

## CONSUMER corner



## LAW news



# Education in Bangladesh Is there a case for consumers' protection law?

AMIRUL ISLAM CHOWDHURY

THE burgeoning enrollments in all the stages of education for the last two decades especially in the last decades have changed the attitude of the people towards the development of education in Bangladesh. This huge enrollment means larger participation of individuals and families in education. Naturally, those responsible for decisions in the sphere of education, right from the legislators, administrators, faculties, guardians, students and concerned civil society citizens can no longer ignore the affairs of education.

Education is going through a troubled times. This is not a new phenomenon. Rapidly increasing enrollments are placing tremendous pressure on existing facilities. Though the campus violence, strikes, boycotts and other disruptions of the academic process that were so common even that days have subsided to a great extent, but most institutions whether government or private face serious financial problems. This has created crisis in different areas of education system. Moreover, cost of education both public and private has increased. This has almost put an embargo on the improvement of classroom, library, laboratory and other physical facilities. Naturally, quality of education has become the first and most important victim of this crisis.

It is not surprising that one agenda, which is bothering the whole nation is the deteriorating quality of education. It is strongly believed that quality of education has gone down in all the different levels of education.

Government is aware of the situation and trying to stop the rot. Government is thinking seriously not only to protect the quality of education but also to enhance it through some legislation in the form of Consumers' Protection Law. This is in addition to the various types of legal and institutional protection. Government is right to explore the possibility protecting consumers from various kinds of fraud, deception, etc. that happen in education service.

### Education in Bangladesh

Education, directly and indirectly is a constitutional obligation of the state. Article 17 of the Constitution of the Republic makes primary education a direct constitutional obligation of the government. To give effect to the Constitutional obligation regarding free compulsory primary education, government has already framed law.

There are four basic types of education that is offered in Bangladesh. These are general education, religious education (madrasah education), engineering and technical education and professional and vocational education.

Like in many other countries, complete cycle of formal education in Bangladesh consists of five stages, namely, primary, junior, secondary, higher secondary and higher education. Pre-primary level, non-formal and adult education is also offered.

Government, private sector, community and NGOs (non-government organisation) are the main provider of education in Bangladesh. In recent years, non-government organisation has become a prominent provider of education especially in non-formal and primary education. As expected, government is the dominant provider of the primary education. Private sector is the major provider of post-primary education. However, government contributes the major cost of revenue and also capital expenditure of the privately managed schools and colleges. Government does not contribute any cost for the schools run by NGOs.

Enrollment as percentage of age group in the primary level is around 90%. This was only 50% during 1971, at the time of independence. This is a significant achievement. The pattern of development in secondary education is also encouraging. The number of students increased from 1.7 million in 1971 to 7.7 million in 1999. In the last decade (1990s), there has been visible achievement in the enrolment of girl students at this level of education. It increased to 53% in 1999 from 31% in 1991.

Though the demand for access to higher education has increased, still low compared to many developing countries. This is only around 4%, compared to 6% in low-income countries and 21% in middle income countries and 51% in OECD countries. The total number of students at the university level (including colleges) in 2002 is around one million. Of the total students who go directly to the universities, 80% go to the state universities and the rest 20% go to the private universities. Number of private universities are increasing and so also the rate of enrolment. Number of private universities is 32 at present. Number of degree colleges, both government and private was only 393 in 1980 with nearly 9000 students. But in 2000, number of such colleges was 1,156 and had a total number 645,095 students.

Significant achievements in the field of education during the last two decades are (i) introduction of free compulsory primary education, (ii) increase access and enrolment of female students, (iii) establishment of private universities.

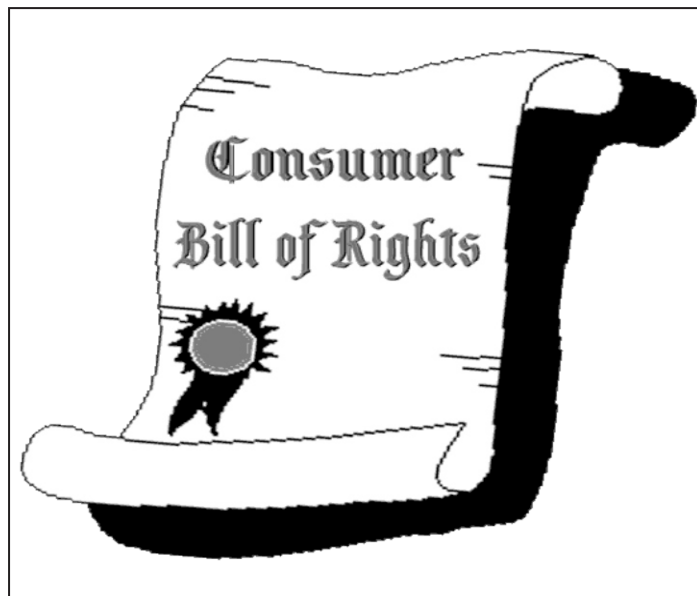
It may also be noted that despite encouraging rate of enrolment, nearly

10% of the primary age group never enroll in schools. Most of these unfortunate children belong to poor families. Only 40% of the poor families enroll in schools. Dropouts have decreased in the 1990s. However, only 60% of those who enroll reach class V. Number of failure to graduate is high. Waste is quite high from primary to higher secondary education.

General quality of education (as a level of achievement that meets minimum standards) has remained to be achieved. A study shows that only 33% of all government schools come under grade A, 10.2% under grade B, 50% under grade C and 6.4% under grade D, so far the qualifying grades are concerned. The same study further shows that basic learning efficiency is 73% in reading, 28% in writing, 63% in oral mathematics and 44% in written mathematics. In a recent study it was found that only 35% passed all four tests. A study of UNICEF also records that only half of all primary graduates satisfy the criteria of basic education. This, however, is improving. Failure in university level is less. However, University Grants Commission in its last annual report expressed concern about the overall quality of education.

Two agendas, quality of education and waste are bothering the entire nation right from the policy makers to guardians, employers and students.

### Education is a different commodity



Unlike many other items/commodities/products that are covered under consumers' protection law throughout the world, education is different from those in many respects. Education is considered as merit goods. It benefits both receivers and also who has not received it directly. Its benefit is both divisible and indivisible. The product is not homogenous. Quality differs among the same products. As education benefits both private and public interest, both economic and social development, the interests of both private and public are present in it. Macroeconomic impact of education is strong because of the fact that individuals with better education tend to achieve greater success in labour market. The benefits of quality education are substantial. Like in households in many countries like Latin America and East Asia, Bangladesh households without any formal education have about six times higher poverty than those with access to higher education. This was stated in a study done in 2001 by the government of Bangladesh.

Unlike most other commodities traditionally protected by consumers' protection law, the cost of education in most countries including Bangladesh involves both private and public. Cost of education is even borne by many citizens who hardly receives direct benefit from education. In education, a student especially at the higher secondary and higher education levels forgoes earnings, that is a cost he bears and at the same time pays for his education. So, there is implicit and explicit costs of education, which are absent in case of other product or services. The incidence of costs of education ultimately rests on private individual, the student, family and society at large.

For centuries, right from primary to university education has contributed to the productivity, innovation, and prestige for the nations. Education, especially higher education, researches and training creates social spill over benefits and social costs too. Education has positive externality.

### Consumers' protection law and Education

The questions of warranty, guarantee and indication of ingredients are or

may not be possible to provide or indicate in case of education. In Education, no sponsor or producer or institution can give even any assurance that product will be uniform and each product has the same ingredients. All the students in the same class do not come out with same level of achievements even with same instructions. Even students having same score cards do not necessarily have the same capacity to reproduce further. This is not the case of any other product. So, broad purpose of CPL may not be applied in case of education.

Let us now discuss the nature of complains that are usually made about the education both as a commodity and also as a service. Broadly, the most common complain or concern that is expressed by guardians and society as a whole is the deteriorating quality of education, access to education and equity. It is very difficult to find any practice where the quality assurance, access to education and equity are provided by the CPL. This is not possible because of the fact that quality, access and equity in education do not entirely depend on the institutions that provide education. Quality education also depends on many socio-economic factors, which are not within the control of the institutions that provide education. It also depends on the design of curriculum, textbooks, quality of teachers, infrastructure of the institutions, quality of classroom, laboratory, library, etc. So pinpointing responsibility is difficult. This does not mean the government can ignore the problem and keep its hands off. The measures that need to be taken are different. There are elaborate arrangements for this for all levels of education. It is true that the access to education, region-wise, gender-wise, income group-wise, culture-wise has increased, yet access to quality education is again a far-reaching target. We still find that 10% of the poor income families do not send their children to schools. This they do for many reasons, which they cannot remove. CPL has very little to do in this respect. These are political responsibility of the government and needs to be taken care through various social and economic measures.

Other complains such, that education that is being provided in many cases has no relevance in job market. Education has become a business and institutions are being established by anybody and without proper facilities. Improper campus facilities right from schools to colleges and to universities have grown unabated. Teachers do not teach properly and teachers are more interested in private coaching. Results are not published in due time (more relevant for state universities). Textbooks in schools are not supplied in due time. Libraries are poor, laboratories are ill equipped, and classrooms are congested/not proper. High and irrelevant fees are charged and donations are extracted for admitting students. Many universities/departments make unnecessary delay in completing courses or sessions. Violence is common in the campus, teachers and students are too much involved in politics. Management is more interested in using the office for purposes other than the improvement of education. Limited or absence of facilities such as toilet and drinking water, etc in many schools. This list is yetnot complete.

Why these complain? Society as consumers of education expects education to be relevant, productive, innovative and of good quality. Society as consumers also want to see that services provided by different education institutions correspond to the promises these institutions express, be it quality, relevance, management and costs (tuition and fees). A badly or improperly produced shirt may not cause that harm which can be dangerous in case of badly produced education product. It not only can destroy the individual or family but the society as a whole. Here comes the responsibility of the government more strongly than in case of other product or service. Government there needs to demonstrate through supervision, monitoring and participate that education sector as a whole deliver quality education. It has also the responsibility to see that scarce resource that is used in education is properly and efficiently used meeting the objectives for which it is spent. So that public interest is protected, because it is the society who ultimately bears both implicit and explicit cost of education both negative and positive.

### Conclusion

The author of this paper finds very little relevance of CPL for education. However, it may be discussed in the seminar/workshop about the dishonest attempt to open education institution especially at the lower level with unnecessary high tuition fees and charges. Another area that may also be discussed is the claim of sponsorship of foreign institutions and credit transfer by some education institutions. All the private schools, colleges and universities should have proper annual audit and that audit report should be placed before the guardians and students for information and scrutiny.

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## HUMAN RIGHTS monitor



# Divorced and distressed women need state protection for survival

RAFIQUL ISLAM MONTU

Farida Begum, 32, is a struggling woman. She has to earn enough to feed herself and her three small children. Divorced eight years ago, she started working as a day-labourer. Nothing has changed for her since then. "When my husband left me, I returned to my parents. I was soon unwelcome there. Finding no way I left my village for the city in search of work," said Farida who usually does construction works. Her husband, Nurul Islam, divorced her without any reason, she said. She did not protest or try to realise her rights. "What could I do? This was my fate," said the poor woman who is among thousands of divorced women in the southern region.

Divorce is increasing in the southern region, especially in Barguna district which is battered by seasonal flood, cyclone, tidal bore and other natural calamities every year. Due to poverty, the people in coastal areas are failing to run their families. This leads to many social problems, including divorce, separation, violence against women. Because generally they are totally dependant on their husband's income. And after divorce they are compelled to embrace a tough life. Most divorced women work as domestic help, dishwashers in hotels and restaurants and day-labourers in road and building construction. Some of them become beggar finding no other work.

Rani Begum is another victim of divorce without any valid reason. Sometimes she assists cooks in hotels and restaurants and sometimes crushes bricks and stones on the streets. But Rani Begum could have been a happy housewife if her husband had not divorced her ending 10 years of marriage. With a baby girl, she took a second husband who also left her. "Now I'm a single woman. But it's not easy for a single woman to survive in this society," said Rani Begum, who has crossed 40 years. Her daughter is already a grown up woman. She lives in a shanty at Barialpara in Barguna town. She said the divorced women face plenty of problems. The young among them are targeted by bad people. They try to make them embarrassed in society bringing various allegations if their desire is not fulfilled.

Similar opinion came from Taslima Begum, 35, of Charakgachia village in Barguna Sadar upazila who was compelled to leave her village to protect herself from such greedy people.

"My husband went missing 10 years ago. Since then I have been living alone but I never felt safe," she said. Taslima said it is very difficult for a divorced woman to protect her dignity.

The divorced women often fall victims to rape or repression but in most cases the criminals escape punishment. Instead, the victims are held responsible for 'anti-social activities' and punished by village headmen. Divorced women never get justice from village arbitrations due to gender-

biased attitude of the arbitrators. "We get little attention from those who are supposed to ensure justice" said Taslima. "Jago Nari" - a voluntary organisation of Barguna, recently conducted a research on some 50 divorced women in the district. Their reports reveal that 40 out of them were divorced because their families could not pay dowry money to their husbands. Another 10 men



simply left their wives.

"Divorce and dowry have become a social ill in the country. Those responsible for the plight of the women are hardly punished," said Hosne Ara Hasi, chief executive of Jago Nari.

The research shows that all the divorced women are victims of social insecurity, repression and fatwa (religious edict). The respondents in the study said that they are treated inhumanly in society.

In all cases, husbands drive out their wives without any valid reason. They did not pay alimony. 'Family feud' is the most common reason for the divorce. Wives are always held responsible for family feuds. The victims said the husbands enjoy 'unlimited' power to divorce their wives due to flaws in marriage documents. Although the victims have the right to file case to ensure their rights, they cannot do it for poverty, ignorance and non-cooperation from others.

After divorce, the women become helpless, as many parents cannot afford to take them back. Lack of food, clothing, education and health facilities throw them in dire straits. A World Food Programme project that helped the distressed women has now been shut down for unknown reasons. The WFP-funded work had directly benefited about one thousand distressed women in the district. "It was a very effective project. But many of the women beneficiaries of the project have now become beggars. Some of them are even engaged in illegal activities," said Zakir Hossain, chief executive of a local voluntary organisation which was implementing the project. As there is no single government programme for the welfare of the divorced women, conscious people think government and non-government organisations can take initiative in this regard and provide the divorced women with legal and financial assistance.

Chairman of Barguna Pourashava M Shahjahan Mia said there is little government allocations for distressed women and it is quite inadequate to meet the requirement. "The assistance must be increased to help them survive," he commented.

Local government representatives think that programmes like VGF and VGD must be expanded and focussed on distressed women and their families. Bangladesh Mohila Parishad district unit leader Nazma Begum said the conscious section of society should come forward to restore the dignity of the divorced women and take effective steps towards their rehabilitation and self-employment.

"It's our social responsibility to protect the rights of the divorced women and allow them to live with security. On the other hand, the trend of divorce must be checked," she said.

NewsNetwork

ELAYNE CLIFT

American feminists and women's health activists are debating on the difficult issue of human cloning and stem cell research. Human cloning involves creating embryos with the intent of implanting them in women to produce children. In therapeutic cloning on the other hand, genetic material from a body cell is inserted into an egg cell, replacing the nucleus. As the cell begins to divide, scientists believe stem cells can be extracted and grown into tissue or organs. Thus, a kind of 'regenerative medicine' gives people access to therapies derived from their own cells.

Last year, the Republican-controlled House of Representatives in the US Congress passed a bill banning all human cloning, a measure President Bush supports. The bill, introduced by Sam Brownback, a Kansas Republican who has been called "the torchbearer of the Christian Right", called for a total ban on human cloning, which would also preclude cloning embryonic stem cells for research purposes, or "therapeutic cloning".

In May 2002, the Senate countered with its own legislation designed to foster scientific research. Their "Human Cloning Prohibition Act of 2002" would prohibit human reproductive cloning by imposing significant criminal and civil penalties in the form of fines (at least \$1 million) and up to ten years in prison. The bill also applies Federal ethical regulations on human subject research and outlaws the transfer of cloned embryos to a woman's uterus or to any artificial womb.

However, the Senate bill does allow for therapeutic cloning, known as 'nuclear transplantation', for research on therapies that could cure several serious and life-threatening diseases. Among these are several which affect women disproportionately or exclusively, such as breast and ovarian cancer, osteoporosis, arthritis and autoimmune diseases.

While conservative senator Orrin Hatch came out in favour of the Senate bill, one liberal woman senator, Democrat Mary Landrieu of Louisiana, has backed the Brownback ban on cloning. She joins a number of pro-choice women legislators in the House of Representatives who also support the bill. Landrieu says she supports a total ban on human cloning in part because she fears the process of therapeutic cloning would lead to what she has called "the commodification of women's bodies". She worries that the demand for women's eggs could create "an unseemly market" in which low-income women would harvest and sell their eggs for financial gain.

On the other hand, three leading organisations promoting women's health sent a letter to Senator Ted Kennedy, Democrat from Massachusetts and one of the proponents of the Senate bill. They say, "Women's health advocates have worked for years to overcome researchers' past neglect of women's health. In our pursuit of better information, treatment, and cures for women and their families, we must ensure that the newest and most promising techniques are available to those same researchers."

The Society for Women's Health Research, a non-profit group, agrees that therapeutic cloning should be allowed. While supporting a ban on the cloning of a human being, the Society believes that the ban should not deter important advancements in scientific technology. "The Society is concerned that a ban on nuclear transplantation might thwart research directed at finding cures and treatments for diseases and disabilities which solely, predominantly or differently affect women," says their president, Phyllis Greenberger.

Last year Greenberger testified before the Senate Labour, Health and Human Services, and Education Appropriations Subcommittee. "The potential of therapeutic cloning for treating, and perhaps curing, a variety of debilitating diseases demands that the scientific community be allowed to continue this promising work."

Other organisations like the universally respected Boston Women's Health Book Collective, take a more cautious approach. In June 2002, numerous international organisations joined the Collective in issuing a statement on human cloning in which they called on Congress to pass a strong, effective ban on using human cloning to create a human being. "There is no way that human cloning could be developed without unethical mass experimentation on women and children," they said. "Further, cloning advocates are seeking to appropriate the language of reproductive rights and freedom of choice to support their case. This is a travesty and needs to be challenged." At the same time, the statement calls for a five-year moratorium on the use of cloning to create human embryos for research purposes.

While supporting research that would help to determine whether stem cells have therapeutic effects, they point out that those adult stem cells, umbilical cord stem cells, and embryonic stem cells not derived from embryos created for research can be used. "The creation of cloned human embryos, which would increase the difficulty of enforcing a ban on the production of genetic duplicate humans, is unnecessary for these investigations."

In her testimony before the Senate Health, Education, Labour and Pensions Committee, Judy Norsigian, Executive Director of the Boston Women's Health Book Collective said, "Those of us who are pro-choice want to emphasise that our position is quite different from those who oppose ALL embryonic stem cell research. Many of us support for example, obtaining stem cells from embryos in IVF clinics that would otherwise be destroyed. Our objections pertain to stem cells derived from embryo cloning." Norsigian was clearly making a necessary distinction between women's health and reproductive rights activists and those on the extreme right who would ban all stem cell research on the basis of religious beliefs and anti-abortion platforms. Like those who feel they cannot wholeheartedly endorse stem cell research if cells are obtained from embryo cloning, Norsigian and the more than 100 others who signed the June 2002 position statement, believe that cloning technology poses "vastly greater risks than any other currently available reproductive technologies."

They say it is highly likely that "experiments on human embryo cloning would inevitably lead to unacceptable human genetic manipulation and pose a threat to many basic human rights." Further, the media has focused on the therapeutic potential of stem cell research while neglecting the technology's dependence on thousands, perhaps millions, of women who must undergo the substantial health risks associated with harvesting their eggs. There is, they point out, no long-term safety data on the super-ovulating drugs that women must take in order to provide the eggs for embryo cloning. They also fear that "women with limited financial resources will be the primary providers of human eggs to enterprises that offer what appear to be lucrative payments."

Others like Marcy Darnovsky and Lisa Handwerker, both scientists and women's health activists, sound even stronger alarms. Darnovsky talks of 'consumer eugenics' and 'designer children' in a soon to be published paper - 'Human Germline Manipulation and Cloning as Women's Issues'. In a presentation before The Exploratory Initiative on the New Human Genetic Technologies in February 2001, Handwerker worried that women will bear the physical, psychological, moral, economic, political and legal burdens of these new technologies and any negative consequences they may bear.

She concluded that "where women draw the lines between acceptable and unacceptable practices will be influenced, in part, by our multiple identities including whether or not we are rich, poor, rural, urban, Jewish, women of colour, multi-ethnic, religious or non-religious, pre or post-menopausal, young, midlife, old, fertile and/or infertile. And finally, women's decisions will be influenced by our political predilections, including our feminist leanings." To the political far right, it may simply be a question of who gets to "play God". But as Judith Lichtman, President of the National Partnership for Women and Families says, "There is far too much at stake for Congress to set policy based on scare tactics and ideological warfare." If approved, "therapeutic cloning research should be done only under the highest ethical standards, with stronger informed consent requirements, measures to protect women from exploitation, and a prohibition of undue financial inducements to donate eggs." Curiously, the National Organisation for Women, the National Abortion and Reproductive Rights Action League, and Planned Parenthood - the country's most prominent reproductive rights groups - have remained neutral on this issue. Perhaps their silence speaks volumes to those who have already thrown their hats into the arena.

WFS