

9 January, 2011

PRESS RELEASE:

**HIGH COURT DIRECTS GOVERNMENT TO EXPLAIN FAILURES RE
ADMISSION FEES**

A High Court Division Bench, comprising of Mr. Justice A. H. M. Shamsuddin Choudhury and Mr. Justice Jahangir Hossain, today directed the government and concerned authorities to show cause why their failure to investigate the imposition of excess schools fees and charges from guardians in the form of donations, and its failure to prosecute and punish the schools and colleges doing so in violation of the Circular dated 14.12.2011 issued by the Ministry of Education, should not be declared to be unconstitutional, and a violation of the right to access to education.

The Court also asked these authorities to show cause why they should not be directed to take immediate action to investigate the incidents of charging of excess fees including in the form of 'donations', and why they should not require school inspectors to conduct inspections on this issue, and/or adopt a time-bound action plan to monitor both govt and non-govt schools to ensure that they comply with the guidelines regarding the fee ceiling and refund the excess fee extracted from the guardians.

Finally, the Court directed the Education Ministry, Directorates and Boards to submit a report within three months regarding the steps taken by them to conduct investigations into such charging of excess fees, and the action taken against those who had acted in disregard of the law. The respondents include the Ministry of Education, the Directorate of Primary and Mass Education, the Directorate of Secondary and Higher Education and all Boards of Education.

For the petitioners, **Rasheda K Chowdhury** commented that *"In Bangladesh we have many laws on children's rights, but they are not implemented. We wanted to remind the state of its duties. We want to end the 'admissions business' which results in discrimination against a section of society."*

Ms Rasheda K Chowdhury, former Advisor to the Government and currently Executive Director of the Gonoshakkorota Obhijan (Campaign for Popular Education, CAMPE) together with the Bangladesh Legal Aid and Services Trust (BLAST) challenged the government's continued inaction to enforce its own guidelines imposing a ceiling on payment of admission fees by way of filing a Writ Petition No. 312 of 2012.

The petitioners' lawyer, Barrister Ashraf H. Hadi, responded to the Court's order *"We want to see full implementation of the Government's Guidelines of 14 December 2011. Those who are unable to give these excessive fees are being deprived of the right to education of their choice. This is a violation of basic rights and the fundamental right to education."*

Background

The petition was filed following a spate of recent news reports indicating that schools across the country are **charging admission fees ranging from Taka 8000 to Taka 32,000**. The respondents include the Ministry of Education, the Directorate of Primary and Mass Education, the Directorate of Secondary and Higher Education and all Boards of Education. However the Ministry of Education in its circular dated 14.12.2011 had categorically directed the schools in Dhaka not to charge any fees in excess of Tk. 5,000 (clause 9). If any school fails to comply with



বাংলাদেশ লিগ্যাল এইড এন্ড সার্ভিসেস ট্রাস্ট (ব্লাস্ট)

BANGLADESH LEGAL AID and SERVICES TRUST (BLAST)

the Circular, clause 10 provided that the Government can cancel the MPO registration and take any other legal actions against the violator.

Ms Rasheda K Choudhury, former Advisor to the Caretaker Government and currently Executive Director of the **Gonoshakkorota Obhijan (Campaign for Popular Education, CAMPE)** together with the **Bangladesh Legal Aid and Services Trust (BLAST)** challenged the government's continued inaction to enforce its own guidelines imposing a ceiling on payment of admission fees.

Mr Ashraful Hadi, Barrister moved the petition on behalf of CAMPE and BLAST, the petitioners. The State was represented by **Deputy Attorney General Altaf Hossain**.

For further information, please contact:

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