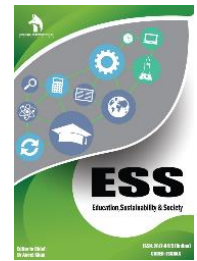




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REVIEW ARTICLE

TOWARDS A NORMATIVE LEGAL MECHANISM OF A UNITARY PRIMARY EDUCATION IN BANGLADESH

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ABSTRACT

The Constitution of the People's Republic of Bangladesh ensures the right to education under Article 17. From the liberation war of 1971 till 2020, the country has been developed its primary education system. Besides, there is no unitary idea or meaning of primary education in Bangladesh. To protect the nation from the diversity of primary education, the National Education Policy 2010 has set some common goals and primary education objectives. But the attempt of enacting education law is not completed even today. As a result, many activities in implementing education policy are being hampered. In the absence of a specific legal mechanism in the same arena, the 'National Education policy' has not been appropriately implemented. The research endeavors to discuss present education policy, the unitary concept of education, and the importance of adopting specific rules and regulations within the Education Act. The research also aims to analyze the unitary idea of primary education and the extent to which Bangladesh needs a specific legal mechanism to ensure unitary primary education. The scope of this research is restricted to the study of state practice of Bangladesh.

KEYWORDS

Primary, Education, Unitary, Laws, Bangladesh.

1. INTRODUCTION

Education plays an essential role in the development of any nation and is a fundamental human right. The Constitution of Bangladesh recognizes this fundamental right. Generally, in any country, various laws and regulations are added for the proper implementation of Education and other fundamental rights. The secret reason for the development of a nation is Education, and thus, universal primary education is crucial for every developing country such as Bangladesh (Chowdhury et al., 1999). In the present world, the issue of universal Education is being discussed quite vigorously. Generally, education is the acquisition of knowledge or skills. In a broad sense, the process of gaining systematic knowledge is called *Education*. The English word 'Education' derives from the Latin word 'Educare' or 'Educatum.' According to the International Dictionary of Education, Primary education as those of study during which no differentiation is introduced either in the form of optional subjects or in the streaming of pupils towards differentness of institutions or Education (Amin and Chandrasekhar, 2009).

According to 'The world book encyclopedia',

' Primary Education or Elementary Education extends from the beginning of compulsory education, the children may then go to secondary Education; usually at the age of 10, 12, or 14, or they may have school after completing the whole of their formal education in the same school.'

Primary education is treated in developed countries as a critical stage in a child's education. It should then be followed by secondary education and should be available for all children. When all the people of a country are given proper knowledge, it is called mass education or universal Education. In Bangladesh, universal education generally means basic education. This basic Education is provided through primary education. The first level of formal education is primary education. Napoleon said, 'Give me an educated mother; I will give you an educated nation.' That means you give me an educated mother, and I will provide you with a literate nation. The more developed a nation is, the more intellectual it is. Education can make a country stand out in the world. Therefore, the government, as well as people from all walks of life in society, should come forward to implement the universal education system. Only then the country and the nation will be freed from darkness, and national development will be ensured.

2. THEORETICAL PERSPECTIVE

2.1 Research Methodology

The research will be a doctrinal based analytical study of the respective subject area. It would be a discussion-based work with the available sources of law relating to the subject matter. It would be based on both primary and secondary sources. The primary sources include the legal instruments concerned with the issue, reports of the organizations,

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including the critical examination of the decision of different courts and tribunals of Bangladesh. The secondary sources include books, articles, and reviews of case laws on this subject matter. Journals and Digital sources will be explored and utilized for this purpose too.

2.2 Literature Review

In Bangladesh, the idea of concentrated primary education is introduced, which is one of the largest centralized education systems of the world. To develop and ensure the universal or unitary idea of primary education, the government of Bangladesh established a primary education office, and in 1990 the compulsory education Act was enacted, which was introduced various strategies between 1992 to 1993. When the scope and opportunities of primary education of a country are ninety percent higher than any other country, the government will be thirty percent more developed. To create a national education is the core element, and the base of this is primary Education there is the interrelationship between primary education and economic development. In the development of human civilization, education and literacy play a very vital role.

An educated person is advanced than an illiterate; the person is careful about his/her rights and duties. Education does not increase the income itself somewhat improve the responsibilities with empowerment. The core secrets of the development of the South East Asian country, Japan, Taiwan, Hongkong, Singapore, Thailand, Malaysia, and Indonesia is universal and compulsory primary education. The world Bank has awarded these countries as HPAE (High performing Asian Economics). In Bangladesh, if any family members are completed, primary Education has been eradicated their poverty in many ways. Unitary education actually means an integrated education system of English medium, madrasa, and Bengali medium. But the unitary education of 2005 was a kind of deception; There was an attempt to change only the secondary education system without any change in the English medium and madrasa education system.

In the secondary school certificate exam (SSC) structure of this country, which had been in place since 1973, students in the ninth and tenth classes were divided into science, humanities, and commerce departments. When the one-way education was introduced in 2005, it was decided to remove these sections and teach the same subject to every one. For many reasons, this one-way education is facing obstacles for teachers in the country. In Bangladesh, the biggest obstacle to the establishment of a one-way education system is the disagreement between the madrasa educated and the general educated. However, if the madrasa teachers play a positive role in this regard, the general educated do not seem to have any objections, although the two groups are equally responsible for the recklessness and disagreement on various issues. This tendency to recklessness has become imperative and if they gain general education such as political science, sociology, agricultural science, biology, chemistry, technology, technical education is all included in Islamic education because these are discussed in different verses in the Holy Qur'an.

Then there should not be too many obstacles for the education system to unitary. But because of their recklessness and stubbornness, the government has been forced to back down in different ways at different times. The constitution states of a unitary and universal education system and guaranteed the right to education for all. The report of the Kudrat-E-Khuda Education Commission, directed by Bangabandhu Sheikh Mujibur Rahman in 1974, was also a pioneering thought. But after the changing of government, the report was also rejected. The government of that time started to settle the issue of education by reflecting its own thoughts. Simultaneously, the basic ideas of the constitution began to be hampered, and the introduction of four-way education instead of initiating a unitary education system. This trend intensified in the eighties. It was established at that time that the children of the rich would study in the English medium.

The children of middle-class families will study in general education. And the children of impoverished families will study in madrasas. This class division in education led to defeat. Due to the lack of a uniform education

system, inequality is increasing in society, and education quality is declining. The above argument generates some interesting questions to consider: regarding the universal idea of primary education in Bangladesh, improved strategies, and problems through enacting specific legal mechanisms as well. This research will try too discusses the scenario of the idea of universal primary education in Bangladesh. Some present status and system using the following methods will help to formulate education policy and its implementation.

2.3 Research Questions

1. How does Bangladesh ensure the right to Education?
2. Why the country need a unitary primary education system?

3. FINDINGS AND DISCUSSION

3.1 Unitary Concept of Primary Education

In 1990, the Compulsory Primary Education Act was passed. On 1 January 1992, compulsory primary education was introduced in 68 Upazillas. Later, on January 1, 1993, primary mandatory Education was introduced in the whole country. The idea of universal primary Education in this subcontinent has been developing since a hundred and fifty years ago. With the development of Education dispatch in 1845, the Indian Education Commission, 1882, the Mandatory primary education Act from 1917-1927', and 'Sargent Report, 1944', the idea of universal primary Education becomes developed but failed adequately. After the independence of Bangladesh, 1972, the country started to invent unique strategies to create a universal idea of primary education, which was nod down in 1975 due to political instability. Therefore, on the 1st January of 1993, universal primary education becomes mandatory over the country, and a goal was determined to reach by 2000. But, in 2000, the number of illiterate people reached up to 7 crores, and thus, the development of universal primary education become neglected (Shohel and Howes, 2011).

The constitution of the people's republic of Bangladesh ensures a special status of the right to Education within the provision of Article 17 of part II. Part II is also included in the fundamental principle of state policy. There are three issues mentioned in the same article, which states that the state shall provide free and compulsory education to all up to the level prescribed by law in order to establish a people-oriented and universal education system in the same manner. At the same time, it will make arrangements for the creation of appropriately trained and motivated citizens to bring education in line with the needs of society and to meet those needs. The third thing is essential; that is, illiteracy will be eliminated from the country. The constitution says that the state will take adequate measures to eradicate illiteracy within the time prescribed by law. But till today, there is no legal mechanism to control the primary education system in Bangladesh (Ahsan and Burnip, 2007).

The more developed a country is in Education, the stronger its economy is. However, the constitution does not ensure education as a right; instead it has been identified as a duty of the state. In other words, 'Education is not a constitutional right, but it has the status of a right ideologically. The constitutions of India, Nepal, Pakistan, Maldives, and Sri Lanka have recognized education as a right. In addition, Bangladesh also has its own education policy like any other developing countries (Ahmmed et al., 2012).

The education system of Bangladesh has three levels, such as primary level, secondary level and higher education or university level. Both the Public and private schools are run at five years' primary, seven years for secondary, among these three years junior, two years secondary, and two years higher secondary levels. Private schools are self-financed. The Ministry of Education is the highest administrative body of the state for Education, and there are several departments under the body. The activities of these departments are conducted through various development projects such as education projects and technical projects (Asadullah, 2006).

3.2 The Desirability of a Normative Legal Mechanism of Unitary Primary Education System

The National Education Policy was adopted in 2010 to make the right to Education proper and universal. Almost ten years have passed since then, although some critical issues included in this education policy were considered compulsory, these have not been implemented even today (Hossain, 2008). Even the issue of enactment of education law has been pending for a long time. Before 'National Education Policy 2010', reports of six more commissions or committees were announced in independent Bangladesh. These are Bangladesh Education Commission (Dr. Kudrat-e-Khuda) Report 1974, Interim Education Policy (prepared by Kazi Zafar-Abdul Baten) 1989, Majid Khan Commission Report 1983, Mofizuddin Education Commission Report 1987, National Education Policy 2000, and National Education Commission (Moniruzzaman Mia) Report 2003.

The national education policy has several essential features, such as it will have an education-philosophy; it will reflect the hopes and aspirations of the nation. It will also be formulated and adopted based on national consensus. The nation's past experiences will be used here, not ignored. National Professor Kabir Chowdhury (Chairman) and Dr. formed on April 8, 2009, by these criteria. The 'National Education Policy 2010' formulated by the committee headed by Kazi Khaliqzaman Ahmed (Co-Chairman) is considered to have gained the status of National Education Policy in the real sense. In preparing it, the relevant guidelines of the constitution, the recommendations of the UN Convention on the Rights of the Child, and the reports of various committees or commissions have been taken into consideration.

Above all, efforts have been made to reflect the views and suggestions of people from all walks of life, including educationists (Latif, 2005). The draft Education Act 2013 was prepared by the Ministry of Education in light of the recommendations of the National Education Policy 2010. The draft is given on the website of the Ministry of Education to get feedback from the concerned. Even the guidance of the National Education Policy Formulation Committee called for enactment of the law within a month of the implementation of the education policy. But there is still confusion about this. Later, an initiative was taken to formulate the 'Education Act 2014' again but has not come into force yet (Tietjen, 2003).

There is a fundamental difference between 'National Education Policy 2010,' and that is in the question of implementation. However, it is very hopeful that this is the only education policy in Bangladesh which any government has taken the initiative to implement and is doing it step by step. Even for the first time in Bangladesh, a committee was formed centrally to implement the education policy. The Central Committee for Implementation and Monitoring of 'National Education Policy 2010' was formed on 28 June 2011 by convening the Minister of Education. However, the current status of the commission is not clear to the general mass (Rahman et al., 2002).

The attempt to compose and printing books according to the new syllabus had been completed. Unique textbook-based teaching had also started in 2013. But the irony is that the primary education system has not yet stood on a permanent footing. Again, educational institutions are divided into public and private. Both teachers and students have to work in education administration with two-pieces. The educational institutions have been abandoned on a commercial basis, the children of the extremely poor are not able to afford the higher education institutions in any way (Ahsan et al., 2012).

At the primary level in all frameworks, Bangla, English, and Mathematics are instructed. Anyway, the nature of guidance shifts significantly, and further contrasts emerge hereafter. As religious schools, Madrasahs mainly focuses predominantly around Arabic (I and II) and learning the Quran. Sociology and Science get more accentuation in the overall population, and tuition-based schools and opposite to Religious Education is given less significance (BANBEIS, 2018). The number of English medium schools are not incredible, their principles are the most noteworthy. The schedules and educational plan come straightforwardly from a portion of

the world's driving nations. Nonetheless, there are two disadvantages to this sort of education. Most importantly, it is an exceptionally selective framework because of too high education costs. Furthermore, the prospectuses of these schools make under studies who are commonly detached towards their nation and culture because of the absence of appropriate courses in Bangladesh history and culture. Nontraditional schools follow separate special prospectuses and fall under no particular sort. Thus, its name and the norms shift significantly among nonformal schools (Asim, 2011). In September 2013, two parents filed a writ petition in the High Court Division of the Bangladesh Supreme Court, seeking directions to formulate an English medium school policy. The High Court provided the necessary recommendations to develop the approach. It took three years for the law ministry to revise the system and for the first time since the High Court's directive to formulate a specific policy on English medium schools.

The distinction is seen again in non-public schools where the prospectuses might be the equivalent. Yet, better expectations are kept up as is confirmed by the consequences of understudies in normalized tests, for example, the P.S.C (Baulch, 2011). Indeed, even the goals of some of these sorts of schools are unique, which guarantees polarization in the public arena. The overall school's endeavor to make logical learning, non-public understudies, while the Madrasah framework endeavors to make strictly spurred understudies. This is then reflected in the general governmental issues of the nation and influences the advancement of the country (Sommer and Fulbright, 2011). On the other hand, there are no specific rules and regulations for English medium schools in Bangladesh. In this case, the government has no investment, so there is no government control. They are running by their own will, fix session fees, and collect it as usual. But only including English medium schools in the Education policy could eliminate this inequality in primary education (Unterhalter et al., 2013).

In 2002 in the light of the 86th Amendment to the Constitution, India enacted the Right to Education Act in 2009. The country has made this law following Article 21 (a) of the Constitution. As the 135th state, India has recognized child education as a compulsory and fundamental right. When the law came into force in 2010, it was recognized as a right to Education. Under Indian law, primary education will be compulsory for children between the ages of 4 and 14. Education is a right under international law and policy, and the right to Education is also recognized in the UN Charter on Children. But if no initiative is taken at the state level to implement it, the state will be deprived of the benefits of Education. To this extend, enacting a specific legal mechanism in Bangladesh has become a demand of the time; otherwise, the primary education system will be collapsed, and thus overall development of the country will be delayed (Alam, 2000).

Multipurpose Education usually starts from the last stage of Secondary Education. But sadly, the beginning of multifaceted Education of the country from the beginning of Education. Some go for general Education, some for madrasa education, some for English medium Education. The detrimental effects of this multi-faceted Education are far-reaching (Ahsan and Mullick, 2013). Not only the balance of knowledge is being disturbed, but also the quality of life, especially the values, attitudes, and patriotism, are being severely affected, which is a cause of concern for the country and the nation (Khaled, 2013). Another critical issue in the context of assessment is the final examination at the end of the fifth grade. A public examination is doing more harm than good to children. Children of early adulthood are mentally immature for public inspection. This test impairs their mental development. Under the pressure of gaining GPA-5, they get lost in fun, sports, wandering life for the crushed exams, and life becomes a misery. Life revolves around school, tutoring, and coaching. Due to these reasons, reluctance or fear towards Education occurs in many people in later. Up to the fifth grade, children can be released from the final examination by effectively introducing continuous assessment and remedial support activities (Hossain, 2008).

To solve these problems, it is necessary to provide specific rules and regulations for kindergartens, lower secondary schools, and higher secondary colleges under the same legal boundary. Currently, most

primary schools have a shortage of classrooms (including pre-primary). The modern approach to infrastructure development needs to be adopted, where there will be rich libraries and laboratories for practical learning. Primary education up to eighth grade is prevalent all over the world. But at the end of the fifth grade, the final exam is nowhere in the world. Again, the Junior School Certificate examination (JSC) at the end of the eighth grade is also in conflict with the education policy (Ahsan and Mullick, 2013). To promote primary education up to class VIII, the name of the JSC examination should be changed to the preliminary final study. For this, it may be necessary to form a board of primary education. Even after going to school for 5, 8, or 10 years, most students do not acquire the desired knowledge, life skills, and human values. According to a study conducted by the Department of Primary Education, 56 percent of student's complete primary education without acquiring the required qualifications in Bengali and 6 percent in mathematics. They can't read and can't do simple mathematical calculations properly. The quality of education depends on many influencers, such as teachers, curriculum, textbooks, teaching materials, furniture, school environment, the leadership of the institution, etc. The main feature of basic Education is that primary Education will be one-way and there will be no division in this Education (Nath et al., 2004; Chowdhury et al., 2003).

4. CONCLUSION

Through primary Education, students are supposed to acquire practical literacy, life skills, desirable attitudes, and values. In a word, primary Education is the foundation of life. A child ages between 8 and 10 can't achieve this through a five-year primary education. Due to the shortness of time, the vastness of the content, on the other hand, the early adult students are immature to develop attitudes and values. With all this in mind, the National Education Policy 2010 has adopted the policy of increasing the duration of primary Education from five years to eight years. The Kudrat-e-Khuda Education Commission formed by Father of the Nation Bangabandhu Sheikh Mujibur Rahman also emphasized the introduction of eight-year primary education. Eight years of primary education will be one-way, universal, free, and compulsory for all.

Many people think that it is costly and time-consuming to introduce primary education for six years by hiring new teachers for the primary schools, creating four new classrooms and necessary furniture. Billions of money are needed for this. At first glance, it would seem so. There is no substitute for Education for sustainable development. There will be no need for additional funds to improve the quality of education by enacting a law, setting up a National Education Service Commission like the National Education Commission and recruiting qualified teachers. The introduction of eight-year primary education to ensure proper basic education and the introduction of school health care will not require too much money. If these are done, on the one hand, it will be possible to create human resources by improving the quality of education and will be possible to set ground-breaking milestones in the field of education.

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