

Option for BTV

The news that by the end of the year the Bangladesh Television (BTV) is going to have its second channel produces a mixed feeling instead of the usual enthusiasm associated with such occasions. The reason for such a cautious greeting to the news is plain and simple. The information minister informs that the new channel will be devoted to highlighting the "increasing development activities of the government". The government's compulsion is quite understandable, but the rationale behind placing a channel at the service of development activities looks flawed. If what the government now projects in the name of development activities can be any guide, there is every reason, we are afraid, of turning the proposed channel into a propaganda outfit. Already viewers are fed up with the promotion of partisan news, views and other programmes in the name of development. If all this appears to be inadequate for the government, and a second will be filled with more such propaganda programme, one shudders to think what will be the reaction of the TV watchers.

One saving grace however will be the viewers' option to turn to the British Broadcasting Corporation (BBC) and the Cable News Network (CNN) or else to the Channel One of the BTV. But then what will the government have achieved by opening an extra channel and at whose cost? The introduction of a second channel could indeed have been necessitated by more urgent considerations. When the BBC opted for the second channel, the focus was solely on the promotion of science education and culture. For BTV, the challenges are even greater.

The government can surely claim all credits for allowing the CNN and the BBC to telecast their programmes during certain hours of the day, indicating its attitudes of openness. But unfortunately, when it comes to our local programmes, there is hardly any reflection of the liberal approach to complement it. Instances of the ouster of a few reputed and popular programme producers from the BTV in recent times give a bad account of the administration. In this context, the issue of autonomy for radio and TV — as agreed upon by the three main political alliances before the fall of Ershad — comes to the fore. The government has ignored the issue for far too long.

Producing more programmes does not mean making them more appealing to the viewers. Contrarily, the apprehension of the programmes further deteriorating may become real. This will in turn make the viewers further averse to the BTV and leave them with no choice other than falling for the foreign programmes now available. The government is likely to end up doing exactly the opposite of what it intended to do.

Admittedly, the important point is to make the BTV competitive — content-wise and technologically. Media prophet McLuhan's prediction of a global village, thanks to TV, is about to become true. Bangladesh can ignore all developments in the audio-visual medium only to its own peril. The move will be simply suicidal if the improvement of programmes — cultural and educational in particular — is not made the prime objective.

An Historic Judgement

Nine persons involved in the stoning of Nurjahan of Kamalganj, Sylhet — which led to the woman's committing suicide out of a feeling of shame and outrage about a year back — were all sentenced to seven years' rigorous imprisonment by a Sylhet court on Tuesday. Exactly as a court verdict cannot be denounced under any circumstances, it shouldn't be welcomed however much ever joy it brings to people wronged and hurt.

All the same, the verdict is in so many ways historic having the seeds in it of stemming a very bad kind of medieval cruelty now sweeping our towns and villages. It strikes very effectively at the idea that so-called religious actions can be taken to penalise people quite outside the pale of law. At once it deals a decisive blow on the prevalence of very warped pseudo-religious ideas of morality weighted wholly against women.

At a time we are poised to enter a new millennium hopefully with the beginnings of a dynamic forward-looking society, this was a decision come most propitiously. One can understand that the medieval barbarism with which women are increasingly being treated lately on a very wide scale in our country is but expression of the forces of status quo and bigotry reacting to women coming out of their centuries-old bondage of domesticity. The court decision can form an important link in advances sure to be made on the front of women's emancipation — if only the good work is sustained and carried forward through similar forthright court verdicts following similar occurrences of women's persecution of which there is no dearth in Bangladesh.

Courts of law can influence the social and political unfolding of a nation even after keeping well within its cloistered existence. The best example of that is the history of US. But courts cannot do that all on their own, someone must go to them seeking justice. That the Nurjahan case was taken to court and the court could come up with an historically important judgement was all primarily due to women's rights activists who would not let this pass as do scores and scores of similar cases in a year. It is they who brought the sinister thing to the attention of the whole nation and went to court. The nation's thanks are due to the activists of Bangladesh Mahila Parishad and its president Begum Sufia Kamal.

Their timely courageous and uncompromising initiative couldn't have succeeded if our print media wouldn't rise to the occasion. This a rare laurel that our Press has deservedly earned and it can be expected to carry its responsive social role to newer heights of achievements.

The vindication of Nurjahan's death brings into bold relief the failure to bring to book culprits in dozens of cases of burning and kidnapping, raping and killing of women. Shukla Dey's murderers are still at large and what's the prospect of catching up with the filthy tricks of the dirts band that violated Feni's Rokeya not only physically but, in the style of Nurjahan, subjected her to public humiliation?

The news of the Nurjahan case verdict was one good proof that Bangladesh is moving.

On 10 February, 1994, the media informed the nation that the crisis over the appointments of nine judges of the Supreme Court of Bangladesh was over. The people in general also thought nearly the same. By the morning, the advocates of the Supreme Court learned from the daily list that nine more Division Benches were created to accommodate each of the newly appointed nine judges in the High Court Division of the Supreme Court.

The constitution for the day's work was printed at least one day before. By the grace of the Almighty and belying the caution of Shakespeare — there are many a slip between the cup and the lips — all the newly appointed judges could have been able to take oath, inter alia, to preserve, protect and defend the constitution at about 10 AM.

At about the same time the general members of the Supreme Court Bar assembled in the historic South Hall to consider on the new notifications of appointments and after deliberations, recorded their satisfaction over the cancellation of the earlier notifications dated 3 February, 1994 appointing nine judges; but they could not support the new notifications issued on 9 February, 1994 when they found that the names of Mr Asaduzzaman Al Farooque, the Law Secretary and Mr Habibullah, Additional Secretary of the same Ministry of Law were only replaced by the names of two District Judges.

They could not be satisfied that the revised list was the result of 'effective consultation'

The Role of the Chief Justice in the Appointment of a Judge

by Md Abdur Rashid Advocate

ment been in writing in the Constitution.

Now, what is consultation and what is the role of the Chief Justice in the process of appointment of a Judge? Let us look at the present provisions of our constitution. Article 95(1) says: "The Chief Justice and other judges shall be appointed by the President."

So, we see from the above provisions that the right to appoint a Judge is vested in the President. But the act of appointment is preceded by a process of selection. During the process of selection of a person, the role of the Chief Justice is measured with the measure of independence the Judiciary of a country enjoys. Here lies the key to the answer to the question.

Under Article 95(2) of the constitution, "A person shall not be qualified for appointment as a Judge unless he is a citizen of Bangladesh and — (A) has, for not less than ten years, been an advocate of the Supreme Court; or (B) has, for not less than ten years, held judicial office in the territory of Bangladesh; or (C) has such other qualifications as may be prescribed by law for appointment as a Judge of the Supreme Court."

The above qualification is the minimum and to become

said judicial officer. Because, though the Government would have the means to know the character and integrity of such judicial officer, his antecedents and his philosophy in life etc, but the Chief Justice would be in better position to know about the competence, character and integrity of such person and as such, can give an objective opinion unaffected by any prejudices.

Similarly, in the case of an advocate of the Supreme Court to be selected as a Judge, the Chief is better placed than any body else to assess and say about the competence, character and integrity of such advocate. Then, comes to opinion of the Bar of which he is a member. In England, in the selection of a lawyer as a Judge the Bar is always consulted. During the time of the caretaker Government, the present Chief Justice, so far I remember, as President consulted some senior members of the Supreme Court Bar in the case of few appointments as judges of the Supreme Court. Even before the appointment of Mr Aminul Huq as the Attorney General of Bangladesh, opinion of some senior members of the Supreme Court Bar was obtained by Mr Shahabuddin Ahmed CJ.

Now I shall consider the question from another aspect. Article 22 which is included in

Part-II of our constitution enumerating 'Fundamental Principles of State Policy' (though not enforceable) states as follows: "The State shall ensure the separation of judiciary from the executive organs of the state." This principle may be profitable used to say that to overrule or ignore the view of the Chief Justice would subvert the independence of the judiciary.

Unlike this time it never happened before even in the times of authoritarian rules of military dictators that a Judge was appointed without the consultation with the Chief Justice. Rather, there is a precedence that in the British time when a Judge was appointed against the recommendation of the Chief Justice, the said Judge was not assigned any work by the Chief Justice.

In our jurisdiction, I could not find any case where the purport of the word 'consultation' was considered. In India, the word 'consultation' was considered in number of cases and lastly exhaustively, in the case of SP Gupta v Union of India reported in (1982) 2 SCR 365-1981 suppi SCC 87. The case is voluminous of 725 pages containing 1270 paragraphs. Seven judges comprised of the bench. Each one of them gave his own opinion on the issues raised in particular on whether the opinion of the Chief Justice of India would have primacy over the opinions of the Governor of the State and the Chief Justice of the State. Leading judgement was delivered by Justice P N Bhagwati.

(To be concluded tomorrow)

More Investments Needed in the Education Sector

by Mohiuddin Ahmad

to 1991, some improvement has been observed in the female literacy rate. However, female literacy rate is still much lower than the male literacy rate (see figure 1).

Enrolment and Drop-out

The school attendance rate in Bangladesh for all groups of school-going age is very low. The enrolment rate, particularly for girls, have increased to some extent during the eighties. Gross primary school enrolment rate at the national level was 70% in 1990. The government aims to achieve a gross enrolment rate of 85% by 1995 and 95% by year 2000.

Primary level education in Bangladesh for all ages according to 1991 enumerated census data is 24.82% for both sexes. The literacy rate for population of five years and above is 36.1% for male and 21.8% for female, whereas the adult literacy rate (the rate of literacy of the population of 15 years and above with respect to the population of the corresponding age group) is 45.2% and 23.7% for male and female population respectively.

All these information reveal a very poor state of literacy in Bangladesh. Successive census data show that there has been little progress in this field. While the male literacy rate remained almost static during the 30 year period from 1961

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Primary level education in

Bangladesh is characterized by high rate of drop-out by students from schools. According to the latest available BANBEIS (Ministry of Education) data, about one-fifth of the enrolled students drop out in Grade I. Students drop out in high numbers also in Grades III and IV.

Wastage of resources in the education sector is very high as more than half of the enrolled students leave the school before completion of their study. The total drop-out rate in the whole system at the primary level was reportedly 57% in 1990. The drop-out rate at the primary level is relatively lower for girls com-

pared to boys. This means that although less number of girls are enrolled in primary schools, their completion rate is higher than that of the boys.

The drop-out rate at the secondary level (Grade VI to X) was 60.5% in Bangladesh in 1990. This was 57.6% for boys and 65.9% for girls.

Enrolment and Gender Distribution

The number of female students is lower than the males at all levels of educational institutions. The proportion of girl students among total students decreases with the increase in the level of education. Girl students constitute 45% of the total enrolled students at the primary level in the country. This proportion was as low as 32% in 1971.

At the secondary level, the proportion of girl students among total enrolled students is 34% in the country. Girls constitute only one-fourth among the college students. The proportion of girl students at the college level has increased significantly during the eighties.

Resource Allocation

Education for all by year 2000 meaning universal primary education by the stipulated period would not be an easy task in the context of the

existing state of infrastructure and sectoral allocation of resources. The principal task would be two-fold: first, to enrol all children of school-going ages and, secondly, to reduce the dropout rate to the minimum. This would need more investments in the field of education, but not an amount beyond the capacity of the national exchequer.

Sectoral allocation to "education and religion" amounts to 14% of the total budget (revenue plus ADP) of the country in 1993-94. In terms of GNP, it is only 2.7% comparable statistics shows that Bangladesh ranks last in the South Asia region with respect to public expenditure on education (see figure 2, ref. Human Development Report 1993). Per student average monthly recurring cost of government funded institutions at the primary level never exceeded Tk 20 during the eighties. This alone reflects the precarious condition of our education sector.

Rhetoric of development would not help in achieving an inch of progress in the field of education unless more resources are allocated. The estimated population of school-going age (5-9 years) is over 18.4 million in the country according to 1991 census. For

simplicity of analysis, if we assume that all would be enrolled in primary schools, even then the risk of dropout to the extent of 50% still remains.

Concerted efforts should be made to address the particular problems of about ten million children who should be the target group. An incremental allocation of Tk 100 per capita for this target group would require slightly over Tk 11 billion. Even a scholarship programme for the vulnerable groups at a flat rate of Tk 100 per month would bring a radical change in the field of education. This would increase the sectoral allocation for "education and religion" from 14% to 20%, and the consequent share in the GNP from 2.7% to 3.8%, which seems achievable. Instead of looking for doles from outside, the government can mobilize this amount of resources through careful reallocation of resources and reorganization of its priorities. Instead of waiting for an appropriate level of infrastructure to grow, a massive mobilization can start immediately using a non-formal approach which has already demonstrated its effectiveness.

Non-formal Approach

Although many NGOs have been imparting non-formal adult education for many years, their involvement in non-formal primary education (NFPE)

is of recent origin. BRAC is a pioneer in this respect. BRAC was running more than eleven thousand non-formal primary schools in the country in 1992.

It has planned to increase the number of schools to 50,000 by 1995 and to 100,000 by the year 2000.

According to the UNDP report on Human Development in Bangladesh (1992), BRAC's programme on NFPE has been found very cost-effective. A community built school house of BRAC costs about Tk 2,000 and another Tk 100 is needed per month to maintain it. The report commented that the \$80-90 million assigned for construction of 10,000 new classrooms and a similar number to be upgraded under the General Education Project might finance the construction and maintenance of 20 to 25 times as many classrooms of the BRAC type for five years. The report recommended that the existing non-formal approaches be expanded rapidly in order to achieve the goals set for the year 2000. BRAC's approach should be integrated in the mainstream of the national process for human development.

The author is a development researcher. He is also the Coordinator of South Asia People's Commission on River Water and Environment

Kashmir issue

Sir. A few days back I was watching an Indian TV discussion wherein a Minister, two Indian participants and two Pakistani participants held free discussion about the bottlenecks and how to remove them in developing good neighbourly relationship between India and Pakistan.

Understandably both the sides were defending their respective Government's policies. At one stage the Pakistani participants wanted to know why a big democratic country like India had adopted policy of bullet in place of ballot on Kashmir issue. Surprisingly, the Minister (I am sorry I forgot the name) at one stage replied that why Pakistan used bullet against its own Muslim brothers in the then East Pakistan now Bangladesh when they won in the ballot. The Pakistani team replied that "that is why we lost that part and you helped them to get rid of Pakistan".

The next question put by the Pakistani team was that why India, after the creation of Bangladesh, is not maintaining the same standard with the Kashmiri people or they (Indians) are waiting for some one who will liberate Kashmiries from India. The Minister then sidetracked the question.

India successfully has dragged the matter at UNO. It was India which wanted UN to help her in getting a breathing time and she has got it. Now India wants the world to believe that Kashmir is not an issue at all and the UN should forget about an old resolution passed on Kashmir issue!

I will not be surprised if one day India ousts UN from Kashmir.

Should Muslims rise unit edly to solve the problem and not bank on this world body?

state, besides other diseases uglier than AIDS that still attack a high per cent of population every now and then.

On the brighter side of life, however, AIDS is not the only cause of human death, while various other ways to die, quick or slow, anywhere anytime are unpredictable even now; hence, all other causes of premature death, especially disease of any type, deserve universal attention as well.

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Voters' list

Sir, This refers to the editorial "Where EC Failed" published in your esteemed daily on 7th February. I agree with you that a fault-free fair election can never be held until a fault-free voters' list can be prepared. As I understand, the Election Commission has been trying its best to translate election into a genuine process of upholding better leadership to run the government as best as possible.

Under the circumstances, Election Commission's honest desire for fair election is welcome and necessary but is not enough. A fault-free voters' list is a pre-condition for free and fair election. I strongly feel, for the sake of an all-correct voters' list, the Election Commission secretariat should be re-organised and re-structured. There are allegations malpractices, carelessness and also corruption. As such, through your esteemed daily, I would like to urge the Election Commission to take definite steps against such practices if any before venturing into accurate registration of voters and issuance of proposed identity cards to voters.

I will not be surprised if one day India ousts UN from Kashmir.