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WHILE our education sector is undergoing some visible changes -- positive and negative -- like implementation of the new education policy, distribution of free textbooks to school children at the beginning of the year, along with outburst of sexual harassment of girls studying in schools and colleges, the High Court has passed a historic order banning corporal punishment of students in educational institutions.

The High Court judgment declared corporal punishment unconstitutional and violation of human rights, while disposing a writ petition filed by Ain-o-Salish Kendra and Bangladesh Legal Aid and Services Trust. This verdict of the High Court is expected to expedite change in the traditional approach to children in regard to their education and mode of teaching. The government has also been asked to constitute an independent national commission to ensure the end of the bad practice.

The issue of corporal punishment of students in schools is a burning one not only in our country but also in a lot of other countries. Corporal punishment has been outlawed in most of Europe, Canada, Japan, South Africa, New Zealand and several other countries. It is banned in state schools in 30 U.S. states. In two of these states, New Jersey and Iowa, it is illegal in private schools as well.

It is interesting to see that much of the traditional culture that surrounds corporal punishment in schools, in the English-speaking world at any rate, derives largely from British practice in the 19th and 20th centuries, particularly as regards the caning of teenage boys. Many schools in Singapore and Malaysia, as also some African countries, use caning for boys as a routine official punishment for misconduct. In some Middle Eastern countries whipping is used. In South

Corporal punishment: Yes or no?

Korea, male and female secondary students alike are commonly spanked in school.

Caning was completely abolished in 1967 in Denmark and 1983 in Germany. From the 1917 revolution onwards, corporal punishment was outlawed in Russia. In Australia, corporal punishment is banned by law in all schools in the Australian Capital Territory, New South Wales, and Tasmania. In Victoria, it is banned in government schools but not in private schools. In Canada the Supreme Court outlawed corporal punishment in 2004.

All corporal punishment had been theoretically banned since the communist revolution in China in 1949 though, in practice, students are caned or paddled in some schools. The systematic use of corporal punishment has been absent from French schools since the 19th century. There is no explicit legal ban on it, but in 2008 a teacher was fined for slapping a student. Corporal punishment in Greek primary schools was banned in 1998, and in secondary schools in 2005. Italy banned it in 1928.

Caning is a common form of discipline in many Malaysian schools. In Netherlands, it was banned in 1920. Corporal punishment is prohibited in private and public schools in Philippines. It is legal in Singapore schools for male students only, and fully encouraged by the government in order to maintain strict discipline. Only a light rattan cane may be used. This must be administered in a formal cere-

mony by the school management after due deliberation, not by classroom teachers.

Corporal punishment is lawful and in wide use in South Korean schools. Spain banned it in 1985. In Sweden, corporal punishment in

of corporal punishment in schools, maintains that as soon as the student has been punished he can go back to his class and continue learning, in contrast to out-of-school suspension, which removes him from the educational process and

penalties such as detention or Saturday school.

However, research shows that corporal punishment is not effective as positive means for managing student behaviour. These studies have linked corporal punishment to

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schools has been prohibited since 1958. In Thailand corporal punishment in schools is illegal.

It is true that there are divergent views on corporal punishment of students in schools, though the tilt is towards bringing an end to it. Principal David Nixon, a supporter

gives him a free "holiday." Philip Berrigan, a Catholic priest, said that corporal punishment saved much staff time that would otherwise have been devoted to supervising detention classes or in-school suspension. Parents, too, often complain about the inconvenience occasioned by

adverse physical, psychological and educational outcomes, including "increased aggressive and destructive behaviour, increased disruptive classroom behaviour, vandalism, poor school achievement, poor attention span, increased drop-out rate, school avoidance and school

phobia, low self-esteem, anxiety, somatic complaints, depression, suicide and retaliation against teacher."

It is imperative to make some observations in the Bangladesh context. A large number of our teachers are unaware of child psychology and the philosophy of education along with the latest mode of imparting it in an attractive manner, especially to children in schools or equivalent institutions.

In the classroom the natural inquisitiveness and spontaneous queries of the children are suppressed. Prevalent atmosphere in and around the institutions and the stereotyped class routine also are not congenial to their normal development. But, hopefully, the scenario will change for the better. The Education Policy 2010 has stipulated: "Respecting the natural inquisitiveness and curiosity of the children, and using their vitality and vivacity, they should be nurtured with love and affection in a pleasant environment. Protection for the children shall be ensured so that they do not, in any way, become victims of physical or mental torture."

The timely and highly commendable High Court Judgment, which prohibits caning, beating, confining or chaining children, or otherwise subjecting them to any cruel and degrading and inhuman punishment in the educational institutions, will help us in achieving the desired development of our children. I am optimistic that it will be followed through by the concerted and coordinated efforts of our teachers, guardians, policy makers and the government. For that, recruitment of qualified teachers to teach with dedication and affection along with ensuring their due status, which covers both financial and social aspects, is the need of the hour.

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Ruling party: Think things over

SHAMSHER CHOWDHURY

GOOD intentions and good will alone are not enough as truly effective management tools, whether at personal or at state level. What is needed is a comprehensive understanding of actual capacities/resources on hand; money, man and material. It appears that this administration has no dearth of resources of any kind and is capable of handling any and all issues that come in its way.

To a careful observer it is evident that this administration has not taken into consideration these vital aspects in either launching or executing a programme -- large or small. On the other hand, many projects or ventures do indicate lack of planning without due thought on the various pros and cons that would determine the failure or success of the programme.

Take for example two of the most recent moves of the administration aimed at easing the traffic jam in the city and at fixing and revising the CNG fares. With regard to the school bus idea, one wonders as to how the administration plans to ensure that the service is going to be used by school going children. On the very first day of the operation of the service, as reported by the media, buses were carrying large numbers of people who did not appear to be students by a long shot. It is our impression that in time to come this will become yet another addition to the existing public buses, creating additional problems in the already debilitating state of the traffic jam.

On the other hand, implementation of revised fares for CNG-operated three wheelers has already nosedived. Our question is, why is the government fielding monitoring teams now on a post facto basis after lot of hue and cry from the commuters? We have seen that such measures undertaken by concerned authorities on earlier occasions have failed for the same reason. Clearly, the concerned authorities have not taken lessons from the past mistakes.

For all practical purposes, one of

the major causes of traffic jams is laxity in traffic control and traffic management by traffic police. We have witnessed innumerable moves taken by the administration, like hauling up of old and unfit vehicles, fake driving licenses so and so forth. They all ended in a fiasco. It was all sound and fury signifying nothing.

Embarking on projects and programmes without sufficient thought, due review and assessment of possible snags that may stand in the way of their implementation has been the hallmark of this administration. People are already heavily burdened by innumerable issues in their lives and living, there is no point in

brilliant minds were behind such ideas to begin with.

It is our impression that most people are happy with small issues, the fruits of which are readily visible when implemented. The majority of our people do not possess the intellect or the vision to understand or appreciate the long-term benefits of large projects.

The majority of our population is patriotic, and they are happy with whatever little they have. Bangladeshis are a politically highly conscious nation. They need to know what is happening around them. The present regime, like the previous ones, continues to ignore the people of the

the administration at upazilla level and beyond.

The ruling party also has to worry about the continued terror acts and vandalism by its student wing, Chatra League. From the recently held municipal elections one is also likely to surmise that the reason for the ruling party doing badly is the poor interaction with the public of the locality by MPs and other party cadres. The leaders and the MPs more often than not engage themselves in unspecified anti-people activities too. Such actions reportedly have often been harsh and abrasive, incurring unnecessary displeasure of the public.

It is, therefore, our impression that the ruling party would do itself a favour by undertaking an in-depth survey in order to reassess its popularity amongst the people at large between the time it took the reins of power and now. Such a survey should be undertaken simultaneously, not only by the party's select body but also by a reliable independent body -- preferably by a reputed NGO engaged in human development and dealing with people's issues in the rural areas of the country.

It is our understanding that no matter how positive and rosy the scenario may appear to be, discontent is building up amongst the majority of the people. It is high time that the ruling party wakes up and engages itself in in-depth self-criticism aimed at improving its overall performance and arresting the downward swing of its image. People's silence in this country can often be deceiving. Bangladeshis often appear like dead volcanoes, not knowing when they will erupt. Awami League, the ruling party, is the oldest political party in the country with a credible track record spread over a period of sixty years. However, the truth remains that its glorious history is fast becoming cloudy in the minds of the people. Our rulers must realise that public memory is short and can be deceiving.

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Our memory at this moment of time races back to two other decisions of the government -- the introduction of DST and its subsequent withdrawal. We also recall this business of closing down of the CNG filling stations for certain hours of the day and subsequent revisions. Essentially, these ventures did nothing but cause unprecedented miseries for the people. One really wonders as to what

rural areas where the majority of country's population lives.

Furthermore, the ruling party must not underestimate the intelligence of the people in general. One must realise that the people of today are far more conscious of their rights and privileges compared to those of the '50s, '60s or the '70s. There is a growing resentment against any form of highhandedness, either by the lawmakers or civil servants engaged in

Independence of the Supreme Court vis-a vis Parliament

M. HAFIZUDDIN KHAN

CURRENTLY, a controversy is going between two of the three organs of the government as to whether the Parliament or the Supreme Court is sovereign, or whether each one is independent of the other in its own sphere -- neither the Parliament is accountable to the Supreme Court nor is the Supreme Court accountable to the Parliament.

As a corollary to this issue a question has also arisen as to whether the Supreme Court can be asked to send the Registrar or some of its official to the meetings of the Parliamentary Standing Committee on the Ministry of Law and Justice. As far as we have seen in the newspapers the Supreme Court has refused to send the Registrar to the said Committee.

This has resulted in the surfacing of a basic constitutional question, and we are in deep confusion because of differing interpretations being given by the law makers and lawyers. The issue should be settled through discussion, analysis and interpretation of the Constitution in its proper perspective by constitutional and legal experts, but it should be settled once for all so that the controversy does not create any legal problem in the functioning of the government in general and Judiciary and Parliament in particular. While deciding on the question the system prevailing in other countries having a similar system of government may also be taken into consideration.

I am writing this to raise a pertinent question which, I think, is important in dealing with the issue. Article 128(1) of the Constitution lays down that "the public accounts of the Republic and of all courts of law and all authorities and officers of the government shall be audited and reported on by the Auditor-General and for that purpose he or any person authorised by him in that behalf shall have access to all records, books, vouchers, documents, cash, stamps, securities, stores or other government property in the possession of any person in the service of the Republic."

Thus the Auditor-General is required to audit the accounts of all courts of law, including the Supreme Court. The report of the Auditor-General goes to the Public Accounts Committee of the Parliament. Now the question is whether the Supreme Court should send the Registrar, who is the Principal Accounting Officer insofar as the accounts of the Supreme Court is concerned, to the Public Accounts Committee if any audit objection relating to the accounts of the Supreme Court is taken up by the Public Accounts Committee for examination and whether the independence or sovereignty of the Supreme Court will be compromised in case the Registrar attends the PAC meeting.

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