



Marks and standards

Our school system needs a better evaluation mechanism for students

The use of moderation by the Central Board of Secondary Education while finalising Class 12 marks under a Delhi High Court directive poses the immediate question of how various State boards of education that have not adopted the practice will respond. It also points to the long-standing challenge of achieving comparability while assessing students for undergraduate studies from different systems. Some boards have already published the results without moderation, while others will resort to the practice, making it necessary for college authorities to make offsets while fixing admission criteria. Another substantive concern is the pattern of testing procedures placing high importance on a single external examination, without an assurance to all students that the same tasks are being assessed on the same standards. Across-the-board use of tools such as moderation also raises questions on the actual scores. It is extraordinary that tests for non-quantitative subjects such as English and Political Science yield perfect scores of 100% in the CBSE examination and elsewhere, giving the impression that the questions require to be answered only within a limited framework laid out in a textbook, leaving little scope for creative responses that reflect the quality of teaching in the classroom.

Moderation of marks under the CBSE policy has been followed partly to offset the ambiguity of questions and any errors, and to achieve parity in the evaluation process and the annual pass percentage. The Central Board recently decided to do away with the practice, in consultation with State boards, and sought the assistance of the Human Resource Development Ministry to make a complete shift. This is something the Ministry should take up on priority, since a consensus among the States would eliminate litigation on grounds of uneven competition – which is what invited judicial intervention on the issue of moderation this year. It is also relevant to point out that the emphasis on a single external examination has heavily influenced the learning process, tailoring it almost entirely to score marks. Built on a foundation of weak primary education, it does little to improve outcomes for the majority of students at the secondary school level. The Annual Status of Education Report, 2016 found, for instance, that among rural students in Class 8, only 43.3% could correctly solve a simple three-digit by one-digit division problem. What this makes clear is that encouraging performance on enrolment of students even in some of the backward States is not the same as achieving high outcomes in actual learning. There is also the issue of access to private tuitions for a better examination score, which affects less-privileged students. It is against the depressing backdrop of such distortions that India's school system must prepare an evaluation mechanism for students. Reform should recognise the role of the teacher in ensuring genuine learning and encouraging creativity. An external test that evaluates sound learning is the answer, although the challenge is not to stifle educational innovation that individual State boards are capable of.

Shocking cover-up

Awareness is key to containing Zika. Why did the Health Ministry keep three cases secret?

The surveillance system put in place by the Health Ministry succeeded in identifying three adults infected with the Zika virus between November 2016 and February 2017 in Gujarat. But the Ministry acted less than responsibly by withholding the information from everyone. Even the World Health Organisation was informed about the three cases as recently as May 15, more than five months after the first case was laboratory-confirmed. Information regarding the cases came to light when the WHO posted the information on its website on May 26. By not disclosing the information in real time, India behaved as China did in the case of the severe acute respiratory syndrome (SARS) outbreak in 2003. China was then widely criticised by the global community for trying to cover up the outbreak – by doing so, the Chinese government was arguably partly responsible for SARS spreading to other countries. That none of the three Zika-infected adults or their spouses or relatives had travelled to any country with Zika virus transmission indicates that the virus was transmitted within India. Based on the local circulation of the virus, the WHO has warned that “new cases may occur in the future”, particularly as the *Aedes aegypti* mosquito that transmits the virus is widely found in India.

Over 34,000 human samples and nearly 13,000 mosquito samples were tested for the presence of the Zika virus, and there was monitoring for cases of microcephaly, a birth defect that has been connected to the mother being Zika-infected while pregnant. But it is not clear whether the person who brought the infection into the country (the index case) has been identified. While the bite of an infected *A. aegypti* is the main route of Zika virus transmission, it can also be sexually transmitted from an infected man. As the virus remains present in the semen for a long time, the WHO recommends that couples abstain from sex for at least six months after the onset of symptoms. Secrecy about Zika outbreaks, even if seen only in isolated cases, can lead to a public health disaster. Given that local transmission is already present, the *A. aegypti* is commonly found, and many infected people exhibit no or only mild, non-specific symptoms, up-to-date health bulletins and advisories are vital. India has the responsibility to keep the WHO and the global community informed, especially in the case of dreaded infectious diseases, for both global risk assessment and risk preparedness. The government machinery should have been on overdrive to educate and increase awareness about ways to avoid infection; the decision to keep the information under wraps to avoid creating “panic” is totally unconvincing.

Questions that won't go away

It is not a question of body counts but the singular integrity of the body that is at stake in a democracy



SHIV VISWANATHAN

Violence is an inventive phenomenon. The very staging of violence often turns the spectacle into a morality play where the act of violence is interrogated from many sides. The Major Leetul Gogoi episode where he used a human shield raises such questions. In fact, it reminded me of an episode I once read in a famous spy novel. The encounter is between a senior CIA agent and a Japanese military hero, now captive in defeat. The CIA agent asks him, “Are you a soldier?” The Japanese denies it and adds, “No a warrior.” Two radical histories separate the words. A warrior follows a code of conduct, a way of life, pursues a vocation, an almost ritual calling. Today's soldier does a job, follows at the most a profession. The ritual proscriptions that haunt a soldier are minimal. It is this question of what is acceptable in a decent society that becomes a matter of debate.

As it happened

Major Gogoi claims he was escorting election officials in line of duty in Kashmir's Budgam district when they were surrounded by a group of stone-pelters. In an attempt to protect them, he caught a young man, tied him to the jeep, and used him as a human shield to make their way out. The way of telling this story becomes a question of competing narratives embedded in different value frameworks.

There is first what I call the patriotic or jingoist framework, which sees the soldier as a patriotic bulwark of security, operating in the

line of duty. There is an attempt to congratulate the soldier for his act of innovation. People feel that this is what one should expect from a soldier. In fact, Major Gogoi becomes the archetypal Indian Soldier and the body shield a dispensable instrument of his actions. Third, the shield, Farooq Ahmad Dar, is not seen as a person with rights, a legal voter who has just asserted his duties as a citizen by voting, but as a protester, a troublemaker, creating chaos. Fourth, those protesting against the act are seen as seditious peaceniks. It is odd that the word peacenik is used in such a derogatory sense as if it is a pursuit of a sordid trade called peace. A hysteria of hyper-loyalty surrounds the event. Worse, a cost-benefit analysis is implicit with Major Gogoi's defenders claiming that there were no casualties. What is clear is Mr. Dar is an instrumental object for military use. Inherently, this unjustifies the means, and if the means work, there should be no further question of doubt about ends. There is also a hint that as a Kashmiri, Mr. Dar is not quite the ideal citizen. Implicit is a message that “lesser” citizens can be treated in a “lesser” way. There are dispens-

able, disposable and eventually forgettable.

The text and the context

The Gogoi incident needs to be placed within a text, a context and even within the wider pretenses of interpretation. It is not an isolated incident but part of a deep ecology of violence that the Army has perpetrated. The first memory that comes is of the protests against the Armed Forces (Special Powers) Act, or AFSPA.

There is a deeper substrate of anxiety that we must explore. The history of the body and the fate of the Indian body between market and state has not been studied systematically. The scandal of body shields joins the longer list of controversies around body trade, trafficking, rape, torture, displacement, bonded labour, where the vulnerability and the fragility of the body are played out. Sadly, the history of the Indian state is a history of the brutalisation of the body, whether it is Manipur, Punjab, Jammu and Kashmir or Naxalbari. The violence quotient of words such as nationalism or patriotism needs to be estimated. When concepts kill, they can no longer be



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A way out for her too

Muslim women are not without remedy if they want to end their marital ties



FAIZAN MUSTAFA

The marathon arguments on the subject of triple talaq before the five-judge bench of the Supreme Court have ended. While most Muslim women petitioners wanted nothing more than just implementation of the Koranic procedure of divorce and an end to arbitrary and instant divorce, the Attorney General said that the government could bring in a comprehensive law should the court strike down triple talaq.

Should the court or the government compel Muslim women to mandatorily use the expensive, slow and formal judicial system to get a divorce? Should the wider and more liberal right of divorce of Muslim women be taken away for the sake of judicial oversight of divorces?

It is wrong to say that Muslim women can get a divorce only through courts under the Dissolu-

tion of Muslim Marriages Act, 1939. The Act in no way takes away a Muslim woman's right to divorce outside the formal judicial system. Since the Act was to permit courts to extend the benefit of liberal provision of Maliki and Shafii schools to Hanafis, it cannot be said to take away women's rights under the Maliki and Shafii schools. The Act was passed because British courts were hesitant to apply Maliki law where parties were Hanafis.

A study and options

A Muslim wife is certainly entitled to divorce her husband without taking recourse to the 1939 Act. What are the options available to a Muslim woman to dissolve her marriage?

First, Muslim women can seek divorce through a court under the law of faskh (annulment of marriage) on certain grounds – i.e. the whereabouts of her husband are not known for four years; non-payment of maintenance for two years; imprisonment of her husband for seven years; non-performance of marital obligations; impotency; insanity or suffering from diseases such as leprosy or venereal diseases; cruelty which



includes the husband taking on a second wife.

My study of 74 Darul Kaza (arbitration councils) run by the Muslim Personal Law Board too reveals that 69.70% of women resort to this outside the court forum to resolve their disputes. Out of 74 Darul Kaza, in 90% of cases women approached as many as 49 Darul Kaza for annulment of marriage. In 16 Darul Kaza, 70% women came for this purpose.

Second, a Muslim woman is entitled to Talak-e-Tafwid, i.e. delegated divorce which gives her an identical right to divorce on a par with men. The Orissa Mo-

ammedan Marriage & Divorce Registration Act, 1949 does provide for the registration of such a divorce. In *Moharam Ali v. Ayesha Khatun* (1915), the Calcutta High Court upheld this kind of agreement under which wife was authorised to divorce her husband in case he married any other woman.

Khula, the third type of divorce, is the unconditional and absolute right of the Muslim wife, is on a par with the husband's right to talaq, and is not subject to his consent. Several State laws such as in Odisha, Bihar, Assam and West Bengal do provide for the registration of khula. It is wrong to presume that she must necessarily surrender her mehar (dower) for getting khula because the Koran discourages men to take back the gifts given to their wives and the dower is indeed a free gift. The moment she decides to divorce her husband under khula, the husband has no right to oppose it. My study showed that more than 70% women get khula through Darul Kaza.

Fourth, a Muslim wife is also entitled to divorce with mutual consent (Mubaraat) which too is mentioned as a distinct form of divorce in the Shariat Act of 1937. Unlike

place, the circle of jingoism around state and Army was arguing that words such as nation, duty, patriotism are words that create huge areas of permissible violence. Ethics lose to strategy and cost-benefit as the ends justify the means.

Lost for answers

There are questions here that the Army must answer. In reducing Mr. Dar to being treated thus, did Major Gogoi cross an ethical line? Does not that line, the line of decency, have to be maintained and reiterated at all times for the integrity of the Army to be emphasised? Dignity is universal. We objected when Pakistan mutilated the bodies of our soldiers. There is an obscenity here as in Mr. Dar's case. By honouring Major Gogoi, even as a Court of Inquiry hears the case, the Army creates a copycat syndrome which adds to the obscenity and brutality of the event. Minimally, the Army could have reprimanded him. By turning him to a folk hero prematurely, the Army has displayed its contempt for the human body and for the institutional rules of democracy. If Kashmir is a battle of hearts and minds, by honouring Major Gogoi the Army has shown where it stands.

Finally, the very debate on the Gogoi episode shows the weakness of ethical debate in India. There is a sense of instrumentalism, a hagiography of machismo and violence that our society cannot afford. A moment of doubt, even the body language of apology might have altered the meaning of the event, instead of thickening the forces of unreason and hate on both sides. One wishes a Gandhi had been present to untangle the narrative into its ethical possibilities.

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khula, here both parties agree to dissolve their marriage outside court.

Fifth, Muslim law goes out of its way to protect the character of the wife. Thus when the husband indulges in slandering his wife's character by alleging adultery and has no proof of it, she is entitled to divorce. This divorce, at the instance of wife, is called lian and is specifically mentioned as a distinct form of divorce in the Shariat Act, 1937.

Sixth, if a Muslim wife was married by her guardian when she was a child, on attaining maturity, she has a right to walk out of this marriage under doctrine of khyar-ul-bulugh (option at puberty).

Thus, Muslim women are not without remedy if they want to put an end to their marital ties. Let our courts not be further burdened with the additional load of Muslim divorces. Let Muslim women continue to use these liberal out-of-court divorce provisions. Alternative methods of dispute resolution such as arbitration and mediation are an integral part of our legal system.

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LETTERS TO THE EDITOR

Letters emailed to letters@thehindu.co.in must carry the full postal address and the full name or the name with initials.

Judging three years

Kapil Sibal's article, “Connecting the dots after three years in the saddle” (May 29), advanced amusing arguments to deride the BJP government's three-year performance. Ironically, he ended it with how the BJP is faring badly on the corruption index. Has Mr. Sibal forgotten the “zero loss” argument/theory in the 2G spectrum allocation case? Perhaps the Congress never expected the BJP government to prove to be popular and successful. The fact that the entire Opposition is now mulling political unity speaks of the growing stature of the BJP. **SIVAMANI VASUDEVAN, Chennai**

■ There have not only been hits but also misses these past three years. No government can achieve 100% progress and development in key spheres and exercise total control over price rise. In the run-up to the general election, the BJP almost promised the moon to voters. The promise of bringing back every paisa of black money remains a dream. There is also a rise in vigilantism. Democracy has transformed

itself into a mobocracy and most people live in fear.

M.Y. SHARIFF, Chennai

■ The Readers' Editor is absolutely right in saying that media coverage of three years of the BJP has been a complex task (“Perception and the reality”, May 29). Most in the national electronic media have no space for the Opposition and the Centre's critics. Channels that attempt to swim against the tide only find themselves under attack and branded ‘anti-national’. In such circumstances, it requires courage to maintain a fine balance. After constantly listening to TV channels pursuing a line of thought, it is not surprising that some readers feel that the print media is taking the side of the Opposition.

N. NAGARAJAN, Secunderabad

A dirty war

The defence by the Army chief, General Bipin Rawat, of his decision to reward an officer for using a human shield in Jammu and Kashmir, will be appreciated if we remember that the Army is there not fighting

Indian citizens but a group of people who seek “liberation” from India and protesting using violent methods such as pelting stones, hurling petrol bombs and assisting or harbouring anti-social elements or themselves becoming terrorists. Besides, the Army is not trained to fight such persons but soldiers from an enemy country.

In such a situation it has to be allowed to employ its own strategy to meet the unprecedented style of opposition. To expect it to adopt Gandhian techniques is to misunderstand its role. Its role is to restore immediate peace and order in a disturbed area. To maintain peace permanently is the job of the administration (“Need innovations to fight dirty war: Rawat”, May 29)

Y.G. CHOURKEY, Pune

■ General Rawat has had to admit that the Army is fighting a dirty war. The Army not only has to contend with criticism from a section of the media and a disgruntled Opposition but also deal with a situation it is not trained to handle. It

could have easily ignored the Gogoi incident – where many lives were saved and not a single one lost – but has instead been forced to respond to critics. The problem in Kashmir will continue to fester as long as we have people who overtly express empathy with the provocateurs. If the Army's job is to rid the State of militants and terrorists, then it must be allowed to do so without any kind of restraint. Ensuring peace and upholding human rights is the work of politicians and activists and should not be thrust on a disciplined and combat-ready Army.

V. NAGARAJAN, Chennai

■ General Rawat's defence of the use of a human shield in Kashmir cannot be criticised. One cannot agree with him more when he says that India is facing a proxy war waged by Pakistan which needs to be countered using imagination and innovative means. All is fair in love and war and every conceivable step should be taken to neutralise the sinister designs of troublemakers. The criticism of human rights activists is out of sync

with the ground reality. The lives of our Armymen are as precious as those of the stone-throwers. Is there any rule that Army personnel should sacrifice their lives while safeguarding the national interest?

P.K. VARADARAJAN, Chennai

The PCA notification

The new rules brought forward by the Centre government on the “regulation of the sale of cattle” infringe on the personal liberty of the Indian citizen (Editorial – “All animals are equal”, May 29). A government elected by the people and for the people should safeguard the interests of all sections of society instead of catering to the interests of a few for political mileage. The government could have discussed the issue threadbare and arrived at an understanding by taking all sections into confidence before coming up with such rules. The objective of the government should be to reduce cruelty against animals and not change the rules in order to target a section of society.

LUKOSE THOMAS, Namakkal, Tamil Nadu

The centum era

The ease with which today's students manage to pass their final year exams with flying colours by scoring near centums is mindboggling. Old timers will recall a time in the 1970s and 1980s when the effort taken to secure even a first class was in itself considered meritorious. Does all this point to a declining standard in our education system or have our children and grandchildren become much brighter and more brilliant than we were?

N.J. RAVI CHANDER, Bengaluru

Role model

M.V. Dharshana's determination to overcome her handicap – of having a microcornea – is inspiring (Tamil Nadu “A topper focused on her career”, May 29). Her achievement in securing the third position in India in the differently-abled category is significant. Equally heartening is the role of her parents who ensured that she realised her dream. Ms. Dharshana is a beacon of hope.

SUBBARAMAN V., Tiruchi

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