

BITTER TRUTH

Hyperactivity syndrome



SOME people holding high positions in society and the government often behave and talk most erratically and irrationally, lowering the image of the office they hold. Their public manner sometimes borders on stupidity. In our country, these types of people are not too few. They are always

espousing policies they consider most viable and hold on to them, defying public criticism. They are always fulminating about enemies they perceive to see surrounding them.

The country is now passing through a very critical situation even though a democratic government is in power. It has been largely triggered by the volatile manner and hyperactive actions and utterances by the leaders of two main political parties. Business community and general public have expressed serious concern over the political future of the country.

The opposition lost no time in calling a dawn to dusk *hartal* on June 5 in reaction to the prime minister's statement on May 30 in a meeting with the parliamentary standing committee on constitutional amendment that the caretaker system will be dropped in conducting the next parliamentary election as per Supreme Court verdict. Undeniably true, there is no last word in politics and no end of dialogue.

Prime Minister Sk. Hasina has, in the meantime, changed her stance and invited the BNP to join parliament session and voice their demand with a definite formula for the caretaker system. It seems unintelligible to the general public why the BNP should not avail this opportunity to speak for themselves and for the people as they were elected representatives of the people.

The country and its people are being held hostage by a group of hyperactive leaders in both the major political parties as well as stalwarts in the administration. They preach one thing and practice something else. They will ride roughshod over the principles they preach, but hold others responsible for such acts of omission or commission. In most cases, these hyperactive leaders and officials inherit a legacy or background from the earlier days of their career that inhibits growth and transparency and breeds tension, despair, despotic system, and autocratic practices. Without any contradiction, mutual respect and trust for each other are sine qua non for the flowering of democratic practices and norms.

Many of these hyperactive people in politics, administration and academic institutions have either ascended the hierarchy or got installed in some position of authority through unscrupulous means and not by the quality

of their work, probity or tested merit. Their weaknesses in most cases turn into wickedness.

Much to our shock and disappointment, we see in recent times an alarming erosion of values and commitment to work ethics in teachers and administrators of academic institutions, especially in primary and secondary level institutions, where academic excellence or merit must be tinged with temperamental sobriety and restraint. Some teachers in schools, who seem to have taken up the teaching job not by choice, have brought disgrace to themselves and their profession by their untoward actions.

The recent story of brutality of a teacher who caned a class eight female student of PWD High school in Khulna for not enrolling in the coaching centre he runs and another story of corporal punishment to some students of a school in Dhaka for protesting expulsion of some students from the school illustrates that even the academic arena, a hub of the tender-minded youngsters, is now ruled by hyperactive people.

There is prevalence of such hyperactive and bureaucratic attitude in politics as well. This has contributed to an accelerating deterioration, a festering malaise that tends to break apart democratic norms. The handling of Jhalakathi college student Limon case, with issuance of contradictory statements by different agencies of the government branding him and his family as belonging to terrorist group before the investigation was complete and when the case was subjudice, speaks volumes about the hyperactive people vitiating not only law and order situation but also contributing significantly to the deterioration of the political atmosphere of the country.

Many people believe that there was no reason for the defence adviser to the prime minister to come to the aid of the law enforcement agencies, or for any minister or minister level adviser to come to any government organisation's rescue, when it did not concern his or her own area and when the case was pending before the court.

Unhappily, most people belonging to a political party are full of "yes" men. They have hardly any guts to rise against the top brass or personality even if he or she is wrong. On the other hand, the elected representatives lord over the electorate when they are supposed to protect and safeguard their interests.

Because those venal politicians have been busy cashing-in the dividends for themselves, they have failed to keep up the morale of the party men or people they represent. What people can fairly expect at this moment is that the attempts to cut the bureaucracy in different tiers of administration in democratic governance must not be defeated by the democratic government itself.

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AMADULL HUQ/DRINK NEWS

BCS examination: An afterthought

SARDAR M. ANWARUDDIN

LET me start with a question: What are the candidates tested on in the BCS examination? A few days ago, a preliminary test of the 31st BCS examination was held across the country. I happened to look at the test items, which were all multiple-choice questions. I was wondering about whether or not the knowledge and skills required to pass the exam were worth knowing. I was not sure about how they would be useful in the "real-life" contexts in which the participants would need to perform in the future.

One of the multiple-choice questions asks the participants to identify the distance by railway from Dhaka to Khulna. Two things are important here. First, only the examinees who have memorised this specific piece of information can choose the right answer. Others, no matter how creative and intelligent they are, cannot find it. Second, this question is not meaningful and relevant to most candidates. For example, how can a person who lives in Sylhet and never traveled to Khulna by train make sense of this question? Moreover, it is not clear how this piece of information can be useful in the activities of the prospective BCS officers. This type of test item, based solely on memorisation, belongs to the lowest level of cognitive domain.

In the 1950s, Benjamin Bloom, an American educational psychologist, suggested a taxonomy of cognitive domain. Since then, Bloom's Taxonomy has been welcomed by educationists and thinkers across the globe, and has served as an effective framework for our conceptualisation of thinking. The cognitive domain, according to Bloom, has six levels: knowledge, comprehension, application, analysis, synthesis, and evaluation. These six levels are interpreted by most to be hierarchical.

Level One, knowledge, assesses how students can recall and remember previously learned materials including specific facts, events, persons, dates, methods, concepts etc. Level Two, comprehension, assesses students' interpretation, explanation, prediction, inferences, estimation, translation of one symbolic form to another, demonstration of understanding etc. Level Three, application, tests how people can use abstract ideas, rules, or methods in novel and concrete situations. Level Four, analysis, assesses students' ability to break down a communication into constituent parts and elements and to understand the relationship among different elements. Level Five, synthesis, is concerned with students' skills in arranging and combining elements and parts into novel patterns or structures. In the final level, evaluation, students judge the quality, worth, or value of something according to established criteria, e.g., determining the adequacy of evidence to support a conclusion. Among these six levels, only the first one -- the

knowledge level -- is considered to be lower; all other levels are higher.

It seems that almost all items in the BCS preliminary examination are based on knowledge and recalling. They do not require higher-order thinking abilities of the candidates. Only those who can memorise loads of facts and figures and recall them during the test can succeed in the exam. However, the candidates who pass the BCS exam will have to deal with various complex situations

throughout their career. It is very likely that they will not be presented with four alternatives having only one right answer. In those situations, they will have to think critically and solve complex problems by considering various factors. And I am afraid the candidates' ability to memorise facts and information will not help them in those circumstances.

I think that the nature of test and assessment used in the BCS examination not only limits the candidates' creativity, imagination, and critical thinking skills, but also selects many unqualified candidates for positions that are crucial to our nation's socio-political and economic development. I also think that another debilitating effect of the nature of test items is the leakage of question papers for PSC-administered recruitment examinations in recent years. It may be possible that many candidates who are not good at memorising facts and fig-

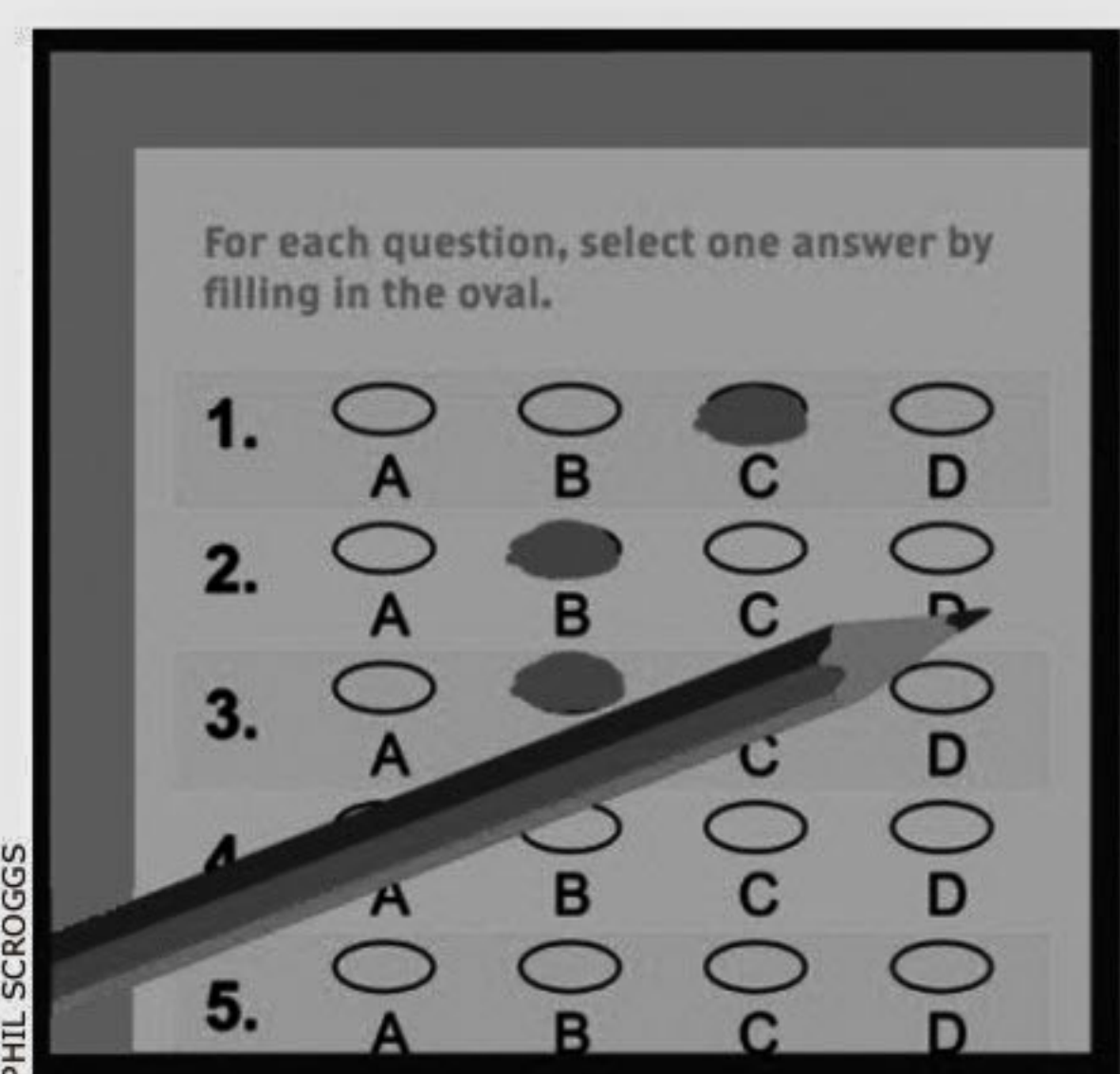
ures or who find the whole process somewhat meaningless seek illicit ways of passing the exam. Therefore, a change in the nature of test items and assessment procedures may prevent any unwanted and illicit means such as leakage of question papers.

This change should also ensure that candidates' critical thinking skills and problem-solving abilities are emphasised in the tests. We need to keep in mind that knowing information is no longer a big deal. Google and Wikipedia are enough for that. What is more important is how we use our knowledge and information. It is probably expected that our future holds many unanticipated challenges for us. I am afraid we will not be able to meet those challenges with the kind of knowledge and skills tested in the BCS exam.

In addition to critical thinking skills and problem-solving abilities, we need to have collaborative skills that are required to work cooperatively with others. Whether we like it or not, we will have to get out of our comfort zone and interact with people who belong to different ideological, political, and ethnic groups. In this situation, our collaborative skills, knowledge of inter-group understanding, and respect for diversity will play very important roles. Therefore, it is important that the BCS exam shift its focus from lower-order to higher-order thinking skills and emphasise the candidates' ability of critical thinking, problem-solving, and inter-group collaboration.

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PHIL SCROGGES

13th Amendment and future of democracy

ABDUR RAZZAQ

THROUGHOUT history, important constitutional cases have had far-reaching and, at times, disastrous consequences. In 1857, in Dred Scott case, the US Supreme Court declared slavery lawful. The result was the American civil war. In 1955, in Tamizuddin Khan's case (PLD 1955 Federal Court 240), although the Chief Court at Sindh declared the Governor General's decision to dissolve Pakistan's Constituent Assembly unlawful, the Federal Court (with Justice Cornelius dissenting) reversed that decision. Chief Justice Munir was suspected of complicity with the armed forces. It is however widely believed that without that judgment, democracy would not have suffered that terrible fate in Pakistan.

It is too early to predict the consequences of the Supreme Court's judgment which declared the 13th Amendment unconstitutional. This may lead to a political crisis, and God forbid, constitutional crisis.

The nation is aware of the prolonged process of pain and suffering it underwent before the introduction of caretaker government system in March 1996. The Awami League led opposition called 96 days *hartal*. The prime minister was on record as saying that the caretaker government was her brainchild. Two successive elections were held rather smoothly in June 1996 and October 2001. Difficulties arose in May 2004, when the BNP government amended the Constitution and raised the retiring age of the Supreme Court judges to 67 years. The result: Justice K.M. Hasan was to lead the caretaker government, which the Awami League refused to accept. Violent agitation began, 1/11 came, the two former prime ministers found themselves in prison.

In the High Court Division, the caretaker system was

challenged twice and rejected twice: firstly in 1996 (Writ Petition No. 1729 of 1996), and then in 2004 (57 DLR 171). An appeal preferred against the 2004 judgment resulted in the 4 to 3 majority judgment of the Appellate Division, the full text is yet to be available. The summary of the "short order" is as follows:

- The Thirteenth Amendment is prospectively declared void;
- The elections to the Tenth and Eleventh Parliaments may be held under the Thirteenth Amendment;
- Parliament is at liberty to bring necessary amend-

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ments excluding the judges of the Supreme Court from the caretaker government. Once the judgment's full text is received, the precise reasoning will be known. But in Court, the Appellant's principal contention was: the amendment violated the basic structure of the Constitution, namely democracy, because the interim government is an unelected one. Since it was a matter of high public importance, the Court took the assistance of eight senior counsels, of whom two were amongst the framers of the Constitution, as amici curiae. Except one all were in favour of the caretaker government, while two (Mr. Rafique-ul-Huq and Dr. Zahir) opined that judges should be excluded.

It is difficult to understand how the caretaker system can be declared unconstitutional on the ground of its inconsistency with the democratic principles when (a) it

was introduced by national consensus, (b) it came in aid of democracy, and (c) ensured free and fair elections. The relationship between democracy and free and fair elections was best summed up in an Indian case [(2002) 8 SCC 237]: "Free, fair ... elections are part of the basic structure of the Constitution... Democracy and free and fair elections are inseparable twins. There is almost an inseparable umbilical cord joining them. The little man's ballot and not the bullet is the heartbeat of democracy."

The citizens of this country (the little man) cannot

forget how their votes were hijacked, bullets used, booths captured, and helicopters hired by the party in power to transport ballot boxes from one place to another. But no system is foolproof. The caretaker government has its downsides but it has put an end to this shameful chapter. This, however, does not mean that caretaker government should continue indefinitely. It came into existence through a political process. It should come to an end through a political process.

It is, therefore, impossible to say that the first part of the judgment is in aid of democracy. In history sometimes minority judgments have been proved to be right. Lord Atkin in his minority judgment (1942 AC 206) at the height of World War II declared unlawful the detention of a German citizen by applying the objective test in case of preventive detention. Forty years later, he was proved right. In Tamizuddin Khan's case, had the

majority accepted Justice Cornelius's minority view, Pakistan's history would have been different. In the Thirteenth Amendment case we have to wait for the verdict of history.

The second part of the short order has been criticised as contradictory. Critics also say that the former chief justice has kept the door open for him to become the next chief adviser. However, the second part is not without merit. It has given a way out to the government to implement it. They should not insist on appointing Mr. Justice A.B.M. Khairul Haque as the chief adviser. Mr Justice Haque, an honourable man, should learn from history and decline like Mr. Justice K.M. Hasan to become the next chief adviser.

The third part is easy to implement. Parliament can pass an Amendment introducing a new form of caretaker government excluding the judges. The ruling party with its huge majority can easily do so. The government is mistaken in saying that because of the Supreme Court judgment it has no option but to scrap the caretaker system. The Supreme Court has given the government carte blanche. It has kept all options open: (a) the government can do away with the caretaker system, (b) it can keep it unchanged for ten years, or (c) it can modify the system. Absolute power now lies with the government.

True, given the Treasury Bench's huge majority in Parliament, the opposition's views may matter little. Even then, the opposition should not miss the historic opportunity of putting their proposal on the caretaker government in Parliament. By doing so, they will gain support nationally and internationally. The country is on the verge of a political turmoil. Statesmanship is required.

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