UDHR. It would not be excessive if we say the contemporary ideas of RTE have been developed on the basis of Article 13 of the ICESCR. Now the question is what is in it that makes it so fundamental. As we see that UDHR has indicates the dimensions like free and compulsory elementary and fundamental education, with the emphasis on technical and vocation education, access to higher education as per the capability and right to choose particular streams of education. Article 13 has

¹⁴ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR)

¹⁵ The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions,

¹⁶ See, Annexure

¹⁷ *ibid*

¹⁸ UNESCO and ECOSOC 'Right to Education: Scope and Implementation' (General Comment 13 on the right to education (Art. 13 of the International Covenant on Economic, Social and Cultural Rights) 4 <unesdoc.unesco.org/images/0013/001331/133113e.pdf> accessed 1 June 2014

interpreted and added the general requirement as stated in the UDHR. In level of education has clearly classified into primary, secondary (with its different forms) and higher education. The most significant feature of article 13 is that it has not only mentioned the level of education but also mandated that these levels of education (particularly primary and secondary level) have to be made accessible, available to all.

It is clear from the provisions of article 13(2) that the state is expected to take active steps aimed at implementing the right to education. It must utilize the maximum of its available resources to achieve implementation.¹⁹

2.3.1.1 Key Components of Right to Education under ICESCR

The General Comment 13²⁰ on the RTE further enunciates the dimensions of RTE discussed above:

(a) **Availability** - this means the educational institutions operating within the country must be sufficient in quantity. The institutions must have the minimum facilities²¹ required for an educational institution. Functioning educational institutions and programmes have to be available in sufficient quantity within the jurisdiction of the State party.

(b) **Accessibility** - educational institutions and programmes have to be accessible to everyone, without discrimination. The notion of accessibility has three overlapping dimensions: Non-discrimination²², physical accessibility²³ meaning either it should be within reach geographically or via modern technology such as distance learning, Economic accessibility, i.e.- education has to be affordable to all.

¹⁹ *Klaus* (n 7) 39

²⁰ CESCR General Comment No. 13: The Right to Education (Art. 13) (adopted on 8 December 1999)

²¹ What they require to function depends upon numerous factors, including the developmental context within which they operate; for example, all institutions and programmes are likely to require buildings or other protection from the elements, sanitation facilities for both sexes, safe drinking water, trained teachers receiving domestically competitive salaries, teaching materials, and so on; while some will also require facilities such as a library, computer facilities and information technology, Olivier De Schutter, *International Human Rights Law: Cases, Materials, Commentary* (1st edn, Cambridge University Press, New York 2010) 254

²² Education must be accessible to all, especially the most vulnerable groups, in law and fact, without discrimination on any of the prohibited grounds. Cited in: CESCR General Comment No. 13: The Right to Education (Art. 13) (adopted on 8 December 1999)

²³ *ibid*

(c) **Acceptability** - the form and substance of education, including curricula and teaching methods, have to be acceptable (e.g. relevant, culturally appropriate and of good quality) to students and, in appropriate cases, parents.

(d) **Adaptability** - education has to be flexible so it can adapt to the needs of changing societies and communities and respond to the needs of students within their diverse social and cultural settings.

2.4 Provision in other International Instruments

Apart from these basic tenets of education, other human rights instruments²⁴ have added new dimensions and value to the definition of education, which has contributed to the development of the idea at a universal and humane level. The value added by these instruments is that whereas the UDHR and the ICESCR have focused on RTE in general, these instruments have own social target group and thus define the RTE from specialised perspective, emphasising the special components of the RTE according to the special needs of the groups.

2.4.1 The Convention against Discrimination in Education (CADE)²⁵

The CADE in its articles addresses some specific issues important for effective realization of the RTE in respect of special groups of people. CADE in Article 5 clause (c) contains specific provisions relating to rights of members of national minorities.²⁶ In respect of people who were deprived of primary education CADE talks about providing 'basic education', a concept comparable to 'fundamental education' mentioned in the ICESCR art.13(d).

The main distinguishing attribute of the CADE is the definition of discrimination in educational aspects: the CADE says that in case of education discrimination has a very wide connotation including the internationally recognised prohibited grounds, and has special focus on the following particular aspects:

(a) depriving any person or group of persons of access to education of any type or

²⁴ For a brief list of the instruments, please visit: <http://www.unescobkk.org/education/right-to-education/rights-based-approach-to-education/right-to-education-in-international-instruments/>

²⁵ Adopted 14 December 1960, entered into force 22 May 1962

²⁶ It is essential to recognize the right of members of national minorities to carry on their own educational activities, including the maintenance of schools and, depending on the educational policy of each State, the use or the teaching of their own language, provided however: That this right is not exercised in a manner which prevents the members of these minorities from understanding the culture and language of the community as a whole and from participating in its activities, or which prejudices national sovereignty; (ii) That the standard of education is not lower than the general standard laid down or approved by the competent authorities; and (iii) That attendance at such schools is optional.

at any level;

- (b) limiting any person or group of persons to education of an inferior standard;
- (c) establishing or maintaining separate educational systems or institutions for persons or groups of persons (except in cases mentioned in art 2 of the Convention); or
- (d) inflicting on any person or group of persons conditions which are incompatible with the dignity of man.²⁷

2.4.2 The Dakar Framework for Action²⁸

Education for All is a global movement led by UNESCO (United Nation Educational, Scientific and Cultural Organization), aiming to meet the learning needs of all children, youth and adults by 2015. It was first launched in Jomtien, Thailand, in 1990 to bring the benefits of education to “every citizen in every society.”²⁹ After a decade of slow progress, the international community reaffirmed its commitment to EFA in Dakar, Senegal, in April and September of 2000 where 189 countries and their partners adopted the two EFA goals that are also Millennium Development Goals (MDGs). There the Dakar Framework for Action re-affirmed the commitment and identified six key measurable education goals which aim to meet the learning needs of all children, youth and adults by 2015 the target year.³⁰

The EFA is important because it is intricately linked to the realization of the MDGs and are complimentary to one another.³¹ The EFA and the MDGs reciprocally facilitate the realization of each other. Achieving the other MDGs, such as improved health, access to clean drinking water, decreased poverty, and environmental sustainability are critical to achieving the education MDGs.³²

²⁷ Convention against Discrimination in Education 1960 (adopted 14 December 1960, entered into force 22 May 1962) (CADE) art. 1(1)

²⁸ Text adopted by the World Education Forum Dakar, Senegal, 26-28 April 2000

²⁹ World Bank, ‘Education for All (EFA)’

<http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTEDUCATION/0,,contentMDK:20374062~menuPK:540090~pagePK:148956~piPK:216618~theSitePK:282386,00.html> accessed 4 June 2014

³⁰ The six goals are- Goal 1: expand early childhood care and education, Goal 2: Provide free and compulsory primary education for all, Goal 3: Promote learning and life skills for young people and adults, Goal 4: Increase adult literacy by 50 percent, Goal 5: Achieve gender parity by 2005, gender equality by 2015, Goal 6: Improve the quality of education

³¹ UN, ‘Education For All’ (Resources for Speakers on Global Issues)

<http://www.un.org/en/globalissues/briefingpapers/efa/> accessed 4 June 2014

³² *World Bank* (n 27)

In order to evaluate each country's progress with regards to the EFA's goals set in the Dakar Framework for Action, UNESCO has developed the Education for All Development Index (EDI). It also has the Education for All Global Monitoring Report is the prime instrument to assess global progress towards achieving the six goals. The Report is funded jointly by UNESCO and multilateral and bilateral agencies, and benefits from the expertise of an international Advisory Board.³³ The latest Global Monitoring Report (2013-2014) was published in May 2014 by the UNESCO. This report shows a change of focus from access to education towards the efficacy of education i.e. to what students actually learn and teachers do in school and is titled "Teaching and Learning: Achieving Quality for All".³⁴ This report not only highlights the need to address the problem of teacher shortage around the world, but also provides strategies to supply best teachers to ensure good quality education.³⁵

2.4.3 Convention on the Rights of the Child³⁶

Art. 28 and 29 of the CRC reflect on RTE focusing on the children. Art. 28 provides, *inter alia*, that State parties shall ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the Convention. Art. 29 emphasises on an education suitable to the child's individual orientation, values and cultural identity, and says that children must develop respect for the natural environment.³⁷

³³ UNESCO, 'Education For All Global Monitoring Report'

<<http://www.unesco.org/new/en/education/themes/leading-the-international-agenda/efareport/the-report-and-efa/>>
accessed 4 June 2014

³⁴ *ibid*

³⁵ Niaz Asadullah, 'Quality education for all' *The Daily Star* (Dhaka 11 February 2014)
<<http://www.thedailystar.net/quality-education-for-all/94e0f06fdc8dfe25346c8e5a103a34ff>>

³⁶ (adopted 20 November 1989, entered into force 2 September 1990)1577 UNTS 3 (CRC)

³⁷ article 29 of the CRC enunciates that State Parties agree that the education of the child shall be directed to:(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential; (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations; (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own; (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin; (e) The development of respect for the natural environment. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

2.4.4. Convention on Elimination of All kinds of Discrimination Against Women³⁸

The CEDAW 1989 in art. 10 indicates the points where potential discrimination between men and women may ensue, and stipulates the State parties to take effective measures against it. These areas include equality of access to educational institutions, same curricula and facilities, elimination of stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation, same opportunities for scholarships, equal opportunities for physical education, and special emphasis on family planning and family well-being.

2.4.5 The International Convention on the Elimination of All Forms of Racial Discrimination (CERD)³⁹

CERD in art. 2 states that the States Parties shall take special and concrete measures in the social, economic, cultural and other fields for the adequate development and protection of certain racial groups or individuals to guarantee the full and equal enjoyment of human rights and fundamental freedoms. It also provides ensuring without discrimination the enjoyment of certain rights amongst which education is one.⁴⁰

2.5 Right to Education in the Domestic Legal System

Right to education has not been enlisted as a fundamental right in the constitution of Bangladesh. It appears in Part II of the Constitution as a Fundamental Principle of State Policy (FPSP), meaning the state will formulate its laws and policies based upon these principles. As a FPSP, RTE is not a justiciable right under the constitutional regime of Bangladesh.

Art. 15 of the Constitution requires the State to secure to its citizens the provision of basic necessities of life, including food, clothing, shelter, education and medical care,⁴¹ whereas Art.17 of the Constitution pledges that the State shall adopt effective measures for the following purposes:

- a) establishing a uniform, mass oriented and universal system of education and extending free and compulsory education to all children to such stage as may be determined by law;
- (b) relating education to the needs of society and producing properly trained and motivated citizens to serve those needs;

³⁸ (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13 (CEDAW)

³⁹ (adopted 7 March 1966, entered into force 4 January 1969) 660 UNTS 195 (CERD)

⁴⁰ art.5 (e)(v)

⁴¹ The Constitution of the People's Republic of Bangladesh (adopted 4 November 1972, entered into force 16 December 1972) art.15

(c) removing illiteracy within such time as may be determined by law.

In pursuance to this guarantee the State has enacted a number of legislations and policy frameworks along with Plan of Actions for realizing the RTE for the people of Bangladesh.

Right after the independence of Bangladesh, the government formed an education commission headed by the famous scientist Dr. *Kudrate-e-Khuda*, which was followed by five commissions⁴² till 2010.

2.5.1 The Compulsory Primary Education Act 1990⁴³

The most remarkable legislation on point is the Compulsory Primary Education Act 1990 (implemented from 1993), which makes primary education free and compulsory for all children in Bangladesh. The 1990s saw a rekindled dedication to the expansion of primary education, and as a consequence the Bangladeshi primary education system experienced significant enhancement during this period.⁴⁴

The Compulsory Primary Education Act 1993 made the five-year primary education program free in all government schools and declared education for girls in rural areas free through grade eight. It also demand-side interventions such as the Female Stipend program, the Food for Education (FFE) program; and most recently the Primary Education Development Program (PEDP II), a six-year program beginning in the year 2000 which aims to increase access, quality and efficiency across the board in the primary education sector.⁴⁵

2.5.2 The 1979 Interim Education Policy

This policy document emphasized increased literacy so that people could take part in the development of the country. The document established the current educational framework with secondary education consisting of three sub-stages; namely, junior secondary (3 years), secondary (2 years), and higher secondary (2 years). In addition, the document stipulated the following: “(a) terminal examination will be conducted by the District Education Authorities for all stages of secondary education; (b) vocational, technical, agricultural and medical education will be included

⁴² Mofiz Uddin Education Commission 1988, Shamsul Haque Education Commission 1997, Dr. M.A. Bari Commission 2002, Mohammad Moniruzzaman Mia Commission 2003 and the National Education Committee 2010.

⁴³ Act No. 27 of 1990

⁴⁴ BANBEIS and MWCA, ‘Report on Primary Education in Bangladesh: Challenges and Successes’ (To be delivered at the third Summit on South Asian Development hosted by: South Asian Society for Regional Cooperation (SAARC) 4 <<http://ih.stanford.edu/rosenfield/resources/Primary%20Education%20in%20Bangladesh.pdf> > accessed 3 June 2014

⁴⁵ *ibid*, 4

and integrated into secondary and higher secondary education; (c) there will be provision of skills development in any technical subject at junior secondary and secondary levels.” In regard to madrasa education, the ‘Interim Education Policy’ stipulated that it should be reorganized to ensure its equivalency to general education in such a way that the ‘*dakhil*’ level would correspond to secondary and ‘*alim*’ to higher secondary education.⁴⁶

2.5.3 The Madrasa Education Ordinance was also issued in 1978⁴⁷

This Act established the Bangladesh Madrasah Education Board for the organisation, regulation, supervision, control, development and improvement of Madrasah education in Bangladesh in accordance with the provisions of this Ordinance.⁴⁸

2.5.4 Financial Management Reform Program (FMRP)

To ensure appropriate financial controls, MoE is implementing a *Financial Management Reform Program* (FMRP). This is intended to increase accountability and transparency in the use of resources.⁴⁹

2.5.5 Moniruzzaman Mia Commission 2003:

The commission submitted its report in 2004 and advocated a single-track secondary education system, wider access to education in rural areas, narrowing down teacher-student ratio, upgrading teacher qualifications, reforming the curriculum and teaching methods, and improving the assessment and examination systems at secondary level.⁵⁰ However, attempts at Unitrack education were subsequently stopped by wide movement by the civil society.

⁴⁶ M. Mustafizur Rahman M. Izham M. Hamzah ,T. Subahan M. Meerah and Mizan Rahman, ‘Secondary Education in Bangladesh: History and Contextual Perspectives’ (2002) 7 <[http://www.bdiusa.org/Journal%20of%20Bangladesh%20Studies/Volume%2011.2%20\(2009\)/Secondary%20Education%20in%20Bangladesh%20-%20History%20and%20Contextual%20Perspectives.pdf](http://www.bdiusa.org/Journal%20of%20Bangladesh%20Studies/Volume%2011.2%20(2009)/Secondary%20Education%20in%20Bangladesh%20-%20History%20and%20Contextual%20Perspectives.pdf). > accessed 7 June 2014

⁴⁷ Act No. IX of 1978

⁴⁸ sec.3(1)

⁴⁹ GOB, ‘Policies and Guidelines of Ministry of Education’ <www.moedu.gov.bd/old/edu_system_edu_policy.htm> accessed 4 June 2014

⁵⁰ M. Mustafizur (n 46) 8

2.5.6 The National Education Policy 2010⁵¹

The NEP 2010 is a follow up and improved version of the Education Policy 2000.⁵² This policy has brought some fundamental changes in restructuring the whole educational system: the first is attending a one-year pre- primary school compulsory for the children of 5+ years and prohibited the admission test in class 1.⁵³ The second major reform appears to be extending Primary education to Class 8 instead of class 5 by 2018.⁵⁴ This is done in view of making it easier to continue the education of children from the poor households.⁵⁵ This Policy also puts a bar on any individual or any NGO willing to run primary education institutions by making permission of the respective authority necessary.⁵⁶ The NEP makes it a vital point that all the Streams must study some common compulsory subjects.⁵⁷ It also brings important changes in respect of examination system and public examination.

2.5.6.1 The NEP in addressing the Diverse Streams:

In regards with re-integrating the diverse streams, the NEP attempts to make a very big change by amalgamating the course curricula. Before the NEP 2010, the madrasa students had their own separate curricula and the secular topics received very poor, if at all, importance. The books on these subjects contained very information in comparison to the books prescribed by the Board, and the question papers for the public examinations also varied to a great, creating different standards for the same level students. Under the NEP, all the streams will be answering the same questions.

2.6 Proposed Legal Framework under the Draft Education Act, 2013

Despite of certain limitation, The National Education Policy 2010 has vividly manifested the concept of equality and non-discrimination for all streams of education and proposed unification of the curriculum to set common standards for the pupil. Existence of particular framework definitely set standards for the Government to ensure particular right. However, since policies

⁵¹ GOB, 'The National Education Policy' (Ministry of Education 2010)

⁵² মুহম্মদ জাফর ইকবাল, শিক্ষা নীতির সহজ পাঠ (Muhammad Jafor Iqbal, 'An Easy Guide to the National Education Policy') *Daily Prothom Alo* (Dhaka 4 November 2010) <<http://www.somewhereinblog.net/blog/rshahriar/29037893>> accessed 4 June 2014

⁵³ GOB, (n 51) 4

⁵⁴ *ibid*, 6

⁵⁵ Muhammad Jafor Iqbal (n 52)

⁵⁶ GOB, (n 51) 4

⁵⁶ *ibid*, 6

⁵⁷ *ibid*, 6-7

often lack the force to be implemented in certain level. The Concern entity sometimes discarded or not, ignore certain aspects of that on the contention of being too ambitious. Therefore, a definite legislative framework is necessary for realization of rights of the people. Therefore, since the declaration of education policy in 2010, the people of the country were expecting that a fresh legislation will also be in place according to the new education policy, which would basically aim to implement the policy promises and will provide a system of rules to be passed by the government that would be obeyed by all. In order to ensure that, in 2011, a twenty member education law drafting committee was formed by the government. Later in 2012 a nine member working committee was also declared to prepare the draft of the law.⁵⁸ Finally, the draft Education Act 2013 has been shared on the education ministry website in order to get feedback from the people on the draft. It has been suggested in the draft law that compulsory primary education will be up to Class VIII from Class I and Bangla, English, mathematics, religious instruction, moral education, Bangladesh studies, information technology, science, and introduction to environment will be made compulsory in general schools, madrasas and kindergartens.⁵⁹ Amongst the many dimension of the Draft education Act, the effort to unify the different streams of education into one course can be considered as the core provision. However, the framework set for the unification apparently same as the policy suggested. Therefore, the draft Act also projected the unification through adding up analogous subjects for all streams instead of developing a common standard for the students of all educational streams.

⁵⁸ Khandaker Lutful Khaled, 'How far the Draft Education Law 2013 is inclined to protect citizen's right to education' (Action aid, Dhaka 2013) 1 <<http://www.actionaid.org/bangladesh/publications/how-far-draft-education-law-2013-inclined-protect-citizens-right-education>>

⁵⁹ Oli Md. Abdullah Chowdhury, 'Right to education: Still not ensured' *The Daily Star* (Dhaka 3 September 2013) <<http://archive.thedailystar.net/beta2/news/right-to-education-still-not-ensured/>> accessed 5 June 2014

Chapter 3

Existing Education System in Bangladesh

3.1 Genesis and Development of Education System

This chapter continues the discourse on the educational structure in Bangladesh basically from a historical perspective. It discusses the gradual development of the existing system and the recent changes affected by government initiatives.

The Current education system in Bangladesh is the result of the British colonial system. The education system in Bangladesh can be characterised by its diversity and continuous evolution in ensuring its consonance with universally recognised standards. Whilst one shall find at least three distinct streams of education, all of these possess the uniform skeleton of being subdivided into three hierarchical tiers: Primary, Secondary and Tertiary. On the other hand, whilst all the media have the overall uniform skeleton, yet the design is diverse enough to

This is what might be called as the basic structure of the education system, for whatever be the stream or orientation of the discipline, this is the structure followed by every institution.

The existing educational structure can be analysed on the basis of the historical antecedents of education in Indian subcontinent. Despite housing the earliest universities like Nalanda and Taxila, the education system in subcontinent had drastically changed itself in a conservative manner in the later periods, to be restructured after a long time by the British rulers. This bend in history explains the mindset of the people as well as the nature of orientation that the education system currently provides. The gradual historical development of education shows that imparting knowledge had its own distinct meaning which changed throughout the ages with changes in the social structure, and religion always had a special influence on religion,⁶⁰ in accordance with the religious and political orientation of the ruling authorities. Whereas in the beginning, subcontinent had an educational system that was accessible to all, the later periods saw the rise of class based society- aristocracy that confine education for a chosen few.

⁶⁰ Fritz Blackwell, *India: A Global Studies Handbook* (ABC-CLIO, Inc. 2004)

3.1.1 The Ancient Period

The education in Bengal in the ancient times was a means to attain moksha (enlightenment).⁶¹ This ancient system of education, known as the 'gurukul' system of education, was a hallowed one in Hinduism, Jainism, Buddhism and Sikhism, was closely related to religion.⁶² Education was formally institutionalised during the Buddhist period, especially during the Gupta period.⁶³ These were followed by medieval age *maktabs*, mosques, *khankas* later followed by the modern schooling system initiated by the missionaries.⁶⁴

3.1.2 The Medieval Age

The medieval age also saw the introduction of the madrasa curriculum that exists till date. The traditional *madradas* and *maktabs* (Islamic educational institutions) taught grammar, philosophy, mathematics, and law influenced by the Greek traditions inherited by Persia and the Middle East.⁶⁵

3.1.3 The British Period

During the British colonization, the East India Company, amongst its many agendas, had education as a means of promoting Christianity in India. The Charter of 1698 directed the Company to maintain schools wherever necessary in their Garrisons and factories.⁶⁶ Throughout the 18th century, the Company encouraged establishment of charity schools in India.⁶⁷ However, the formal initiatives of the British started with their necessity for Administrative utility to have anglicised natives to make a bridge between the English and the Indians. In order to train native assistants to the Judges for explaining the principles of the Muslim and Hindu laws, Warren

⁶¹ Joseph Prabhu, 'Educational Institutions and Philosophies, Traditional and Modern', *Encyclopedia of India* vol. 2 (Stanley Wolpert ed, 2006) 23-28

⁶² Jameela T, 'Instructional Aids and Techniques in India: From pictographs to e-learning', *Commonwealth Association For Education, Administration And Management*, Vol.1 Issue 3, <http://www.google.com.bd/url?sa=t&rct=j&q=&esrc=s&source=web&cd=6&cad=rja&uact=8&ved=0CFAQFjAF&url=http%3A%2F%2Fwww.ocwjournalonline.com%2FAdminpanel%2Fproduct_images%2Fca5936b7835b35b4a32c94b05faef2bf.docx&ei=vm2BU9aDFYPtRQfH1YH4AQ&usg=AFQjCNHQuqAfTy13kO0Yp00VSwq2b7oUw> accessed 27 May 2014

⁶³ *ibid*

⁶⁴ *ibid*

⁶⁵ Deepak Kumar, 'India', *The Cambridge History of Science (4)–Eighteenth-Century Science* (Roy Porter ed. 2003) 669-687

⁶⁶ Syed Nurullah, JP Naik, *History of Education in India during the British Period*, (Macmillan 1949) p.45

⁶⁷ *Ibid*, 46

Hastings and Jonathan Duncan established the first *Madrassa* in Calcutta and the first Sanskrit College in *Benaras* in 1781 and 1791 respectively.⁶⁸

The British involvement in educational reforms was divided into two schools: the Orientalists who favoured Indian languages like Sanskrit and Persian as medium of education and the Utilitarian who maintained that Indian education was ineffective so best education could only be in English.⁶⁹ As a leading Utilitarian, Thomas Babington Macaulay succeeded ideas previously forwarded by Governor-General Lord William Bentinck to have English instead of Persian as official language. The British initiatives were viewed as having a unifying effect amongst the culturally diverse Indians.⁷⁰

Consequently in 1837, English was made the language of administration, and thus the East India Company officially entered the education field of this sub-continent. As a result of the new policy there was a rapid growth of English schools and colleges and English as the medium of instruction began to dominate the entire educational field. The indigenous educational institutions had to go through hard times due to financial crisis and the English language attaining dominant status. Most importantly, English became a compulsory subject in the high schools, for matriculation, and a requirement for college and university admissions.⁷¹

Under the reforms of 1919-1921 elementary education was made free within municipalities and rural unions and in Bangladesh the first steps towards universal primary education were taken through the Bengal primary education act 1930. A provincial department of education was established in 1930, and thus began the process of centralization and bureaucratization of education.⁷²

3.1.4 The Pakistan period:

The Pakistan period recognised the necessity of effective education as opposed to cramming the books. The Pakistani government planned for a uniform education system from the primary till

⁶⁸ Ibid, 46

⁶⁹ Wikipedia, 'History of Education in Indian Subcontinent', <en.wikipedia.org/wiki/History_of_education_in_the_Indian_subcontinent> accessed 25 May 2014

⁷⁰ Robert Eric Frykenberg, 'Modern Education in South India, 1784-1854: Its Roots and Its Role as a Vehicle of Integration under Company Raj', *American Historical Review*, (Feb 1986), pp 37-67

⁷¹ *M. Mustafizur Rahman* (n 46)

⁷² *ibid*

the secondary level education in 1957. However, the Sharif Commission on Secondary education in 1958 articulated a modern scientific education that proposed three different streams of secondary education, thus bringing in the subject based concentrations in our educational system for the first time. This period also saw the bureaucratisation of the education system.

3.2 The legacy of the Current Educational Structure and Streams of Education in Bangladesh:

Since independence, the State was focused on realizing the RTE for its people. A large part of Government's renewed commitment was a direct result of the 1990 World Conference on Education for All (WCEFA), which encouraged all participating nations to expand their vision to meet goals in the education sector, especially the goal of making primary education universal. Following this conference, donors in Bangladesh invested in the education sector much more heavily and NGOs increased their involvement in assisting the Bangladeshi government in meeting its primary education goals. Bangladesh's present system of education is more or less a legacy from the British (Ali, 1986). It is characterised by co-existence of three separate streams running parallel to each other.⁷³ These streams have been categorised on the basis of institutional arrangements: these are popularly known as the General/Board Education, the Madrassa Education and the English medium Education. These may be called the Institutional streams.

The Institutional Streams

The General Education is the mainstream (secular) education: it follows the curriculum designed by the National Curriculum and Textbook Board (NCTB), and thus is also known as the Board Education. This stream can be further subdivided on the basis of medium of instruction: Bangla version and English version (commonly known as the 'English Version' of the Board curriculum). The Madrassa education is a religious-education based system run separately by the Madrasa Board, whilst the English medium education is a system modeled after the British education system.⁷⁴

This streamlining was obviated by various government initiatives from time to time, as well as civil society initiative. The Language act 1987 made Bengali the medium of instruction in the

⁷³ *M. Mustafizur Rahman* (n 46)

⁷⁴ *ibid*

educational institutions by emphasizing Bengali in ‘all spheres of life’.⁷⁵ Both Urdu and English were removed from the public use. *Madrassa* education was institutionalized by an ordinance in 1978, and during the martial law regime there was a trend of Islamizing the entire system. During General Ershad’s rule and afterwards there has been unplanned mushrooming of *Madrassa*/religious schools in Bangladesh. Religious education was used as a tool for attracting votes of religious people and to beat the secular opposition in electoral politics. The Ershad regime made Islamic studies compulsory up to the secondary level amid strong opposition from secular and left leaning parties.⁷⁶ The regime patronized *Madrassa* education from primary to higher secondary level with government recognition.⁷⁷

In case of English medium schools, the initial journey was bumpy. After independence, all English medium schools were abolished.⁷⁸ This led to a serious decline in the standard of English in Bangladesh.⁷⁹ This created a substantial vacuum for the elite section of the society and the *nouveau riche* who did not want to send their children to government run Bangla medium schools.⁸⁰ This led to rapid establishment of English medium schools in the private sector creating the parallel running English medium educational system. The Bangla medium and the English medium- these two systems have created what can be called a ‘linguistic divide’ between those who have an ownership over English and those who don’t.⁸¹ This proliferation ultimately led to the establishment of tertiary level institutions in the private sector in 1990s: the Private universities which till date appear to be the first choice of the English medium students who for various reasons⁸² do not opt for Public Universities.

⁷⁵ Rahela Banu, R and Roland Sussex, *English in Bangladesh after Independence: Dynamics of policy and practice* (Oxford University Press, Victoria 2001)128
<https://espace.library.uq.edu.au/eserv/UQ:68356/Sussex_2001_English.pdf> accessed 19 May 2014

⁷⁶ Styrbjörn Gustavsson, *Primary Education in Bangladesh: Review, Analysis and Recommendations*, (Education Division Document, SIDA 1991)

⁷⁷ *M. Mustafizur Rahman* (n 46)

⁷⁸ Banu and Sussex (n 75) 132

⁷⁹ *ibid*, 132

⁸⁰ *ibid*, 130

⁸¹ *ibid*, 131

⁸² See chapter 4

The other Streams in Education:

Apart from the above mentioned (institutional) streams, on a broader speculation, numerous other streams are also found to exist in Bangladesh. These streams have been classified on the basis of varied considerations: level of hierarchy, medium of instruction, subject concentration and focus areas.

The Hierarchical Streams

All three institutional streams are categorised into three levels of study: Primary, Secondary and Tertiary. The Primary level education (from class 1-5) is provided by two major institutional arrangements: general and *madrassa*.⁸³ The completion of the Primary education is marked by passing the PSC (Primary School Certificate) Examination which is a mandatory public examination for every student to enter into secondary level.

The Government of Bangladesh in its Education Policy 2010 has divided the secondary education into three streams: general, vocational/technical and *madrassa*.⁸⁴ The vocational education was introduced into the educational system as per the 1974 report of the first Education Commission appointed under Dr. Kudrate-e-Khuda. The 1979 Interim Education Policy established the current framework of secondary level of three sub-stages: junior secondary, secondary and higher secondary.⁸⁵ Each level is completed by passing a public examination: JSC (Junior School Certificate) after class 8, SSC (Secondary School Certificate) after class 10 and HSC (Higher Secondary School Certificate) after Class 12. Post primary level *madrassas* are known as *Dakhil* *madrassa* (grades 6-10), *Alim* *madrassa* (grades 11-12).

The English Medium Education involves the British Curriculum under the GCE (General Certificate of Education) system, where the students sit for the O Levels (Ordinary) and A Levels (Advanced) examinations in lieu of SSC and HSC respectively. The GCE is one of the most internationally recognised qualifications.⁸⁶ English Medium schools are mainly private schools

⁸³ *M. Mustafizur Rahman* (n 46)

⁸⁴ *GOB* (n 51) 13,

⁸⁵ Muazzam Hussain Khan, 'Education Commission', (Banglapedia) <http://www.banglapedia.org/HT/E_0025.htm> accessed 27 May 2014

⁸⁶ British Council, 'O Level exams', <<http://www.britishcouncil.org/bangladesh-exams-gce-o-level.htm>> accessed 27 May 2014

where all the courses are taught in English except one Bengali Language subject at ordinary level. The General Certificate of Education system is one of the most internationally recognized qualifications, based from the United Kingdom. Students studying in the registered schools in Bangladesh following the GCE syllabus sit for these exams. Those who do not attend a school that follows the GCE syllabus may also sit for their Ordinary and Advanced Level examinations from British Council. These examinations are conducted under the supervision of British Council in Bangladesh. The GCE examination conducted by the British Council takes place twice a year. Currently there are two boards operating from Bangladesh for Ordinary and Advanced Level Examinations, which are Edexcel and University of Cambridge International Examinations.⁸⁷

The Subject based Streams

Starting from the secondary level, the General and *Madrassa* education each follow three disciplinary streams on the basis of subject concentration: Science, Humanities and Business Studies. This course based streams were first introduced in the Pakistan Period in 1959 by breaking the traditional one stream secondary education.⁸⁸ In the various five-year plans and other national economic policy documents developed during the Pakistan period, the need of modern science education was articulated but the impact of such policies was not felt in East Pakistan. Therefore, discarding the traditional single stream secondary education in 1959, separate streams were introduced after Class-8 namely Arts, Science and Commerce.⁸⁹

Before starting the 9th grade, students have to decide which discipline they are to pursue. This is a vital choice since their avenues and options for higher studies predominantly depend on the choices they make in 9th Grade: Students from the Business and Humanities background do not qualify to pursue undergraduate studies in Science, save for a few exceptions when the students from one discipline are allowed to migrate to other streams. These three streams have common courses⁹⁰ with specific focus on some core subjects⁹¹ that define the concentration. In order to

⁸⁷ *ibid*

⁸⁸ *M. Mustafizur Rahman* (n 46)

⁸⁹ *ibid*, 62

⁹⁰ According to the National Policy 2010, the common courses include Bengali, English, Bangladesh Studies, Information Technology and General Mathematics. See, *GOB* (n 51) 13

ensure that students of one discipline have an general concept of the other streams, each of the stream have a subject (General Science for Humanities and Business Studies and General Social Science for the Science students) that gives an overall idea of the core topics.

In case of religious education i.e. madrasa education, Bangladesh has mainly two kinds of madrassas - Alia and *Qawmi*. In Alia madrasa, students read Bangla, English, Mathematics and other basic subjects along with religious subjects. The Alia madrasas deserve recognition of imparting education up to degree level, meaning that after passing *Alim* (HSC), *Fazil* (Degree) students can enter general education system. At present, the Directorate of Secondary and Higher Education monitors Alia madrasa.⁹²

The Madrasa education has its own curriculum focusing on Islamic disciplines such as Holy Quran, Hadith, *Tafsir*, *Fiqh*, *Usul* and Arabic language and literature.⁹³

Similar to the secondary education, higher education has three streams: general (covering theoretical and applied sciences, social sciences, humanities and business studies), religious studies and technology studies. The technology education includes agriculture, engineering, medical, textile, leather technology and ICT.⁹⁴

Alternative Educational Streams

Besides the above mentioned streams, a number of alternative streams of education are prevalent in the country. These streams do not come within the main educational framework, because they exist as supplementary avenues for accentuating the access to education for those people who do not enjoy their right to education due to poverty, lack of communication, age gap and on

⁹¹ The core subjects for the Science stream is Physics, Chemistry, Biology, Higher Maths; for Humanities Economics, History, Geography, Civics and Home Economics, for Business Studies Business Administration, Management, and Accounting

⁹² Mushfique Wadud, 'Directorate soon for madrasas', *Dhaka Tribune* (Dhaka 19 April 2014) <<http://www.dhakatribune.com/education/2014/apr/19/directorate-soon-madrasas#sthash.Vc5JnITs.dpuf> > accessed 28 May 2014

⁹³ Bangladesh Bureau Of Educational Information And Statistics (BANBEIS),*Education System in Bangladesh, Publication n. 58*, (January 1987) 9

⁹⁴ *M. Mustafizur Rahman* (n 46)

occasions, due to a conscious choice not to avail of the national curriculum.⁹⁵ These alternative streams cover distance learning, non-formal education, adult education, and program run by the Open University.

Distance Learning Streams:

Bangladesh Open University (BOU) is the only public university in Bangladesh to use distance education as a method of delivery. BOU is mandated to "promote through multimedia; instruction of every standard and knowledge."⁹⁶ The challenge of meeting the educational needs of mass people faced by Bangladesh was met by the School Broadcasting Pilot Project launched in 1978. The project was transformed into National Institute of Educational Media and Technology (NIEMT) in 1983, later replaced by the Bangladesh Institute of Distance Education (BIDE) in 1985. The success of BIDE encouraged policymakers to take up a major plan for establishing an Open University.⁹⁷

Bangladesh Open University (BOU) offers both Formal and Non-formal programs through six different schools. Formal programmes are academic programmes that result in the awarding of an academic qualification up to a Master's degree upon completion and examination.

As low rate of literacy remains an issue in Bangladesh, non-formal programmes are conducted by the BOU to create awareness and impart knowledge about health, environment, disaster management, basic science, agriculture, food, nutrition and other branches of knowledge for human development.⁹⁸ The recent use of modern media technology opened wide the doors of life-long education. The number is more than the total number of students of all other universities of Bangladesh.⁹⁹ The extent of the demands and need for expanding distance education in

⁹⁵ The madrasa board is part of the national Education board, and the certificates awarded by the madrasa board are equivalent to the SSC and HSC certificates awarded by the district education boards. The madrasa students also sit for the PSD and JSC examinations.

⁹⁶ sec.5, Bangladesh Open University Act, 1982

⁹⁷ Bangladesh Open University, <<http://www.bou.edu.bd/>> accessed 29 May 2014

⁹⁸ Wikipedia, *Bangladesh Open University*, <en.wikipedia.org/wiki/Bangladesh_Open_University> accessed 29 May 2014

⁹⁹ Aminul Islam, 'Distance learning', (Banglapedia) <http://www.banglapedia.org/HT/D_0303.htm> accessed 1 June 2014

Bangladesh, beside BOU all traditional universities must provide ODL (Open Distance Learning) as dual-mode or multi-mode institutions.¹⁰⁰

Furqenia, Hafizia & Quaumi Madrasah

Besides the public system of Madrasah education a good number of private institutions' offer traditional Islamic teaching to Muslim boys and girls. These are known as Furqania Madrasah, Hafizi& Madrasah and Quami or Nizamia Madrasah. Furqania Madrasah offer basic education (maximum 4 years) on Islam including Arabic language, Quran recitation, elementary Bengali language and simple arithmetic. Hafizia madrasah is exclusively meant for 'Hifz' or the memorising of the entire Quran. Children of the earliest possible age group join these institutions and complete their programme within the required period. Mostly these institutions are residential and attached to a Masjid.

Qawmi is another major madrasa in Bangladesh. The *Qawmi* madrasahs are not regulated by the Bangladesh Madrasah Education Board. In *Qawmi* madrasa, students mainly read religious and Arabic subjects. At present, some *Qawmi* madrasahs have general subjects till class eight. The government formed an education commission for *Qawmi* madrasahs to monitor the education system there and the commission report was approved in April, 2012.¹⁰¹

As private charitable organizations, *Qawmi* madrasahs are supported almost exclusively by donation. *Qawmi* Madrasahs arrange their academic programme according to grades of one year each beginning from Grade I to Grade XIV named in Arabic. It follows the *Deoband* syllabus where knowledge of modern science is not imparted and emphasis is on Arabic, Persian and Urdu languages.¹⁰² The final grades are called *Daurah*. Traditionally students who obtain a '*Kamil*' degree by passing the '*Daurah*' stage, use the title '*Moulana*' with their names.¹⁰³

According to the education policy 2010, the primary education will have an integration of the streams existing in the field: all the streams will study some specific subjects which will have a common syllabus. This can be supported from the viewpoint of integrating the fragmented portions of the society: these

¹⁰⁰ *ibid*

¹⁰¹ *Wadud* (n 92)

¹⁰² Supriya Singh, 'Recognizing Qaumi Madrasahs in Bangladesh: Boon or a Bane?' Institute of Peace and Conflict Studies, < <http://www.ipcs.org/article/bangladesh/recognizing-qaumi-madrasahs-in-bangladesh-boon-or-a-bane-2114.html> > accessed 1 June 2014

¹⁰³ *BANBEIS* (n 93)10

students with different orientations grow up in the society with very different perspectives and perceptions and ultimately in cost of the cases cannot intermingle with one another.

At a glance, these are the various streams running in the educational sector of Bangladesh. These multiple streams have both positive and negative aspects, and have created multiple standards in the educational system often leading to confusions and obscurity in ensuring proper evaluation of the stakeholders. The impacts are not simple, and often need to be scrutinized by crossing multiple layers that conceal the ultimate results.

Chapter 4

Realization of RTE: Bangladesh Perspective

“Children must be taught how to think, not what to think.”

Margaret Mead

Every State that realizes the necessity of right to education has their own approach to ensure its implementation for its people. In Bangladesh the necessity of education has been widely appreciated by almost all the governments. To ensure that, a number of strategies have been adopted which increases people’s access to education. To that end increasing and patronizing institutional diversity can be considered as one of the core strategies.

On the face of it, the diverse streams in education cannot be called a negative factor in Bangladesh. Strength in diversity is well known, and indeed often diversity is a much sought after notion for creating the forte into a body. The diversity in Bangladeshi education could have been the source of a great strength that would take the nation forward towards realization of human development, yet unfortunately, this diversity has turned into one of the weakest links in our entire system, and that also for mainly one reason: lack of synchronization and coordination. In fact, the idiosyncrasy of the diversity in our system has fragmented the nation: creating popular mindset against particular students, particular fields, developed a superficial definition and hierarchy of valuable education, and last but not the least, created a superficial educated society, making the realization of RTE a far-situated goal.

This chapter shall analyse the innate consequences of the diverse streams, the resultant fragmentation and their ultimate consequence and finally how this whole thing results into human rights deprivation with only partial attainment of RTE.

4.1 Diversity: Quantity Prioritized over Quality

When questioning the credibility of the diverse streams running in the education system, what appears to be the main problem is not the diversity itself, rather the diversity of standards attached therewith. Resolving the innate problems would primarily require focusing upon one issue in

particular: how the multiple standards can be harmonized in order to be moulded into a unified single course, common for all, yet distinct according to every necessity.

That the diverse streams of education have innate flaws is a fact already addressed by the State. The National Education Policy 2010 (NEP) specifically mentions unifying the diverse streams as a significant strategy, albeit partially and in a very narrow sense. The Policy in fact recognizes the diversification, with only a minimalistic approach to unifying the institutional streams for the Primary education.¹⁰⁴

The diverse streams of education are an embodiment of Bangladesh's policy of ensuring public education according to the EFA standards. Pursuing this policy has seen a noticeable increase in educational opportunities in quantity. Each of the streams have their own infrastructure, each have their distinct patronisers, each receive distinct assistance and funding. This indicates increase in the choice of education, thus facilitating accessibility and to some extent acceptability of education according to parents' and person's own choice.

However, there are also wide avenues to question the integrity and quality of the education imparted by these institutions. While amplifying the quantity of educational facilities, Bangladesh has allowed unrestrained expansion of three institutional streams. As such, English medium schools and *madrassas* have become invariably the alternatives to State provided primary and secondary public schools¹⁰⁵, but the other dimensions of RTE especially providing meaningful education have received less attention.

4.2 Effects of Diverse Streams

The effects of the variety of streams have an intricate connection with the cause of such diversity. *Why* the students of separate streams are different is part of the quest *How* the students are different. Both the queries lead to one root cause: the curriculum. Each stream in Bangladesh follows its own curriculum which substantially differs from the rest. This curriculum in the long run affects the environment (educational and institutional), the institutional structure, the teaching and

¹⁰⁴ Ministry of Education, Government of People's Republic of Bangladesh, *National Education Policy 2010*, p.6

¹⁰⁵ Muhammed Shahriar Haque & Tahmina Akter, 'Cultural Imperialism in English Medium Schools: A Critical Insight', Stamford journal of English(2012) Vol. 7 <<http://www.banglajol.info/index.php/SJE/article/view/14468>>, accessed 25 May 2014

learning methodologies, and finally, the thought process/mindset of the students attached to it. Since the curriculum distinguishes the streams, the students growing up by studying different courses possessing different values and morals ultimately turn out to be different in perceptions, in ideas and also in capacities.

4.2.1 Economic and Cultural Segregation

In Bangladesh, the existing framework focuses on the content of the education program. In a culturally fragmented society like the one in Bangladesh, this is not an easy job. The diversity of the education stream in Bangladesh has a lot to do with the diversity existing in social structure, mainly on the basis of economic disparities. Whereas the government patronised the board curriculum as a means of ensuring education for the people, it was the elite groups who were interested in establishing the English medium schools, for the use of English as a medium of instruction became restricted in Bangladesh after 1971.¹⁰⁶ Being very expensive, it is generally the upper class of the society who can afford English medium education.¹⁰⁷ Furthermore, parents prefer English medium education for their children because it is a sign of status and prestige whereas nearly 40% of the parents in a *madrassa* are those below median economic status.¹⁰⁸

These economical disparities have brought about differentiation in education leading to further stratification in the society.¹⁰⁹ It can be said that these streams not only produce the inequality in standard of education but also ease way a new dimension of social deprivation. This economic fragmentation has some impact on the cultural level, ultimately leading to cultural disintegration. For This social stratification people have perception that the students belong to should not be allowed to assimilate with them (so called elitist). Ironically, these different institutional streams are increasing the sense of alienation among classes of people on the *Madrassa* basis of economic stability. Thus, Focusing only one combining the curriculum might not be the best way to reintegrate as the different target groups occupy varying perceptions about education and its

¹⁰⁶ ibid

¹⁰⁷ *Rahela Banu* (n 76)

¹⁰⁸ Sandra Nikolic and John Richards, *What Parents Think of Their Children's schools: A survey of school Quality Among Parents in Uttara, suburban Dhaka, Bangladesh* (Centre for Policy Research of International University of Business Agriculture and Technology, Dhaka 2007) <<http://www.cpr.twoinc.ca/files/4013/6855/1240/cc4-summer2007.pdf> accessed 19 May 2014

¹⁰⁹ Abul Barkat, Rowshan Ara, M. Taheruddin, Farid M. Zahid, Md. Badiuzzaman, *Political Economy of Madrassa Education in Bangladesh:Genesis, Growth and Impact*,(Ramon Publishers 2011)11

application. It is important for the educators to interrogate their own understanding of diversity, their assumptions and beliefs¹¹⁰, in the absence of which reintegration would be in vain.

4.2.2 Social and Cultural Segregation

The economic segregation discussed above resulting from the economic disparities is also leading to social stratification. The emergence of English medium schools and reinforcement of *madrassa* education was patronised by specific fragments of the society: the elitist riche and the Islamist martial law regime respectively. Therefore, it can reasonably be said that the emergence of the parallel two streams were a result of societal difference which was ultimately reflected on the curriculum. The curricula of these two streams have been set as per the profile and apparent preferences of the particular group. The Curricula of these streams contain topics which the stakeholders have been given by the profounder of the streams. To be more specific, the elitist English medium curriculum prepares the students for the higher education abroad while the mainstream Board education has been formulated basically to prepare for the local job market, and *madrassa* curriculum has been set with a view that either these people cannot afford mainstream education but they need it *or* they only need to learn orthodox religious dictums and thus general education is unnecessary. So we find English medium syllabus culturally estranged from the country, board education giving minimum bookish knowledge without practical capacity building and the *madrassa* education a moderate access to general subjects. In other words, English medium students are not considered for working in Bangladesh and *Madrassa* students are considered as a class of students departed from mainstream: ignorant on modern issues, un-smart and ineligible for modern higher education.

This trend is visible from the particular example of the University of Dhaka admission test eligibility criteria: certain depart of the University of Dhaka to accept students from the madrasa

¹¹⁰ Sai Väyrynen, 'Observations from South African Classrooms: Some Inclusive Strategies' (SCOPE) 19 <<http://www.education.gov.za/LinkClick.aspx?fileticket=SpKPkLVuY%2Bc%3D&tabid=452&mid=1037> > accessed 5 June 2014

board on the basis of their limited study of English, Bangla and other subjects. This resulted in a writ petition being filed by the *madrassa* students against the faculty of Law, University of Dhaka on the grounds of inequality and discrimination. One can question the very rationality of the system of diverse streams: if these streams were allowed to continue for ensuring access and availability of education, then why was the curriculum formulated in a manner that did become unacceptable and inadaptable to the needs of a developing Bangladesh, leading to discrimination?

4.3 Impact of Diverse Streams on Realization of RTE

Right to education amongst its dimensions include acceptable education. The acceptability of the three streams vary widely, with particular social classes vying for particular options, and more often than not one stream appears to be strikingly unacceptable to the other. Grooming the children in such differentiated environment means they grow up treating their counterparts from other streams as either incompetent or better.¹¹¹ This streamlining gets the ultimate result in the tertiary level education, where board curriculum students get an advantage, *madrassa* students face discrimination due to their unsynchronised examination system, and the English medium students are more often than not ill-equipped to be facing the public examination challenges,¹¹² and are also in a sense discriminated by their judgmental Bangla medium counterparts.

Education fosters respect for family, cultural identity, language and values; for the national values of the country in which the individual is living and the country from which he or she may originate; and for civilisations different from his or her own.¹¹³ The diverse streams in Bangladesh are operating in a manner completely corrosive to this principle. Having widely different mandates and consequently diverging policies, the streams of education in Bangladesh are practically operating against the spirit of right to education as interpreted by the Asia Pacific forum.

¹¹¹ As apparent from the personal accounts of the interviewees and from public discourse found in the social networks. Bengali Medium v. English Medium, google groups, <<https://groups.google.com/forum/#!topic/soc.culture.bangladesh/D0ptY0oktqo>> accessed 1 June 2014

¹¹² Khaled Bin Kamal, *Absence of Synchronization in Bangladesh's Education System* (2012), Idea for development (IDF) Note series (N.1) <<http://www.ideasfd.org/IFDnote1.pdf>> accessed 20 May 2014

¹¹³ Asia Pacific Forum of National Human Rights Institutions, Interim Report on the Right to Education :Extracts from the Interim Report of the' Advisory Council of Jurists on the legal obligations of States for the implementation of economic, social and cultural rights, with respect to the right to education, p. 113 <<http://www.ohchr.org/Documents/Issues/IPeoples/UNDRIPManualForNHRIs.pdf>> accessed 26 May 2014

When a state takes responsibility for educating its people, the aims of education become a political as well as a philosophical question, and when that state endorses an open society the political debate becomes a popular debate. As the twentieth century progressed some states took their responsibility seriously enough to stipulate the curriculum in their schools with varying degrees of rigidity. For obvious reasons, totalitarian states are more likely to impose a detailed curriculum, but they are not alone.¹¹⁴ Let us discuss the aspects of differentiated curriculum and its impact upon the diverse students:

Madrassa Students

Prior to the NEP 2010, the *Madrassa* Board shared a different syllabus for the same courses with the national curriculum. Under the new policy, the courses now share the same syllabus with the same set of books to be introduced from 2015. However, regarding the examination, the Madrasa board opted to set off the pressure on the students by minimizing the examination on Bangla and English languages: where the National Curriculum students sit for 200 marks exams (divided into 2 papers), the *madrassa* students sit for 100 marks exam. The syllabus is the same, but the marks allocation is less than the Board examination.

The notion of discrimination and enjoying less privilege in comparison to the Board students stems not as much from the outlines of the curriculum as from the institutional structures and facilities, outlooks and opportunities. From the personal accounts of a *madrassa* student who completed his post graduate studies in Law from the University of Dhaka, the *Madrassas* do not enjoy the same standard of teaching excellence and logistics support everywhere. In many places in Bangladesh, specially in the town and *upazilla* level, the small scale *madrassaas* administer their examination on a central basis: the question papers are set by a central authority (in most of the cases that is a well reputed *madrassa* situated in the district level) and all the *madrassa* students answer the particular question, albeit they belong to different institutions with different classroom experience. Only the reputed *madrassa* with string logistics have their own staff set the questions.

¹¹⁴Martin Johnson, 'Subject To Change: New Thinking On The Curriculum', (Association of Teachers and lecturers 2007) 25

The *madrassas* try to increase their academic excellence by ameliorating their faculty quality: the general subjects are taught by teachers with a Board education background, whereas some *madrassas* also have the practice of hiring guest lecturers from various board curriculum schools.

As such, it can be deduced that the *madrassa* students do not face serious discrimination from the academic orientation perspective. In fact, the discrepancies can be compared to exactly those faced by government schools in towns and villages in relation to the city schools. The NEP 2010 has also contributed much to this aspect: under the new policy, having female teaching staff has been made mandatory in order to better prepare the students for the bigger society. Previously, the *madrassas* encouraged recruiting only male staff since *madrassas* are predominantly unisex, with co-ed *madrassas* being a recent trend.

According to the interviewee, the main reasons behind their sense of alienation remains the environmental and orientation factors: the atmosphere of the *madrassas*, the special mode of attire, the different attitudes (most of the *madrassa* students are groomed to greet in Arabic manners) etc.

The *madrassas* offer a restricted atmosphere compared to other institutions. There are limited opportunities for the students to come in contact with the outside world. Few *madrassas* provide limited options for refreshment: weekly day outs, shopping sprees, sports, newspapers and magazine (which are regulated e.g. the entertainment pages of the newspapers are not provided). These problems are more dire in *qawmi madrassas*, where the whole environment is quite conservative and to some extent extremist. According to the *Aliya madrasza* students, the *qawmi* institutions do not offer a general education, an approach which fosters extremist elements. The teachers are less liberal than those in *Aliya* institutions as well, grooming the pupils into extremist mindset.

However, the greatest sense of alienation appears to originate from the society. Often the parents discriminate between their children while deciding to put them in a *madrassa* education. The driving force is not always giving a religious education, but a sense that a particular child is weak or less gifted and hence unfit for a mainstream competitive education. This leads the child grow up with a sense of resentment and grudge which in many cases develops into a conservative and reserved posture.

The long standing political implications deep rooted in the society also work to alienate the students. *Madrassa* students always sense a feeling of disintegration: they feel persecuted that the

mainstream students do not treat them as their equal counterparts, and their attires (robes with beard) often show case them as fundamentalists or conservative.

However, the efficacy and significance of *madrassa* education is questionable. Provided that the origin of *madrassa* education was offering a religious education, a good understanding of Islam and Quran to the students, the current educational scheme stands quite unsatisfactory from that regards.

The gist of the *madrassa* education (the core courses that differ from the board curriculum are Arabic literature (biography, short stories, poems, ethical texts, urdu and farsi *sher* etc) and grammar. At the *ibtedayi* level the students are mainly given the foundations in the Arabic and farsi/urdu language so that they are well prepared to understand and study the courses at the *dakhil* stage. The Secondary level madrasa education comprises Arabic literature, learning to study the Quran, discerning its meaning (*tafsir*), learning the *sharia* laws, and *fiqh*. They also study various interpretations and explanations of the Quranic texts, which are in *urdu* and *farsi*, also sometimes in Arabic. The *sharia* law taught in the *madrassa* curriculum is the pure traditionalist classical law, devoid of the updated information and reforms undertaken in the Islamist countries. Thus the *madrassa* education in Bangladesh is very traditionalist, denying the students to derive a liberal and modern understanding of the Islamic studies.

English Medium Students

According to the personal accounts of a 12th standard A-level student from the Maple Leaf International School, the English medium students have their own distinct style: their studies, their attitude, their thought process are very different. This has a lot to do with the institutional environment and the curricula. The teachers encourage them to speak in English: this is seen as a tool to *succeed in life*, it is seemed to be more ‘sophisticated’. They perceive that people studying Bangla medium (Board curriculum) are often not sophisticated- they don’t have sophisticated manners, they cannot speak properly, they are not well off financially which makes them detached from the English medium society.

The O-Levels examinations have made Bangla a compulsory subject, yet the course contents of Bangla are less than satisfactory. The students only have to answer some translations, an essay, a comprehension from an unseen passage. They are not introduced to Bangla literature: they do not

study the prose and poems studies by the Board Curriculum students; they have no idea about Bangla culture and literature. They do not study Bengali grammar.

The general subjects they study have no particular reference to Bangladesh. Therefore, they study history but have a poor idea of Bangladesh's history, they study geography but have no idea about the geology, demography or climatic conditions in Bangladesh, they have Islamic studies (only *suras*, they do not study Islamic theology as comprehensively as the Board students in the textbooks of NCTB) but have no idea about the religious diversity in Bangladeshi. They feel they are detached from the national culture. They feel *they do not know the country* (emphasis added). They are more interested about international events than national incidents.

Mostly the solvent and well off families send their children to English medium schools. Because English is now *more than compulsory* (emphasis added), parents think English medium schools provide better opportunities. National curriculum students do not learn good English. Most of the English medium students opt to settle abroad, so they have no urge to know about national issues or national curricula.

The English medium schools in Bangladesh follow the Edexcel curriculum for the O levels and A levels. Under the curriculum, Bangladesh Studies is a general subject which is optional; and not compulsory. The students get the preliminary idea about the demography, history and geography about Bangladesh, but the amount of information is often less than the SSC level. This shows that the system as it is gives very little significance to making the students familiar with their own nation and culture, thus creating segregation of the whole student community from the mainstream Bangladeshi people.

4.4 The Realization of Right to Education in Bangladesh

The realization of the RTE in Bangladesh can be assessed under the standards set by the former UN Special Rapporteur on the Right to Education, a scheme known as the four “a” scheme¹¹⁵ that distinguishes between four interrelated and essential features of education, namely: accessibility, availability, adaptability and acceptability.¹¹⁶ While analysing the RTE, we shall be discerning the

¹¹⁵This scheme has been used for the first time by the then UN Special Rapporteur on the right to education, Katarina Tomasevski, in her preliminary report. See UN Doc. E/CN.4/1999/49, chapter II, cited in Fons Coomans, ‘Identifying the Key Elements of the Right to Education: A Focus on Its Core Content’ <<http://www.crin.org/docs/Coomans-CoreContent-Right%20to%20EducationCRC.pdf>> accessed 9 June 2014

¹¹⁶Ibid, 3

debate between *Education v. Effective Education*: how diverse streams in Bangladeshi education affect and are affected by these four criteria of RTE. The World Conference on Education for All has emphasised upon the concept of effective education from the perspectives of ‘basic learning needs’: these are essential learning tools (such as literacy, oral expression, numeracy, and problem solving) and the basic learning content (such as knowledge, skills, values, and attitudes) required by human beings to be able to survive, to develop their full capacities, to live and work in dignity, to participate fully in development, to improve the quality of their lives, to make informed decisions, and to continue learning.¹¹⁷ In doing so, the study shall also evaluate the system in ensuring human development on these criteria.

4.5 RTE in ensuring Human Development of the Citizens of Bangladesh

The concept of human development ensues exploring and flourishing the potentials of an individual to the greatest possible extent. Human development as a dimension of right to self determination has been well recognised in modern human rights jurisprudence. Human development constitutes a core element of ensuring the dignity of human entity. The UN Declaration on Right to Development 1982 defines development as a ‘*comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in the development and in the fair distribution of benefits resulting therefrom.*’¹¹⁸

RTE as a human right forms a core element of human dignity and comprises dual aspects: the development of the individual; and the promotion of respect for human rights.¹¹⁹ RTE operates as an instrument for Right to Development because the most fundamental aspect of education is that ‘education shall be directed to the full development of the human personality’.¹²⁰ It strengthens the *capacity of the individual to participate fully, effectively and responsibly and effectively in a free society in the spirit of understanding peace and tolerance*: meaning it facilitates to achieve each

¹¹⁷ UNESCO World Declaration on Education For All (1990) art. 1

¹¹⁸ United Nations General Assembly UNGS A/RES/41/128 of 4 December 1986 Declaration on Right to Development (the preamble)

¹¹⁹ ‘Selected Human Rights Documents, Interim Report On The Right To Education’ (n 13) 110-133

¹²⁰ CESCR General Comment No. 13: The Right to Education (Art. 13) (adopted on 8 December 1999)

specific element of the right to development.¹²¹ Education enables the full development of the human personality and sense of dignity.¹²²

From this perspective, RTE in Bangladesh can be said to be realised when available education scheme operates towards human development. In this sense, it requires much speculation to determine whether the education in Bangladesh (focusing on quantitative success) is efficacious in providing with a qualitative education because RTE implies the right to quality education, which is available, accessible, acceptable and adaptable to the needs of learners.¹²³ It is undeniable

In drawing conclusions, we can deduce that the RTE in Bangladesh is being realised in a way where effective education is not achieved. On the basis of the basic learning needs, RTE as exercised in Bangladesh is seriously lacking:

- literacy, oral expression, numeracy, and problem solving:

Literacy has been defined from various perspectives, the most popular one being the ability to read and write one's name.¹²⁴ In 2003, UNESCO proposed a definition of literacy:

Literacy is the ability to identify, understand, interpret, create, communicate and compute using printed and written materials associated with varying contexts. Literacy involves a continuum of learning in enabling individuals to achieve his or her goals, develop his or her knowledge and potentials, and participate fully in the community and wider society.¹²⁵

The Literacy Assessment Survey 2008 (LAS) gave a comprehensive definition of literacy. In surveying the literacy status of the population, LAS categorised 4 levels of literacy.¹²⁶ The rate decreased with every level of increasing the determining factors. Currently in Bangladesh the rate is

¹²¹ Brill (n13)

¹²² ibid

¹²³ Coomans (n 115)

¹²⁴ Index Mundi, 'Bangladesh Literacy Factbook (2011),< <http://www.indexmundi.com/bangladesh/literacy.html>> accessed 29 May 2014

¹²⁵ Bangladesh bureau of Statistics, *Survey on Literacy Rate* (2008)

¹²⁶ Non-literate: Lack of ability to recognize and write alphabets, words, and numbers; Semi-literate: Ability to recognize and write some simple words, to count objects, and numbers at a very basic level; Literate at the initial level, Ability to read and write sentences, possessing skills of four basic rules of arithmetic and limited use of literacy skills; Literate at the advance-level: Ability to read and write fluently, competency in four arithmetic rules, ability to use the skills in everyday life

59.82% for 15+ populations in 2013,¹²⁷ which increased from 59.1% in 2008.¹²⁸ The study found out that adult literacy rate is strongly correlated with wealth status of the respondent. The higher the wealth score, the higher is the literacy status.¹²⁹ This shows that education in Bangladesh has earned a limited definition even for the State, where the basics of computation and writing one's name is enough, while a full comprehension of texts and applying it is often left unaddressed.

- knowledge, skills, values, and attitudes:

The knowledge imparted at every level is not recognised at the next level. This is mostly manifested by the admission test procedure followed by the Universities in Bangladesh, where the University authority declines to have enough confidence upon the assessment standard followed in the public examinations. The education is mostly theoretical, leaving the students unprepared for the practical application; human values and ethical education is not emphasised although the curricula have religious studies; and the attitudes of the students are not pro-learning rather focused on earning marks in the examinations.

- to live and work in dignity, to participate fully in development, to improve the quality of their lives, to make informed decisions:

The Board Curriculum students often find themselves studying completely different subjects at the tertiary level; they obtain jobs completely unconnected to their graduation studies, and hence can never apply their classroom education in their practical fields; the *madrassa* students find their opportunities either in the mosques, *madrassas* or Islamic institutions (e.g. Islamic banks), very few actually go for engineering/medical or other professions¹³⁰, the English medium students make it a point to settle outside Bangladesh. Thus none of the streams can actually participate fully in development, most cannot improve the quality of their lives directly by their education (especially the madrasa students), and the decisions they make most often have nothing to do with what they study.

¹²⁷ Metro/news, 'Country's Literacy rate 59.82 pc', *The FinancialExpress*, (6 february 2013, <<http://www.thefinancialexpress-bd.com/old/index.php?ref=MjBfMDJfMDZfMTNfMV84OF8xNTkzMTC>> accessed 5 June 2014

¹²⁸ BBS, *Adult literacy rate of population 15+ by sex* (2008) http://www.bbs.gov.bd/PageSVRS_Rpt_4_10.aspx accessed 5 June 2014

¹²⁹ BBS (n125) p.XVI

¹³⁰ *Abul Barkat* (n 109)

Amartya Sen defines development as a process of expanding freedoms that people enjoy.¹³¹ The core of development is that different kinds of freedom interrelate with one another, and freedom of one type may greatly help in advancing freedom of other types. Education as part of development ensures that a person can utilise the opportunities he receives, facilitates participation in economic activities that require production, increases political participation by enabling him to read newspaper and communicate with others involved in politics.¹³² The students in Bangladesh do not possess these qualities. Moreover, the diverse streams of education disintegrate the students so that they perceive all these avenues differently: economic opportunity, political participation both have distinct meaning for the three categories of student. Human development is thus a fragmented process in Bangladesh.

From all these aspects, one may reasonably deduce that RTE in Bangladesh is not being realised in its proper sense. It has little effect on human development as an end result of education as developmental process.

4.6 Human Rights Implication of the Diverse Streams

Sense of Disintegration:

Another aspect of segregation peculiar to the Board curriculum emanates as a consequence of (subject based) streamlining of students. There is no uniform line of demarcation according to which the students are grouped. It depends upon the institution's policy. In some institutions it is the student's choice which discipline he wishes to pursue, which does not consider the choice best for the child because sometimes, a child opts for a particular discipline (mostly on the basis of popular perception or popular preference for a particular discipline) that overwhelms his/her capacity.

On the other hand, some institutions divide the students on the basis of their performance in Class VIII public examinations, and those topping the list get preference for studying in science group. This is a popular trend in Bangladesh which has established the Science group as a group comprising of the best and most meticulous students, whereas commerce and humanities students are considered to be weaker.

¹³¹ Amartya Sen, *Development as Freedom*, (Oxford University Press 1999) p.35

¹³² *ibid*

Such diverse practice has considerable impact over the psyche of the child. This practice imbues in them the sense of classification amongst their counterparts: they see that some subjects are better than the others, so in order to be good student s/he must study that subject, even if it is exceeding his/her capacity, or even if s/he does not enjoy the subject. The alternate policy of deciding by the institutions is also questionable since it deprives the students of their freedom of choice in pursuing academic interests and creates a sense of discrimination by pointing out some are 'better' than the rest. They see their classmates and friends who studied with them for a long time are being put to another group because they are either better than them, or not good enough to study with them. This has considerable impact on their child psyche.

Curtailling Freedom of Choice

The freedom of a child's choice on education is further limited by the very art. 13 of ICESCR that talks about RTE. Article 13 (3) has two elements, one of which is that States parties undertake to respect the liberty of parents and guardians to ensure the religious and moral education of their children in conformity with their own convictions.¹³³ Article 13 (3) also allows the liberty of parents and guardians to choose other than public schools for their children, and therefore parents in Bangladesh have the complete freedom to decide should they choose to send their child to *madrassa*, government schools or English medium schools. This may create a debate by conflicting a child's freedom of choice articulated in art. 12 of the CRC, especially when the child is matured enough to decide what kind of education it wishes to pursue. This phenomenon appears to be a big problem leading to segregation when children sent to *madrassa* by parents decide to opt for general education at later levels and face barriers of non-qualification attributable to the *madrassa* curriculum.

However, the question of parents' choice is not a question exclusive to Bangladesh: many other countries also face significant debates on the issue of parental freedom in choosing the schools for their children. In Britain, there are huge debates about the extent to which parents have a 'right' to send their children to private schools or schools that select on ability, to avoid their local secondary schools and to move house to be nearer 'better' schools.¹³⁴ While some uphold parental freedom

¹³³ CESCR (n.4)

¹³⁴ NatCen Social Research, 'Parental Freedom to choose and Educational Equality', *British Social Attitude Survey 28*, http://ir2.flife.de/data/natcen-social-research/igb_html/pdf/chapters/BSA28_4School_choice.pdf accessed 4 June 2014

for ensuring the best education for their child (by sending them to expensive ‘grammar schools’), others view it at odds with the notion of equality in education for all children.¹³⁵ Such choices risk the increased polarisation between schools in wealthy and disadvantaged neighbourhoods (read English medium schools in posh areas, government schools in towns and villages and madrasas in impoverished areas). In most cases, the parents’ choice depends on the quality of education, which in Bangladesh indicates that parents opting for English medium schools perceive British curriculum to be better than the National curriculum. The economic factor is also apparent: even in countries like England, economic solvency affects parents’ decision in choosing school.¹³⁶ In this sense, the diverse streams in Bangladesh are a manifestation of the violation of the EFA standards since the ‘full free primary education’ is in most of the cases not free: parents often face problems in affording the transportation cost (or the practical cost if the child needs to walk couple miles to reach the school), buying stationary and uniforms whereas the *madrassas* more often than not provide the students with food, stationary and lodging.

In terms of religious values and belief, the exercise of parents’ freedom in favour of religious institutes i.e. *madrassas* is going against the ‘best interest’ principle, because the curriculum is not sufficient to put the *madrassa* students at par with their Board or English medium counterparts, creating irrational segregation. It is pertinent to mention that Art. 13 allow this choice only if the school conform to "such minimum educational standards as may be laid down or approved by the State".¹³⁷ These minimum standards may relate to issues such as admission, curricula and the recognition of certificates. In their turn, these standards must be consistent with the educational objectives set out in article 13 (1).

International Human Rights law specifies that while taking any decision as to actions that would affect a child; the ‘best interest’ principle must be followed.¹³⁸ as a party to the CRC, Bangladesh has a duty to ensure the development of a child to the maximum extent possible (Article 6) and that children shall have the right to express their views freely in all matters affecting them, their views being given due weight in accordance with the child’s age and level of maturity (Article 12).

¹³⁵ *ibid*, 58

¹³⁶ *Ibid*, 58

¹³⁷ CESCR (n 4)

¹³⁸ Article 3 of the CRC puts down that ‘The best interests of the child shall be a primary consideration in all actions affecting children’.

The Unification Initiative: A Paradox?

In addressing the problems generated by the diverse streams, the State has opted for a solution of reintegrating all the diverse under the NEP 2010. This reintegration (as per the language used in the NEP) first and foremost means reintegrating the diverse ingredients in the course structure of the systems. As such, it seems only pertinent that the word curriculum be deciphered first.

The success of Inclusion of students from diverse backgrounds to a common structure is seen to be connected to the curriculum, since curricula often create significant barriers to learning. These barriers are related to a number of interconnected parts of the curriculum such as content, language of teaching, classroom management, learning styles and paces, and assessment methods and techniques.¹³⁹

In that respect, under the NEP ‘curriculum’ has been considered in a narrow sense, where it refers to planned teaching and learning opportunities which are available in classroom and in the school.¹⁴⁰ The curriculum includes the content of the overall syllabus that is imparted to the students by various teaching and learning experiences. Therefore, while formulating a uniform course structure /syllabus, one of the fundamental considerations must be that it will consider the capacity, adaptability and acceptability of every stream the syllabus seeks to address.

However, under the proposed reform, all the primary level students will be obliged to study some common courses. This will be in addition to the courses that are specific for the particular stream. Therefore, in a sense we can say that the Board curriculum students will continue having the same course structure whereas the *madrassa* and English medium students will have some additional mandatory subjects supposedly creating some extra academic pressure on these children only.

This unification process will render a blanket unification disregarding the needs and adaptability of particular streams. The *madrassa* and English medium students are subjected to the changes, it is as if their obligation to accept the change should they want to belong to a common unified

¹³⁹Väyrynen (n 102) p.4

¹⁴⁰ *ibid* p.4

education structure. So at the expense of providing a ‘common standard’ education, the specialty of these systems are being subordinated.

Another problem appears from the process of harmonizing the contents. In assimilating the syllabi, the *madrassa* board is introducing substantial change and censoring in the text books.¹⁴¹ In adopting the texts of the main subjects, the *madrassa* board omitted George Harrison’s picture from the Liberation war chapter, discarded the secular and humanistic poem “*Manobdhormo*” (Human Conviction) by Lalon¹⁴² (which was meant to teach the students the value of humanism and the demerits of fighting over caste-creed-religion, and it has been replaced by a poem by Islamist Poet Farrukh Ahmed) many prose and poems by eminent Hindu authors such as Biprodash Barua, Narayan Gangopadhyay and Gyandasa. The Abridging Committee has further decided to change the Cover Page of the English and Bangla text books of Classes 3 and 5 in order to change the drawings of a girl and boy into “Islamic attire”: the girl picking up lotuses will be drawn wearing a *hijab* (head cover) and full sleeved dress, and the boy rowing the boat will be wearing a *payjama* (trousers), whereas in the original version the boy was wearing shorts (*half-pant*) and the girl a short sleeved dress. In the Bangla book for Class 5, there is a drawing of a village lady carrying a water pot: she has a veiled face, but a small part of her back is visible. This part has been concealed by the *madrassa* board.

The Physical Education text book for Class 7 had a chapter on *Bratachari Dance* with a view to introducing the local cultural diversity of rural Bangladesh, yet this chapter had=s been omitted by the Steering Committee of Madrasa Board.

The text book for Class 9-10 contains the short story *Toilochitrer Bhut* (Ghost of the Oil Painting)by Manik Bandopadhyay. The title was proposed to be changed to replace *Bhut* by *achor* (an Arabic word). However, this proposal was refuted since it opted to change the title, which is non-permissible.

It is submitted that this sort of change is irrational, and frustrates the very purpose of reintegrating the diverse curriculum. The madrasa Board defends their position by staying that Whereas

¹⁴¹ Sharifuzzaman, ‘Weird changes introduced to *madrassa* text books for adaptation’ (মাদ্রাসার উপযোগী করতে পাঠ্যবইয়ে অদ্ভুত পরিবর্তন) *The Daily Prothom Alo* (Dhaka 10 April 2014)

¹⁴² Lalon Shah (1774-1890) was preceptor of baul asceticism, composer and singer of Baul songs. In Bengali culture he has become an icon of religious tolerance whose songs inspired and influenced many poets and social and religious thinkers. See, Wakil Ahmed and Anwarul Karim, ‘Lalon Shah’,(Banglapedia) <http://www.banglapedia.org/HT/L_0037.htm> accessed 7 June 2014

education is for all, *madrassa* education is for Muslims only, and thus the text books must not contain materials that might hurt the religious feelings of the students.¹⁴³ However, it is submitted this will ultimately deprive the students from developing a secular and uniform view about the culture, history and society of Bangladesh. These changes have nothing to do with the basic tenets of Islam, and as such the whole scheme in a way gives off a wrong message about our national values and the spirit of cultural tolerance of Islam.

¹⁴³ Sharifuzzaman (n.141)

Chapter Five

Conclusion by way of Recommendations

Article 2(1) ICESCR embodies a dynamic element of RTE that realization of right to education does not stop when a certain level has been reached. At present, the state has taken certain steps towards accelerating the realization of RTE and for that purpose the different streams of education are being appreciated and formally recognized. Thus, the diverse streams are being promoted. This is because the State has a perception that accommodating more students through different streams will increase the quantity of literate people as opposed to educated who would contribute towards development in future.

As seen from the above discussion, the perception currently prevalent is that the State has succeeded at a commendable stage in realizing RTE. However, the understanding of RTE must be redefined. The problems ensuing from diverse streams must be addressed not only in the primary level but also at the secondary and tertiary levels. In doing so, following propositions may be considered.

Recommendations for the Government and Policy Makers

1. Right to education must be recognized as a justifiable fundamental right by the Constitution of the People's Republic of Bangladesh.
2. The definition of education and literacy must be reorganized according to the current international standards as propounded by ICESCR and UNESCO.
3. The Right to Education Act must be enacted without unnecessary ado with necessary amendments.
4. The policy of efficacy of reintegrating the diverse streams in primary level by amalgamating the curricula should be reconsidered. This policy can be questioned from the perspective of the level of academic pressure that would ultimately be imposed upon the *ibtedayi* students. Besides having their specific syllabus they are going to be burdened with extra subjects whereas the students of the Board curriculum do not have to study the subjects taught in *madrassa*. A probable answer to this dilemma might be to develop a moderate a scientific curricula for the *madrassa* and English medium students where they will get the

basic idea and foundational discussions of all the subjects which will keep their pressure at minimum.

5. Another pertinent question is whether unifying the syllabus can ultimately solve the problem of disintegrated society. For this, the government can decide on a uniform syllabus specifying the topics for each class. The curricula will focus on the learning targets: i.e. what should the students learn after passing that particular class. The learning objectives can be attained by different methods adopted by the schools. For example, the curriculum of class 8 can have the target of word construction and analysis by কারক, বিভক্তি and সমাস। What the schools must ensure is that the students grow the capability of solving problems falling under these topics, whereas they can decide the course outline by which they shall teach the students.
6. The *madrassa* textbooks must be translated into Bangla. The aim of *madrassa* education is introducing the pupils to intensive knowledge on Islamic issues. This can be better achieved by studying the concepts (e.g. the *tafsirs*, explanations, laws and analyses) in one's own language. The *madrassa* board must also ensure that these students contribute to the enrichment of Islamic literature in Bangladesh by translating the authoritative books in Bangla. This will make the *madrassa* education more purposeful.
7. The evaluation system must be harmonized. This does not mean the question papers must be uniform, rather that the assessment criteria (the skills which will be judged by the examinations) must be uniform. This will remove the hindrance should the students choose to study different disciplines at the higher level.
8. The four basic components of RTE (the four 'a' approach) must be incorporated and appreciated while making any policy and plan of action on education.
9. The popular notion that certain schools are for people with certain socio-economic background must be addressed. The schools must be made accessible and adaptable. The stereotyping of institutions must be removed by providing equal infrastructural and financial opportunities.
10. All the streams must be brought under the direct supervision of the Ministry of Education so that homogeneity may be maintained.

Recommendations for English medium schools:

1. There can be exchange programmes between English, Bangla and *madrassa* medium students so there can be exchange of ideas, mutual interaction and understanding amongst various segments of the society.
2. The curricula must include a sufficient understanding of Bangladeshi culture, history and literature. The course structure of Bangla language must include the works of the prominent literateurs: Rabindranath, Nazrul, Ishwarchandra etc. must be made compulsory for the students. Basic grammar such as কারক, সমাস, সন্ধি, বাক্য সঙ্কেচন, বাগধারা, প্রতিশব্দ, বিপরীত শব্দ, homonyms etc. must be included.
3. Bangladesh studies should be made compulsory for the students of O levels.
4. The course structure must include elements relevant for domestic work sector so that students do not feel estranged.
5. The examination questions need to be more extensive.¹⁴⁴ (see the annexure for an illustration of O level exam paper on Bangladesh Studies)

Recommendations for the National Curriculum Schools

1. The level of English must be upgraded. The contents must be appropriate for the modern world and reality oriented. Along with NCTB books, various English learning books such as Oxford Reading Circles, Fundamental English, Active English etc. must be taught in classes in every schools.
2. The curriculum must be more practical. The current creative examination method is also turning out to be a cramming system all over again. There should be brainstorming exercises.

Recommendations for Madrassas

1. The *madrassa* board must upgrade the standard of their books. The contents and amount of information should be more sophisticated and practical. (see annexure for an illustration of *madrassa* text books)

¹⁴⁴ See <http://www.edexcel.com/quals/igcse/igcse09/lang/bengali/Pages/more.aspx> For viewing O level question papers.

2. The amalgamation of the mainstream subjects must be uniform. Changes which frustrate the purpose of orienting students with the national culture and aesthetics should be discarded.

In Lieu of Conclusion

The BTV awareness building campaign on Education for All in the 1990s showcased a song by Quddus Boyati: *Ei din din noy aro din ache*” (this day is not the final day, the days in future are awaiting us). This song effectively demonstrates the true spirit of education in Bangladesh. RTE in Bangladesh is meant for a better Bangladesh, a *Shonar Bangla* (Golden Bengal). For that, the fragmentation within the country must be removed. We must once and for all remember: *United we stand, divided we fall!*

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Annexure

Selected Provisions of International Covenant of Economic, Social and Cultural Rights 1966

Article 13

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

- (a) Primary education shall be compulsory and available free to all;
- (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;
- (c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;
- (d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;
- (e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph I of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 14

Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.





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**Sample Question Paper of English
Medium School's Examination
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