Development and Governance Challenges in Bangladesh

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Dedicated to our teachers

Preface

The book "**Development and Governance Challenges in Bangladesh**" is the compilation of selected research papers presented in the Insearch 2016: 3rd International Integrative Research Conference on Development, Governance and Transformation held in Bangladesh Academy for Rural Development (BARD), Comilla on 27-28 December, 2016. The conference was jointly organized by Netinsearch (International Network for Integrative Research, GAIN (Governance and Administration Innovation Network) International, Centre for Administrative Research and Innovation (CARI), University of Dhaka, Bangladesh Academy for Rural Development (BARD) and the Stamford University Bangladesh.

Development and governance challenges have played a critical role in for both individuals and communities, particularly in politically unstable and socio-economically backward countries like Bangladesh. There are paradoxes in the development goals set by the government and donor agencies that are not necessarily consistent with the needs and realities of the society and inadequacies in governance capability and culture. The contradictions between the forces of nation state and globalization have contributed to increased complexities over time. Despite the paradoxes and complexities, significant potentials and possibilities should be recognized. Only effective governance based on justice and equity can bring the potentials to fruition and ascertain development of the disadvantaged majority in the society. This calls for systematic efforts and in- depth studies on the needs and realities, designing intervention strategies and implementing them. The chapters in this book address some of the contemporary issues related to power and politics, development initiatives, e-governance, judiciary, remittance and microcredit, agro- forestry and livelihood in Bangladesh, and reflect, in one or another, the potentials and challenges related to development and governance in Bangladesh in these areas.

Professor Dr. M. A. Hannan Feroz, Founder of Stamford University Bangladesh helped us substantially from the beginning and we cannot forget his inspiration, forward looking perspective and all out support in holding the conference every year since 2014.We are deeply shocked at his sudden death on October 29,2017 ,which is an irreparable loss to us and the society. We pray for his departed soul, may Allah grant him peace. We would like to express our gratitude to a group of young teachers and researchers including Khondokar Al Farid Uddin, Md. Al-Ifran Hossain Mollah, Abdur Rahman, Md. Jahidul Islam , Md . Mansur Hossen and Mohammad Joynul Abedin who worked hard in preparing, formatting and printing the manuscript in book form. We are also grateful to Osder Publications for publishing, distributing and marketing this book.

Since we could not devote sufficient time for editing and proofreading, there might be some inadvertent errors as well as scope for corrections and development. We admit our responsibility and limitations, and hope to overcome the shortcomings in future editions with feedback and advice from the readers.

Editors

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Development and Governance Challenges in Bangladesh

Ahmed Shafiqul Huque

Introduction

Developing countries are under strong pressure – both from internal and externally forces– to work towards the twin goals of development and governance. The concept of development became prominent after the conclusion of the Second World War and the advent of decolonization across the world. Development activities were expected to assist countries to terminate poverty and exploitation and provide the facilities for a meaningful life for citizens. The enthusiastic and optimistic mood to achieve development was dampened due to confusion over the concept, strategies to be followed and their outcomes. Following a half century of efforts since the 1950s, development remains an enigma. Scholars and practitioners have faced challenges in understanding the concept and countries faced numerous obstacles in achieving it. Yet, efforts continue with the hope that development will contribute to the elimination of most of the problems that affect growth and maturity of political systems in poor countries.

Similarly, the idea of good governance caught the imagination of scholars, governments and practitioners in the late 1980s. As the push toward development started to lose momentum due to lack of success in leading to improvements, governance was considered to be the panacea for the problems afflicting developing countries. Consequently, a substantial body of literature developed to explain, operationalize and assess the process and impact of governance. A sense of optimism prevailed as governance was expected to go beyond the boundaries of development and create sustainable institutions and practices for improving life in developing countries.

This book makes an attempt to identify problems and issues related to development and governance in Bangladesh. The country has followed different trajectories for improvement since its independence in 1971 and the progress has been hindered by occasional shocks to the system. The experiment to mix the ideologies of democracy and socialism in structuring a strategy for development through a single party system resulted in undesirable consequences and confusion. The country also

oscillated between parliamentary and presidential systems that reflected confusion, uncertainty and insecurity on the part of the ruling elite. After alternating between democratic and military rule, the situation stabilized with the reestablishment of a parliamentary democratic system in 1991. However, the policies and actions of different regimes and their impacts have resulted in severe damage to the political system, social harmony and economic environment of Bangladesh.

Debates on Development and Governance

Interestingly, development emerged as a one-way concept in which the developed world would contribute resources, strategies and, more importantly, ideologies to guide developing countries. The rationale was that the lack of development results in problems related to poverty, security, exploitation, disparity, discrimination and human rights. It was assumed that the western world was in a position to help the poor countries pull themselves up to the world standard of living and enjoying privileges. Over the years, the focus has shifted considerably and development emerged as a multidimensional phenomenon that can be interpreted and attempted through diverse models.

Development, as we know it, has been recognized since ancient times. "Epics and historical accounts are replete with examples of righteous rulers who devoted their lives to ensuring justice and provision of the necessities of their subjects" (Huque 2009a, p. 2). While this approach was partly the result of the goodness of human nature, it also helped rulers to hold on to power by keeping the population appeased. In the early twentieth century, poverty and illiteracy were not major issues of concern, and governments in the West defined class and the threat of revolution as their main social problem (Albrow 2001). In his inaugural address in 1949, President Harry Truman laid out the directions for development when he pledged to start a new program for making available the benefits of scientific advances and industrial progress achieved in the West for the improvement and growth of underdeveloped areas (*Papers of the President*, cited in Rist, 2006).

The objectives, processes, strategies and results of development programs have been the subject of debates over several decades. Traditionally, the goals of development were easier to identify because they were assessed with reference to measurable indicators. Commonly, countries were considered to be developed on the basis of increase in per capita income, gross domestic product, rate of literacy, availability of health care services and facilities, and these objectives made the task of planning for development less complicated (Huque 2009b, p. 188). As civilization progressed and technology began to alter life patterns of citizens, additional and more complicated metrics were included within the scope of development.

Gradually, issues of gender and human rights acquired prominence in the literature. More recently, new areas of global warming, environmental protection, global financial system management, international and domestic migration, intellectual property rights, cyber security, and unexpected health risks such as Acquired Immune Deficiency Syndrome (AIDS), Severe Acute Respiratory Syndrome (SARS) and Chikungunya will require increased attention if the objectives of development are to be attained. Above all, the goals of development have incorporated an aspect of sustainability instead of concentrating on only growth and redistribution of benefits (Huque 2009b, p. 189).

Definitions of development reflect the context of time as well as shifting interests of scholars over the years. Earlier, definitions suggested that development involved a move from agricultural to industrial and traditional to modern society, and the process by which poor countries become rich. Traditionally, development implied stable political systems, a sound economy, a general consensus of values among all participating groups, a responsive electorate, well developed political and civil institutions, and effective machineries to help with formulating and implementing decisions (Heady 2002). As the world faced new and diverse problems that affected the consequences of development, more complex issues emerged. There was increased emphasis on the normative aspect of development. Goulet (1997, p. 1161) argued that development is above all a question of values and human attitudes, self-defined goals, and criteria for determining what are tolerable costs to be borne in the course of change… Ethical judgments regarding the good life, the just society, and the quality of relations among people and with nature always serve explicitly or implicitly, as operational criteria for development planners and researchers".

Development of a country involves a move from an unsatisfactory, social, economic and political to one that is more humane, relatively prosperous, environmentally safer, and politically more inclusive (Zafarullah and Huque, 2012, pp. 43-44). It can be viewed as a multidimensional concept that cannot be understood and analyzed in absolute terms. In the context of the contemporary world, the process of development is expected to (1) increase the availability and widen the distribution of self-sustaining good such as food shelter, health and protection; (2) to raise levels of living, including, in addition to higher incomes, the provision of more jobs, better education and greater attention to cultural and human values, all of which will serve not only to enhance material well-being but also to generate greater individual and national self-esteem; and (3) to expand the range of economic and social choices available to individuals and nations by freeing them from servitude and dependence not only in relation to other people and nation-

states but also to the forces of ignorance and human misery (Todaro and Smith, 2003).

The idea of governance emerged much later, yet the challenges are similar in many ways to the obstacles encountered in promoting development. Governance is perceived as a mixture of every conceivable positive value that could lead a country towards improvements. Early definitions of governance from scholars are relatively vague and there is scope for different interpretations. Frischtack (1994) views governance as the exercise of democratic government that guarantees the domination of the rules of economics over those of politics. According to Rhodes (1997), governance relates to "a change in the meaning of government, referring to a new process of governing; or a changed condition of ordered rule; or the new method by which society is governed".

Over the years, efforts continued to construct a practical and operational definition of governance. The UNDP (1997) suggests that governance is the exercise of a nation's political, economic and administrative powers or authorities at various levels, and it covers the institutional and procedural mechanisms for citizens to realize their interests and rights, carry out their obligations, and negotiate their mutual differences. Governance consists of the traditions and institutions by which authority is exercised, including the process by which governments are selected, monitored and replaced; the capacity of the government to effectively formulate and implement sound policies; and the respect of citizens and the state for the institutions that govern economic and social interactions among them (World Governance Index, 2013).

The Institute on Governance emphasizes interactions among structures, processes and traditions that determine how power is exercised, decisions are taken, and citizens and other stakeholders have a voice (http://iog.ca/about-us/defining-governance). The UNDP (2007) updated its view on the definition of governance: "Governance is the system of values, policies and institutions by which a society manages its economic, political and social affairs through interactions within and among the state, civil society and private sector. It is the way a society organizes itself to make and implement decisions – achieving mutual understanding, agreement and action. It comprises the mechanisms and processes for citizens and groups to articulate their interests, mediate their differences and exercise their legal rights and obligations. It is the rules, institutions and practices that set limits and provide incentives for individuals, organizations and firms".

A review of definitions of governance reveals emphases on democracy, networks, interaction, accountability, equity, fairness, transparency, empowerment, mediation, conflict resolution,. Hope (2006,

pp. 591-92) constructed an extensive list that includes "political accountability, bureaucratic transparency, exercise of legitimate power, freedom of association and participation, freedom of information and expression, sound fiscal management and financial accountability, respect for the rule of law, a predictable legal framework encompassing an independent and credible justice system, respect for human rights, an active legislature, enhanced opportunities for the development of pluralistic forces including civil society, and capacity development".

It is important to translate the abstract ideas into clear goals and strategies for developing countries to establish good governance, and some international agencies have contributed their expectations to the debate. The UNDP considers accountability, transparency, participation, strategic vision, rule of law, communication with citizens, equity, effectiveness, inclusiveness, result orientation, creation of consensus, responsiveness, and efficiency in constructing a composite of good governance, while the Asian Development Bank places accountability, transparency, predictability and participation at the heart of governance. In addition to these four aspects, the African Development Bank adds combating corruption in the public domain and creating a pro-developmental legal and judicial system to the list of essential features of governance. The Inter-American Development Bank emphasizes democracy, rule of law, public management, decentralization, market institutions, and socio-economic conditions. The USAID uses five key elements, such as, consensus, rule of law, competition, inclusion and the capacity of state as well as social institutions to deliver obligated services efficiently and equitably within the norms of transparency, accountability, and rule of law.

The debates are relevant for understanding the challenges faced by Bangladesh in its quest for development and governance. It is obvious that achieving success in all the areas highlighted in the literature on development and governance is impossible for developing countries for a variety of reasons. However, they make conscious efforts to improve living conditions of citizens, and every step forward contributes to the establishment of development and good governance.

Outline of the Book

Developmental and governance challenges to Bangladesh are numerous and too diverse in nature. This volume sheds light on selected areas that have attracted the attention of the contributors. The challenges are found mostly in the context of a political milieu where power is unevenly distributed among political actors and their associates and the rest of the society. This contributes to a culture where powerholders are not accountable for their actions and choose to act outside the boundaries of

legality to promote their own interests. The powerless are forced to take recourse to senseless violence to vent their frustration, and this does not contribute to development and governance.

Crime and violence have been a longstanding concern for developing countries, and Bangladesh is no exception. However, a new dimension has emerged with noticeable clear linkages of political motives and intentions with criminal acts. In chapter 2, Masuda Kamal and Jahidul Islam review the issue with a catalogue of such crimes committed in one calendar year − 2010. Drawing upon reports published in a daily newspaper over a period of one year, they constructed a list of criminal acts associated with political motives and abuse of power, as well as retaliation by one party or another. The authors identify incidences of crimes that violate law and public order and create disturbances using political power, and establish linkages to crime and violence that were in some way connected to political objectives. The chapter lists various types of crimes related to politics, and elaborates on different types and patterns of political crimes in Bangladesh. These include political violence in educational institutions, intra-party and inter political party conflicts, and attacks on law enforcing agencies by political parties and their supporters. The discussion also highlights destruction of public property during strikes and demonstrations, vandalism and torching of vehicles, subversive corruption by using political identity, forcibly winning contracts and tenders for development projects, state sponsored violence, environmental hazards perpetrated by using political power, and attacks on opposition by the ruling party. The chapter argues that there are economic, social and political factors that contribute to these crimes, and proposes a number of recommendations for reducing their incidence and impact.

In chapter 3, Saifullah investigates the causes that determine the level of violence during elections in Bangladesh. At times, excessively violent incidences take place over ideological divides, as well as control of territories, efforts to win votes and intimidate opponents and electors. Based on empirical evidence from four cases at the union level, the chapter reveals interesting findings on the scale of violence in local government elections in the country. It argues that the intensity of violence between competing candidates is determined by their calculation of the extent of power held by opponents. The author argues that candidates with similar levels of power at their command are more likely to be engaged in escalated electoral violence, while wider difference and asymmetry in power between candidates will reduce the likelihood of violence. Thus, difference among the extent of power held by candidates can be correlated to the degree of electoral violence in Bangladesh.

On a related theme, Md. Awal Hossain Mollah explores the causes and consequences of violent acts during the parliamentary election in

2014. Chapter 4 points out that the election was not competitive because a major alliance of 20 political parties did not participate in it and it left a large number of potential candidates out of the electoral arena. The voter turnout was very low, and the incumbent Bangladesh Awami League won an absolute majority with many candidates winning with no contest. Controversies during the run up to the election and abstention by some political parties and citizens were the key factors that contributed to political violence. The chapter identifies the lack of consensus among political parties over the supervision of the election as the main cause of extensive violence. The chapter argues that there is a need for legal and electoral reform, and also to arrive at a consensus among political parties. Most importantly, a strong political will on the part of the government is essential for ensuring free, fair and credible elections in Bangladesh.

In a densely populated and weather dependent country like Bangladesh, water bodies play a very important role in ensuring adequate water to communities, and preserving biodiversity and the ecological system. A K M Mahmudul Haque finds that the water bodies are overexploited and undervalued, and also at risk of drying up. In spite of specific existing policies and rules for protecting water bodies, blatant disregard and corrupt practices by government agencies and some unscrupulous citizens are causing great harm. The responsible agencies and officials are apparently unable to prevent these practices due to loopholes in the laws and political influence of people who disregard them. Chapter 5 explores this issue with reference to a case study of Rajshahi City Corporation. Through an empirical study, the author examines the role of government agencies entrusted for protecting water bodies, and finds that several ponds in the city have been filled up. The chapter concludes that a large number of water bodies are disappearing on a regular basis to make way for residential, commercial and industrial structures, and existing policies are inadequate for preventing these acts.

One of the factors contributing to the strengthening of the economy of Bangladesh is money remitted by expatriate workers. A large number of workers are employed in unskilled jobs in the Middle East and Southeast Asia. They invest considerable amounts of money to seek employment and run into huge risks as they raise funds through sale of land belonging to the family or borrowing from lenders at exorbitant rates of interest. Akib Bin Anwar and Shakirul Islam studied the state of health of Bangladeshi migrant workers to expose vulnerabilities in the migration cycle and the response of the government of Bangladesh. Chapter 6 identifies the potentials for improvement in healthcare of the migrants by streamlining both the overseas recruitment procedure and the response mechanism at home. After a review of existing policies, the authors conducted focus group discussions and consultations with stakeholders to determine the state of health of the migrants and their needs to continue

to work overseas and send remittances to the country, The authors report that the majority of Bangladeshi migrant workers are exposed to severe health risks including workplace accidents, injuries and diseases, particularly in the migration cycle in which they are undocumented. The problems are accelerated by social stigma, discrimination, cultural exclusion and language barriers. The authors recommend a comprehensive health care and response mechanism, along with reforms in the recruitment process to improve the state of health of migrant workers.

An important element for ensuring development and good governance is a national system for managing performance of employees in the public sector. Miskat Jahan underlines the importance of an effective, efficient and dynamic administrative system for this purpose. Chapter 7 traces advances in performance measurement and management in Bangladesh and emphasizes the growing need for institutional transparency and efficiency, accountability and appropriate utilization of resources. The chapter discusses the new Performance Management System in public sector organizations, and analyzes critical issues related to the Annual Performance Agreement in Bangladesh. The author argues that efforts to establish an updated and modern Performance Management System has been hindered due to inherent bureaucratic obstacles, traditional structural problems and lack of professional knowledge among the practitioners and presents a number of recommendations for overcoming the obstacles.

In the contemporary world, both development and governance are becoming increasingly dependent on communication technology and the internet for planning and implementation of policies. This has given rise to concern among governments over the issue of cyber security. Md. Anamul Habib and Md. Idris Ali examine the problem in the context of the corporate world. They report that there is increased cyber risk due to the failure of information technology systems in organizations and state that the cost incurred from cybercrime is higher than physical crime. These facts point to the urgent need for protecting information infrastructure, and the authors argue that Boards of Directors in the private sector should pay more attention to cyber security risk than financial and other risks. Chapter 8 explores the causes of low emphasis on cyber security risk in the governance and strategic decision-making processes of management Boards. The authors identify three main causes for the neglect of cyber security in the corporate world. They are a lack of information technology expertise on the Board, absence of a separate information technology committee, and overdependence on the Chief Information Officer for managing cyber risk.

A common problem in developing countries is the absence of a strong judicial system that can contribute by adjudicating between various

groups and institutions in case of disputes. Rule of law is one of the main elements for establishing achieving good governance and a strong legal system is essential for ensuring it. Abdur Rahman Zibol considers the right to a timely and fair trial as a fundamental right and presents strong criticism on the delay faced by citizens in resolving disputes through the courts. Chapter 9 identifies litigation delay as a major discredit to the judicial administration in Bangladesh, and notes that lawyers appear to accept the delay as a normal aspect of the justice system in the country. The author recognizes the constraints arising out of the need for the judiciary to operate in collaboration with various agencies of the government, including those responsible for law and order, land administration, health care, local government and all other aspects of life. The chapter identifies and analyzes the causes for delays in dispensing justice, reviews the problems noted by the Law Commission in this regard, and discusses the current status of delay in litigation to recommend strategies for resolving the problem.

Rural development holds the key to prosperity for many developing countries. Bangladesh is a predominantly rural country with fertile soil, crop friendly weather and abundant water supply. It is, therefore, not surprising that efforts toward rural development have been prominent over the years. M. Kamrul Hasan argues that rural development needs to be attempted through coordinated efforts by village organisations which can be the guiding force in this endeavour. Chapter 10 takes a comprehensive view of rural development that would proceed by harnessing the wisdom and expertise of rural people to be brought together through cooperative organizations. The Comilla model was distinct in the approach that built upon exchange of ideas among farmers and officials to facilitate change in mind set, and creation of modern rice plots to demonstrate their effectiveness. The author points out that training and motivation are the key functions of the Comprehensive Village Development Programme. At the same time, this approach facilitates the accumulation of financial capital and promotes social development. The author notes that the villagers have a need for more training and skill development, capacity building, and acquisition of soft skills that can be applied by the poor for income generation, and adds that these developments need policy support from the Government of the People's Republic of Bangladesh.

A large number of Bangladeshis migrant workers are employed overseas and remit money to their families. This income is used to sustain families and assist with basic necessities such as food, health care, education and other requirements. There is another group of people who do not leave the country, but seek to improve their living standard by borrowing from non-governmental organizations and non-traditional financial institutions and investing microcredit finances in small

entrepreneurship. Md. Mansur Hossen and Kawser Hamid compare the relative advantages of the two strategies of remittance and microcredit to assess their impact on the economy of Bangladesh and lifestyle of families living on money made available through remittance and microcredit. Chapter 11 reviews the two sources of money and asses their advantages and disadvantages to conclude that remittance has fewer drawbacks and risks compared to microcredit. Data collected from two villages suggest that microcredit often results in unintended consequences and therefore, remittance has better potential for contributing to rural development in Bangladesh.

Problems and Prospects of Development and Governance

A complete assessment of development and governance requires numerous studies to offer a clear understanding of their scope and potential. The chapters in this book offer snapshots of problems faced and progress achieved in selected areas. The authors identified a number of problems and potentials for development and governance in Bangladesh. Use of political power and connections for committing crime is alarming, as it puts all citizens under risk of violence and exploitation. Similarly, the tendency to use violence to achieve victory in elections makes it difficult to ensure free and fair elections. There are examples of encroachment upon water bodies, delay in dispensing justice, and anomalies in protecting the health of migrant workers. At the same time, there are calls for streamlining the management of performance of employees in the public sector and ensuring cybersecurity that assuming increasing importance in Bangladesh. The authors note the potential of village based organizations for contributing to rural development and provide a comparative analysis of the advantages of microcredit and remittance as sources of finance for poor families. These debates will continue as new information and trends emerge, and researchers present their insight on development and governance in Bangladesh. There is no doubt that continuing research is essential to develop conceptual explanations of the relationships between causes and consequences of events, policies, strategies and outcomes of efforts to achieve development and governance.

The book recognizes that there has been noticeable progress in social and economic development in Bangladesh. Reduced poverty, increased rate of literacy, higher per capita income and gross domestic product and in a number of areas have transformed the country. Unfortunately, there has been no real improvement in the approach to politics and in the process of governing. A wide range of criminal and violent acts are committed and public interest is continuously neglected and chapters in this book provide elaborate accounts. It is extremely important to make significant changes in the political culture and practice to allow Bangladesh to benefit from progress made in the economic and societal improvements.

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2

Politics and Crime in Bangladesh

Masuda Kamal
M. Jahidul Islam

Introduction

Often, there is no clear point of distinction between crime in general and those related to politics. Crime of a political nature is difficult to conceptualize and categorize because they extend over a wide range of activities and need to be interpreted with the ultimate objective in mind. It appears that most criminal activities in Bangladesh – at least that get reported in the media – have some political element that underlie the objectives, means and aftermath of commitment. The issue has attracted considerable attention in Bangladesh society due to the increasing incidence of criminal activities that are motivated by political considerations.

Crime related to politics takes diverse forms and this phenomenon deserves to be investigated with reference to its causes and consequences. Newspapers regularly report incidents of crime that are related to political interest and rivalry. Not much theoretical discussion is available this issue. Ross suggested that this variant of crime emerges as the result of complex interplay among individuals, situations or opportunities, organizations and resources. The objective of this chapter is to investigate the typologies, actors and factors of crime related to politics in Bangladesh. The study is based on crimes motivated by politics that were reported in the year 2010 by the Bengali daily newspaper *Prothom Alo*. The chapter demonstrates that there are different types and patterns of political crime in Bangladesh. One category includes violence in educational institutions, intra- and inter-party conflicts, attacks on law enforcing agencies, destruction of public property during political protests and demonstrations. Another category can cover corruption committed by using political identity, obtaining contracts for public projects, state sponsored violence, damaging the environment for political gain, and attacks on the opposition by ruling parties. Both national and local leaders and members of political parties are involved in these acts, and a number of economic, social and political factors contribute to their proliferation. This chapter recommends a number of initiatives for dealing with crime related to politics*, such as the termination of the culture of impunity and collaborative* efforts by the civil society, media

and the public. Although there are many varieties, this chapter concentrates on politically connected crimes that were reported in the media, and seeks to explain their types, identity of actors as well as causes and consequences.

Conceptual Framework

There is no universally accepted definition or theoretical explanation of political crime. This chapter broadly considers violation of law, order and public peace by using and exploiting political power and connections as political crime. Some scholars have drawn upon existing theories that have relevance to the acts perceived as political crime. Earlier Merton provided a theoretical framework which partially referred to political crime. According to the anomic theory of deviance (that is, strain theory), individuals live in societies that have a considerable amount of "structural dysfunctionalism." This, in turn, leads people to perceive an ends/means discrepancy, and a combination of these circumstances results in stress. Individuals have five options for minimizing discomfort, and one of those is rebellion which can be considered as one variant of political crime. The limitation of Merton's theory is that it is too narrow in scope and thus, does not offer a full explanation of political crime (Ross, 2012).

Moran describes "sequential stages which in successive combination might account for development of political crime". The first step involves "predisposing conditions or background factors, the conjunction of which forms a pool of potential political criminals. The conditions exist prior to an individual's decision to commit a political crime and by themselves do not account for his behavior". This approach includes the concept of strain and a political problem solving perspective. The latter consists of "situational contingencies which leads to the commission of political crimes by predisposed individuals." Moran advocates a five-stage "developmental model" consisting of the following steps: (a) strain; (b) political problem solving perspective; (c) a turning point event; (d) commitment to act; and (e) engaging in the political crime (Ross, 2012).

Turk offered an alternative perspective. His structural conflict theory posits that although power and inequality are important factors in explaining political crime, the cultural gap between offenders and authorities is the primary factor that leads to the commission of political crime (Ross, 2012:19).

Conflict theory states that political organizations are formed out of conflicts between individuals, families, tribes or groups to attain order in life. Material gain, opportunities, resources and power are the main items for which people become united and select the course of action in forming a political organization. According to Turk (1998:244), the "political organization of social life results from and is characterized by

conflicts (often more implicit than explicit) among different individuals and groups of people trying to improve and ensure their life chances - that is, the likelihood that they, at least will have the means of opportunities to realize their respective vision of the good life". Conflicts between individuals often play a role in aggravating wider conflicts. His analysis demonstrates that political crime may occur in an organized form.

The Radical conflict theory originated from Marx and Engels, where Marx suggested that conflict in society is the result of the scarcity of resources (property, wealth, power, jobs). This creates inequalities among individuals and constituencies which, in turn, lead to a struggle between those who possess these resources and those who do not. During the 1960s, a number of scholars applied these theories to the study of crime. Quinney, a neo Marxist and radical conflict theorist, suggested that class struggle affects crimes at least in three ways. He argued that all crime in capitalist societies (which stresses individualism and competitiveness) should be considered a manifestation of class struggle, whereby people strive for wealth, power, money, status and property. In countries dominated by the capitalist mode of production, the emergence of a culture of competition is commonplace. This is seen as normal and desirable, and can take many forms, including criminality. Ross developed a new theoretical framework for political crime, and stated that, "political crime is the result of complex interplay among individuals (I) situations/opportunities(S), organizations (O), resources adequacy (R)", called it ISOR relationship (Figure 1.1) (Ross, 2012:24-25).

Figure1.1: The Individual-situation-organizational facilitation-resource adequacy (ISOR) explanation of political crime:
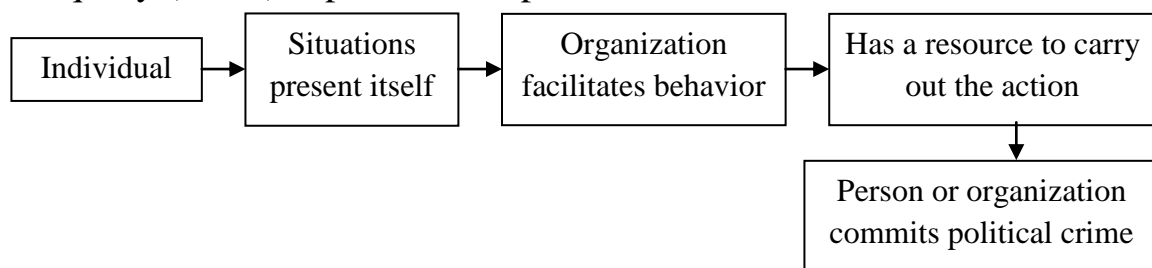
Source: Jeffry Lan Ross (2012: 24) An Introduction to Political Crime, Bristol: The Policy Press.

According to Ross, although many political crimes are committed by groups that are formally or loosely structured, whether oppositional or state organizations, these activities are in the final analysis committed by individuals. These people are working within the structural confines of informal or complex organizations, political systems, political economies and different cultures. They make decisions and act, while often denying that they are engaged in any kind of wrongdoing (Ross, 2012:26).

Methodology

This study is based on data generated from newspaper reports on crime that appeared to be connected to political interests and objectives. Political crime related reports published in 2010 were collected from *Prothom Alo*, a daily Bengali newspaper. In the process, every issue of the newspaper published over a period of 12 months in 2010 was searched with great care and caution. Therefore, this chapter reports secondary data from a single source. This can be viewed as a major limitation of the chapter, and it should also be pointed out that it is likely that the newspaper was unable to publish all incidents related to political crime in full. The data was analyzed using both qualitative and quantitative methods.

Defining and operationalizing political crime is a major challenge. The Merriam- Webster (2013) defines political crime as "the violation of law or of the public peace for political rather than public reasons." It may also refer to the serious violation of the law that threatens the security or survival of a government (ASK, 2013).

Ross commented that "political crime is rarely examined when studying the dynamics of crime, justice and law", and added that there are various criminal acts which are considered as political. For example, sedition and treason are considered by governments as political crime because it poses a threat to the order (public, social, or otherwise) and/or national security. Sometimes, actions of incumbent governments engaging in repressive action against its abiding citizens can also be categorized as political crime. In Ross's view, harmful acts initiated either by the state or opposition is increasingly being interpreted as political crime (Ross, 2012:1). There are major challenges in understanding political crime, and Ross identified the lack of consensus with respect to a definition, availability of reliable information, rigorous analysis, and or interest in political crimes as the most common (Ross, 2012:2). Taking into consideration the scant information available, political crime can be broadly defined as those unlawful activities that are politically motivated, linked or supported and anti-moral, anti-social and anti-legal in nature that are committed by political activists by using his political identity and power.

Analysis and Findings

Many types of political crimes are committed in Bangladesh by parties, groups and individuals. It is common for leaders and activists to commit crimes by taking advantage of their political connections, identity and power. They disregard the laws of the country and use political force to achieve their objectives. There appears to be a 'culture of impunity' in the justice system of Bangladesh that is applied through political consideration, and these crimes are not restricted within the political arena. Therefore, political crime is widespread and takes the form of corruption, state sponsored violence against opposition political leaders

and activists, disturbance initiated by opposition groups, arbitrary arrests of opposition political leaders and activists, and conflict between student organizations at educational institutions are common in Bangladesh. These crimes are sparked by diverse economic, political, and social factors and dynamics, and result in numerous deaths and injuries on a regular basis. The following section provides a composite of various types of political crime of different dimensions based on reports published in the *Prothom Alo* in 2010.

Politics Related Crime in Educational Institutions

Crime related to politics is committed frequently in educational institutions. There are different categories of politically motivated criminal activities and, in most cases, student fronts of major political parties are involved. Deadly clashes and conflict between student groups also spill over in assault on teachers by political leaders. Two of the main reasons are demand for admission to unqualified students through reserved places and control over dormitories that ensures control over various university and college resources. In some cases, the process of admission to higher educational institutions was suspended due to demand from student front leaders of the ruling political party. Table categorizes the criminal acts committed by student fronts of major political parties:

Table: 1: Types of crime by Political Student Organizations in Educational Institution in 2010:

Name of Month	Number of Clash and Attack In Educational Institutions		Number of Attack By Opposition student organization on ruling party's student wing	Number of Attack on Opposition Student Groups by Ruling Party student Wing	Number of Illegal Demanding of Quota in Admission Test by Ruling Student Wing	Number of Assault on Teacher by Student Organization	Number of Injured Persons or victims	Number of Murder	Total Number of Crimes
	Intra-Group	Inter-Group							
Janu	1	4	0	1	0	1	118	1	7
Febr	2	1	1	2	2	0	90	3	8
Marc	2	0	0	1	0	0	10	1	3
April	2	0	0	0	1	2	32	1	5
May	4	0	0	0	0	0	39	0	4
June	2	1	0	3	1	1	64	0	8
July	3	0	0	1	0	0	81	1	4
Augu	4	1	0	0	0	0	20	1	5
Seper	2	1	0	1	0	0	70	0	4
Octo	0	0	0	1	0	0	1	0	1
Noer	0	0	0	0	0	0	0	0	0
Decer	1	0	0	0	0	0	50	0	1
Total	23	8	1	10	4	4	575	8	50

Source: This table has been prepared based on the news reports of crime of the year 2010 published by *The Prothom Alo (*See, Appendixes: Table 1*).*

Table 1 shows that in 2010, the total number of intra-political student organization clash was 23 and there were 8 inter-political parties student wing clash. One attack by opposition student political organizations on the ruling party student wing was reported, and 10 attacks were recorded by ruling student organizations on the opposition. Illegal quota for admission to supporters was demanded by ruling party student wing (Chatra League) in 4 educational institutions. In addition, there were 4 assaults on teachers by leaders of student fronts of political parties. Approximately 575 persons including students and teachers were injured and 8 students killed in the year 2010.

The most pervasive factors behind these crimes were control over at campuses of educational institutions, the formation of committees of the organizations, domination over student hostels, bid for contracts, and even minor matters such as not showing respect to student leaders or efforts to obtain meals without paying. These causes can be categorized mainly into political power, economic interests, and ideological standpoints. In most cases of conflicts, University administration was powerless to resolve the issues, and responded by closing down the institutions for definite or indefinite period of time. Law enforcing agencies were found to remain inactive during violent conflicts at these institutions, and rarely are these cases properly investigated and perpetrators punished. Ruling political parties usually ignore demands for inquiry when students belonging to opposition groups are assaulted or killed.

Intra-Political Party Conflict in Bangladesh

Both the ruling and opposition political party activists are increasingly engaging in intra-party conflicts. The causes of conflicts are similar to those found in student political organizations. Economic and political factors are dominant in these conflicts as leaders and followers seek to further their interests by engaging in illegal business and scrambling for positions in party committees. In addition, they engage in power struggle to establish and retain control over the constituency, and often are motivated by personal enmity and disputes over property. The numbers of intra-political party conflict in 2010 are presented in Table 2.

Table: 2: Intra-political Parties Conflicts and Attack on Rival Groups, 2010

	Number of intra-political parties clash beyond educational institutions by		Number of Attack on rival groups or individuals by		Number of Injured Persons	Number of Murder	Number of Total Crime
	Ruling	Opposition	Ruling	Opposition			
January	2	0	0	0	37	0	2
February	1	0	1	0	1	1	2
March	4	1	2	0	80	1	7
April	2	2	2	0	62	1	6
May	10	1	3	0	182	1	14
June	5	0	1	0	62	2	6
July	2	0	0	0	13	0	2

	Number of intra-political parties clash beyond educational institutions by		Number of Attack on rival groups or individuals by		Number of Injured Persons	Number of Murder	Number of Total Crime
	Ruling	Opposition	Ruling	Opposition			
August	1	1	1	0	42	2	3
September	1	0	1	0	15	1	2
October		2		1	55	0	3
November	0	0	0	0	0	0	0
December	1	0	0	0	0	3	1
Total	**29**	**7**	**11**	**1**	**549**	**12**	**48**

Source: This table has been generated based on news reports of crime of the year 2010 published by *The Prothom Alo*. (See, Appendixes, Table 2)

Table 2 shows that there were 29 intra-party conflicts in the ruling Bangladesh Awami League and 7 in the party in opposition - Bangladesh Nationalist Party (BNP) – in the year 2010. 11 attacks were reported on rival groups of the ruling party, and only 1 in the opposition party. In addition, 549 people were injured and 12 persons were murdered as a result of violent intra-party feuds. The newspaper reported 48 intra party conflicts. The actual number of these attacks and conflicts were probably much higher.

Inter-political Party Conflict

This type of conflict is probably most widespread in Bangladesh. Leaders and supporters of major political parties are constantly in a confrontation mode, and often engage in verbal and physical clashes. These conflicts occur over diverse issues that are similar to those discussed in the previous sections. While personal and economic interests exert profound influence, there are also conflicts over demonstrations and shutdowns, and control over local resources and areas. Sometimes, conflicts are fueled by the preparation and outcome of elections, previous memory of repression and vendetta. Since the three major political parties of Bangladesh hold similar ideological positions, this has not been a major factor and there have been frequent shift of allegiance from one party to another. Therefore, it can be said that economic and personal interests remain the key factors behind inter-party political conflicts. Table 3 shows that in 2010, at least 9 violent inter-political party conflict took place in several parts of Bangladesh, and hundreds of people were injured and killed.

Violent Conflicts

Violent clashes took place between various groups throughout the 2010. They included members of law enforcement agencies, political parties, students and a number of groups that get involved for furthering their personal and financial interests. These incidences reflect disregard for law and order and failure of the state to resolve disputes. The following section presents an overview of the violent conflicts reported in the newspaper.

Political Parties and Law Enforcement Agencies

Politically motivated confrontation between political parties and law enforcement agencies can be considered as one form of political crime. They occur usually at times of rallies or demonstrations by opposition political parties. Engagement in conflict with police is a criminal offence, and efforts to forcefully prevent processions and rallies of opposition political parties by law enforcement agencies is another type of state initiated crime. According to the constitution of the People's Republic of Bangladesh, every citizen has the right to hold peaceful political protests and rallies. Table 3 shows that in 2010, there were 6 clashes between opposition political parties and police, while 2 such incidents took place between the activists of ruling political parties and the police. Many people including some police personnel were injured in these incidents. Police or law enforcing agencies are being targeted by opposition political parties when they think that polices are obstacle to hold their rallies or processions. Sometimes they may have different intentions including breaking the strong mind of police or law enforcing agencies. According to the table-3, in 2010, numbers of attack on police or law enforcing agencies were 4 by the opposition political parties.

Hartal and Shutdown

Hartal or shutdown is a political and democratic right according to the constitution of Bangladesh. But, this instrument frequently used by political parties especially by oppositions to force government to do anything or to protest against government on any specific issue. There may have a certain issue of Hartal including political demand and protest against repression of government. Table (3) demonstrates that in 2010, 3 hartal observed by opposition political parties in Bangladesh. In terms of hartal widespread destruction of public property incluing vandalism of cars, firing on buses, bursting bombs and sporadic violence marked the whole country. In 2010, 171 different types of vehicles were vandalized by opposition political parties' activists and about 26 by ruling party activists on different events, respectively. In most cases, huge numbers of vandalism of cars took on occasions of Hartal.

Opposition and Ruling Political Parties

Repression, indiscriminate torture by ruling party on opposition leaders and activists are well known in Bangladesh. These attacks don't waged only the opposition party activists but on their homes, business institutions and offices. According to the table 3, in 2010, total numbers of attack on opposition political parties' activists and in their political offices were 20 across the country. In these attacks many persons injured and many killed. Culture of impunity by the justice system of Bangladesh to the killer of opposition leaders blatantly have been observed by the people of Bangladesh. Ruling political party activists also came under attacked by the opposition political party supporters in various places in the country. According to table 3, in 2010, 3 incidents of attack on ruling party activists by opposition have occurred.

Vandalism

Vandalism appears to have emerged as a common method for protests and disagreements. Mobs, including workers of political parties as well as students, frequently set fire to properties and vehicles to express their anger and protest to policies and decisions. Table 3 shows the total number of vandalism of vehicles in 2010 by the opposition political parties were 171, while the ruling party activists were responsible for 26 incidences. These acts have serious consequences for the economy and security of citizens of Bangladesh.

State Sponsored Violence

Incumbent governments in Bangladesh often use state instruments as a means of violence and repression to suppress opposition political parties. These include mass arbitrary arrests and prolonged imprisonment of leaders of the opposition political parties and occasionally, disappearance without a trace. According to reports in the newspaper, approximately 1284 opposition parties activists were detained by law enforcing agencies in the year 2010 (table 3).

Table 3: Inter-Political Parties and Groups Conflicts beyond Educational Institutions, Clash between Opposition and Police, Attack on Police, Number of Hartal, Vandalism of Cars, Mass Arrest by Police, Attack on Police in 2010.

Name of Month	Number of Inter-political Parties Conflict	Clash with Police		Number of Hartal	Number of Attack on pposition Political Parties and their Offices by	Number of Attack on Law Enforcing Agencies By opposition	Number of Vandalism of Cars By		Number of Arrest of Opposition Activists by Police	Injured	Number of Murder	Total Number Of Crimes
		Opposition	Ruling				Opposition	Ruling				
January	0	0	1	0	0	0	0	0	0	20	0	1
February	2	0	0	0	5	0	0	0	155	117	1	7
March	1	0	0	0	0	0	0	0	0	30	0	1
April	4	1	0	0	7	2	5	20	103	191	1	39
May	0	0	1	0	3	1	0	6	0	63	1	11
June	1	1	0	1	0	0	11	0	167	70	0	14
July	0	0	0	0	0	1	70	0	41	20	0	71
August	0	0	0	0	0	0	0	0	0	0	0	
September	1	0	0	0	0	0	0	0	0	10	0	1
October	0	0	0	0	1	0	1 (train)	0	0	44	1	2
November	0	1	0	2	4	0	83	0	786	402	0	90
December	0	1	0	0	0	0	1		32	38	0	2
Total	**9**	**4**	**2**	**3**	**20**	**4**	**171**	**26**	**1284**	**1005**	**4**	**239**

Source: This table has been generated based on news reports of crime of the year 2010 published by *The Prothom Alo* (See, Appendixes, Table, 3).

Tenders and Contracts

In Bangladesh, winning tenders and contracts for public sector projects is considered a prized accomplishment. They are a major source of making money, from both legal and illegal use. Tenders and contracts are, therefore, a common source of crime related to politics crime. Local political leaders and activists get involved, and they make every effort to win the contracts or have them awarded to their supporters. In the process, pressure is applied on the public officials awarding contracts and competitors are intimidated to withdraw from the pool. In the year 2010, 8 incidences of crimes could be directly related to the award of contracts at different locations for development projects (see Table 4). This involved influencing the process of posting call for bids and selecting the individual or company to be awarded the contracts. Political influence and power become the main tools for winning tenders instead of the capacity, track record and suitability for completing the project. As political leaders and their followers are desperate to win contracts, conflicts take place among the competitors and often result in acts of violence.

Government Recruitment

Crime related to politics is prominent in public sector recruitment in Bangladesh. A huge number of unemployed people with educational qualifications desperately look for opportunities to earn their livelihood, and become prey to the politically connected criminals who offer to secure jobs for them. They accept bribe and extort money with the promise of jobs. Recommendations from political leaders such as Members of Parliament, Ministers and political party functionaries are commonly used to intimidate employers. Politicians belonging to the party in office are obviously major actors who play a key role for criminalization of job sector in Bangladesh. Political personalities resort to corruption and promise employment in public sector organizations, and are often successful to place them in all kinds of government jobs. Table 4 shows that there were 7 major cases of political interference in recruitment of government jobs at hospitals, educational institutions, and government administrative agencies in 2010.

Environmental Damage

Crime committed with political power results in severe environmental damages. Trees provide environmental security, and free flow of river current is necessary to prevent floods. In many areas of Bangladesh, there has been indiscriminate cutting of large numbers of trees and river flow was obstructed by artificial dam for fishing by local political leaders. These acts present major threats to the environment. One report indicated that 21 trees by the roadside were cut by Awami League leaders (*The Prothom Alo*, 3 January 2010). Another report stated that a local leader affiliated with the ruling party is involved in catching fish by creating an illegal artificial dam in the Padma River at Faridpur, in partnership with a leader from the opposition political party. This type of artificial dam stops the river flow and create new shoal on the river basin (*The Prothom*

Alo, 11 January 2010) Thus, political leaders from both the party in power and opposition can become willing collaborators for financial gain. In another story, it was reported that a hundred years old tree in a school compound was sold by a BNP leader to an Awami Leauge Leader without approval from the appropriate authority (*The Prothom Alo*, 12 January 2013). Many trees are destroyed or cut down during Hartals. Table 4 shows that five reports of crime on environment by political leaders were published in 2010.

Land Grabbing

News on land grabbing by powerful political leaders in rural areas are often published in the media. These leaders usually perpetrate such acts using their political connections as well as links with the local administrative officials who are eager to be noticed as sympathetic to the ruling political party. Several reports of land belonging to the poor by local leaders were reported in 2010. One report stated that a pond belonging to landless people was illegally taken over by a ruling party supporter in Jhenidah district, resulting to suffering 80 landless poor families (*The Prothom Alo*, 3 January 2010). Table 4 includes 7 incidents of illegal land grabbing by political leaders.

Illegal Sand Business

Political leaders commit many types of crime by using political power. A common act by many local political leaders is to extracting sand from river beds and selling them in the market. Although this business is illegal, a large number of people are engaged in this lucrative trade as the authorities often turn a blind eye to them. Table 4 shows 3 reports of such extraction of sand by local political leaders. This illegal act results in degradation of the environment as well as upsetting the balance of nature. To make things worse, violent conflicts often take place between local people and political leaders if the public protest against this act.

Corruption in Development Projects

Development projects in the public sector are most likely to be used for illegal profit by using political connection. According to table 4, 5 cases of corruption and extortion by leaders of the ruling political party from development projects were reported in 2010.

Assault on Public Officials

Throughout the year, reports of assault on public officials by supporters of the party in power arrived from various regions of the country.

The   assaults were primarily motivated by refusal of public officials to concede to illegal demands from politicians. These leaders physically harassed and mentally tortured administrative officials and threatened to have them transferred to remote and difficult locations. Table 4 shows 5 incidences of assault by ruling political party men on public officials.

Violence against Women

Several incidence of violence against women were reported in the year 2010. They include assault by people with political connections and they

often received protection due to linkages with politically powerful leaders and organizations. Even the law enforcement agencies were unwilling to charge and prosecute them by challenging their political power. Table 4 reports three incidences of assault on women by political leaders and activists in the year 2010. It is not surprising that no one was charged for the violence against women because they had protection from the ruling political party.

Other Crimes

In addition to the varieties of criminal activities described above, there are many others that could be related to political inclination and belief. There has been attacks on workers in the media, citizens, and business people by political activists. Journalists often become target of violence by political leaders and parties if their reports are considered to be derogatory to the leaders or exposed their wrongdoings. Often, trivial matters such as comments on the performance of the political party in power have sparked off major conflicts leading to attacks, deaths and injuries. In the year 2010, eleven incidents of this category of crime were reported from different regions of Bangladesh (see Table 4).

Table 4: Illegally Grabbing of Land, Illegally Cutting of Trees and Hills, Illegal Sand Business, Assault on Women, Government Employment, and Tender Related Political Crime in 2010.

Name of Months of 2010	Number of Political Crime Over Tender	Number of Incident of Recommendation and Political intervention in the recruitment of government Jobs	Number of trees Cutting Illegally by Ruling leaders	Incident of Cutting Hills	Illegally Grabbing of Land or house by Ruling Leaders Or supported	Illegal Sand Business	Government Project and Corruption by Politician, Demanding or taking illegal fees by politicians	Assault on administration personnel by ruling people	Number of Assault on women by politically connected personnel	Number of Others Crime (victims of civilian, journalist) by political activists, attack on market	Total Number 0f Crime
January	0	2	0	0	0	0	0	1	0	4	7
February	2	2	0	0	1	0	0	0	1	0	6
March	2	0	1	0	2	0	0	1	0	1	6
April	1	0	0	0	1	0	1	0	1	2	6
May	2	1	0	0	0	1	3	0	0	0	7
June	1	0	0	0	0	1	0	0	0	0	2
July	1	0	1	1	2	0	1	0	1	0	7
August	0	0	1	0	1	1	0	0	0	2	5
September	0	1	0	0	0	0	0	1	0	1	3
October	0	0	0	0	0	0	0	2	0	0	2
November	0	0	1	0	0	0	0	0	0	0	0
December	0	0	1	0	0	0	0	0	0	1	1
Total	**8**	**7**	**5**	**1**	**7**	**3**	**5**	**5**	**3**	**11**	**55**

Source: This table has been prepared based the news reports of crime in the year 2010 published by *The Prothom Alo* (See, Appendixes, Table, 4).

Crime Related to Politics in Bangladesh

This chapter presented a snapshot of the extent and categories of crime that was related to politics in Bangladesh. The daily *Prothom Alo* published approximately 402 reports on politics related crime in 2010. According to the reports, approximately 2,129 persons were seriously injured due to political violence and 24 were killed. Table 5 and Figure 6 present a comprehensive picture of political crime in 2010 including the number of political crimes and victims, respectively.

Table 5: Total Number of Political Crimes, Number of Injured and Killed Persons in 2010.[1]

Name of Months, 2010.	Numbers of Political Crimes in 2010	Number of victims and Injured Persons by Political Crime	Number of Murder or Killing by Political Crimes
January	17	175	1
February	28	208	5
March	17	120	3
April	56	285	3
May	36	284	1
June	30	196	2
July	84	114	1
August	13	62	3
September	10	95	1
October	16	100	1
November	90	402	0
December	5	88	3
Total Number of Political Crimes	402	2129	24

Source: This table has been generated based on table 1, 2, 3 and 4.

Table 5 shows that a total of 402 political crimes were committed in 2010. These resulted 2,129 injuries and 24 deaths.
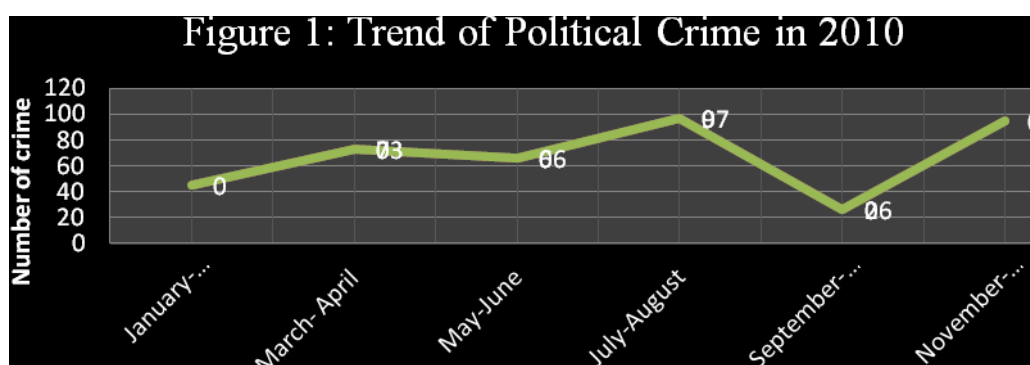

Figure: 1: represents bimonthly trends of political crimes in 2010.

Source: This figure has been generated based on the table 5.

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[1] Sources: This table is prepared taken data from Table 1, 2, 3 and 4.

Conclusion and Recommendations

Crime based on political connections and access to power centres has serious consequences on a country. There are several types of crimes that can be linked with politics. But it is extremely difficult to discriminate and label specific acts as crime related to politics. Often, conflicts arise out of power struggle to acquire control over a community or obtain illegal economic benefits from projects or other circumstances. These incidences may get labelled as crime related to politics based on the identity of those committing it. In a highly politicized society like Bangladesh, all actions are perceived to be political in nature and many tend to analyze criminal acts in this way.

This chapter is based on newspaper reports published in a year when no elections were held in Bangladesh. Therefore, electoral crime remains out of the purview of the discussion. At times of elections, a number of criminal acts take place in winning nominations from political parties, electoral malpractice, intimidation of voters or candidates, and using force to take control of polling stations. Thus, it should be noted that a similar study in an election year would probably reflect a steep rise in crime related to politics.

The pattern of politics related crime is likely to escalate with widespread use of the internet. As Bangladesh enters the digital age, the potentials for controlling crime should also be enhanced. But before using digital tools to reduce the incidence of crime related to politics, it is imperative to strengthen the rule of law and ensure prosecution and penalties for all perpetrators including those engage in criminal activities by using political power and identity. This would entail allowing autonomy to law enforcement agencies to enable them to implement laws without political interference. The removal of the culture of impunity that has plagued the justice system of Bangladesh is the prime need for eliminating crime related to politics. This step needs to be complemented by a vigorous role of the media and inculcation of the political will of the government to facilitate good governance. Finally, the task will require comprehensive cooperative efforts by the government, political parties, civil society, mass media, non-governmental organizations, international agencies and the citizens to prevent the incidence of crimes related to politics from proliferating.

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Appendixes

Table 1: Table 1 has been prepared by the reports of following date of The Daily Prothom Alo. 03/01/2010, p.1; 06/01/2010, p.4; 08/01/2010,p.1; 16/01/2010, p.1; 19/01/2010, p.1; 31/01/2010, p.4; 01/02/2010, p.1; 03/02/2010, p.1; 04/02/2010,P.1; 10/02/2010,P.1; 12/02/2010, P.1 &24; 16/02/2010, P.4; 19/02/2010, P.1; 06/03/2010, P.7; 17/03/2010, P.1; 16/04/2010, P.16; 22/04/2010, P.4; 01/05/2010, P.11; 05/05/2010, P.1; 24/05/2010, P.5; 02/06/2010, P.4; 07/06/2010, P.4.; 09/06/2010, P.4; 14/06/2010, P.4; 22/06/2010, P.24; 27/06/2010, P.21; 06/07/2010, P.6; 09/07/2010, P.1; 11/07/2010, P.7; 13/07/2010, P.1; 05/08/2010, P.5; 15/08/2010, P.7; 16/08/2010, P. 1; 24/08/2010, P.24; 24/09/2010, P.24; 28/09/2010, P.28, 30/09/2010, P.24; 27/10/2010, P.3; 22/12/2010, 1; 08/08/2010, p.1.

Table 2: This Table has been prepared from the Published news in The Prothom Alo on the following date: 03/01/2010, p.4; 07/01/2010, p.4; 20/01/2010, p.4; 16/02/2010, p.4; 23/02/2010, p.4; 14/03/2010, p.1, 7; 14/03/2010, p.1; 15/03/2010, p.17; 27/03/2010, p.4; 28/03/2010, p.4; 09/04/2010, p.1; 14/04/2010, p.6; 17/04/2010, p.1; 19/04/2010, p.4; 22/05/2010, p.5; 27/04/2010, p.24; 04/05/2010, p.1, 4; 05/05/2010, p.4; 07/05/2010, p.1 & 4; 11/05/2010, p.4; 18/05/2010, p.4; 19/05/2010, p.4; 20/05/2010, p.4; 26/05/2010, p.4 & 5; 27/05/2010, p.1; 11/06/2010, p.4; 11/06/2010, p.4; 21/06/2010, 22/06/2010, p.4; 27/06/2012, p.21; 18/07/2010, p.4; 22/07/2010, p.1;05/08/2010,p.4; 11/08/2010, p.4; 15/08/2010, p.1; 29/09/2010, p.4; 11/10/2010, p.1; 17/10/2010, p.4; 31/10/2010, p.4; 31/12/2010, p.1.

Table 3: This table has been prepared based on the published news of the *Prothom Alo* the following dates: 29/01/2010, p.4; 11/02/2010, p.4; 12/02/2010, p.4; 13/02/2010, p.1; 14/02/2010, p.1; 21/02/2010, p.1; 30/03/2010, p.4; o9/04/2010, p.4; 13/04/2010, p.1; 14/04/2010, p,24; 16/04/2010, p.1; 17/04/2010, p.1; 19/04/2010, p.4; 21/04/2010, p.1; 23/04/2010, p.1; 25/04/2010, p.1; 26/04/2010, p.1; 30/04/2010, p.24; 04/05/2010, p.1, 4; 06/05/2010, p.1, 4; 14/05/2010; 29/05/2010, p.4; 18/06/2010, p.1; 28/06/2010,p.1,2; 02/07/2010, p.4;

05/07/2010, p.4; 05/07/2010, p.1; 15/09/2010, p.4; 09/10/2010, p.1; 14/11/2010, p.1; 15/11/2010, p.1; 29/11/2010, p.1; 30/11/2010, p.1; 01/12/2010, p.1; 05/12/2010, p.4.

Table 4: This table has been prepared from the following date's reports published by the Prothom Alo. Date: 04/01/2010, p.1; 15/01/2010; 16/02/2010, p.2; 22/01/2010, p.4; 27/01/2010, p.1; 30/01/2010, p.5; 02/02/2010, p.2; 08/02/2010, p.1; 09/02/2010, p.3; 12/02/2010, p.1; 13/02/2010, p.4; 11/03/2010, p.4; 13/03/2010, p.21; 14/03/2010, p.7; 16/03/2010, p.1; 21/03/2010, p.2; 22/03/2010, p.4; 25/03/2010, p.4; 09/04/2010, p.9; 10/04/2010, p.4, 24; 18/04/2010, p.4; 28/04/2010, p.3, 21; 01/05/2010, p.4; 07/05/2010, p.1; 09/05/2010, p.1; 18/05/2010, p.1; 23/05/2010, p.4; 19/06/2010, p.4; 20/06/2010, p.4; 06/07/2010, p.6; 14/07/2010, p.4; 15/07/2010, p.5; 17/07/2010, p.4; 19/07/2010, p.4; 24/07/2010, p.5; 29/07/2010, p.5; 04/08/2010, p.4; 05/08/2010, p.4; 14/08/2010, p.5; 19/08/2010, p.5; 29/08/2010, p.4; 14/09/2010, p.4; 18/09/2010, p.1; 07/10/2010, p.5; 28/10/2010,p.1; 24/12/2010, p.1.

3

Power Imbalance and Electoral Violence in Bangladesh

Saifullah

Introduction

According to Robert Dahl (1973), regular and competitive elections are one of the defining features of democratic regimes. They facilitate representation, accountability and peaceful access to political power (Fjelde and Höglund, 2016). The political system of Bangladesh is democratic in nature, and has experiences national parliamentary and local government elections since independence. However, all elections have been have been marked by a high degree of violence. Elections to the Union Parishads (UP) were no exception, and 402 people died from electoral violence during these election since 1988 (Source: Brotee, an election monitoring agency).

Previous UP elections were characterized by a high degree of violence, but the 2016 elections surpassed the levels reached in the past. An interesting point is that candidates for local government elections in Bangladesh were allowed to compete for the first time with political party affiliations, and reflected a microcosm of a national election. The departure from the previous system of non-partisan arrangements to party-based local government elections resulted in 147 deaths and over 11,000 injuries from violence in the UP elections held in 2016.

Understandably, the intensity of violence can have serious impact on the democratic culture of Bangladesh and will certainly discourage voters from participating in elections. This chapter attempts to provide an understanding of the problem with reference to the relative power position of the parties who were involved in, and affected by, electoral violence.

It is obvious to say that the imbalance of power between the parties shape the structure and dynamic of their relationships. Therefore, it will help to determine the level of power imbalance between the parties that contribute to the escalation of electoral violence. This chapter will explore the impact of difference in the degree of force and power between the contending candidates on initiation of violence during the election period. The key question to be addressed is" *to what extent does the power difference between the contending parties play a role in electoral violence?"*

Methodology

The study is conducted through the case study method based on the qualitative research approach to understand the reality of parties' power position on the ground. This approach is preferred because it is hard to measure power through a quantitative approach. The chapter is focused on the Union Parishad Election of 2016, and four Unions are chosen for the study. Cases are selected based on purposive sampling regarding the intensity of violence, timing of electoral violence, researcher's access and time constraints, and the variety of candidates affiliated with political parties. A list of the people who died from violence in the UP election was collected from the Citizens for Good Governance (SHUJAN). Two Unions were identified for the incidence of violence from the document: Buriganj Union from Bogra for pre-election violence, and Srinagar Union from Narshingdi for election-day violence. Two Unions were identified as non-violent cases, Bangodda Union from Comilla and Shibgonj Union from Bogra, because the evidence of violence in these cases were not documented. Moreover, violent cases are taken based on pre-election and election-day violence, but not from post-electoral violence (further explanation is given under the title of "Electoral Violence").

Both primary and secondary data are used for this study. Interviews were conducted following the Key Informant Interview (KII) through a structured questionnaire. Interviewees included Chairman candidates as well as Upazila election officers. In case of non-availability of Chairman candidates, their family members were approached for information. It should be noted that only Chairman candidates are included in this study, because in this election, only they were able to compete under the banner of their political parties and this made it easy to measure their political power. For the violent cases, only candidates involved in violence were interviewed whereas top closest candidates based on acquiring votes are taken from non-violent cases. Moreover, local people were interviewed through unstructured questionnaire.

Secondary data were collected from SHUJAN (Citizens for Good Governance), Brotee, an election monitoring agency, and from the newspapers *ProthomAlo, Daily Star, Ittefaq, KalerKontho, and Bangladesh Protidin*. Election results were collected from the respective Upazila election office. The collected information was analyzed to demonstrate power of the competing parties as well as intensity of violence.

Literature Review

Election is an important prerequisite for democracy. Elections in many developing countries are marred by violent activities, and researchers have sought to identify and explain factors that trigger electoral violence.

Some sections of the literature deal with the factors associated with the nature political systems, electoral systems, institutions and other factors, while others explore issues related to the perception, position and strategies of political parties. Yet, another group of scholars highlight factors that are influenced by the ideological inclinations and understanding of political leaders and their efforts to win electoral.

Höglund (2009) conceptualizes electoral violence as a broad subcategory of political violence. She focuses on three structural factors to explain the variation in intensity of electoral violence across countries. Firstly, she states that the nature of politics in conflict ridden societies fosters electoral violence. In this regard, she highlights four features: a) patrimonialism, i.e., "patron-client relationships"; b) the presence of armed actors in politics; c) fear and insecurity; d) and the culture of impunity. Secondly, the nature of competitive elections and mobilization exacerbates pre-existing social conflict and thereby can foster electoral violence. Finally, the design of the electoral system may create a condition which is conducive to violence (Höglund, 2009).

Fjelde and Höglund (2016) argue that electoral violence is more likely to take place in countries with majoritarian electoral systems where majority prevails, electing fewer legislators from each district, than it is in the system of proportional representation (PR) (Fjelde and Höglund, 2016). On the other hand, Emmanuel argues that electoral violence often occurs not only as a result of the electoral process itself but is a reflection of dislocations in broader structural architecture of governance and the society's political culture, and focuses on that the decay of socio-economic and political systems that trigger electoral violence (Emmanuel, 2012).

Islam pays attention to the confrontational bipolar political system as an explanation for electoral violence in Bangladesh. According to him, the nature of politics in Bangladesh is associated with the winner-takes-all outcome of power struggles, patron-client politics, and the unique framework of "one kingdom, two dynasties" (Islam, 2015). Political behavior is influenced by these factors, particularly the last phenomenon, and promotes electoral violence

Using the newly available Social Conflict in Africa Database (SCAD), Salehyan and Linebarger (2014) examine the conditions which make elections more or less violent. They argued that weak institutional environments are particularly prone to electoral violence. They also hypothesize that elections during and following civil wars as well as in authoritarian and poor countries are more likely lead to violent actions (Salehyan and Linebarger, 2014).

In his study on *Institutions and Electoral Violence*, Dunaiski discusses the potential impact of country-level institutions on the likelihood of electoral violence. His research demonstrates that institutional factors such as the electoral system, decentralization, the separation of powers, and state capacity all have a noticeable impact on the likelihood of electoral violence. Statistical evidence in his paper suggests that electoral violence is more likely to occur in highly centralized states, with majoritarian electoral rules, semi-parliamentary regimes and weak state capacity. He also states that a country's ethnic composition has a correlation with the violence-inducing effect of majoritarian electoral systems (Dunaiski, 2015).

In contrast, Daxecker examines the relationship between international election observation, election fraud, and post-election violence. She finds that post-election violence is more likely to occur when election fraud takes place and international observers are present, because international monitors provide more credible information on the fraudulent election processes and outcomes than other domestic observers. Consequently, protests over electoral outcomes are characterized by the use of violent means and thereby incumbents also violently repress their expression of discontent (Daxecker, 2012).

Rapoport and Weinberg focus on the election system itself. They consider election as a mode of succession and consider that moment to be the most likely flashpoint in all political systems. Thereafter they compare election with heredity - another mode of succession – from a historical perspective to determine their relative impact in shaping patterns of violence (Rapoport and Weinberg, 2000).

Factors that deal with the parties' perception and position is explained by Hafner-Burton and associates who argue that the initiation of electoral violence depends on two factors. Firstly, an incumbent's fear of losing power as the result of an election and, secondly, the institutionalized constraints on the decision-making process play a vital role in instigating pre-electoral violence (Hafner-Burton, Hyde, and Jablonski, 2014).

Collier and Vicente propose a model of electoral competition where illicit strategies such as voter intimidation, vote-buying, and ballot fraud are used by candidates to gain political power in elections. They argue that violence can be effective for both the incumbent and challenger when they are in weak positions. Therefore a highly unpopular incumbent resorts to repression or a fringe challenger makes use of terrorism as their tactics. On the other hand, a stronger incumbent facing local competition is more likely to resort to vote-buying and ballot fraud (Collier and Vicente, 2011).

Sometimes electoral violence is instigated from the (mis)calculation of political parties of its support base and the need for manipulation.

Wilkinson states that politicians use pre-election violence as a strategic manipulation to increase their vote share in close electoral contests. By providing a detailed subnational analysis of electoral violence in India, he argues that provocation or suppression of ethnic violence by politicians depends on the necessity of the ethnic minority support for electoral success (Wilkinson, 2006).

Chaturvedi uses formal models and journalistic evidence to develop an agent-centered theory of pre-electoral violence. He develops a model of electoral competition between two parties that allocate their resources among two arenas of campaigning - ideological and conflictual- in an effort to gather political support. He argues that, in an electoral contest between two political parties, the potential for pre-electoral violence will decrease as the fraction of undecided voters goes up. He also suggests that since incumbent parties have access to state resources, they will be more likely to resort to violent manipulation of the electoral contest (Chaturvedi, 2005).

Weildmann and Callen develop a theory of fraud and violence where elites rely on their loyalty networks to change electoral outcomes. Their theory has two testable predictions. First, it predicts that "the relationship between election fraud and violence follows an inverted U-shape." The second prediction of their theory is that agents of the incumbent and the challenger will react differently to the security situation (Weildmann and Callen, 2012).

The discussion in this section highlights a number of factors that lead to electoral violence. First, the nature of politics or political system, competitive election, and electoral system can foster electoral violence. Second, the decay of socio-economic and political systems triggers electoral violence. Third, electoral violence depends on the nature of institutions or institutional environment. Fourth, the presence of international observers in fraudulent elections can increase the probability of erupting electoral violence. Fifth, the election system itself as a mode of succession has inherent elements of violence. Sixth, incumbent's fear of losing power as well as the existence of fewer institutional constraints may lead to electoral violence. Seventh, both incumbent and challenger initiate electoral violence when they are in weak position. Finally, politicians use pre-election violence as a strategic manipulation to increase their vote share. However, since the issue of power is generally neglected overlooked, the impact of power imbalance between the parties on electoral violence is demonstrated in the following section.

Theoretical Framework

Difference in the degree of power held by candidates conditions conflict processes and orientation to use power and influence their preferred strategies. The power base and ability to use force by candidates shape their perception of conflicts and responses to it (Coleman, 2006, cited in Deutsch, 2006). Since the issue of power imbalance between contending

parties in elections is generally disregarded in the literature, it is necessary to explore the impact of power on initiation of electoral violence. Although Collier and Vicente (2011) highlight the advantageous position held by parties in such situations, they do not focus on the calculations of difference in balance of power that pushes them to resort to electoral violence. Rather, they reiterate that parties manipulate their strategies from a position of advantage to seek the best outcome.

Some studies have examined the linkages between power and violence. Janos hypothesizes in terms of the balance of opponents' capacities. According to him, the character, intensity, and duration of violence depend on the relative strength of the parties involved. The intensity and duration of the conflict increase when the relative capabilities of opponents tend to converge toward equilibrium (Janos, 1964, cited in Gurr, 1970, p.234-35).

In a similar vein, Gurr takes into consideration some hypotheses regarding the balance of regime and dissident coercion. First, the ratio of dissident coercive control to regime coercive control to the point of equality and vice versa determines the magnitude of political violence. Second, if the ratio of dissident to regime coercive control approaches equality, the likelihood of internal war will increase. Third, if the ratio of dissident to regime coercive control approaches zero, the likelihood of turmoil will increase. And fourth, the likelihood of conspiracy depends on the degree of discrepancy between dissident and regime coercive control (Gurr, 1970). It indicates that moving toward coercive balance between them increases the likelihood of extensive level of violence whereas the discrepancy reduces the probability.

There are also different views as reflected in Korpi's model of conflict and the balance of power. This model analyzes the probability of manifest conflict between two parties with opposed interests and its impact by the balance of power between them. In this model, he uses the difference in power resources between the contending parties as the central independent variable and the probability of manifest conflict between them as the dependent variable. Moreover, the intervening variables of the model are the expectancy of success, the utility of reaching the goal in conflict initiation and retaliation and the perception of relative deprivation (Korpi, 1974).

According to this model, the probability of manifest conflict increases when the power difference between the parties moves from an extremely unequal situation toward situations where parties have more equal power resources. But it will increase up to a point and will drop around the point of parity in power resources. Accordingly, the probability of conflict decreases when the difference in power resources increases to a situation that is not close to parity in resources (Korpi, 1974).

Korpi assumes that both the utility of reaching the goal and expectancy of success will be higher in retaliation than in conflict

initiation for each actor given the perceived difference in power resources between them. Thus, multiplicative function of expectancy of success and the utility of achieving the goal determines the probability that an actor will mobilize power resources in a situation of potential conflict (Korpi, 1974).

However, Korpi assumes that actors prefer satisficing rather than maximizing, but it is not applicable for parties in electoral violence because the utility or value of goal is highest as well as same to both actors in electoral violence. Moreover, he also states that both parties have to resort to violence to create a conflict situation and thereby conflict is distinguished into two phases, initiation and retaliation. However, this classification as a prerequisite to conflict is not necessarily applicable to electoral violence.

Therefore, this chapter concurs with view of Gurr (1970) and Janos (1964) regarding the relationship between power and electoral violence, and argues that parties with a high level of power differences are less likely to initiate electoral violence. Conversely, parties with a low level of power differences are more likely to initiate electoral violence.

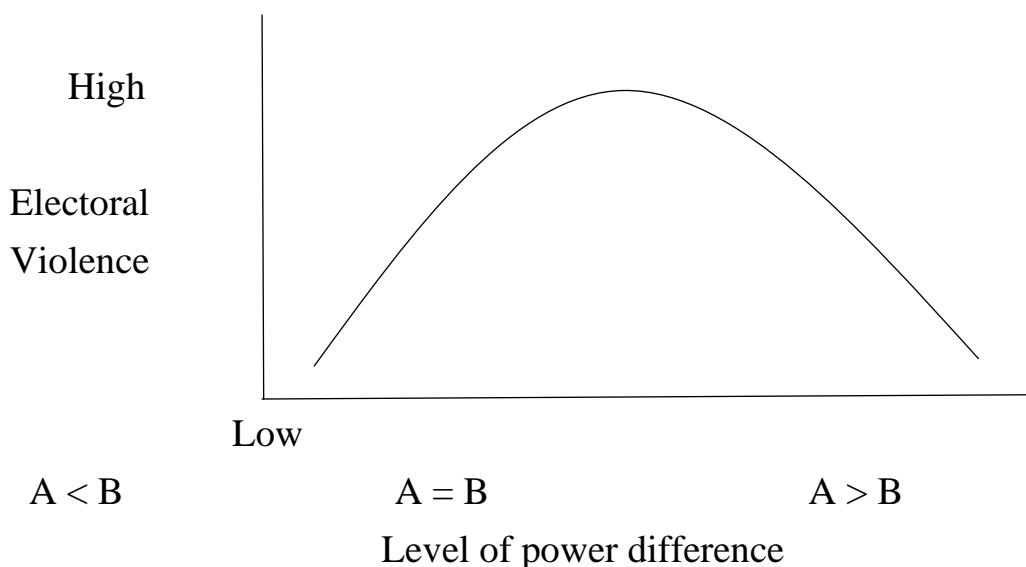These aspects of the relationship is illustrated in the following figure:

Figure-1: The probability of initiating electoral violence depending on the level of power difference.

The Figure indicates that electoral violence will not take place when party 'A' is most powerful than party 'B' and vice versa. And there is increased potential for electoral violence to be initiated when both parties are approaching equality in their power relations, i.e. the points surrounding the point of parity in power.

Concepts and Operational Definitions

This discussion requires an understanding of relevant concepts and operational definitions of major variables to appreciate the analysis.

Power

The concept of power has been defined from different points of view. Dahl defines power as the capacity and capability of different actors – from an individual to states. He also states that an actor uses power to influence the actions and behavior of another actor (Dahl, 1957). Max Weber describes power as the position of one actor within a social relationship to carry out his own will despite resistance (Weber, 1978).

Foucault argues that power is the relational force by which all social beings become united and take their position in a web of mutual influences (Foucault, 1980). In a similar vein, Giddens sees power as an obliging force to secure cooperation among people for their benefits and describes it as "transformative capacity". He also states that power is not always associated with conflict (Giddens, 1984).

In Coleman's view, power is used as leverage for achieving one's goals in conflict. He also states that changes in power can also affect conflict, and thereby people's motivations, aspirations, and tactics are affected by those changes (Coleman, 2006). According to Follet, "power is the ability to make things happen or to bring about desired outcomes" (Follet, 1973).

Deutsch interpreted the meaning of power in three forms: (1) environmental power, the degree of influencing an actor's overall environment; (2) relationship power, the degree of influencing another person; and (3) personal power, the degree of satisfying a person's own desires (Deutsch, 1973). In addition, a concept of perceived power is defined by Alinsky. He states that "Power is not only what you have, but what the enemy thinks you have" (Alinsky (1971).

It is obvious that there are different ways of conceptualizing power. For the purpose of this chapter, power is considered as the ability to satisfy a candidate's own desire. Since parties in election compete to win, they resort to violence by resisting other actors when they perceive that it will satisfy their interest in influencing electoral outcome. In this study, the party's power is assessed with the use of the following indicators.

- Family background of the candidate.
- Candidate's political affiliation.
- Candidate's financial capacity.
- Candidate's social affiliation.
- Intensity of election campaigning.
- Educational qualification of the candidate and
- Number of acquired votes in election.

Family background helps the candidate to be gain a foothold easily in the political arena. The strength of family background is determined by the number of previous or existing elected representative from the

candidate's family, engagement of family members in politics, and the number of voters in the family. Regardless of a candidate's family background, their position can be strengthened by a political affiliation. It depends on the time length of political party affiliation, success in previous elections, number of active supporters, and history of affiliation with other political parties.

On top of that, the candidate's financial strength plays an important role. This can be assessed by considering the candidate's professional status, list of assets submitted to the Election Commission, and number of income generating members in the family. Furthermore, the level of social affiliation creates a strong ground for candidates. Social affiliation includes engagement with social or educational institutions, and monthly average expenditure of the candidate in social activities. In addition, candidate's educational qualification also helps to manipulate all these strategic advantages.

The candidate's strength is also determined by his or her position during the election campaign. It depends on the length of time devoted to preparatory work for the election, location of campaign office, number of programs and participants in those programs, the extent of opposition from the candidate's own political party, and number of contenders from the same political party. In addition, the number of acquired votes in the election highlights the candidates' relational social support.

Violence

Galtung views violence from a broad perspective, and states that "violence is present when human beings are being influenced so that their actual somatic and mental realizations are below their potential realization". He distinguishes violence in terms of (a) direct violence-personal injury (b) structural violence- structures of social injustice which violate or endanger the right to dignified life of individuals or groups, and (c) cultural violence- any aspect of culture, such as, language, religion, ideology, art, cosmology, empirical science, that can be used to legitimize direct or structural violence (Galtung, 1969). This expansive concept covers a wide range of perceived violations arising out of conflict of interests at personal, familial, communal or national levels.

Kalyvas (2006) narrows down the definition of violence to its physical dimension, and describes it as the deliberate infliction of harm on people. He further narrows his focus to violence against noncombatants or civilians (Kalyvas, 2006). Held (2008) views violence as "action, usually sudden, that predictably and coercively inflicts injury upon or damage that harms a person. The threat of such action is a violent one".

Violence is also defined by the *World Report on Violence and Health* (WRVH) as "the intentional use of physical force or power,

threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, mal development, or deprivation" (WHO, 2011). This chapter conceptualizes violence as actions that cause physical injury and death of persons. In other words, direct violence is the focus of study.

Electoral violence

Dunaiski (2015, p. 7) defines electoral violence as the use or threat of violence which is used to influence an impeding electoral contest or an announced electoral result. Electoral violence is also defined as a special form of political violence which is caused by a lack of public confidence in the electoral system (Islam, 2015, p. 362).

Hoglund presents two generic strands of thought on electoral violence. First, electoral violence is considered as a sub-set of activities in a larger political conflict. In particular, it has been studied as part of the trajectory of ethnic or communal violence in divided societies. Second, electoral violence is seen as the ultimate kind of electoral fraud. Both approaches focus on the goal-oriented or instrumental character of violence (Hoglund, 2009, p.415).

Hoglund conceptualizes electoral violence as a specific sub-category of political violence. She believes electoral violence can be distinguished from other forms of political violence by certain characteristics of different motives, timing, actors, and activities. Hoglund adds that the consequences of electoral violence can be viewed from two perspectives. First, from the perspective of democratic politics, both the electoral process and the outcome of elections can be influenced by violence. Second, from a conflict management perspective, violence can impose negativity on the reconciliation process of a society which is divided by conflict (Höglund, 2009).

Rapoport and Weinberg offer a typology of electoral violence, and distinguish three mobilizing factors or three types of conspicuous causes for electoral violence. First, the election principle may be rejected. Secondly, the principle may be valid but the application may be rejected. Thirdly, participants may perceive particular elections as unfair but do not explicitly reject the principle or the system (Rapoport and Weinberg, 2000).

This chapter considers electoral violence as a set of illegal actions by actors to favorably influence the electoral process. In this regard, violence in only two phases is considered to influence the process: 1) the pre-election phase, and 2) the day or days of the election. This chapter argues that the motive of violence during those phases is to apparently influence the electoral process whereas the motive of post-electoral violence is

different. The power relation between the parties can change after the election because one party is already declared elected, and be in an advantageous position with likely support from administrative agencies of the government. Besides, violence can erupt due to the non-acceptance of electoral outcome by the defeated candidate. Moreover, the winning party may initiate violence to take revenge on the defeated parties. On the other hand, it should be noted that in this study the term party in electoral violence refers to the candidates as well as their supporters and not the entire political party.

The intensity of electoral violence is measured with reference to the following indicators: (a) number of violent incidents; (b) number of injured people; (c) number of death from violence; and (d) type of weapons used in violence.

Data and Analysis

Four Unions were selected for establishing empirical support to the theoretical deliberations in the previous sections. Two of the cases were identified are violent Unions, one chosen for examining pre-election violence and the last for election-day violence. In addition, two unions were selected to represent non-violent cases.

Case 1: Pre-election violence

The analysis of the power relationship between the violent parties of Buriganj union from Bogra needs clarification of their position in power indicators (see Table 1). In terms of family background, both candidates have enough political support because their fathers served as UP Chairmen in the past. This helped them to step into the realm of politics and both candidates had equal opportunity in this aspect that placed them in similar strong grounds. But the Awami League (AL) candidate was in an advantageous position due to a higher number of family members engaged in active politics. Although the Bangladesh Nationalist Party (BNP) had a larger number of family members, their non-involvement in local politics placed the candidate at a disadvantage.

One of the most important indicators for power is the political affiliation of the candidates. In this case, the AL candidate was in a stronger position compared to the BNP candidate. But the leading candidate had a strategic weak point because he was previously active with another political party. This is recognized as a shortcoming because such political history raises questions about political trust and networking that are critical factors for getting elected. Interestingly, in spite of this problem, the AL candidate appeared to be in an advantageous position because he was elected twice as UP chairman whereas his counterpart was elected only once as a UP member. Additionally, the AL candidate had approximately 500 political workers in his support while the BNP candidate had only 300.

Table 1: Candidates' position in terms of indicators of power from Buriganj Union

Indicators for Candidate's Position	Parameters	Md. Abdul GofurMondol (AL)	Md. Obaydur Rahman (BNP)
Family Background	Elected representatives from family members. (Number, relationship and in which level)	1, Father: Ex-UP chairman	1, Father: Ex-UP chairman
	Engagement of family members in politics. (Number and in which party)	3 in AL	0
	Number of family members	10	13
Political Affiliation	Length of political party affiliation	35 years	26 years
	Success in previous elections (Number and level)	2, UP Chairman	1, UP Member
	Number of political workers	500	300
	Previous affiliation with other political parties.	Yes. In BNP	No
Financial Capacity	Professional status	Farmer and businessman	Teacher and businessman
	Assets declared to the Election Commission	19.8 acre land, 11 karat gold and half million taka.	16.5 acre land, 11 karat gold and half million taka.
	Number of earning family members (Excluding candidate)	3	2
Social Affiliation	Engagement with social or educational institutions. (Number)	2	2
	Monthly average expenditure in social activities.	12000/-	10000/-
Election Campaigning	Time length of preparatory work for election	1 year	1 year
	Location of main election camp	Market	Market
	Number of campaign programs	1	6
	Average number of participants in programs	6500	300
	Opposition within own political party	Yes	No
	Number of competing from own party	1	No
Educational Qualification		B.A	Masters
Number of Votes Received		9,423	362 (Boycott)

A strong financial base of the candidates contributes to accumulation of power. In the selected cases, although both candidates were affluent as they were engaged in business, there was marked difference in the other parameters. The AL candidate appeared stronger with more land and income generating family members.

Social affiliation is very significant for candidates to acquire power because it contributes to the building of trust through connections. The two candidates were each involved with two social and educational institutions. It was found that the AL candidate contributes more financially than the BNP candidate and therefore was in a stronger position.

A review of time and money invested by candidates during the election is helpful to estimate the cost-benefit analysis for initiating violence. Both candidates appeared to spend roughly equal time for preparatory work and ran their campaign from the main marketplace of the Union. The AL candidate organised only one election program whereas the BNP candidate did six. However, a large number of people participated in the program of the AL candidate. A point to be noted here is that the AL candidate faced resistance from a rebel candidate from his own political party, but the BNP candidate did not have such a problem. This weakened the position of the AL candidate to some extent as a division within the party became apparent to the voters. Therefore, the BNP candidate was in a better position in this indicator. In addition, he had a higher educational qualification. Finally and more interestingly, the BNP candidate got 362 votes although he boycotted the election. This reflects his popularity in the union.

Table 2: Violence in Buriganj Union (Prothom Alo, Daily Star, Bangladesh Protidin, Ittefaq, and Kaler Kontho (2016, April 01 and 02,)

Buriganj Union	
Violent incidents	2
Number of death from violence	1
Number of seriously injured people	2
Type of Weapon Used	Local Sharp Weapon

However, the discussion reveals that although the AL candidate was marginally better off than his competitor, mood of the electorate during the election period was favorable to the BNP candidate. Therefore, it can be said that both candidates were running close in the race for election. The equal balance of power made candidates insecure, and led to the initiation of violence as shown in table 2. Two violent incidents took place during the campaign period in which locally made sharp weapons were used. As a consequence, one person dies and two were seriously injured. This suggests that approximately similar status of power between the two candidates was a major factor in this case of electoral violence.

Case 2: Election-Day Violence

Since both candidates in Srinagar union belonged to the same political party, the analysis of their relative power warrants a close investigation. The rebel candidate from the AL was in a much stronger position due to support from his father who was UP Chairman for 35 years, as well as

another family member (uncle) who was also a Chairman. In addition, this candidate also received support from his brother who was the incumbent Upazila Parishad Chairman. The family's affiliation with the ruling party gave the candidate a strong network of support.

On the other hand, although the grandfather of the AL nominated candidate was a former UP chairman, this support did not appear to be adequate. He had to work hard to gain political ground with a background of 12 years affiliation with the AL, while his competitor had been in the party for only 3 months. More importantly, the rebel candidate was previously the Chairman of this Union and had higher educational qualification among the candidates.

Moreover, although both candidates were in similar position, the AL candidate spent more money than his opponent. He is also more involved with social or educational institutions. In addition, he had worked on preparation for the election for over a year, while the rebel candidate did so for only 3 months. Besides, the treble candidate lagged far behind in terms of number of campaign programs and attendants attracted those programs.

The discussion of various factors indicates that the AL rebel candidate was in a stronger position from the beginning because of an extensive political support from his family. He was able to use this factor to advance his campaign. However, similar strengths in a number of areas made the two candidates approximately equal, and this was reflected in the number of votes received by them.

Table 3: Candidates' position in terms of indicators of power from Srinagar Union

Indicators for Candidate's Position	Parameters	Asaduzzaman Azan (AL rebel candidate)	Md: RiazMorshed Khan (AL)
Family Background	Any elected representatives from family members. (Number, relationship and in which level)	3 persons. 1. Father: Ex-UP chairman for 35 years, 2.Brother: Ex-Upazila vice Chairman and existing Upazila Chairman, 3.Uncle: Ex- UP chairman.	1, Grandfather: Ex-UP chairman
	Engagement of family members in politics. (Number and in which party)	Brother in AL	0
	Number of present family members	13	10
Political Affiliation	Time length of political party affiliation	3 months	12 years

Indicators for Candidate's Position	Parameters	Asaduzzaman Azan (AL rebel candidate)	Md: RiazMorshed Khan (AL)
	Candidate's success in any previous election. (Number and in which level)	0	Ex-UP chairman
	Number of political manpower who works for the candidate	500	500
	Previous affiliation in other political parties.	No	No
Financial Capacity	Professional status	Businessman	Businessman
	Submitted property description to Election Commission	2.5 acre land and half million taka.	2 acre land and half million taka.
	Number of income generating family member. (Excluding candidate)	2	2
Social Affiliation	Engagement with social or educational institutions. (Number)	3	4
	Monthly average expenditure in social activities.	25000/-	40000/-
Election Campaigning	Time length of preparatory work for election	3 months	1 year
	Location of main election camp.	Market	Market
	Number of campaigning programs.	17	50
	Number of average participants in program.	175	200
	Opposition within own political party on the candidate's candidature.	Yes	Yes
	Number of contending candidate from own party	Yes	Yes
Educational Qualification		S.S.C	Honors
Number of Acquired Votes		7066	6751

Table 4: Data of violence in Srinagar Union[1]

Srinagar Union	
Violent incidents	1
Number of death from violence	0
Number of injured people	13
Type of Weapon	No

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[1] Data collected from Prothom Alo, Daily Star, Bangladesh Protidin, Ittefaq, and Kaler Kontho (May 8 and 9, 2016).

Not surprisingly, similar power positions led to the eruption of violence on election-day between supporters of the two candidates. Although there was no evidence of the use of lethal weapons, the clash reached a high level of intensity. Initially, there was report of one death, which proved to be incorrect later. Nevertheless, 13 people were injured from this incidence of violence.

Cases 3 and 4: Non-violence

In Bangodda union the, AL candidate was in an advantageous position because a member of his family (uncle) was elected as an UP Chairman, and later as a Member of Parliament. Moreover, three members of his family members were active with the same political party.

Table 5: Candidates' position in terms of indicators of power from Bangodda Union

Indicators for Candidate's Position	Parameters	Md. ShahzahanMojumder (AL)	Kamal Hossain Mojumder (BNP)
Family Background	Elected representatives from the family - Number, relationship and level	1, Uncle, Ex-UP Chairman and M.P	0
	Involvement of family members in politics - Number and party	3 in AL	0
	Number of family members	15	12
Political Affiliation	Length of political party affiliation	35 years	1 year
	Success in previous election - Number and Level	3	0
	Number of political workers	1000	100
	Previous affiliation with other political parties.	Yes. In BNP	No
Financial Capacity	Professional status	Businessman	Immigrant
	Submitted asset declaration to Election Commission	2 acre land, 1 private car, half million taka	0.5 acre land, half million taka.
	Number of income generating family member (excluding candidate)	4	2
Social Affiliation	Involvement with social or educational institutions – Number	3	0
	Monthly average expenditure in social activities.	40000/-	0
Election Campaigning	Length of preparatory work for election	1 year	3 months
	Location of main election camp.	Market	Close to candidate's

Indicators for Candidate's Position	Parameters	Md. ShahzahanMojumder (AL)	Kamal Hossain Mojumder (BNP)
			home
	Number of campaign programs	30	20
	Average number of participants in programs	700	200
	Opposition within own political party	Yes	No
	Number of rival candidate from own party	0	0
Educational Qualification		L.L.B	B.A
Number of Votes Received		9492	1846

Thus, the BNP candidate was at a disadvantage in this case. Moreover, the AL candidate has been engaged in party politics for thirty five years and was previously elected to the office of UP Chairman for three terms. His political support is also strong as about one thousand supporters worked for this candidate. In contrast, the BNP candidate joined the party only a year ago and had no experience of serving on elected bodies. He had a small numbers of supporters to work for his campaign. Therefore, the AL candidate was in a very strong position and his previous affiliation with another political party did not emerge as a problem. This shortcoming was overcome with political connections, long experience of politics and better ability to manage the campaign.

The AL candidate was particularly helped by his financial strength, against a competitor who was weak in this aspect. His involvement with three social or educational institutions and ability to spend considerably higher amount of funds was useful, while the BNP candidate was unable to challenge him on these grounds. With these resources, the AL candidate could arrange more programs that attracted a large number of participants. Besides, the AL candidate had his campaign center in the main marketplace of the Union. An added advantage was the absence of rebel candidates from the AL, and thus, there was no risk of vote splitting.

In spite of having the same level of educational qualification, the AL candidate fared much better in all the indicators. This was reflected in their election result the AL candidate polled 9492 votes whereas the BNP candidate could muster only 1846. The unequal power position might play a vital role to prevent electoral violence from erupting. Incidences of violence in the union were reported in the media, but these took place between supporters of candidates who ran for UP membership, and this was confirmed by local people. Interestingly, there was no evidence of

violence between supporters of Chairman candidates, even in this violence prone area. The vast inequality in power is clearly a factor that precluded the possibility of violence between the two candidates.

Shibgonj Union

As found in this study, family background is a critical factor for winning primary political power. In Shibgonj union, the BNP candidate was in a more advantageous position because both his father and grandfather had served as UP Chairman in the past. This gave him a major advantage and helped with winning popularity for his political orientation. The AL candidate also had political connection since a family member (brother in law) served as an ordinary UP member. But this did not help neutralize the AL candidates links because his family members were Chairmen on the UP. Moreover, the size of family of the BNP candidate was bigger, and this translated into more favourable votes.

Moreover, BNP candidate had remained active with the political party for twenty six years and was also elected as a member of the UP member. He had a large number of workers to support the campaign. Although the AL candidate has been engaged with politics for thirty years, he had no experience of serving in an elected office, and had fewer workers compared to his rival.

Table 6: Candidates' position in terms of indicators of power from Shibgonj Union

Indicators for Candidate's Position	Parameters	Md. Tofayel Ahmed (BNP)	Md. Shahidul Islam (AL)
Family Background	Elected representatives from family - Number, relationship and level	2, Father and Grandfather; Former UP Chairmen	1, Brother in law Former UP member
	Engagement of family members in politics. (Number and party)	0	0
	Number of family members	13	6
Political Affiliation	Length of political party affiliation	26 years	30 years
	Success in previous election - Number and level	1, UP member	No
	Number of political workers	1000	200
	Previous affiliation with other political parties.	No	No
Financial Capacity	Professional status	Businessman and Farmer	Businessman
	Submitted asset declaration to Election Commission	8.25 acre land; half million taka; 5 karat gold.	1.82 acre land; 0 .3 million taka.

Indicators for Candidate's Position	Parameters	Md. Tofayel Ahmed (BNP)	Md. Shahidul Islam (AL)
	Number of income generating family member (Excluding candidate)	2	0
Social Affiliation	Engagement with social or educational institutions. (Number)	3	3
	Monthly average expenditure in social activities.	30000/-	13000/-
Election Campaigning	Time length of preparatory work for election	4 years	1 year
	Location of main election camp.	Market	Market
	Number of campaigning programs.	3	70
	Number of average participants in program.	1000	200
	Opposition within own political party	Yes	Yes
	Number of rival candidate from own party	No	No
Educational Qualification		H.S.C	H.S.C
Number of Votes Received		7960	5864

Moreover, the BNP candidate had a stronger financial strength and was able to spend generously for helping with social activities. The limited economic strength did not allow the AL candidate to do so. This made a difference and allowed the BNP candidate to complete the groundwork for election. More people attended his campaign programs. The AL candidate arranged a larger number of campaign programs. They had the same level of educational qualification, and this may not have made a difference. The difference in the number of votes at the end was 2096, and it was a close contest.

Although there is not much difference in power between the two candidates, there was no violence between supporters of the candidates. This makes us turn to the other factors that contribute to electoral violence.

Interviews with two Upazila Election Officers revealed that violent incidents took place where candidates were more or less equal in terms of indicators listed in this chapter. In unions where violence did not take place, one party was somewhat in higher position than the other. Four people from each Union were interviewed with reference to the indicators of power through unstructured questionnaire. It can be said that the collected data indicate a correlation between power difference between the candidates and political parties and electoral violence.

Conclusion

Since electoral violence is a major obstacle to democracy, it is necessary to understand the problem to develop solutions to minimize them. Existing studies have peripherally touched upon environmental, cultural, procedural, and institutional factors. The discussion in this chapter is intended to draw attention to the balance of power between candidates as an important factor that contributes toward electoral violence.

This study found that in the cases where high incidences of violence took place, the candidates were more or less equally powerful. On the other hand, in cases where one candidate was much more powerful than the other, incidents of violence were not noticed. In it more interesting that violence took place between candidates from the same party as well as those from different political parties. Therefore, it is necessary to consider the identity on those who commit these acts to understand the dynamics of electoral violence. This chapter confirms the importance of the balance of power in contributing to the incidence of electoral violence.

An attempt was been in this chapter to develop a theoretical understanding of electoral violence as it explored the conditions under it can takes place. Since electoral violence is a sub-category of political violence (Höglund, 2009), this study suggests that other forms of political violence should be understood with reference to the perspective of power. From a policy standpoint, the analysis in this chapter may assist policy makers, particularly the Election Commission, to identify high-risk constituencies and take necessary steps to prevent electoral violence.

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4

Political Violence in the 2014 Parliamentary Elections in Bangladesh

Md. Awal Hossain Mollah

Introduction

The aim of this chapter is to explore the causes and consequences of violence that took place before, during, and after the 10th Parliamentary election held on 5 January 2014 in Bangladesh. The study argues that the election held under incumbent Awami League government in 2014 in Bangladesh was not competitive and fair because a large alliance of twenty political parties led by the Bangladesh Nationalist Party (BNP) did not participate in it. As a result, the Awami League won with an absolute majority, but the voter turnout was only 39 percent according to the statement of Bangladesh Election Commission (BEC). However, reports in the media claimed that turnout was about 20 percent (BTI, 2016), which indicated that over 60 percent of the voters did not exercise their right to vote. Consequently, widespread political violence and violation of human rights took place in Bangladesh. The principal cause of violence was the lack of consensus among political parties regarding stewardship of the election. Agreement could not be reached over the issue of whether an elected or caretaker should be in charge during an election. This chapter also explores the causes and consequences of violence based on information published in scholarly articles and newspaper reports. The study argues that electoral reform is critical for a fair, credible and acceptable election that can be facilitated by a consensus among political parties and strong political will. It is proposed that legislation is essential to make the Election Commission (EC) an independent institution and for recruitment of the Chief and Members of the Election Commission. The problem of electoral violence can be tackled with legal reform and the institution of a search committee to identify neutral and impartial members for serving on the EC.

Political Violence Related to Election

Generally, political violence refers to the use of force by a group or groups for political purpose and may harm the economy and result in loss lives of people in a country. According to Nwolise, "political/electoral violence means all forms of organized acts or threats- physical,

psychological and structural geared towards intimidating, harming, blackmailing a political stakeholder before, during and after an election with a view to determining, delaying or otherwise influencing an electoral process" (Nwolise, 2007). In a broad sense, political violence is a destructive use of force carried out by an individual or a group of individuals within a political system against another individual or a group of individuals for the purpose of causing injury or death to persons and/or damage to property with a view to change the behaviour of others in the existing arrangement of power structure; or directed to a change in politics, systems and territory of government (Honderich, 1989; Anifowose, 1982; Edigin and Obakhedo, 2010). Thus, political violence relating to the electoral process is the use of force or threat to change the voting behaviour of the electorate during the election. It may be physical or psychological in nature and take other forms to intimidate voters to change their minds before and during the election. In this study, the term 'electoral violence' is used to denote 'political violence relating to election'.

Types of Electoral Violence

Electoral violence can take various forms. Nwolise (2007:159) identified three dimensions of electoral violence, and they are presented in Table 1 below.

Table 1: Components of the three Dimensions of Electoral Violence

Dimension	Components
Physical	• Physical assault on individuals during campaigns, elections and when election results are released. • Assassination of political opponents or people perceived as a threat to one's political ambition. • Burning down of public or opponents houses or cars. • Shooting/ shoot outs. • Killing of individuals. • Partisan harassment by security agents, arrests, forceful dispersal of rallies or shooting, wounding or killing of people.
	• Kidnapping and hostage taking • Bombing of infrastructure. • Forceful disruption by thugs of political and campaign rallies. • Destruction of ballot boxes and ballot papers from polling agents. • Armed raids on voting and election centers, and seizing of ballot boxes and papers from polling agents. • Free for all fights.

Dimension	Components
Psychological	• Threat against and harassment by security agents of opponents of the ruling regime or party which create political apathy. • Shoot on sight orders that breed fear in voters. • Terror inflicted by political assassinations which make people scared to participate in politics or elections. • Publication or broadcast of abusive, insulting or intimidating materials or advertorials. • Threat of life through phone calls, text messages, etc.
Structural	• Forces of citizens by the government to register or vote. • Exclusionary acts and policies. • Unequal opportunities for political parties and candidates. • Deliberate changes in dates, venues, or times of events to the disadvantage of others. • Partisan delimitation of electoral constituencies and location of polling booths. • Excessive fees for collecting party nomination forms. • Un-free campaigns. • Reliance on money and brute force instead of moral integrity and competence • Restraints imposed on voters. • Use of the incumbency factor to give undue advantages to some candidates. • Announcement of false or fraudulent results.

Source: Nwolise, 2007:159 cited in Abah, E.O. and Nwokwu, Paul M., 2015:40-41.

Thus, political violence includes three types of violence such as physical, psychological and structural.

Background of the Tenth Parliamentary Election in Bangladesh

Bangladesh emerged as an independent state in 1971 after colonial rule over two centuries by British and Pakistan. Currently, there is a multiparty democratic system with approximately forty registered political parties and a parliamentary form of government. The major political parties are Awami League (AL), Bangladesh Nationalist Party (BNP), Jatio Party (Ershad), Communist Party of Bangladesh and Jamaat-i- Islami Bangladesh (recently lost its registration by a High Court Order on 1 August 2013). However, politics in Bangladesh is dominated by two major alliances. The 14 party alliance is led by the AL (with Jatio Party and other lefties parties) and 20 party alliance is led by BNP with Jamaat and other rightist parties.

Since independence, Bangladesh adopted a parliamentary form of government following the Westminster model. The democratic system

was interrupted in 1975 after the assassination of Sheikh Mujibur Rahman in a coup of midlevel military officers. Military rule continued in Bangladesh untill 1991, and it was removed through a strong people's movement in December 1990. The second phase of democratic rule in the country commenced in 1991. Six parliamentary elections were held in 1991, 1996 (15th February), 1996 (12th June), 2001, 2008 and 2014 by the Election Commission of Bangladesh (Jahan, 2008; ECB, 2014). Four out of these six elections (1991, 1996 (June), 2001 and 2008 held under nonpolitical caretaker government (CTG)) were comparatively free and fair, which has been recognized by the national and International election observers including electronic and print media (Jahan, 2008; Khan, 2013). It was also recognized by scholars, diplomats and election observers that the electoral process (during the period of 1991-2008) was comparatively free from the control of the government (Jahan, 2008; Khan, 2014; Momen and Begum, 2014).

Although elections held under a CTG was appreciated by national and international community, the provision of CTG was abolished by the 15th amendment of the Constitution in 2011 by the ruling Awami League (AL) led 14 party alliance in spite of strong protests from the opposition political parties (BNP led 20 party alliance). The AL government argued that the CTG installed in 2007 took two years instead of 90 days allowed by the Constitution to hold the 9th parliamentary election, and it was a violation of the constitutional provision. Besides, the High Court of Bangladesh gave a verdict in 2011 in response to a writ petition of M. Salimullah against the CTG in January 2000 (Sarkar, 2011). The High Court declared the CTG illegal, but proposed in the verdict that CTG may continue for the next two terms.

The Members of Parliament from the opposition political parties did not attend most of the sessions for the 233 sessions held in the first three years. Instead, they made frequent calls for hartals, shutdowns and strikes and violence erupted in the midst of calls for the restoration non-partisan CTG for ensuring free and fair election (Mollah, 2016).

It should be mentioned that before the election, many national and international leaders and diplomats, including US Secretary of State Hilary Clinton and Special Ambassador to the United Nations Oskar Fernandez Taranko took initiatives to get the AL and BNP to reach a consensus and means for ensuring free, fair and credible election, but the efforts were unsuccessful.

Tenth Parliamentary Election and Its Aftermath

After the end of the tenure of the AL government (2009-13), the tenth parliamentary election was held with the same government in office on 5 January 2014 in accordance with constitutional requirements. The BNP-led allies boycotted this election and 153 of the total 300 seats were not

contested. In this election, the AL-led allies won with an overwhelming majority and formed a government for the next five years (Hossain, 2014).

Bangladesh is now stable with international recognition and support and investors appear positive. However, there are frequent calls for holding the next election with participation by all the major parties. Khan (2014: 54) suggests that the current government received the mandate of less than ten percent, and some civil society organizations argue the percentage to be under 25 percent. The parliament is run by one party and Jatio Party (Ershad) acts as the opposition of the parliament, although it is also part of the AL-led allies. Moreover, two MPs of Jatio Party (Ershad) have been inducted as Cabinet Members of the incumbent government. This has triggered questions over the acceptability and legitimacy of the Parliament. Obviously, the legitimacy of the policies and actions of the government are open to question.

Thus, politics and governance in Bangladesh are experiencing a culture of one party led government instead of real parliamentary democracy. Ten parliamentary, three presidential, and three referendum elections were held since the independence of the country. However, most of the elections were neither free nor fair and competitive (Khan, 2014). Therefore, the first and foremost element for democracy remains absent in Bangladesh.

Before, during and after the election of 2014, the BNP-led allies engaged in several destructive activities including strikes, blockade, attacks with bombs attacks and this cost valuable lives as well as an economic cost of over a billion dollars. Lorch (2014) stated that 300 people were killed in 2013 by political violence. In a study, Kabir mentioned that 120 people were killed and $2.2 billion economic loss resulted from political violence by May in the year 2015 (Kabir, 2015). Three officials on election duty were killed and 330 officials and law enforcement agents were injured from violence actions on election-day. The election working group (EWG) mentioned in the 10th Parliamentary Election Report (January 2015) that a total of 1267 people were injured in 124 incidents from June to December 2013 in pre-election violence in which 20 people died. On Election Day, a total of 84 incidents were recorded at the polling stations. After the election from February to April (3 months of post-election), a total of 130 violent incidents were reported among which 21 were very severe (EWG, 2015). Another Report of HRW indicated death of 11 opposition leaders and activists through extra-judicial murder by security forces before, during, and after the 5 January 2014 elections (HRW, 2014).

Law and order continues to deteriorate with loss of life, liberty and property. In 2016, twenty hostages were killed by a terrorist attack on

Dhaka restaurant including 17 foreigners (The Telegraph, July 2, 2016). Nine Italians, seven Japanese, two Bangladeshis, one Indian and an American citizen were among the 20 people hacked to death by a group claiming to be Islamic State (ISIL) terrorists. Politicians, academicians, diplomats, and civil society members are attributing these activities to the 10th national election in which several major political parties did not participate. Jahan (2015) wrote that the country witnessed 'a one-sided parliamentary election in 2014 where the majority of parliamentarians were "elected" unopposed. We also witnessed unprecedented violence in the name of movements to "save democracy" led by the political opposition.' In 2015 Bangladesh was again classified as a "partly free" country by the Freedom House (Dhaka Tribune, 2015).

Causes of Political Violence Relating to the 10th Parliamentary Election

Democratic consolidation in Bangladesh is still suffering from a lack of practice of democratic culture (Fink, 2010). "Politicians have increasingly become autocratic in behaviour; key institutions like the civil administration and judiciary have become politicized and lost their autonomy. The rule of law and both horizontal and vertical accountability have eroded" (Jahan, 2015). Continuation of this situation contributed to the creation of an anarchic atmosphere for the emergence of unstable political actors, ideological and religious militant groups that have all the ingredients for promoting civil unrest. Thus, political violence can be linked to the electoral process as it is the only legitimate way to assume state power and actors and parties are desperate to win. The major causes of electoral violence relating to the 10th Parliamentary election in Bangladesh are discussed below.

Lack of Level Playing Field for Election

A free, fair and impartial election, first of all, requires a peaceful environment for all eligible political parties for participating in the electoral process without any reservation and hesitation. Four out of ten elections in Bangladesh were comparatively free, fair and acceptable an they were held under CTG from 1973-2014 (BIGD, 2014). However, the 15th amendment of the Constitution and the abolition of the CG system created serious debate within Bangladesh and the BNP strongly argued that it is not at all feasible for a free and fair election to be held under a partisan government in Bangladesh (EWG, 2015). The situation became worse when the Prime Minister Sheikh Hasina declared that the government would remain in place during the election because the President had assented to the continuation of her cabinet until the next general election. In response, the BNP decided to boycott the elections.

All efforts by the civil society as well as the UN were futile and, in the end, only 12 political parties out of the 40 registered parties took part in

the election. Therefore, the 10th parliamentary election was held without a level playing field that contributed to the most violent political environment in Bangladesh.

Lack of Meaningful Participation in Election

An acceptable election requires participation by political parties as well as voters. In the tenth parliamentary election of 2014, one major political alliance of twenty parties led by the BNP boycotted the election and the EC reported that voter turnout was at a low percent. Media reports calculated the turnout at approximately 20 percent (BTI, 2016). There were allegations that the EC acted on behalf of the government to ensure that independent candidates and candidates from smaller parties withdrew to help the ruling party win (BTI, 2016). This was another factor contributing to violence related to the tenth parliamentary election.

Lack of Security of Voters

Security and confidence of voters is a prime requirement for organizing an effective election. It is extremely important to ensure sound law and order should be sound so that voters can exercise their rights without fear and interference from any political party or their criminal acts. However, before, during and after the 10th election it has been found that violence against minorities groups had taken place in various constituencies of Bangladesh (BIGD, 2014). The BNP led allies boycotted the election and subsequent strikes and blockades resulted in attacks and death of several people including members of law enforcement agencies and AL workers who refused to support these programs to register their protest. Members of the minority were attacked by Islamic extremists and other groups who sought to take advantage of the unrest to further their selfish interests. As the election was being held on January 5, opposition activists targeted election officials and attacked schools and other buildings that served as polling stations (HRW, 2014). Hundreds of homes and shops belonging to members of the Hindu and Christian community were ransacked by Attackers in several locations during, before and after the election. Victims interviewed by Human Rights Watch blamed the BNP and Jamaat activists for some of the attacks, and pointed out that Hindus traditionally vote for the Awami League in elections (HRW, 2014).

The government responded by deploying the Rapid Action Battalion (RAB), as well as the Border Guards Bangladesh (BGB) and the police to quell the disturbances. Members of these units individually or in joint operations carried out extra-judicial executions, enforced disappearances, arbitrary arrests, and the unlawful destruction of private property. These abuses continued long after Election Day (HRW, 2014).

Non-cooperation of Political Parties

An independent and impartial election commission and government agencies are the key elements for a fair and credible election. At the same

time, cooperation of all the political parties is essential for conducting a peaceful election. The tenth national election was held amidst conflict and controversy among major political parties of Bangladesh as two major alliances failed to reach a consensus regarding the state of interim government for election period (BIGD, 2014). It is not surprising that a high degree of political violence took place during, before and after the election across the country.

Dominant Role of the Ruling Party

The tenth national election was a hotbed for electoral violence exemplified by filling of ballot boxes with false votes, capture of polling stations, intimidation of voters and violence in many forms to demonstrate power. Later, all local government polls were marred by excessive and widely reported irregularities, violence and vote rigging. The ruling party leaders and activists lack accountability to the people and use the administration for political interests (BIGD, 2014). They attacked the leaders and activists of the opposition parties, government officials and ordinary citizens and are also engaged in internal conflicts among themselves for their vested interest. Due to this conflict, Chhatra League and Jubo League activists were involved in several altercations that affected the election environment (Odhikar, 2016).

Trial of War Crimes

Some scholars suggested that the trial of crimes committed during the war of liberation was a cause of political violence. The AL-led alliance thinks the Jamat-i-Islami and other rightist parties were involved in all the violent activities to obstruct the trial as most of the alleged war criminals belonged to that party (Jalil, 2010; Lorch, 2014). Questions were raised about the fairness of the trial with the suggestion that those accused of war crimes should be tried under the supervision of United Nations in an International Tribunal or International Court of Justice (BIGD, 2014).

"Fair and impartial trial is not possible under the AL government in Bangladesh" (Islam and Islam 2010). Following the verdicts against the leaders of Jamat-e Islam and particularly the execution of Quader Mollah, the Jamat-e Islam and the Islami Chatro Shibir organized massive protests around the country, and they were marked by severe acts of extensive. Much of the atrocities were committed with the intention of disrupting the election on 5 January 2014 (Hossain, 2014; Lorch, 2014).

Lack of Independent and Fair Election Commission

Allegations of vote rigging and other forms of electoral malpractices are often made before and after every election by citizens, political leaders and activists, journalists, the media, academics, and election observers (BIGD, 2014). Common allegations include partial role played by the EC,

gross electoral irregularities and malpractices, inability of the EC to prevent political parties from nominating thugs and those who gained wealth illegally, and lack of control over the law enforcement and intelligence agencies (TIB, n.d.).

According to the Constitution of the People's Republic of Bangladesh, the EC is an independent Institution (Article 118 (4) and 126). Besides, Section 5(2) of RPO [24] and Article 126 state that "all executive authorities of the government shall assist the commission in the performance of its functions, and for this purpose, the president may, after consultation with the commission, issue such directions as he may consider necessary". However, in practice, the EC is not really independent because most of the CECs and Commissioners are appointed according to the preference of the government in power, and the EC has to rely on the executive for obtaining support from law enforcement agencies. In the past, there were several instances of the EC's actions being influenced by the government and ruling political parties.

According to Former CEC ATM Shamsul Huda, "Voters do not create obstacles to free election: the mischief is done by the political parties and the candidates" (Huda, 2013). This is another cause of political violence relating to the election in Bangladesh. The Government of Bangladesh is highly centralized and executive powers are concentrated in the hands of the prime minister. A partisan prime minister can influence the election very significantly (Jahan, 2008). It was also alleged that the civil administration and the military intelligence services were used to manipulate election results (Momen and Begum, 2014).

Differences in Political Ideology

Basically, two ideological political alliances dominate the political arena in Bangladesh. These are the leftist progressive elements led by the AL and rightist conservatives led by the BNP. Over the last 25 years, these two alliances have remained at loggerheads and they consistently take opposite stands to play contrasting roles on any issue in Bangladesh (BIGD, 2014). Thus, lack of ideological consensus and confrontational political role influenced the chaotic situation in Bangladesh to affect the electoral process. The personal intolerance and disliking between Sheikh Hasina (President of AL) and Khaleda Zia (Chair of the BNP) plays an important role in the party conflict (Lorch, 2014).

Consequences of Political Violence

Questionable Elected Government

The first consequence of the tenth parliamentary election is that the elected government is considered controversial and questionable by analysts and citizens. The AL won a huge majority in an election that had

its credibility questioned for the non-participation of a major alliance of political parties (BIGD, 2014). Out of the 300 seats in the Bangladesh parliament, only 147 were up for contest on election day with the AL bagging 105 of these seats as grand allies of 20 political parties lead by the BNP boycotted the vote. The remaining seats were filled with candidates elected uncontested well before the voting was even held, and AL nominees won 127 of these 153 seats (Lorch, 2014). Citing the non-inclusive nature of the polls, both the United States and the European Union refused to send observers to the election According to the EC, voter turnout was a mere 40 percent compared to well over 80 percent in the previous election held in late December 2008. Diplomatic sources in Dhaka have estimated the turnout to have been much lower still, amounting to only around 20 percent (Lorch, 2014).

Dissatisfaction of Political Parties Outside The Parliament

After the election, a major political alliance led by the BNP remained outside the parliament. They could not accept the results of the election, refused to recognize the elected government, and treated it as an illegitimate government (BIGD, 2014). On the other hand, the current AL government believes the election to be legitimate as they followed the provisions of the constitution. Although the government is continuing in office, political parties outside the parliament are dissatisfied and voicing their demand for election under an impartial interim government.

Continuation of Violence

The election was a breeding ground for election-related crimes as discussed in an earlier section. The impact affected subsequent local government elections that were characterized by widespread irregularities and violence. In short, people have been disenfranchised. The ruling party leaders and activists continue to enjoy immunity from accountability and get involved in crime at alarming regularity. Officials in the public service are used to further their political interests. Criminal activities by leaders of the student front (Chhatra League) and youth front (Jubo League) proliferated across the country during this period. Numerous allegations of acts of enforced disappearance, extrajudicial killing, torture and shooting, obstruction to freedom of expression and peaceful assembly and association, arrests of leaders and activists of the opposition political parties and ordinary citizens are regularly reported. Human rights defenders have repeatedly cautioned about the possibility of rising extremism in Bangladesh as a result of persistent human rights violations. However, the government has not desisted from these acts of suppression, and the state of human rights in Bangladesh has deteriorated. Human rights violations on citizens belonging to religious minority communities are taking place, and their rights are being violated (Odhikar, 2016). Odhikar report (January to June 2016) reported 74 extra-judicial killing, 48 enforced disappearances and 34 deaths in custody over a period of six months.

Emergence of militancy

Islamic militancy has emerged as a prominent threat in Bangladesh and several incidences testify to this development. It is assumed that militancy may be encouraged by political parties disillusioned by deprivation from participating in elections. A group of armed young men held hostage at least 35 persons, including foreigners, at a Spanish restaurant 'Holey Artisan Bakery' in the diplomatic zone in Dhaka (HRW, 2016). According to government reports, the attackers killed 20 hostages, including two Bangladeshis and one American citizen. Among the foreign citizens, nine were Italians, seven Japanese and one Indian (The Daily Star, 2016). Two police officers were killed by the extremists. Later, commandos of the Bangladesh Army carried out an operation in which five attackers and a chef of the restaurant were killed. Similarly, a priest of a Hindu temple was stabbed to death by three youths. The international extremist organization IS claimed responsibility for both attacks (HRW, 2016). Another incidence of exchange of gun fire took place between some young militants and police men at an Eid prayer. Two police Constables, one terrorist and a local inhabitant were killed during this incident. Police and RAB arrested four men, including a youth who had been shot and injured (Odhikar, 2016).

Prolonged Confrontational Politics

Confrontational politics has plagued Bangladesh from its early days as an independent country. In recent years, the political parties have become polarized into two broad political alliances lead by the AL and BNP. As discussed earlier, the two alliances have always taking conflicting positions and cannot agree on any issue - national or international. The specter of confrontational politics has been prolonged and it does not appear likely to change anytime soon (BIGD, 2014).

Economic Cost

A report published by CPD states that Bangladesh has suffered severe economic losses and distress from July 2013 to January 2014 as a result of political strikes and blockades. Total losses during this 6-month period are estimated at TK. 490.18 billion in major economic sub-sectors which are equivalent to 4.7 percent of the gross domestic product (GDP) (FY2012-13) (Khatun and CPD, 2015). The land transport sub-sector incurred the highest loss of TK. 166.88 billion, followed by the agriculture and agro-based industries with TK. 158.29 billion, export-oriented clothing and textile sector TK. 137.50 billion and the tourism sector TK. 27.50 billion (CPD, 2014; Fahmida and CPD, 2015).

Challenges for investment

The political activities and violence before and after the tenth parliamentary election discouraged foreign direct investment in

Bangladesh. The Federation of Bangladesh Chambers of Commerce and Industry reported that the economy suffered a massive loss of approximately US$120 million in the year 2013 from political violence like strikes and blockades (SACM, 2014 cited in Startfor, 2014) Investments by domestic players dropped dramatically due to bank loan defaults at 21 commercial banks and 31 non-banking financial institutions. The ADB has projected slow GDP growth rate at 5.8 percent due to persistent political violence (SACM, 2014).

Violation of human rights

Violation of rule of law and human rights are not uncommon in many parts of the developing world. The intensity of the problem aggravated quickly before and after the tenth parliamentary election in Bangladesh. It should be added that both the ruling and opposition political parties must share responsibility for this problem. Law enforcement agencies are also responsible to a large extent for violation of human rights take the form of forced disappearance, extra-judicial torture and murder.

Fragile democracy

The state of democracy in Bangladesh is in a fragile condition and there has been very little progress with democratic consolidation. It should be noted that democracy is not merely a process of electing a political party to govern, but also requires ensuring people of their rights, uphold their voice and respect their verdict. The legitimacy of the State is directly related to its willingness, commitment and capacity to ensure human rights, dignity and integrity of citizens (Odhikar, 2016). Therefore, the state has a duty to ensure meaningful participation in the decision making process at all levels. The Legislature, Judiciary and Executive cannot and should not have any power to abrogate fundamental civil and political rights through any means, as such rights are inviolable and are the foundational principles of the State (Odhikar, 2016). The government should have adequate respect for political parties out of power and civil society organizations. The Parliament would be the main forum for debate and discussion on national issues. In Bangladesh, democratic values are hardly adhered to, and civil, political and fundamental rights of citizens are regularly violated.

Does Electoral Reform Matter?

The election commission of Bangladesh is partisan and ineffectual (Macdonald, 2016). As a result, opposition political parties have low or no trust in the process or outcome of elections. The EC must be independent with necessary resources and be free from partisan manipulation. The existing legal framework is enough for conducting a free, fair and credible election. However, the main problem is

confrontational politics and lack of trust among political parties. Until and unless consensus among political parties can be established, no reform efforts will succeed. Reform must commence with the identification of existing problems. They are listed below.

1. The EC has failed to create a level playing field for all political parties. This is not conducive to free and fair election.

2. According to the Constitution of the People's Republic of Bangladesh, the recruitment of CEC and other 4 Election Commissioners rests with President (Article 118(1). But in practice, list of qualified persons was prepared by a search committee and submitted to the President. He President appoints members and Chair of the EC after consultation with the Prime Minister. This is a controversial and debatable issue as there is no set principle in RPO or any election law regarding the use of a search committee. Therefore, legal reform is essential for adopting a provision for search committee with specific qualifications.

3. Excessive dependence on the executive for maintaining law and order situation during before and after the election period is a major problem. Therefore, voters are exposed to danger, and vote rigging and manipulation continues during elections.

4. Lack of trust in the incumbent government is another problem that affects a free and fair election. No political party trusts the incumbent government under which election can be held. Only the ruling party supports this arrangement. Even after elections held under CTG, the losing political parties are unhappy, and claim that the election was not fair.

Reform and Measurement Proposal

The following recommendations are made to overcome the problems:

i. Re-examination of Care Taker Government (CTG)

Ten parliamentary elections have been held in Bangladesh since independence. Four of these elections (1991, 1996 (June), 2001 and 2008 were conducted under non-political caretaker government, and considered to be comparatively free and fair. It will be prudent to reconsider the potential of an interim non-partisan caretaker government as no political party relies on the incumbent government for holding a free, fair and credible election within 90 days.

ii. Enactment of law regarding the appointment of the Chief and other Election Commissioners

A law should be enacted after consultation with relevant stakeholders to delineate the appointment procedure of the Chief and other Election

Commissioners. The Act should contain in detail the required qualifications, process of appointment, number, and arrangements for the removal of the Chief and other Election Commissioners.

iii. Enactment of law regarding Search Committee

The existing CEC and four Commissioners were recruited through a search committee, but there is no legal basis of this committee. Therefore, a specific law or rule should be legislated to establish a neutral search committee with specific qualifications. The composition of search committee should be 5 or 7 members who would be selected by the President on the basis of consensus among registered political parties who had representation in parliament at different times since the country's independence. The Chair of the committee would be a retired Chief Justice who had never held any office of profit of the government. The other committee members may be selected from retired judges of the Supreme Court, eminent lawyers of Supreme Court, retired secretaries, retired university teachers and member of the civil society.

iv. Role of EC

The EC must ensure that the application of electoral laws and rules is free from partisan influence, and provide space for all political parties to engage and contribute to its reform initiatives. The EC should try to create a level playing field for all political parties. An enabling environment should be ensured to increase the participation of women, minorities and persons with disabilities in national elections and in political parties. Apart from these:

    a. Security of voter must be ensured during, before and after election so that they can exercise their right to votes without fear or influence from powerholders.

    b. During and before the election, the approval of the EC should be mandatory for posting and transfer of Cabinet Division, Home, Public Administration, Local Government and other concerned ministries.

    c. Designated officers against whom election related complaints have been lodged should be retained under the EC for an additional three months following the announcement of the election results.

v. Application of Electronic Equipment in Election

The use of technology, for example, EVMs, close circuit cameras, etc. in conducting elections should be increased.

vi. Role of Political Party

Political parties should be guided by democratic culture. Both inter- and intra-party democratic norms and values should be exercised, wish

adequate respect for all parties. They should follow a democratic process in nominating candidates who are honest, involved in public welfare, non-sectarian, and politically experienced. They should refrain from nominating people who are known to be corrupt or is associated with terrorist activities. The annual report of all political parties and updated information on income, expenditure, and assets should be published on their respective websites. Political parties should work toward consensus on issues related to the nation and public interest.

vii. Role of Civil Society Organizations

The role of civil society should be that of a watchdog including electoral process observation. Civil society organizations should monitor the activities of the Commission and ensure that its activities are in conformity with the law and are implemented in a transparent manner.

viii. Role of Media

The media can play an important role in disseminating electoral information to increase transparency in the electoral process. It should publish in-depth investigative reports relating to personal and financial information of candidates, violation of the election code of conduct, and electoral expenditure. The media can also solicit opinions for making improvements in the electoral process.

Conclusion

Political violence is not a new phenomenon and can be found in most developing countries including Bangladesh. This chapter analyzed political violence with reference to the tenth parliamentary election held on 5 January 2014. The main cause of political violence appears to be the lack of consensus between the two major political allies led by the AL and BNP, and other causes were discussed in the chapter. The violence caused loss of a large number of lives and financial assets for the economy of Bangladesh. Violation of human rights, breakdown of rule of law and governance in Bangladesh have escalated due to the absence of meaningful democracy. In future, a neutral, impartial and independent EC will be extremely important for making progress in this area. The existing legal framework is adequate for an independent EC, but some recommendations have been proposed for a stronger and independent EC that will have the ability to hold a free, fair and credible election in Bangladesh. Finally, the electoral reform is a necessary but not sufficient condition for streamlining the electoral process. A strong political will and consensus among political parties are essential for holding fair elections and making democracy effective in Bangladesh.

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5

Government Institutions and Protection of Water Bodies in Bangladesh

A K M Mahmudul Haque

Introduction

The importance of water bodies such as, lakes, rivers, beels, marshes, and ponds cannot be overstated. They have great ecological, economic, commercial and socio-economic value. They sustain components of bio-diversity, particularly flora and fauna that are critical for the environment. The total area of the water bodies in Bangladesh is seven to eight million hectares, or about 50% of the total land surface. (Khan, Haq, Haq, Rahman, Rashid, Ahmed, 1994)

According to a study conducted in the 1980s, Bangladesh has one of the highest man-water ratios in the world (ibrd,1980). Considering the current level of population, there is an acre of water for every eight persons. Ponds and tanks comprise 3,36,000 acres i.e. about 10 percent of total inland water area, excluding the paddy fields which remain under water for more than six months in a year (Khan,1990). But these water bodies, especially ponds, undergoing changes as they are converted into other structures because of various development interventions.

Rajshahi is the fourth largest metropolitan city of Bangladesh. In the past, the city developed along the river Padma with a linear east-west growth. At present, urbanization appears to be spreading toward the north. As the value of land is escalating due to increasing demand from the population, there is a tendency to encroach wetlands of the city - canals, beels, marshes and ponds. Other human interventions like earth filling, draining and construction works are also adding to the loss of water bodies in the city. Consequently, there has been a decrease in aquatic biodiversity with large numbers migrating away from Rajshahi. Residents of the area are running short of water as they need it for healthy living and other household needs. The Government of the People's Republic of Bangladesh has enacted a number of laws for the conservation of water bodies. The Rajshahi Development Authority (RDA), Rajshahi City Corporation (RCC), Directorate of Environment (DoE) of Rajshahi District, and Rajshahi District Administration (DAR) are mainly responsible for enforcing these laws. However, several research reports reveal that the present state of urban water body

conservation is steadily deteriorating despite the existence of appropriate and adequate environmental laws in Bangladesh. This chapter intends to explore the reasons that contributed to the problem through an empirical and in-depth investigation to recommend appropriate steps for improving the quality of governance to conserve urban ponds in Bangladesh.

The study is exploratory in nature, and both primary and secondary data have been used in this research. Primary data were collected through interviews using an open ended questionnaire. Civil society members, residents of the area and owners of water bodies that were redeveloped were included among the interviewees. Officials from RDA, RCC, and DOE were also interviewed under KII, bringing the total of respondents to 50. Secondary data were collected using document study techniques of relevant publications, journals, articles, books, research reports, newspapers, and the internet. The study was conducted in the Rajshahi City Corporation (RCC) which is one of the eleven metropolitan cities of Bangladesh and has an area of 96.72 sq. km.

Results and Discussions

The Government of Bangladesh has enacted a number of laws and policies to govern the conservation of urban water bodies. *The Bangladesh Environment Policy 1992, Bangladesh Environment Conservation Act, 1995, Water Reservoir Conservation Act, 2000, The Local Government (City Corporation) Act, 2009, and The Local Government (Pourashava) Act 2009* prescribe for ensuring sound utilization of all water bodies and keeping them free from pollution. The legal frameworks restrict filling or changing classification of the water bodies. However, for the sake of national interest, the restrictions may be relaxed on applying for a clearance certificate from the Department of Environment (DoE).

There were 4,238 ponds, canals, and wetlands in 1961 in Rajshahi city. The number came down to 2,271 in 1981, 729 in 2000 and, at present, the city has only 214 water bodies(The Dhaka Tribune, 2014. According to recent data of RDA, there are only 313 ponds in the city(Rajshahi Development Authority. It is clear that the number of water bodies in the city is declining rapidly and this will have disastrous impact for residents of the city. The continued loss of ponds is leading to depletion of biodiversity and is displacing wetland-based socio-economic activities (Khan, Haq, Haq, Rahman, Rashid Ahmed, 1994)

An extensive research (Siddiqui, 2012) was undertaken on 252 water bodies that disappeared from the city. It shows that before 1980s the rate of filling up of water bodies with earth for use as land was very low. Only 24 out of 252 were filled up within 30 years (from 1950 to 1980). But the rate of disappearing of water bodies increased rapidly in the last part of

the twentieth century. 63 were filled up between 1980 and 2000. Within the first decade of the twenty-first century, 140 water bodies (the highest amount and more than 55%) had disappeared, and the trend continues.

Among the filled water bodies, 85.32% were done privately by the owner and only 14.68% were done by government bodies like RDA, RCC, RU, Bangladesh Railway, and other educational institutions mainly for the purpose of infrastructural, communicational and educational development. Most of them (41.27%) were filled up for commercial purpose like – development for residential and commercial purposes. A breakdown of the numbers shows that 28.58% ponds were filled up for residential purpose, 4.36% for educational purpose, 5.16% for communication purpose and the rest of the ponds were filled up for other purposes such as, construction of mosques, playgrounds, parks and government office buildings.

The Environment Policy 1992 and the *Protection and Conservation of Fish Act 1950* emphasize the conservation of fisheries and prohibit any attempt to destroy fish. However, the *Local Government (City Corporation) Act 2009* stipulates that the City Corporation will set apart suitable places for public bathing and washing clothes. It was found from the field survey that the disappeared water bodies, especially the ponds, were used to serve as fisheries and as places for local residents to bathe and perform household washing. A large majority of the respondents (85%) told that although the ponds were filled up, they contained water for the entire whole year, and only 15% held no water during the dry season. 94% of these ponds were used for fish cultivation. 92% of the respondents suggested that the pond was used by the local residents for bathing, household works and other purposes, and only 8% of the respondents replied otherwise.

The water body conservation frameworks strictly prohibit the changing of classification of natural water bodies without permission of the local authority. The respondents were asked whether they knew that if they wish to fill up any water body, they have to obtain permission from the RDA. Most of the respondents (78%) replied in the positive and only 22% replied in the negative. At the time of filling of their ponds, 75% respondents did not take any permission from the local authority, only a few (10%) replied positively and 15% refraining from answering the question.

Most of the respondents think that filling of water bodies without permission from the proper authority is a punishable crime. In spite of this, water bodies are getting filled because of non- or weak execution of existing policies by the government agencies. RDA or RCC did not take prosecute the offenders, and only sent a legal notice against the violators

advising to stop filling the ponds. Since no action is taken, people are encouraged to fill their water bodies for residential, commercial or business purposes. The rapid decline in the number of water bodies has adverse impact on the environment and it is posing a serious threat to the overall livelihood conditions especially relating to water and sanitation in the vast Barind Tract(2012, March 21, Financial Express).

According to the legal framework, if anybody fills the water body without the permission of the authority, he will be sentenced to no more than 5 years in jail or to pay a penalty of not more than 50 thousand taka or both. Besides, any building or infrastructure made through illegal filling of water bodies will be demolished by the concerned authority. But the field survey revealed that most of the respondents (49%) thought that no preventive measures were taken by the governing authorities of ponds in this regard. 40% respondents replied that RDA or RCC only serves a legal notice against the law breaker; a small proportion (only 8%) reported that they had to pay a monetary penalty and the rest of the respondents (3%) did not answer this question.

The legal frameworks regulating water bodies, especially the playground, open space, park and natural water reservoir conservation Act 2000 prohibit dirt filling of water bodies. In this regard, it is the duty of the Corporation to conserve and manage water bodies within the city in accordance with the provisions of the Water Body Act. So, the respondents were asked if they knew about the incidence of dirt filling of water bodies in RCC. Most of the respondents (82%) replied that dirt filling is continuing in RCC. 64% respondents reported that no permission was obtained by the parties filling the ponds with dirt, and only 30% did not know about this. 60% stated that RDA and RCC do not take any action to prevent dirt filling of water bodies. The New Age, a leading newspaper of the country commented that, dirt filling of ponds is going on in violation of the legal framework as the City Corporation and RDA fails to implement the Act for the sake of city dwellers as well as the environment(2012, February 3,The New Age)

The RDA has a six member 'Committee of Water Body Conservation and Monitoring' headed by the Chief Executive Officer. This type of committee system was introduced at the end of 2012 following an Order from High Court of Bangladesh. Before that, there was no committee or authority in RDA to govern the conservation of water bodies in the city. However, the present committee is in charge of monitoring and tacking necessary steps to conserve only the water bodies that are listed in the Master Plan prepared in the year of 2004. On the other hand, in RCC, DOE of Rajshahi and DAR, there is no special committee to look after water bodies. In RCC, this function is performed by the 'Standing Committee for Improving Environment'. In DOE of Rajshahi, the Senior

Chemist and in DAR, the ADC (Revenue) is in charge of responsibilities regarding water body conservation of RCC.

Most of the key informants of this study opined that the water body conservation committees in Rajshahi exist only on paper, but not in practice. There is a section in these organizations where complaints are received regarding the violation of the laws. But they are generally inactive and do not perform their duties to conserve water bodies in the city.

RDA is the supreme authority for approving plans and designs of building in the city. Accordingly, RDA is supposed to protect making of any building or house or other infrastructures filling up ponds or other kinds of water bodies. At the time of approving any plan, RDA must closely examine the documents and investigate about the nature and class of land. They can find this information in the land records to determine whether the class of land is a water body, fallow land, cultivable or filled up pond. They can serve notices or send letters to the RCC and DAR to collect information or enquire about any objection lodged on this land. Data were collected from RCC, DAR and RDA to investigate this issue. RCC and DAR stated that RDA does not seek any opinion from them and cooperates when they investigate the document and pass any plan of a building or infrastructure. On the other hand, RDA said that they are not required to do this task. Rather, if RCC wants to do any development work, they must obtain NOC from RDA. RDA added that after 2011 they did not approve any building or housing plan that required filling up water bodies that are listed in the Master Plan.

DAR is another authority entrusted with the task of giving permission to change the classification of water bodies that are listed in the Mutation Paper. According to the legal framework, if there is a need to change the classification of the land or any portion of it, the owner will apply to the authority (RDA/DAR) in writing to explain the cause for proposing the change. The authority will examine and investigate the justification for changing the classification of the land and provide a decision within the stipulated time. At the time of investigation, they will consider (a) if the class of applied water body has changed and how much it will affect the goal of the Master Plan, and (b) the extent of adverse impact of changing the class on environment and the inhabitants of the city. But most of the respondents viewed that in RCC, the owner of the ponds or water bodies do not apply to the RDA or DAR when they fill their ponds or water bodies violating the water body conservation Act. RDA, RCC and DAR also do not take any concrete or noticeable action against the violators. Their action remains limited only in serving a notice from the office to the owner of the land threatening to launch a case for such illegal activities, but this is never carried through.

In some cases city drains are connected with the water bodies, and this causes severe damage to the health of the users of ponds as well as the elements of biodiversity. Unfortunately, neither RCC nor RDA takes any action in this regard. From the field survey, it is known that the owners of ponds connect their drains with the pond with the primary objective of filling it. Later on, they connect their septic tank with the water bodies. They think that if drains and septic tanks are connected with the ponds, residents of the city will avoid using that particular pond. After the elapse of more time, these ponds will not be used anymore and will not provide any benefit for the residents in the neighbourhood. This makes it easier for the owner to fill up the pond without protest from the people who used the pond earlier.

According to the legal framework, if any water body is filled by anybody, RDA and DOE have the power to re-excavate it cost of the party who filled it. In such cases, RDA and DOE generally file cases against the guilty person and informs the higher authority. RDA has filed four cases of this nature, and they are pending with no final judgment. On the other hand, RCC has submitted a project to the government to re-excavate and develop 53 ponds of the city. After getting approval from the government, steps will be taken to re-excavate these ponds. Under another project, RCC has re-excavated and developed the ponds and lake in Shaheed A H M Kamruzzaman Park.

According to the legal framework, any building or infrastructure that was illegally established will be seized by the concerned authority on the basis of a court verdict. However, it was found that several water bodies were filled up in violation of the law, but the RDA or DOE has not seized any so far, and their action remained limited to serving a legal notice against the violators. The officials cited lack of manpower and logistic support and political influence and pressure as the main causes behind their inability to implement the law.

Public awareness can be an effective step against the illegal filling of water bodies in the city. Officials at almost all the agencies said that they take some steps to create awareness among residents of the city. RDA does this through advertisement in the local newspapers, distribution of leaflet, public announcements, and advertisements on cable television. RCC councilors arrange meetings in the wards of the RCC for this purpose. DOE, too, arranges meetings and seminars to publicize this issue and advertises through local newspapers. On the ground, these steps are not sufficient and effective to create public awareness against illegal filling operations.

58% of the respondents reported that the extent of accountability of the institutions of RDA, DOE, DAR and RCC remains at a very poor level. Key informants opined that these institutions lack active bodies or committees which could effectively and regularly supervise, monitor and

inspect the state of governance of the water bodies in the city. Almost all the organizations do not have enough technical capacity, transport, logistic support and adequate human resources to implement its programs against the illegal filling operation. In RDA, the town planner is only person who looks after this matter in addition to his prescribed duty of approving housing plans for the city. The DOE has only one inspector and one Senior Chemist. They are overworked and remain very with inspection of environmental conservation issues in the city including the approval of environmental clearance certificates. Besides, the officials engaged in conservation of ponds in the city are sometimes threatened by criminals and residents interested in filling ponds illegally to the extent that it is risky to take pictures of the illegal filling of ponds.

The legal framework that regulates the urban water body conservation is also very weak and should be updated. When interviewed, executives at all the governing authorities and 68% of the respondents agreed that the existing laws regulating urban water bodies are weak, and 32% think that these are sufficient. Those who spoke in favor of weakness of law justified that the punitive measures that are suggested by the Act are not sufficient. If any person violates the Act, the maximum punishment is 5 years in prison or a fine of 50 thousand taka or the both. It may be suggested to make illegal filling of ponds or water bodies as cognizable offence to assist with arresting criminals directly without a warrant.

Lack of public participation in making policy decisions and the implementation processes of RCC, DOE, and RDA is a major problem in governance of the environment. There is no legal provision for the public to participate in the activities of urban-local government and service providing authorities. In Rajshahi, the number of water bodies is rapidly decreasing because of illegal filling. But the city dwellers are yet to make any strong protest against the filling operation. The survey found that 68% of the respondents think that there is an absence of strong civil society organizations in Rajshahi which can strongly lead any movement along with the citizens against the illegal filling of urban water bodies and in building awareness for environmental protection. There are some environmental civil society organizations in the city which are working on environmental issues such as, Heritage Rajshahi, NGO Forum, BELA and Rajshahi Paribesh Andolon (RAPA). Occasionally, they have demonstrated and started movements to raise public consciousness on environmental issues in the city including illegal filling of water bodies, but finally they have not achieved much success.

Conclusions and Recommendations

Water bodies of urban areas are changing due to various activities undertaken by humans. In the city of Rajshahi, these are mainly affected by the process of urbanization. As the price of land is high, developers are seeking to take over low cost wetlands for building, and increasingly

beels, marshes, canals and ponds are providing land for housing developments. Profit-mongers and land-grabbers sell these classes of land to the public for building house, markets and other commercial establishments. They sell the wetland area at 2 to 5 lac taka per katha according to the location of the land, and wetlands are rapidly decreasing in the city, particularly in areas, like Meherchandi, Budhpara, Chouddopai and Chhoto Bongram in the city corporation area. There is no strict regulation to control earth filling in the RDA, and it imposes a nominal fine of only Tk. 500 for filling a pond. The continued loss of the water bodies is leading to depletion of biodiversity and is displacing the wetland based socio-economic activities. In future, it may be impossible for the city to maintain the storm water and waste water of the city area and water logging may emerge as a permanent issue.

Based on the field survey and review of literatures, the following recommendations are made for the conservation of urban water bodies by ensuring effective governance.

- The legal provisions related to water body conservation should be updated and legislation should be enacted to ensure strict penal provisions. Illegal filling of ponds or water bodies must be considered as cognizable offence to allow the authorities to arrest violators without a warrant;

- Mobile court should be arranged on a regular basis for demonstration effect against the illegal filling of water bodies. Police should take legal actions under the RMP Ordinance and relevant laws of water body conservation against those who illegally fill up water bodies;

- Strict provisions should be included in the law for polluting water bodies through disposal of solid wastes and waste water;

- Action should be taken by the government to re-excavate the ponds which have already been filled up and to ensure punishment for owner of these ponds.

- Effective steps should be taken to seize buildings or infrastructure that are built on land prepared by filling of water bodies illegally;

- Clear provisions should be incorporated in the laws to facilitate people's participation in conservation of water bodies. Regular meeting and discussion should be arranged by the RCC, DOE, DAR, and RDA involving the public;

- The critical water bodies of the city should be continuously monitored. A list of critically degraded water bodies should be prepared.

- RCC, RDA and DOE should be provided with sufficient manpower and other logistic support to ensure proper monitoring in this regard. Strong monitoring committees should be formed with the representatives of different sectors of the society.

- Training programs should be introduced for enhancing capacity of relevant officials of RCC, RDA, DAR and DOE for ensuring good governance in conservation of water bodies in the city;
- Development projects should be planned and implemented by taking into consideration potential adverse environmental impacts on water bodies;
- Adverse impacts of the development activities on the water bodies should be timely and properly mitigated;
- Civil society should organize demonstrations against illegal filling of ponds and initiate a movement to raise awareness of the need to maintain water bodies;
- Government should take effective steps against the leaders of the ruling party who are directly or indirectly involved in illegal filling of water bodies or forcibly influencing decisions of the controlling authorities involved in governance of water bodies;
- Problems of coordination among RCC, RDA and DOE regarding responsibilities of water body conservation should be resolved, and respective and collective responsibilities of these organizations should be clearly stated in the laws for conservation of water bodies;
- RDA is the approval authority of plans and designs of proposed buildings and infrastructure. The class of land should be carefully checked and should be neutral while assessing the applications. Corruption should not be tolerated.
- Finally, as long as the water bodies are under private ownership, it is extremely difficult to conserve all the ponds. So, government should take necessary steps either to acquire or buy all the ponds of the city immediately from the owners. It may be easy to conserve the ponds under government ownership.

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6

Health Status of Bangladeshi Migrant Workers

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Shakirul Islam

Migration and Health

Migration has been a common and prominent phenomenon across countries from the early days of civilization. A rough estimate indicates that currently the world has approximately 244 million international migrants, most of whom (around 80%) are migrant workers (International Migration Report 2015). Bangladesh is located in the South-South pathway and appears to account for approximately 37% of the international migrants (Global Migration Trend 2015).Being a source of abundant unskilled labour, Bangladesh emerged as a major source of international migrant workforce and accounted for around 10 million migrant workers since 1976(Bureau of Manpower, Employment and Training, Overseas Employment and Remittances from 1976 to 2016). At the time of writing, it is estimated that about 500,000 Bangladeshi workers leave the country for working abroad each year.

Several studies have shown that migrant workers are exposed to various kinds of health risks that result from the migration process as well as natural and human-made disasters. Additionally, they are frequently subjected to human rights violations, irregularities and deprivation of salary and benefits stipulated in the terms of employment, and assignment to dangerous and degrading working conditions and they add to a much higher level of health risk for migrant workers. Moreover, women suffer from a higher level of discrimination, "rightlessness" of undocumented migrants, anomalies associated with the informal employment sector, and have minimal access to medical care services that make the health status poorer for migrant workers (Davies, A. A., Basten, A., & Frattini, C, 2009). Female migrant workers who are undocumented and rely on the mercy of agents to work in informal sector, become the most vulnerable victims.

Bangladeshi migrant workers have been exposed to similar health risks. Documents of the Bureau of Manpower Employment and Training (BMET) of the government of Bangladesh provide statistics on repatriation of dead bodies of migrant workers, applications related to

support for health care, and referrals. There are also empirical observation from different stakeholders including non-government organizations, and media reports that demonstrate that a significant number of Bangladeshi overseas workers face health hazards abroad. These arise from a number of sources including unsafe workplace, unhygienic accommodation, low calorie intake and even mental and psychological trauma from torture and social displacement. In most of the cases, absence of health insurance leaves Bangladeshi migrants more susceptible to risks. Social determinants (e.g. language and communication barriers) add to the problem of access to health services.

The is a need to alleviate the risk to health risks of migrants as well as to move forward with the need to ensure global public health services. To achieve these ends, Bangladesh integrates a 'right-based approach' and has developed an all-encompassing and functional health policies and guidelines. The Expatriate Welfare and Overseas Employment Policy 2016 and strategy paper titled the National Strategic Action Plan on Migration Health 2015-2018 laid out institutional arrangements and details on bilateral, international and global platforms. However, not much progress was achieved due to policy loopholes, fragile institutional arrangements, malpractice in recruitment procedures, absence of health insurance and poor response from Bangladeshi authorities abroad where the migrants are employed.

This chapter aims to review and analyze health issues faced by Bangladeshi expatriate workers and suggest recommendations to refine the approach and develop effective interventions to improve the services for migrants. The specific objectives are to: (a) explore the health status of Bangladeshi migrant workers with reference to health vulnerabilities and sufferings; (b) understand the response mechanism the state actors (i.e. both Bangladesh and receiving countries) adopted, particularly laws and policies, for providing health care and treatment to expatriate migrant workers; and (c) recommend steps to improve the health services by improving the policies as well as institutional arrangements.

Materials and Methods

This study adopted a qualitative research method and applied a threefold data collection tool. They include (a) in-depth focus group discussions (FGD) to obtain insight on the health status of Bangladeshi migrant workers; (b) content analysis (document reviews) to understand different response mechanisms and frameworks (e.g. legal and policy frameworks adopted by Bangladesh and major destination countries); and (c) public consultation with stakeholders to identify potential strategies for improvement of the health status of Bangladeshi workers. A total of N=18 returnee migrant workers including six female responded in three FGDs on a voluntary basis.

Table 1: Profile of FGD Participants

Sl. No	Age	Occupation	Country of employment	Health Issues (accidents, diseases and tortures)
F1	39	NGO Worker	Jordan	No
F2	39	House wife	Lebanon	Low blood pressure, torture
F3	34	Service	Lebanon	No
F4	32	Tailoring	Jordan	Low blood pressure, dehydration, torture
F5	19	House Wife	Lebanon, UAE	No
F6	36	Business	Lebanon	No
M1	45	Business	Saudi Arabia	No
M2	35	Social Worker	Saudi Arabia	Cerebral stroke
M3	46	Electrician	Malaysia	Workplace accident
M4	33	Village Doctor	Malaysia	Disease
M5	41	Business	Saudi Arabia	No
M6	23	Business	UAE	No
M7	33	Journalist	Malaysia	Workplace Accident
M8	34	Business	Saudi Arabia	Workplace Accident and general sickness
M9	75	Retired	Saudi Arabia	No
M10	42	Business	Malaysia	Dental Pain
M11	52	Retired	Saudi Arabia	Heart Attack
M12	54		Saudi Arabia	Stroke
Total participant				18
Mean age				39.5
Workplace Accident				03
Disease				08
Torture				02
No health problem				08

The age of the respondents ranged between 19 and 75, with the mean at 39.5. Among these returnee migrant workers, 7 worked in Saudi Arabia, 4 in Lebanon, 2 in Jordan, 4 in Malaysia and 2 lived in UAE. Significantly, 10 participants (55%) including 2 women sustained health hazards (i.e. disease, workplace accidents, torture, etc.) during the period when they worked abroad. Researchers coded the participants on gender basis (i.e. M1 for Male Respondent 1 and F1 for Female Respondent 1). Each FGD group consisted of 6 respondents. Researchers organized three in-depth focus group discussions with prior written consent from the respondents. Subjects were placed in a comfortable room for discussion and two research assistants took notes to ensure a high level of accuracy. Topics which guided the discussion are presented in Table 2.

Table 2: Topic Guideline for focus group discussion

Topic Guide for Focus Group Discussion (FGD)
1. Health Issues in Pre-departure Stage
1.1. Health issues in Pre-departure Medical Test
1.2. Health provision in Contract Paper
1.3. Health Education in pre-departure orientations
1.4. Health hazards during journey and transition
2. Health status in post-arrival stage
2.1. Exposures in workplace accidents, injuries (tortures) and diseases Health vulnerabilities for informal sector workers Health vulnerabilities for irregular migrant workers Health vulnerabilities for women workers.
2.2. Health insurance facility for Bangladeshi workers
2.3. Nexus between environment and living condition and health vulnerabilities
2.4. Socio-cultural determinants and adversities
2.5. Support and Service Mechanisms from Bangladeshi embassies and employers
3. Health care and treatment in post-return stage
3.1. Health care mechanism in post return

The study applied the coding process model used by Creswell. Under the model, obtained data were coded to "make sense out of text data, divide it into text or image segments, label the layers with codes, examine the code for develop and redundancy and collapse these codes in to broad themes"(Creswell, J. W, 2002)
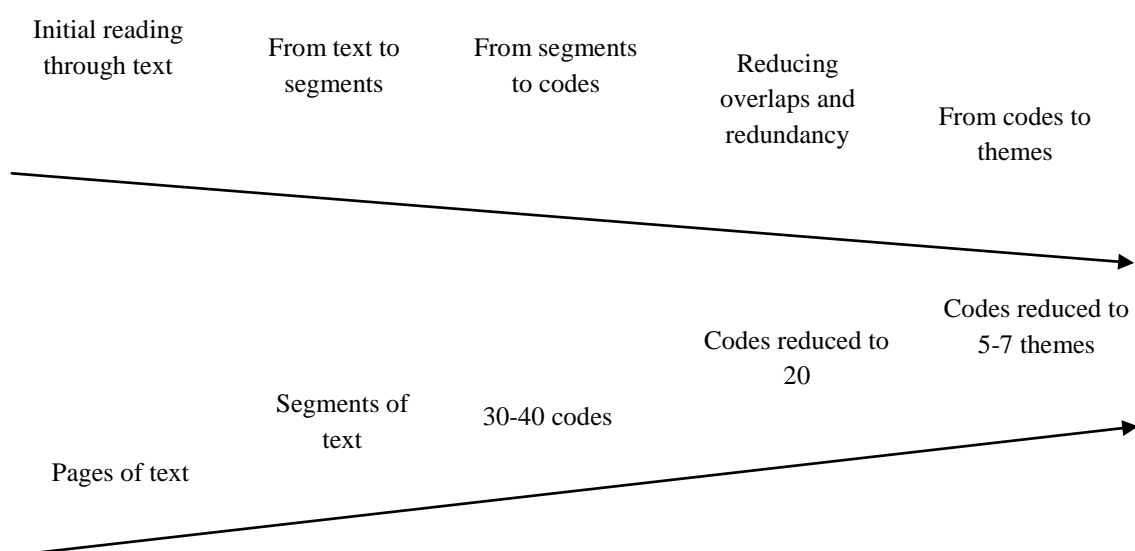
Figure 1: Visual Model of the Coding Process in Qualitative Research

The study also reviewed and analyzed a small number of policies, laws and international rights frameworks which are presented in Table 3.

Table 3: Documents Analyzed

Content Analysis: Objects
1. Policies, laws and frameworks in Bangladesh
1.1. 7th Five-Year Plan (FY 2016-2020)
1.2. National Strategic Action Plan on Migration Health for 2015-2018
1.3. Overseas Employment and Migrants Act 2013
1.4. Expatriate Welfare and Overseas Employment Policy 2016
1.5. Health Check-up Policy for Potential Migrant Workers 2008
2. Frameworks in Major Receiving Country
2.1.   The Saudi Labour Law of 2005 (Saudi Arabia)
2.2.   Cooperative Health Insurance Law No 71 (Saudi Arabia)
2.3.   The Lebanese Labour Law of 1946 (Lebanon)
2.4.   Jordanian Labour Law No 8 (Jordan)
2.5.   Federal Labour Law No 8 of 1980 (UAE)
2.6.   Health Insurance Law (UAE)
2.7.   Bahraini Labour Law No. 36 of 2012 (Bahrain)
2.8.   Omani Labour Law No. 35 of 2003 (Oman)
2.9.   Labour Law No. 14 of 2004 (Qatar)
2.10. Labour Law No. 6 of 2010 (Kuwait)
2.11. Employment Contracts (Bahrain, UAE, Lebanon, Jordan, Saudi Arabia and Malaysia)
3. International Frameworks
3.1. Universal Declaration of Human Rights
3.2. The International Covenant on Civil and Political Rights
3.3. International Covenant on Economic, Social and Cultural Rights
3.4. World Health Organization (WHO) Constitution
3.5. International Convention of Protection of Rights of All Migrant Workers and their Families
3.6. The World Health Assembly Resolution on Migrants Health

Finally, an open session of consultation was organized at CIRDAP Auditorium, Dhaka, Bangladesh on July 28, 2016 which brought together a total of 74 participants. Representatives from 4 international organizations, 20 national non-government organizations, 5 media houses and 30 returnee migrants were able to discuss and voice their opinions and recommendations at the event. The following sections elaborate on health issues in pre-departure, transition and post-arrival at the destination for migrant workers.

Pre-departure Stage

Health issues in Medical Test

The Gulf Approved Medical Centers Association (GAMCA) includes a group of medical test centers that conduct tests for potential migrants to

the Gulf countries. Respondents alleged the test centers tend to manipulate test results and change results both from 'unfit' to 'fit' and from 'fit' to 'unfit', and extort money from migrants provide favourable reports. One respondent reported that:

> 'In order to have medical test, Bangladeshi migrants need to pay BDT 5000, however, sometimes unfit migrants manage 'fit' certificate by offering bribe and upon arrival in destination countries, they become 'unfit' and eventually sent back to Bangladesh' (M7). 'GAMCA sometimes hide the original report and deliver a fake one which shows the migrant as 'unfit' and demand money. Thus, GAMCA exploits migrants in order to make them 'fit'' (M10).

Respondents also indicated that the health test centers and other stakeholders are often less sensitive about health issues of migrant workers. This insensitivity also contributes to the scope for extortion as migrant workers are forced to pay bribes and are overcharged for the services.

'We found that recruiting agencies and test centers are not sensitive about migrants' health. Even, you cannot ask for any information or explanation to the doctors of test centers, as if they are the boss and do not have any responsibility to explain about your health' (M7).

Although the health check-up policy for potential Bangladeshi migrant workers states that the medical testing should be carried out with written consent and provide pre- and post-test counseling, migrant workers do not receive any counseling before and after the tests. Most of the migrants consider the written consent paper merely as a procedure, not consent, and thus sign without noticing provisions and clauses written in the paper.

'Pre- and post-test counseling is not available; you cannot ask anything to test center officials about your health test reports' (M2). 'We did not receive any pre-test consent paper during medical test' (M5).

According to the respondents, pre-departure health test results can be manipulated, even upon arrival in destination countries. Some Recruiting Agencies have their own agents in these destination countries that can manipulate the test results and thus provide a 'fit' certificate to 'unfit' migrants.

'If any woman is found 'unfit' in health test, the recruiting agents send them to Jordan, because they have agents there who can manipulate the post-arrival health test in Jordan' (W3).

Health Issues in Contracts

Most of the migrants from Bangladeshi do not receive any information regarding health provisions in the employment contracts. Respondents

alleged that most of the recruiting agency officials pretend to forget about the contract papers earlier, hand them over moments before departure. Consequently, migrant workers do not have time to read the paper, but they sign it anyway so they can get on the flights. Thus, information about health facilities remains unknown delayed delivery of the papers and time constraints for most of the migrant workers. Additionally, there are language barriers that contribute to difficulties in reading and understanding the provisions. Generally, job contracts are prepared either in English or the language of the destination country and not in Bengali. .

'I received my contract paper during clearing immigration formalities just before flight. The *Dalal* (recruiting agency official) said that he forgot to provide the papers earlier and asked to sign it immediately. I did not read it, just signed it' (M8). 'I also received the contract papers during immigration. I do not know whether anything regarding health issue was written in the contract paper' (M12).

Health Issues in Orientations

Migrant participants argued that pre-departure orientations in Bangladesh rarely cover the health issues of migrant workers. For women migrant workers, there is a month long mandatory pre-departure orientation that focused on mainly work techniques and language. However reproductive health issues and the process for receiving health care in destination countries are rarely included in the orientation. Male migrant workers receive a three-hour briefing, but health issues are not discussed.

Health Issues During Journey and Transition

Respondents informed that generally, barring accidents or illnesses, Bangladeshi migrant workers do not face any health hazard during journey and transition. However, migrants who move through irregular ways, i.e., without passport and visa and travel over land or sea to enter another country illegally face severe health risks including hunger, physical and mental problems and even death in transition.

Post-Arrival Stage

Workplace Accidents, Injuries, Disease and Torture

The majority of Bangladeshi migrant workers are exposed to risks of workplace accidents and injury, and a significant number of them actually experience these hazards. As half of the Bangladeshi migrant workers are unskilled, they cannot work in professional positions. They are engaged mainly in jobs that require manual labour with high risks of workplace accidents and injuries. Among the respondents, 4 had sustained workplace accidents during migration.

'I went to Saudi Arabia in 2009 and was required to do wielding work. One day, a piece of metal hit my head and eventually, I had to leave the job' (M8).

A significant number of Bangladeshi migrants also suffer from diseases including diabetes, dermatological problems, physical pain and weakness, eye and ear problem, heart disease, liver, lung and kidney problem, ulcer, tumor, Hepatitis B, HIV and cancer. Among the respondent migrants, 7 were suffering from different diseases during their migration process in destination countries.

'I moved to Saudi Arabia in 1995 where I used to drive a car. On 27th May, 2015, I had a brain stroke and was taken to a hospital. I was in the ICU for four days' (M11).

The rates of workplace accident and disease are very high among the undocumented Bangladeshi migrant workers. Bangladeshi migrants who move under the so called 'free visa' or who 'run away' from the employer's house tend to be more vulnerable in case of workplace accidents, injuries and diseases. Besides, migrants who worked in informal sectors (i.e. farming, cleaning, transportation etc.) also tend to be vulnerable.

'I was working in Malaysia under free-visa where my employer helped me to renew my work-permit. I used to cut grass with a 10 kg weight machine. I bought a motor-cycle and after three months, I had a road accident. I approached my employer, but he did not help me in hospital' (M7).

Bangladeshi women migrant workers, especially domestic workers are extremely more vulnerable due to very heavy pressure of work, lack of leisure time, very little food, physical and sexual torture, and violence.

'I used to work for 17 hours (from 5.00 am to 10.00) pm without any rest. I was very little food and consequently I had low blood pressure. When I became too sick to work, my employer started to beat me' (W4). 'I went to Saudi Arabia in 2003. I had to work all day and at night I had to care for a child. Food was not sufficient, and I was given only bread and banana for me. Eventually I suffered from low blood pressure, vomited frequently, and lost weight' (W3).

Health Insurance Facility for Bangladeshi Workers

In most cases, Bangladeshi migrant workers do not have access to health insurance facilities in destination countries. This is because the majority of them are unskilled workers and often works illegally in informal sectors. Among the participants of FGDs, 5 among 18 respondents (27%) were provided health insurance facilities, but four had received C grade insurances with minimal health facilities for them.

'Although my employer provided me a health insurance card, the card had an amount limitation' (M8). 'In my health insurance card, it was mentioned that I had to pay 50% of the cost of any treatment' (M4).

Respondents informed that there are several categories of health insurance. The categories of A+, A and A- are for management level employees, B+, B and B- for mid-level employees, and C+, C and C- for labours. As many Bangladeshi migrant workers are employed as labourers, they receive C category health insurance, if any, and this provides the lowest level of coverage. The purpose of this insurance appears to be to merely comply with government rules, and not for the protection of migrant health rights. Therefore, insurance companies compete with one another to offer low cost insurances for employers and workers do not get any real benefit from it. Respondents also alleged that this insurance does not cover dental or mental illnesses. In some countries, health insurance covers accidents only, and illnesses and physical torture are not covered.

Environment and Living Condition and Health Vulnerabilities

Unskilled and irregular Bangladeshi migrant workers also face health risks from the environment and living condition. Extreme variation between hot and cold weather results in different health problems including dermatological diseases and dehydration. Migrants tend to suffer almost regularly from diarrhea, tuberculosis, Hepatitis B and C, and these are aggravated due to overcrowded accommodation and unhygienic sanitation system. Women migrant workers, in particular, tend to face accommodation problem due to lack of privacy which can result in sexual and physical violence as well.

Socio-cultural Determinants and Adversities in Health Care and Treatment

Social determinants are a major influence on health hazards of migrants. Particularly in Arab countries, Bangladeshi migrants experience social stigma, discrimination and xenophobia which accelerate health risks for Bangladeshi migrants and this is exacerbated by lack of health care and treatment. Language is a major obstacle to communication with medical professionals for them. Moreover, cultural and ethnic health perceptions and practices also accelerate health hazards for Bangladeshi migrants.

'I went to Saudi Arabia and worked as a supervisor in a factory. Arabs treated me as *miskin* (beggar). When I suffered from pain in my teeth, I went to a hospital and the doctor refused to treat me because of my national identity' (M10).

Respondents felt that cultural or psychological orientations could render medication and treatment received in destination countries less effective for the Bangladeshi migrant workers.

'After a workplace accident, I was hospitalized for three days. Although the doctor treated   me and I paid for the treatment, medicine did not cure me. I came back and sought treatment in Bangladeshi (M8).

Support and Service from Bangladesh Missions

Respondents said that they did not seek help from the Bangladeshi missions abroad. Migrant workers think that embassies do not have adequate manpower to serve migrants with health hazards. Secondly, as embassies are located in the capital cities and are not decentralized, contacting the missions involve a considerable amount of money and time because migrants may have to travel hundreds of miles to reach the missions. There are also complains about corruption where mission officials ask for money to provide services. On top of that, the officials do not treat the migrants with sympathy and respect, and are moved only by political or personal influences.

Health Status in Post-return Stage

Respondents complained about the lack of concern or information on the number of migrant workers who returned or were sent back to Bangladesh because of health hazards, accidents, injuries or disease. The government does not maintain any database or profile of these migrants. Besides, upon return to Bangladesh, they do not receive any specialized health care and treatment facilities at hospitals in the country. In some cases, migrants who returned after incurring financial loss could not afford these costs. As a result, migrants have no option and have to sell their personal or family assets for bearing the cost of treatment.

'I suffered a brain stroke and was sent back to Bangladesh after three months. I had to see furniture from my house to have ring placed in my heart' (M12).

Health Status of Bangladeshi Migrant Workers

Bangladeshi migrants do not receive any pre- or post-test counseling from the test centers. Most of them have no information regarding their health conditions after the tests(A Critical Review: Legal Redress and Health Services for Bangladeshi Migrant Workers, 2015). Eventually, when potential migrants receive an 'unfit' certificate from a test center, they face stigma and discrimination from the society(Policy Review: Mandatory Health Test for Migrant Workers,2016). In case of test result manipulation, migrants also encounter unexpected repatriation and economic costs.

A study reported that in 2009, 4.5% of Bangladeshi migrants were sent back due to 'lack of fitness' although they were certified as 'fit' in the medical tests from Bangladesh(Shakirul,2009). There is no health-profile of migrant workers and this is an obstacle to the resolution of health issues of the migrants particularly at the pre-departure stage(Migrant Workers and Health, n.d.).

Irregular migration processes such as those through trafficking have scope for exploiting the migrants, and they are more vulnerable in case of

health (Labour Exploitation, trafficking and Migrants' health ,n.d.). Trafficking and irregular movements include long dangerous journeys and result in life-threatening physical and mental problems, even death (Migrant Workers and Health, n.d.). In 2014-15, more than 94,000 people from Bangladesh and Myanmar departed by both Bay of Bengal and Andaman Sea in search of employment. These people were stranded in various precarious situations at sea. An estimated 1,100 people died (Refugee and Trafficking Crisis in Southeast Asia; Amnesty International, 2015) from this terrific voyage, although the correct number will never be known.

In the post-arrival stage, Bangladeshi migrants face risks of workplace injuries and accidents as well as diseases. Informal working sector is known worldwide as 3D workplaces that are dirty, dangerous and degrading. The workers are at risk, there is no access to health services, and injuries are expensive to treat. Consequently, migrants face severe health hazards such as physical overexertion, high risks of injuries, exposure to toxins etc(Health vulnerabilities of Informal Workers; Rockefeller Foundation , 2013) .

Workplace ambience has significant linkages with disease and illnesses. Migrants who works in construction sites and in overcrowded areas in hot, humid and unhygienic working environment are prone to skin diseases. Migrants in farms are at higher risks of contacting tuberculosis, eye defect and pain in general. Migrants engaged in mining industries have high risks of lung function impairment, musculoskeletal symptoms, hypertension, diabetes and tuberculosis. Migrants who work in food are exposed to hookworms, and women the in Gulf countries bear the risks of psychological disorder, depression and schizophrenia (Adhikary, P., Keen, S., & Van Teijlingen, E., 2011).

Majority of the Bangladeshi women migrants are engaged in household work. Among these domestic workers, a significant number of women have been victims of sexual or physical abuse, and were infected with sexually transmitted diseases (STIs), HIV/AIDS, unwanted pregnancy and unsafe abortion and ultimately suffered from trauma. Some of these migrants committed suicide.

Women domestic workers face severe accommodation crisis and sleep in kitchen or storage room, hallways, or corridors where they lack security, space, privacy and dignity. They do not receive space to store their personal belongings. Women who are not provided with bathroom or living room that can be locked are more exposed to abuse and exploitation. In some cases, domestic workers are given food items that are incompatible with their cultural and/or religious norms or to have food from employer's leftovers and forced to eat on the floor (Behind Closed Door, n.d.).

Male migrants are also exposed to risks of contracting HIV/AIDS due to unsafe sexual behavior, long-time separation from family, isolation from familiar social norms and values, feeling of loneliness, poverty, exploitative working conditions and sexual abuse(Kandula, N. R., Kersey, M., & Lurie, N., 2004) . Referrals and services from different government and non-government organizations imply that a significant number of Bangladeshi migrants are suffering from HIV/AIDS.

It is estimated that approximately 10-15% or 30 million global migrants are undocumented, although most of them entered the destination country legally but eventually remained undocumented (Behind Closed Door, n.d.). It is possible to argue that being in a country with undocumented is not a crime. However, many the destination countries where most Bangladeshi migrants work tend to criminalize them for the undocumented status. Consequently, these undocumented migrants avoid using health services out of fear of being penalized, lack of legal entitlements and/or discriminatory attitudes.

Besides, undocumented migrants are subjected to poor and unhealthy housing and working conditions, overcrowded accommodations without privacy and encounter higher frequency of accidents (Savelsberg, J., Braubach, M., & World Health Organization, 2009). Employers rarely provide health insurance and workers are reluctant to use health services as they are paid by the hour or piece of work and they do not wish to seek treatment and miss working hours and a decline in income. They have no choice when serious injuries or illnesses became unbearable. In some cases, mobility also makes treatment difficult for these undocumented migrants, particularly in case of HIV/AIDS and TB (Arcury, T. A., & Quandt, S. A., 2007)

Migrants are, in many cases, excluded from social, economic and cultural aspects of life in destination countries and this exacerbates health risks particularly by limiting availability, accessibility, acceptability and quality of services (Davies, A. A., Basten, A., & Frattini, C., 2009). Lack of proficiency in the local language is a major barrier because most health care centers do not have facilities for translation. A second level communication barrier emerges due to difficult perceptions of illness, diseases and responses. Cultural and ethnic reproductive health practices and norms also pose obstacles particularly for treatment for women's reproductive problems and use of contraceptives (ibid, n.d.)

Bangladeshi migrants also face limited access due to social barriers. They are nervous about the language barrier and, in some cases, receive wrong treatment due to miscommunication. The migrants feel uncomfortable with foreign doctors and medication and prefer to obtain medical care after returning to Bangladesh (Karim, A. Z., & Diah, N. M., 2015)

Mechanisms to Resolve Migrant Health Problems

Laws and Policies

Bangladesh has included the health issue of Migrants in the 7th Five-Year Plan (FY 2016-2020) and proposed several steps in alignment with the World Health Assembly Resolution 61.17. The government, with the support of International Organization for Migrants (IOM), has developed a three-year National Strategic Action Plan on Migration Health for 2015-2018. This Strategic Action Plan is based on a rights-based approach and is comprised of four strategic objectives: I) establish monitoring and information system (MIS) of migrants' health; II) enhance policy and legal framework for health and social protection of migrants; III) enable migrant sensitive health and welfare system; and IV) facilitate multi-sectoral regional and national partnerships for migration health. The Action Plan includes an inter-ministerial support mechanism. However, there appears to be no role for the migrant organization, civil society organizations, and other non-state actors in the implementation process.

Earlier, the government of Bangladesh adopted the *Overseas Employment and Migrants Act 2013*. Unfortunately, the document did not have specific provisions for the protection of health rights of migrant workers. Although Article 22 of the Migrants Act 2013 included a "compensation amount in the event of death and injury" according to the employment contract, there is no provision for access to health care and treatment in destination countries. There is no mention of health insurance and any other special scheme for providing access to health care and treatment in case of workplace accidents, injuries or sickness. Article 24 (1) provides for inspecting "the place of work where Bangladeshi migrant workers are employed". There is no provision on the scale and measurement procedures of workplace safety e.g. Work Safety Scale (WSS) for Bangladeshi migrant workers. The Act mentions right to information, legal aid, civil suit, and arrangements for returning home in Chapter VII entitled "Rights of Migrant Workers", but the right to health care and treatment is completely ignored.

In 2016, the government of Bangladesh promulgated the *Expatriate Welfare and Overseas Employment Policy 2016* with the objective of "safe and dignified migration". Article 2.2.2 refers to workplace safety and health related complaint mechanism under the "standard contract agreement", but there is no reference to health care mechanisms in the clause. However, Article 2.3.8 brings up the issue of low cost health treatment facilities including HIV/AIDS for migrant workers at pre-departure and post-return stages of migration. Unfortunately, the policy does not touch upon treatment facilities in destination countries at the

post-arrival stage. Article 2.4.8 provides for psychological and health counseling instead of healthcare and treatment for female migrant workers in major labour receiving countries. The inter-ministerial support mechanism included in the policy assigned the Ministry of Health and Family Welfare to undertake standard health test, health insurance, social safety net, and maintenance of health profile for potential and returnee migrants as well as their families.

The government also adopted a *Health Check-up Policy for Potential Bangladeshi Migrant Workers* in 2008. The policy concentrates on the quality of medical tests to uphold the labour outflow, but leaves the protection of health rights for migrant workers. The policy says little about counseling, care, treatment and confidentiality of the medical reports. Significantly, it has no provision to document their health profiles and arrange follow up services for the migrants especially in case of infectious diseases like tuberculosis, Hepatitis, and HIV/AIDS.

This discussion confirms that the policy and the law include provisions regarding pre-departure and post-return health care services. However, they completely disregard post-arrival health care and treatment facilities at the destination, with the exception of some health counseling for women migrants in some countries.

Laws and Policies in Major Destination countries

The migrant workers in the formal sector are covered by the respective labour laws in major receiving countries. However, these laws have only a few provisions regarding occupational safety and health measures. Under the arrangement, employers are responsible for providing preventive orientations and safety equipment to the workers. They are also responsible for ensuring periodic health test and primary treatment in some cases. In terms of workplace injury or death, the provisions obliged employers to compensate the families of victims.

Health Insurance is a pre-condition for issuance of work permit in most of the labour receiving countries. For instance, the Cooperative Health Insurance Law No. 71 of Saudi Arabia and Health Insurance Law in the Emirate of Abu Dhabi requires employers to provide emergency medical care under health insurance. However, the migrant workers in the informal sector i.e., domestic workers and migrants with irregular status are completely excluded in the labour law frameworks and are officially deprived of universal access to health care.

The "Employment Contract" of several labour receiving countries has provisions regarding health insurance, free medical facilities, occupational and social safety including compensation for injury and death. The employment contract is predominantly conditional to the

domestic labour laws of the receiving countries which often degrade the AAAQ [Availability, Accessibility, Acceptability and Quality] of health care treatment.

Most of the labour receiving countries especially the GCC have imposed Mandatory Health Check Up in order to avoid entry of any migrant worker with particular communicable and non-communicable diseases. On detection of any such disease at the post-arrival stage, the migrants do not receive any treatment and are deported, thus committing a gross violation of universal health rights as well as creating a serious threat for public health sphere in the countries of their origin.

Migrant Health Rights in International Frameworks

Various international and global documents place great emphasis on the health and heath care treatment of migrants. The Constitution of the World Health Organization states that "enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being", and this includes migrant workers. Article 28, 43 (E) and Article 45 (8) (C) of International Convention of Protection of Rights of All Migrant Workers and their Families ensures right to health care and treatment of migrant workers in the forms of freedom of decision about health, freedom from discrimination in health care, non-consensual medical treatment and entitlement.

In case of undocumented migrants, General Comment No. 14 of the Committee of Economic, Social and Cultural Rights states that "states must refrain from denying or limiting equal access to healthcare for all persons including …..illegal immigrants".

The 61st World Health Assembly Resolution on Migrants Health called upon participating nations to "promote migrants inclusive health policies and to promote equitable access to health promotion and care for migrants". The call stipulates the thesis – "the healthy migrants' effect". The resolution identified four core priority areas: (i) research and information dissemination; (ii) policy and legal framework; (iii) migrant sensitive health system; and (iv) partnership networks and multi-country framework.

In sum, health issue as global concern has been addressed in major human rights frameworks including the Universal Declaration of Human Rights (UDHR), International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic and Cultural Rights (ICESCR), Sustainable Development Goals (SDGs) etc.

Improving the Health Status of Bangladeshi Migrant Workers

The government of Bangladesh has developed methods and mechanisms on the basis of 'right-based approach' to address health vulnerabilities of

migrants and provide support and services to them. In the process it developed a comprehensive *National Strategic Action Plan on Migration Health* for the timeline 2015-2018. Based on the information and analysis in this study, a number of recommendations are proposed.

Policy Level

The health issue of Bangladeshi migrant workers has not been addressed effectively in the *Expatriate Welfare and Overseas Employment Policy 2016*. The government must incorporate universal access to health care for migrants as one of the fundamental principles of the policy. In addition, it is necessary to incorporate health care and treatment measures, particularly in the sections titled "Policy Objectives", "Policy Directions" and respective articles and provisions related to "welfare and safety" for the migrants and their family members.

In the *Overseas Employment and Migrants' Act 2013,* health related offences as well as ignorance should be criminalized by incorporating clear provisions to: (i) sensitize the recruiting agents about migrant health [Chapter III]; (ii) facilitate pre-departure "Health Profile" during "migration clearance" [Article 20, Chapter IV]; (iii) incorporate comprehensive health care package including a "Mandatory Standard Health Insurance" in the "Employment Contract" [Chapter V]; (iv) initiate labour wing based health support and service system and referral with proper documentation and database [Chapter VI]; (v) address right to access to health care as the core "Rights of migrant workers" [Chapter VII]; and (vi) bring penetrative measures for any kind of health related offence [Chapter VIII].

The recent *National Strategic Action Plan on Migration Health 2015-2018* does not create any space for participation by non-state actors. They need scope for contribution through bodies such as the National Steering Committee, National Technical Committee, and Core Working Group for facilitating effective implementation of the Plan.

Institutional Level

In order to translate the provisions recommended at "Policy Level", an autonomous health department, similar to the Wage Earners' Welfare Board, should be established to regulate health care and treatment services for the migrant workers regardless of their migration status at pre-departure, post-arrival and post-return stages of migration. In case of critically sick migrant workers, this department may ensure emergency treatment and care in cooperation with hospitals in Bangladesh. This agency can explore the prospect of establishing partnerships with health care providing institutions in the labour receiving countries in order to facilitate onsite access to health care and treatment for Bangladeshi

migrant workers. This can be complemented with a Special Health Care and Treatment Unit for migrant workers irrespective of their migration status.

Conclusion

This chapter found that the majority of Bangladeshi migrant workers are exposed to health risks and vulnerabilities in their migration process, and a significant number of them experience workplace accidents, injury, torture and diseases, particularly in the post-arrival stage. As many Bangladeshi migrants are unskilled workers and work in informal sectors, the hazards are extremely intimidating for them. The situation is much worse for irregular and undocumented as most of the receiving countries consider their status as 'illegal'. Bangladeshi women migrant workers who work in the domestic sector also face health hazards in the form torture, abuse and violence, and those with irregular status are the most vulnerable. Existing institutions and arrangements can hardly deal with these problems, and it is expected that the recommendations made in this chapter for policy and institutional change may assist in addressing the issues.

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South-South Pathway comprises movements from Ukraine to Russia, Russia to Ukraine, Bangladesh to Bhutan, Central Asia to Russia and Afghanistan to Pakistan.

7

Annual Performance Agreement in Bangladesh

Miskat Jahan

Introduction

More than four decades have passed since Bangladesh achieved independence. During this period, the country has witnessed major political turbulence, economic crises and extensive socio-economic changes. The consequences of these experiences had a strong and direct impact on the governmental administrative machinery (Osman, 2009). It can be said that the Bangladesh Civil Service has not yet been able to adjust itself with the rapidly changing role of public administration, and the system of human resource management in Bangladesh remains inadequate for meet the current requirements (Jahan and Monem, 2014). As good governance is one of the preconditions of development, a number of changes in the principles and practices of public administration by the government with the objective of streamlining and orienting the civil service to meet the challenge. The incumbent government of Bangladesh has formulated Vision 2021 to take the country forward, and ensuring good governance is one of the most important elements in its framework. An effective, efficient and dynamic administrative system is absolutely essential to ascertain better governance (Guidelines for Annual Performance Agreement 2014-2015). Therefore, it was decided to introduce result-oriented performance management system so that government policies and programs can be implemented under an intensive monitoring system. Moreover, it is recognized that an effective performance management system with provision for an annual performance agreement would help improve the administrative system by ensuring efficiency and accountability of the Government offices. This chapter provides an overview of the annual performance agreement and analyzes the potentials for contributing to good governance in Bangladesh.

Annual Performance Agreement: The Existing Scene

Performance management system can play a major role in ensuring good governance, but it remained neglected in the administrative system of Bangladesh, and there is an apparent lack of interest in establishing a constructive approach for assessing performance in the public sector.

"Government of Bangladesh presently suffers from inadequate performance monitoring and evaluation systems" (Osman 2009). There was no scope for holding employees accountable for unsatisfactory performance or failure to complete tasks. Only the annual budget sessions seemed to be important accountability mechanisms where the Finance Minister presented annual economic performance of the country to the parliament (Osman, 2009). Other than this, there was no provision of ensuring institutional accountability.

The only prevailing performance appraisal system is the Annual Confidential Report (ACR) written by supervisors of public sector employees, but they may not present an accurate account for various reasons. Thus is may be useful to discard the prevailing casual approach of ACR and attempt to make it more authentic and pragmatic (Osman, 2009). Unfortunately, this vital aspect of administrative development has been so far neglected from the reform agenda of the country (Haque, 2012).

The government decided to introduce a Government Performance Management System (GPMS) in light of the recommendations of the Public Administration Reforms Report, 2000 and the National Integrity Policy, 2012. A careful analysis of the recommendations of the Public Administration Reform Commission reveals the presence of new public management overtones (Sarker, 2004). The move comes in the wake of the government's recent emphasis on promoting performance-based work culture and improved governance (Ahmad, 2015). A core committee headed by the Secretary (Coordination and Reforms) prepared the guideline of the GPMS after reviewing the civil servants' performance evaluation procedure in India, Bhutan, Kenya, Malaysia and South Africa. With the objective of introducing GPMS across the Government in mind, it has been decided to have Annual Performance Agreements (APAs) between the Cabinet Division as the 1st party and all other ministries/divisions as the 2nd parties. The main purposes of introducing Annual Performance Agreement are: (a) moving the focus of the ministry from process-orientation to result-orientation, and (b) providing an objective and fair basis to evaluate overall performance of the ministry/division the end of the year (Guidelines for Annual Performance Agreement 2014-2015).

Annual Performance Agreement

A result oriented performance management system is used in many countries of the world to achieve goals through improving the effectiveness and accountability of public officials. It has been decided to introduce dynamic and upgraded performance management system for the public officials in Bangladesh with an Annual Performance

Agreement (APA). This is a result-oriented performance management mechanism and has become an important operational tool in the public administration system of Bangladesh.

Performance Agreements are designed in partnership by management and those actually doing the work to determine the process for measuring performance and establish accountability through it. The agreements state expectations of each party signing the agreement and help improve communication with customers and stakeholders, and ensure transparency and accountability of an organization or individual (Osman, 2009). This is essentially a record of understanding between a Minister representing the peoples' mandate, and the Secretary of a Ministry/Division responsible for implementing this mandate and helps enhance the quality of operation at field level administration between line and staff agencies.

The Agreement provides a summary of the most important results that a ministry/division expects to achieve during the financial year. This document contains not only the agreed objectives, but also performance indicators and targets to measure progress in implementing them (Guidelines for Annual Performance Agreement 2014-2015). APA is an innovative process of evaluating yearly performance of the civil servants in both line and staff agencies and making them accountable for their assigned tasks. Under the agreement, the Ministries underline the vision, mission and strategic goals in consistence with the development priorities of the government, long term perspective plan, five year plan and allocation and business and budgetary allocation of the ministry. Creating a Vision and Mission for a ministry/division is a significant enterprise of APA. Ideally, Vision and Mission should be a byproduct of the strategic planning exercise undertaken by the Ministry/Division. The Mission, Strategic Objectives, Functions, Activities, Performance (Output) Indicators and Outcome Indicators to be incorporated in the Annual Performance Agreement can primarily be derived from the MBF, provided that they are consistent with the Perspective Plan 2010-21, the 6th Five Year Plan and/or ministry/sector policy documents, the election manifesto, and announcement/agenda as spelt out by the Government from time to time. (Guidelines for Annual Performance Agreement 2014-2015).

APA is designed mainly to make individual employees aligned with national vision 2021 and Sustainable Development Goal (SDG). In fact APA is an improved version of the existing ADP (annual development program) review. The APAs seek to address three basic questions: (a) What are the main strategic objectives of a ministry/division in a particular year? (b) What activities they propose to achieve these

objectives? (c) How would someone know about the progresses in implementing the activities at the end of the year? (Ahmad, 2015). Now ministers are contracting with secretaries and secretaries are making contract with the departments. And gradually it will be extended to the field administration.

Problems in the Existing APA

APA is a useful for ensuring the proper utilization of resources allocated to an agency. It establishes a linkage between the government's plan and performance of the officials. However, there are other factors that obstruct the implementation of the Agreement. This chapter focuses on these problems on the basis of empirical knowledge.

Lack of Commitment from Top Leadership

The commitment of top leadership plays a critical role in implementing the Annual Performance Agreement. Unfortunately, top leaders in public organizations are not fully committed and do not have a sense of ownership of the APA. This problem can be detected in both political and administrative leaders at the top. They are not familiar with the components of APA, and mid-level officials are taking the lead by default. Top level officials are unwilling to accept the responsibility for APA, only sign the final report. There is no designated team at the Ministry level to deal with APA. This adds to the complications because mid-level officials cannot get the higher officials to perform in accordance with their hierarchical positions. Therefore, in Ministries where top level officials are involved have done well. In other cases, mid-level officials are suffering from a lack of leadership and APA is barely successful.

Quantification of Performance

Functionally, APA is a quantitative tool of performance management system. However, the Ministry's responsibility is not restricted to specific numerical and predictable activities. Including all elements of the performance of a Ministry in APA may adversely impact the objectives of APA. The existing APA dis not conducive for quantifying the various types and ranges of performance. For example, the Law and Justice Division of the Ministry of Law, Justice and Parliamentary Affairs can set a yearly target to provide legal aid. But the number of clients who may benefit from the arrangement cannot be calculated in advance, and an estimated number of beneficiaries is used. If the Law and Justice Division provides legal aid to more than the predicted number of people, the additional clients cannot be added to APA.

Lack of human resource

The government has not recruited new personnel to perform activities required for APA. All targets have specific timeline to complete their

tasks and it is tough for the Ministries to complete all the requirements of APA due to scarcity of human resources. Besides, the allocation of responsibility for various aspects of APA is a difficult task. It has not been possible to efficiently allocate tasks for fulfilling APA activities.

Selective Evaluation of Performance

In the current Annual Performance Agreement (APA), performance indicators are set with units and target value is measured through numerical percentage. So, there is no scope to add the qualitative perspective of performance. For example, the Ministry of Education targets a certain number of trainees. But the quality of the training program cannot be assessed through APA. Only numerical measurement is not sufficient to improve the annual performance of the Ministries or public organizations. Therefore, the existing APA cannot provide a comprehensive evaluation of performance in an administrative unit.

Soft Target

To achieve only targeted goals, soft targeting is very common in identifying performance indicators, and is also noticeable in APA. Some Ministries consider APA to be target based and result oriented only. In order to demonstrate better performance in APA, Ministries may set soft target and this requires close attention. Ministries that cannot achieve the target, blame the practice of soft targeting by other Ministries. Elimination of soft targeting will be critical for attaining the benefits of APA.

Lack of Training

Annual Performance Agreements are now concluded between the Cabinet Division as the 1st party and all other Ministries/Divisions as 2nd parties. As an instrument of performance management, APA is a new element in the administrative system of Bangladesh. It is too early to provide training to all concerned officials of the Cabinet Division as well as the Ministries. Therefore, it is dependent on only one point for support as well as guidance. The Ministries have only one or two officials who look after all matters relating to APA. Even the Cabinet Division itself is following the "learning by doing" method. Often ministries do not understand the target fixing mechanism and the Cabinet Division is no prepared to provide advice. There is a lack of conceptual clarity between the Cabinet Division and the Ministries. Participatory training sessions could be useful for both parties to overcome the conceptual challenge.

Short Tenure in Position

Government officials generally remain in a post for three years before moving on to another position. In practice, the government does not follow a systematic transfer policy and civil servants are transferred too

frequently (Monem, 2013). As the government does not have sufficient human resources at its disposal, officials are transferred at brief intervals and it becomes difficult to continue APA activities after taking up a new position. Operational leadership for accomplishing the activities of APA has not been developed in the ministries yet.

Fear of Change

The colonial legacy continues in the system of public administration in Bangladesh (Jahan, 2006) and changing the colonial mindset and approaches of public officials is a major challenge. Avoidance to change is a common phenomenon in the Bangladeshi administrative culture. It takes an exceedingly long time to get used to new practices and tools in the system. Since APA has been introduced for the first time in the administrative system, there is a natural tendency among public officials to view it with suspicion. However, APA has been established as a mandatory practice by the government. As a result, although the higher level officials tend to avoid APA, mid-level officials in the Ministries are performing the tasks related to APA. But for the successful implementation of APA, it is very important to get all level of officials and stakeholders participate in the process.

Technical Deficiency

Key personnel entrusted with implementing APA in the Ministries face technical deficiencies as they are not trained and prepared to undertake this important responsibility. This causes problems in completing the required tasks, and Ministries cannot directly submit evaluation reports to the Cabinet Division. As the APA website has restricted access, responsible personnel of the Ministry have to call the Cabinet Division over phone and then it is submitted through email as well as manually. Besides, there is no scope to include additional feedback or comment to the template of APA which is given on the cabinet division website.

Barriers to Evaluation

Performance Evaluation Reports prepared by the ministries need to be reviewed by an Independent Evaluation Committee (IEC) consisting of retired senior public officials, academics, former Heads of Govt. Departments/Agencies and private sector domain experts (Guidelines for Annual Performance Agreement 2014-2015). Although this is stipulated in the APA guideline, it has not been implemented yet. The main purpose of APA is to ensure proper utilization of resources to achieve the intended goals within certain period as well as to make the public officials accountable and responsible, and the evaluation mechanism has a very important role to play. At present, a pool of experts in the Cabinet Division selects Ministries through random sampling to evaluate their

APA report and thus some Ministries are not evaluated. Performance evaluation relates to the formal determination of the job-related actions of officials and their outcomes within a particular position or setting (Business Dictionary). Therefore, it is important to use a proper system to evaluate the APA reports as well as their output and outcome. The activities of the Ministries should also be periodically evaluated for public officials to take it seriously. Moreover, mere numerical value of performance should not be the unique basis of evaluation. Iftekharuzzaman suggested that an independent assessment by a third party can be considered in addition to the assessment by the Cabinet Division and the assessment results be disclosed to the public (Ahmad, 2015).

Target Setting Problems

Targets are tools for driving performance improvements. Target levels should, therefore, contain an element of ambition, but must also be achievable (Guidelines for Annual Performance Agreement 2014-2015). The APA guidelines claim that targets are the drivers for performance improvement, but they are not set in a systematic manner. Moreover, annual targets set by Ministries at present are vague and ambiguous. As Ministries do not operate in isolation from the other agencies, setting targets for specific Ministry is problematic. As Ministries have to submit supporting documents with the annual APA report, so it is difficult to present broad visionary statements. A realistic and rational process for setting targets could make the implementation process easier.

Enhance Understanding of Cabinet Division

As APA is a completely new performance measurement tool in Bangladesh public administration, the concept remains unclear to the relevant actors. The Cabinet Division deals with all matters related to APA, but there seems to be a lack of understanding on its part. In some cases, it is difficult for the Cabinet Division to understand the performance criteria of different Ministries. The Cabinet Division is the implementing agency for APA, and needs to train and upgrade the skills for officials who are assigned to this task.

Recommendations

The APA "is very positive, something unprecedented in Bangladesh. We all must welcome the move. If APAs can be implemented on a reward and punishment basis, it will definitely yield good results in quality enhancement of governance'' (*The Daily Star*, date required). In spite of several criticisms voiced in this chapter, it can be said that APA has the potentials for improving the process of public administration in Bangladesh. A number of recommendations are proposed below to attain this end.

- Full-fledged participation of the top leaders in the APA activities has to be assured.
- A separate wing should be introduced by the Cabinet division to deal with the APA activities.
- Both quantity and quality measures should be incorporated in the indicators for APA.
- Targets of APA should have to be set scientifically and logically.
- More training, workshops, open table discussions, day long sessions should be organized for better understanding and clarification of the APA concept.
- Tenure of jobs has to be maintained according to the Civil Service Rules.
- Periodical evaluation has to be conducted for better performance of Ministries. Independent and proactive evaluation committee should be formed to evaluate all performance records of every Ministry. Performance auditing is necessary for making evaluation more effective.
- A Performance based proper incentive system should be instituted.
- Ministry level teams have to be formed for coordinating APA activities.
- More employees with technical knowledge should be recruited.
- More behavior changing training should be arranged for the public officials.
- APA activities should be aligned with the institutional practice so that after transfer of responsible person the work can continue with a new official in charge.
- APA can be linked with Annual Confidential Report for ensuring impersonality in the performance management system.

Concluding Observations

This chapter discussed the weaknesses in the existing APA and recommended steps for overcoming them. Good governance requires an efficient and result oriented public service system, and a performance based, accountable, transparent, responsive and people-centric approach should be considered. The government has initiated policies and actions to reform the system of performance management system. This is not an easy task, particularly in a country like Bangladesh which is confronted with multifarious problems (Sarker, 2004). APA may succeed as an instrument of performance measurement through pre-set indicators and targets. But the indicators and targets need to be determined with care. All stakeholders of APA should be more committed to implement it properly for ensuring a better performance management system.

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8

Cyber Risk Identification and Governance

Md. Anamul Habib
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Introduction

The issue of cyber risk has become extremely important both in the private and public sector with the increasing incidence of severe and frequent cybercrimes. Attacks against information infrastructure and internet services are generally recognized as cyber risk. Many researchers found that the impact of cybercrime is much more expensive than physical crime (Wilshusen, 2007). In recent years, malicious software alone caused damages of multi-billion dollars, and this clearly demonstrates the importance of protecting information infrastructure. Furthermore, a recent case of cybercrime drained US$81 million from Bangladesh Bank via SWIFT, DRIDEX virus caused a loss of US$100million, Ecuador's Banco el Austro lost US$12 million to theft via SWIFT, the Stuxnet worm sabotaged Iran's nuclear program, JP Morgan had data on 76 million US household account record stolen, andthe US government had 18 million personnel details stolen (Danielsson, Fouché, & Macrae, 2016). Cybercrime can have disastrous impacts on the victims and these may occur both from internal and external sources. Cybersecurity risk arises from different sources and mechanisms such as computer virus, ATM fraud, identity theft, phishing, spoofing, e- theft, netspionage, online credit card fraud, software piracy, spam, e-fraud, and cyber terrorism (Smith, et al. 2011). All of these cybercrimes have led to initiatives for awareness about IT investment risk, cyber competence risk, cyber-infrastructure risk, IT project risk, business continuity risk, information risk, and IT reputation risk.

Cyber risk governance and management are therefore critical for businesses to ensure stability and operability, and this is also required by law. Often, the issue of cyber risk is seriously considered after a crime occurs, although a proactive approach could prevent the financial and other losses. In many cases, people responsible for making decisions ensure cybersecurity do not have adequate knowledge and expertise, and this problem is more acute among board members (Gilek, Hassler, Jönsson, & Karlsson, 2011). It should be noted that cyber risk is not only

a cause for financial loss, but bears the potential of risk to the reputation of the enterprise, market, operations, competency and business continuation.

With this background in mind, this chapter presents an empirical study to identify the main cyber security risks, the role of the boards, and the state of governance in this area. The following research questions are used to guide the investigation.

RQ1: What are the top cyber risks at present?

RQ2: Why are the boards failing to deal with cyber risks?

RQ3: What governance framework is needed to mitigate cyber risk?

Cyber Risk and Governance

Cyber risk includes the loss and harm in the business that arises from computer system failures, theft of data by hackers, and attack on the system by criminals. Failure to mitigate the risks has adverse consequences on both internal and external stakeholders, and the cost is higher than physical crime (Wilshusen, 2007). In recent years, there have been several incidences in the public, private, and corporate where money was illegally transferred out of bank accounts and personal details and data on customers were compromised.

Although the methods of cybercrime vary, the ultimate outcome is financial loss that also affects the trust of customers. All aspects of an agency's operation may be affected directly or indirectly by the crime. Financing can be affected by ATM frauds, phishing, identity theft, and denial of service (Raghavan & Parthiban, 2014). Further, companies subjected to cybercrimehave to deal with customers who are worried about the security of their businesses and this may lead to a decrease in the market value of the enterprise, concerns of financial analysts, investors, and creditors.

Riem (2001) found that the greatest threat to computer security comes from employees, consultants and contractors working within the company, rather than from outside hackers attempting to obtain access. Yapp (2001) agrees that the greatest threat to security is still from the inside, which is where nearly 70% of all frauds, misuses, and abuses originate. Inadequate password policies and controls are at the root of most problems.

Changes were taking place in the 1990s in information management focusing on the security related to people, processes, information as well as IT. Since then, a number of improvements helped change old security management standards to higher international standards (Humphreys, 2008). Although these measures are used by hundreds of thousands of organizations worldwide, cybercrime is still continuing in different formats. To mitigate cybersecurity risk, the installation of security tools

and measures appear to be the ultimate solution. However, it can be argued that members of the board should have sound knowledge of cyber risk and IT specialists should have a place on the board. The Chief Risk Officer (CRO) should have profound knowledge about cyber security. Risk issues need to be addressed comprehensively or even holistically which means that there should be full agreement on the maintenance of security, and the critical question of "who is responsible" and "who pays" needs to be answered (Kröger, 2008).

In order to better manage cyber risks and legal liabilities resulting from data breaches, firms have turned to purchasing cyber risk insurance. It was argued that firms must take a proactive approach toward managing cybercrimes - not only for their wellbeing but also to improve overall cybersecurity (Shackelford, 2012). To manage the cybersecurity risk, the corporate governance framework should ensure the strategic guidance of the company, effective monitoring by the board, and the board's accountability to the company and the shareholders (Sajeva & Masera, 2006).

Researchers found many weaknesses on the board regarding cybersecurity governance. Interestingly, many organizations believe that they do not need to invest heavily security, including cyber-insurance. This position underscores the importance for Boards to act immediately if their firms are to minimize the impacts of an ever-growing array of potential IT disasters (Parent and Reich, 2009). It is a major challenge to make risk management decisions in an effective, fair and rational way. Particularly, governance strategies will have developed by consideringthe principles of governance currently adopted in both public and corporate levels through participatory, effective and fair decision-oriented process for assessing and managing cyber risks (Sajeva & Masera, 2006).

Furthermore, governance structures are generally not good enough to ensure the independence of the CIO, CRO and other executive officers in regard to the cyber risks. Multi-layers of decision making and reporting nodes affect the autonomy of the executive officers working on cybersecurity risks which threaten the aim and objectives of the organizations (Skelcher, 2005).

In addition to this, complex decision-making processes related to institutional diversity can result in considerable disadvantages when complex, unknown and ambiguous risk problems need to be identified. Three points should be noted in this regard. First, risk problems of various dimensions can be managed at many levels. Second, an inherent level of overlap and redundancy forces nonhierarchical adaptive and integrative risk governance systems to be more resilient and therefore less unsafe. Finally, the involvement of a larger number of actors helps experimentation and learning (Renn, 2008).

Lack of proper understanding of the types of risks and their effects on the performance of the firm among members of the board is one of the principal reasons for failing to prevent cybercrime. The understanding of the dynamics, structures and functionality of risk governance processes requires a comprehensive understanding of procedural tools and structural configurations covering the variety of actors and processes in governing risk (Gilek, Hassler, Jönsson, & Karlsson, 2011).

Also, non-incorporation of experts, stakeholders, lawyers, and other divisions of the organization is a major cause of failure in cyber risk governance. Reliance on expanded incorporation of stakeholders in the risk governance process was the central theme of the contributions by Lidskog et al. (2011) and Karlsson et al. (2011). In spite of new attempts to develop new models and frameworks of risk governance, there is still a need for linking these conceptual ideas to actual case studies and explore their usefulness in producing more informed and robust risk management strategies (Renn and Walker 2008).

Management in each sector needs to have competence and capability to manage cybersecurity risk. The risk identification process needs a substantial analysis ranging from physical security to common vulnerabilities of the IT systems (Siegel, Sagalow, & Serritella, 2002). A possible risk classification could be arranged by considering the following categories: activities of people, disrupted internal processes, system and technological failure, and external events, where company CIO or CRO is responsible to identify risks and mitigate them (Biener, Eling, & Wirfs, 2015). Posthumus and Von Solms (2004) suggested a different set of factors for risks in business information constitutes and they include physical risks, technical risks, and deliberate or accidental acts of humans and strategies for their management will be different.

Analyzing Risk Governance

The primary objective of this chapter is to identify major cyber security risks that contribute to creating uncertainty. It also aims to examine the role of the board in the governance of the cybersecurity risk. A rigorous literature review helped identify the risks regarding cyber security and their implications for the organization. A scan of the existing environment contributed to pinpointing the key risks, and constructing a discussion of the nature and effect of each risk on the operation of the organization. The chapter then proceeds to present a new and effective governance structure based on existing practices of cyber risk governance. In the process, the roles and responsibilities of each member involved in cyber risk governance were analyzed. Finally, a framework reflecting a combination of the sources of principal cyber risks and their governance is offered.

Major Risk Identification

Published materials were reviewed to understand the types of cybercrimes and risks that arise from them. There are a large number of cybercrimes and risks, but all of them do not become uniformly damaging for businesses and do not result in the same amount of loss. For this analysis, cyber risks that can cause significant financial lossesto businesses were identified by scanning the environment, taking into consideration the present state of business and topical issues related to cybercrime. It was found that the main risks of cybercrimes arise from IT investment and projects, cyber competence, cyberinfrastructure, business continuity, information, and IT reputation.

IT investment risk escalates from different types of cybercrimes that lead to substantial losses and underlines the need for cyber security investment. Companies make large investments for cyber security, but criminals break through and steal sensitive data. So the investment for this security is worthless for the companies. Consequently, the customers lose trust and the reputation of the companies suffers. At the same time, the declining competence level of IT professionals adds to the risk. Moreover, new projects have to consider the risk of cybercrimes and that adds to theircost. In fact, stealing data appears to be a regular phenomenon in the business world, as was evidenced in the cases of Target Inc. and Yahoo.

Table-1: Risk Identification and Implications

Type of Risk	Sources of Risk	Implications	Cybercrime
IT Investment Risk	Theft of Data Hardware Damage	Capital lost Low profit	Computer virus ATM frauds Identity theft Phishing Spoofing E- theft Netspionage Online credit card fraud Online denial of services Software piracy Spam E-fraud Cyber terrorism
Cyber Competence Risk	Loose Customer Employee Turnover	Revenue downturn Customer dissatisfaction	
Cyber Infrastructure Risk	Loose Information Physical Damage	Risky Operation	
IT Project Risk	Lack of skilled IT Expert Insufficient Fund Increase Project Cost	Hampered smooth operation	
Business Continuity Risk	Lower Capital Low Business Growth	Business shutdown	
Information Risk	Weak Password Dishonest Employee	Loosing competency	
IT Reputation Risk	Identity Theft	Lower customer loyalty Additional regulatory scrutiny	

Cyber Risk Governance

Many senior managers use principles and processes to effectively manage the investment, deployment, and operational support for IT. However, these activities are not performed at the Board level, nor are they included in the job duties and responsibilities of Directors. Moreover, since cyber security is viewed to be directly related to IT governance, they are perceived to be exclusively in the realm of IT value creation rather than risk avoidance. From the perspective of Boards, these risks are too complex, detailed or technically focused to be managed them. Recognizing the complexity of IT, the U.S. Securities and Exchange Commission offered listed companies relief from SOX Section 404 compliance, including a slower pace of compliance inspection, reduced auditing verification, and guidelines clarifying compliance requirements (Securities, U. S. 2006). Our analysis suggests that there are three preliminary targets in IT risk governance - the security of data and information, the integrity of hardware and systems, and the implementation of IT projects. Risk governance requires plans and implementation for each IT target.

In the wake of devastating and embarrassing cyber security lapses at Target, JPMorgan Chase, Home Depot and dozens of other established and widely respected brands, the Boards of Directors are now increasingly aware that the responsibility for the safety and integrity of their networks and data remains squarely on their shoulders. The SEC Commissioner Luis A. Aguilar noted in a speech that Boards of S&P 200 companies are now universally taking responsibility for oversight in the area of cyber risk management (Straight, 2015). Aguilar identified three significant steps to learn, ensure and inspect. Boards that keep these imperatives in mind will be in the best position to reduce risk and limit the damage when an attack occurs. Similarly, the cyber risk committee or audit committee plays a vital role in monitoring the preparation for, and response to, cyber security risks and associated regulatory and business developments. Although all firms do not have their individual cyber risk committee, generally the audit committee plays the oversight role on cyber security risk. Overseeing a successful program of cyber security requires routine and proactive engagement by the Board and the Audit Committee. This Committee, in its capacity of overseeing risk management functions and monitoring policies and procedures, plays a notable strategic role in coordinating cyber risk initiatives and policies and proving their efficacy. These responsibilities comprise setting expectations and accountability for management, as well as assessing the adequacy of resources, funding, and focus on cybersecurity activities.

Cyber Security Governance Framework

Almost all corporate Board has an Audit Committee for overseeing the risk functions of the organization (Al- Hadi, Hasan, & Habib, 2015).

There is no separate IT committee in the structure of the Board. Interestingly, the Audit Committee, too, does not have many members with IT knowledge. Furthermore, it is standard practice in the corporate Board that the CIO and CRO will report to the CEO (Whitman, 2015). All these practices are escalating cyber risk to a high level. Figure 1 presents a proposal for establishing a governance structure to mitigate the risks.

Figure 1: Cyber Risk Governance Framework
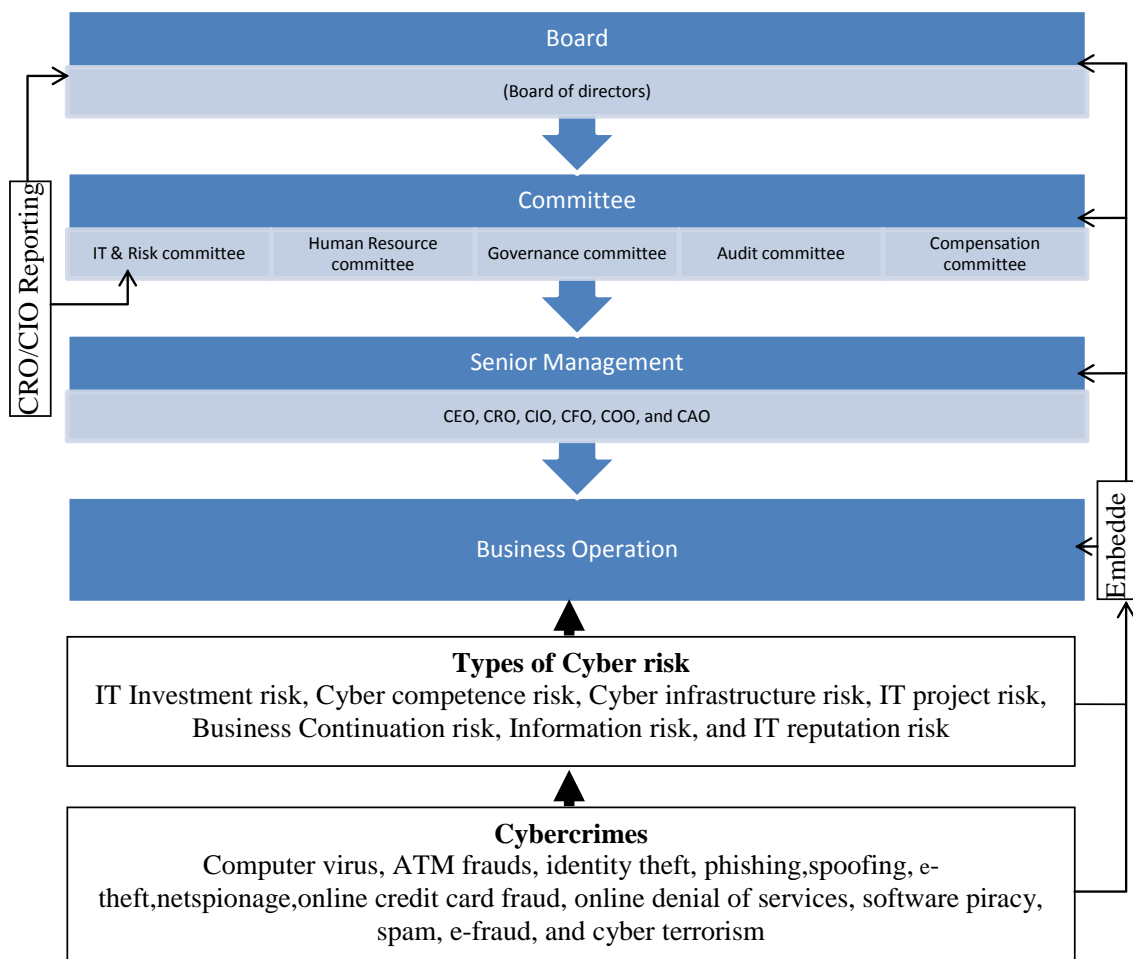
The proposed cyber risk governance framework includes the hierarchy of risk governance and reporting including the scanning of the environment for proper identification of the sources and types of cyber risk. The framework proposes that the cyber risk be embedded within every division so that all employees have a clear understanding of it. The initiative should begin with the Board adopting a policy regarding cyber risk. Along with the Audit Committee, the firm should have a separate IT and Risk Committees which will include at least one IT specialist. In order to avoid conflict of interest, the Chief Risk Officer (CRO) and Chief Information Officer (CIO) should report directly to the IT and Risk Committee or the Board. The policy should be helpful in providing clear ideas on cyber risk among the employees, and the importance of implementation must be recognized. Therefore, an appropriate proper

method is necessary for identifying cyber risk. In this regard, the organization should arrange seminars and workshops for all levels of employees to help them identify the sources and types of cyber risk. Finally, cyber risk governance is a continuous process, and the Board and IT and Risk Committee should regularly monitor itto ensure that cyber risk governance is in place.

Conclusion

The discussion in this chapter indicates that a holistic governance of cybersecurity risks is critical. It is necessary to implement the enterprise-wide cyber risk governance process because of increased importance of information and information technology. Preventive measures for IT security, as well as coverage by cyber insurance policies, can be a risk governance tool for minimizing cyber risk exposures. Otherwise, an increase of cyber risks will, exacerbate overall risk positions, revenues will drop, and customers can turn to competitors. Intangible long-term costs from such cyber incidents may directly influence all lines of business and hence, in the worst case, end up with sharply reduced market value. Furthermore, cyber risk governance should be interpreted as a process that is subjected to continuous oversight, reviewing and improvement. Most enterprises do not have a distinct IT committee, and very few of the Board members are knowledgeable in IT matters. Furthermore, most enterprises do not have a position of CIO, and CROs or CFOs are placed in charge of IT departments. As a result, the Board cannot implement IT plans effectively and do not get productive feedback from them. This study examined the general state of the problem of cyber security, and further research is proposed on particular industries to help Board members, policy makers, government and other stakeholders in mitigating cyber risks.

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9

Litigation Delay and Judicial Administration in Bangladesh

Abdur Rahman Zibol

Introduction

An essential tool of fundamental right as guaranteed in the Constitution of the People's Republic of Bangladesh is the right to have speedy and fair trial in judicial proceedings. However, delays in litigation are an outrageous aspect of judicial administration. Lawyers are accustomed to these delays and have developed a tendency to disregard the significance of the maxim, "Justice delayed is justice denied". Interestingly, they use this oft-repeated cliché in their defence when needed. They treat a delay in litigation as an occupational given or as an inevitable incidence.

Most lawyers and judges familiar with civil or criminal trial practice agree that the most critical problem is delay in either trying or disposing of the case.[1] Judiciary is not a single device but a combination of mechanisms linking agencies dealing with law and order, land, health, local government and public administration as well as the public at large. Problems of delay in judicial administration have emerged as a national crisis in Bangladesh. This crisis has multiple negative impacts on the state of governance, and points to the need for extensive research on delays in litigation, with a view to establishing good judicial activism. With this backdrop in mind, this chapter explores strategies for eradication of minimizing the long delays in judicial administration. The principal aims of the study are to: (i) identify and analyze the reasons for delays; (ii) evaluate the problems noted by the Law Commission; (iii) explore the current status of delay in litigation; (iv) suggest measures to minimize the problems uncovered in the study.

Multiple methodologies are used in this study to ensure validity, reliability and objectivity. The primary sources of data include case studies, consultation with experts, content analysis of items in books, the internet, newspaper and journal articles, statutes, charters, law reports, judgments, minutes of judicial conference and research reports on judicial reforms. It will also draw upon information obtained from observation and the participatory method. As delays in litigation amount to the violation of human rights, it is imperative to work toward the alleviation of this aspect of the problem of administration of justice system.

Case Study: Justice Delayed

Research studies indicate that most delays in civil litigations take place over criminal cases. It should be added a year's delay in criminal cases can have much more adverse impact a five year delay in civil cases. The reason is that establishing a criminal case depends largely upon eyewitness, while documentation is of prime importance in civil suits. Moreover, innocent people often suffer from the harshness of custody in jail as a large number of false cases are filed. Violation of human rights in prisons of Bangladesh is often reported. Avoiding delays in both civil and criminal trials are important because one case may lead to others among the parties or witnesses.

Cases in point

i. *Bangladesh Protidin*, a daily newspaper published a report on 9 September, 2016. It stated that the trial of 35 woodcutters had not been completed in 20 years. In the forest of Pakuakhali of Longadu-Baghaichhary Boarder area under Rangamati district, terrorists captured 36 (thirty six) woodcutters and inflicted torture by tying them up and keeping them blindfolded for 3 days. One victim was able to flee and, based on his information, the police rescued 28 bodies. The bodies of the other 7 were not found. Families of the 35 victims are waiting for justice for 20 years, and the prospect of receiving justice remains uncertain.

ii. One Zasim who worked in Qutar as a Driver an accused of a murder case and his relative Mr. Monirul Islam came to me and told that one person was killed at night near about the house of Zasim's previous wife in 1996 and thereafter case was lodged against unknown persons and after investigation 3 persons were implicated including Zasim. As per his version the relatives of his previous wife implicated him by managing the investing officer and Mr. Monir produce some documents where I found the Sessions case No.1169 of 2001 is pending in Dhaka Court. Thereafter, I inspected the case record where I found that the case has been renumbered as Sessions Case No.11 of 2016 and still pending for further witnesses and it is also uncertain when the justice will meet with the departed soul of the victim.

iii. **A civil suit:** While I was posted as Assistant Judge of Shahjadpur Court, Sirajganj then I have the courage to dispose of a civil suit of 1940. I have delivered the judgment of the said suit in 2008 and at that time I called the parties before pronouncing judgment and did not find the original plaintiffs/defendants and their sons/daughters but found the grand sons of both parties. Thereafter, I have collected information for this write up that the same case is pending in appeal.

Causes of delay identified by the Law Commission of Bangladesh

The Law Commission of Bangladesh established under the *Ain Commission Ain*, 1996 (Act No. XIX of 1996). This Commission basically acts on research to identify the reasons of any defects of law or proceedings and suggested measures of the loopholes for enacting new law, but its suggestions seldom followed by the Law-makers. However, the Commission pointed out some reasons for the delay in disposal of cases in the subordinate Courts only, which cover both procedural as well as practical loopholes.

These are as follows:

a. Abundant number of cases in the Subordinate Courts;
b. Absence of specialized Court;
c. Defects of procedural law;
d. Lack of dutifulness of the Judge;
e. Lack of effective monitoring in the judicial system;
f. Non-cooperation of the lawyer;
g. Problems in serving process e.g. summons, warrant etc., chance of amendment of plaint and submission of supplemental written statement and chance of prayer of unconditional interlocutory orders;
h. Scarcity of logistics of the judges.

However, the Law Commission either silent or ignore the matters of stay of litigations by the Higher Court and accountability of the judges and lawyers which at present phenomenal causes of delays in litigations.

The Roots of the Problem

It is patently unfair to require a litigant to wait years long for a decision. The standard legal process need not consume so much time. Legal scholars should identify the roots of the problems to eliminate or minimize them. The following factors are principal causes of delays in litigation:

(i) Lack of Accountability of the judges and lawyers; (ii) Dependency of Judiciary upon other administrations of the Government; (iii) The unsystematic management of the Judicial Administration; (iv) Increasing litigations tremendously; (v) the philosophy of procrastination of many judges, lawyers and one side of litigants; (vi) the priority of trial over compromise; (vii) the loopholes and complexity in the procedural law, and (viii) Limitations of the judges and lawyers as well as the law-makers.

Reasons of the Problems

Lack of Accountability of the judges and lawyers

Lack of accountability in judicial activities by the judges and advocates caused several factors coupled with the undesirable delays in litigations.

The judges and lawyers are not willing to make their staffs and clerks accountable or they could not do this respectively. Lack of accountability in the judiciary paves the way to generate dysfunctions, transparency crisis and corruption and destroys the fundamental rights resulting in injustice in everywhere.

Dependency of Judiciary upon other administrations of the Government

The paramount problem of the judicial administration is to depend upon the other administrations of the Government likely Police who get the vital responsibilities of recording and lodging cases, inquiry, investigation, arresting criminals, giving expert opinion as to hand-writing/thumb impressions, servicing summons and notices as well as conducting general register cases and giving evidence as witnesses before the Court but their conduct and competency does not ensure to make the speedy and sound judicial process. Another administration of health where the doctors take part in giving injury certificate, examinations of victims, making post mortem and giving evidence before the Court, but their report and availability before the Court caused delay in cases.

Unsystematic management of the Judicial Administration

There are two basic streamlines of litigations likely Civil and Criminal in nature but the judges (include Magistrates) for all have to deal the proceedings in both side. The judges have minuscule scope to become expertise even in one side of vast area of law. A judge is sitting on the chair without proper training resulted mismanagement of Court time, advocates, clients and staffs engaged with the legal proceeding. In Bangladesh judges have to take training after appointment and posting and they have to work for non-judicial activities likely Staffs' appointment, Nejarat, Record Room and Coping department within the scheduled time of the Court and also lack of logistic supports of judges and sudden transfer without giving posting another judge there in time caused delay in litigation.

Increasing litigations tremendously

This is a common phenomenon in all jurisdictions of the Judicial Administration. Peoples' intolerance, interests and craving to be profitable by dint of any means creating violation of fundamental rights are paramount factors of arising litigations. More than 80% civil nature cases arising from the Land Administration likely Survey Department, Assistant Commissioner (Land) Office, Tahshil Office who mainly work for the record of rights and another malefactor office Registration of deeds where inefficient deed writers, touts and dalal are available to make mistake and creating false documents beyond mismanagement of Ministry of Land and Law. Besides, civil nature cases also increasing

surprisingly due to the authoritative corrupts of various departments of the Government due to mala-fide, illegal, arbitrary and inefficient orders relating to appointment, posting, transfer and promotion *et cetera*. On the other hand more than 90% criminal nature cases arising out of civil nature cases due making harassment upon the opponents or even to the witnesses and supporters who are willing to establish their civil and political rights at large. It is also important to note that the present village politics and Shalishders of the rural or urban area are malefactor of creating many civil suits and criminal cases. Increasing litigation creates backlog and backlog also creates new litigation.

Philosophy of procrastination of many judges, lawyers and one side of litigants

Philosophy is being established by the nature, mentality of the people and historical background of the jurisdiction. The legal system of Bangladesh has been oriented from the common law culture. Like any other legal system, common law with its adversarial or accusatorial features, has both its merits and demerits. Some judges and lawyers as well as litigants have led our judiciary to a situation where its demerits are ruling over the merits, manifesting in crippling backlogs and delays. Due procedural law and backlog in the Court the judges and advocates have to take times to cover the stages of trial and traditions build up that the summons and notice would not be served out in time and the rich party in the case is always tried to consume time to make harassment upon the poor. Finally, justice fails to pay even the winning party of the case, for its costs in terms of time, money, energy and human emotions are too high.

Priority of trial over compromise

The lawyers and one side litigants are very much willing to go for trial. In civil suits there is a landmark provision for compromise under section 89A and 89B of the Code of Civil Procedure, 1908 and the Judicial Administration of Bangladesh is trying to establish the Alternative Dispute Resolution popularly known as ADR and some visible contribution is seen by the utmost trying of judges, the reluctance of the advocates are also remarkably seen not to compromise. In criminal jurisdiction there are also provisions for summery trials against petty offences and for compromise under section 345 of the Code of Criminal Procedure, 1898 in case of certain offences, thus the judges and advocates both are reluctance to make compromise over trial.

Loopholes and complexity in the procedural law

Delay occurs because the provisions of the procedural law are not properly observed and leaves room to escape speedy disposal for loopholes and complexity in procedural law. After filing the plaint, the process fee is not paid for a long time so that the summons to the

defendant is not served in time. The defendants try to avoid of taking summons and notice by managing the process server who has many pretence likely parties not found, address incorrect and huge work-load not to serve the summons in time. Lack of internal discipline and accountability of the judges and lawyers as well as reluctance of the judges, accentuated by their statutory non-compulsion, to use pre-existing rules and orders to expedite the trial, or to sanction the parties for failing to follow the procedural requirements, meaning that the judges do not take initiative to employ procedural power already within their reach, nor do they make use of their rule making power to achieve procedural effectiveness. Moreover, our procedural laws permit of taking frequent adjournments by both parties of the litigation and making interlocutory prayers, orders and appeals/revisions which fractures the case into many parts and effectively stay the trial. The advocates also have pretence to give no confidence upon the judges which also accelerate the cause of delay.

Limitations of the judges and lawyers as well as the law-makers

Limitation as to incompetency inherently developed in judicial administration due to improper appointment, training, dependency, lack of adequate knowledge to the assignment and largely depends upon the ignorance of the persons in post and position. It is important to mention that ignorance of the judges is the calamitous for the people.[2] There are serious loopholes in law making process in our country which priorities one person's will over common people's will and interest as such, resulted incompetency or loyalty to the power makes bad laws for us. The judges and advocates are failed to transform themselves into proficient and accountable one and they are becoming busy with their petty personal interest in coping with politics so that public interest so far as it relates with the litigations suffered immensely.

Suggestions and Recommendations:

Our judicial administration is swimming with wide scope of corruptions which correlates with political influences in respect of appointment, posting, promotion, insufficient salary and logistic supports. Due to squat of moral courage and spirit a judge of administrative tribunal cannot execute a decree against the Law Secretary to avoid his harassment. Moreover inefficiency of judges, advocates and prosecution teams as well as non co-operation of the other administrations connected with the judicial proceedings cause failure to get easy, speedy and cost effective result in the cases. Delay in judicial process makes foundation of backlog; rising backlog puts incredible stress on present cases and vice versa. The present rate of disposal of cases and backlog is shocking for judicial administration, rule of law, good governance and economic

progress of the country. Under the present judicial system, the fruits of justice could be enjoyed only by those who could afford its costs. Some suggestive measures are given below to be taken in to account for a healthy judicial administration in Bangladesh perspective:

Digitized Judicial Administration

Digital Judicial Administration can make the judiciary more effective, accountable and transparent. The advocates must file 2 (two) sets of plaint/complaint i.e. one as hard copy and another soft copy through online. The judges should forward gist of every order through website against every case. The interested person can find out the case, order and current position of the case through the special website of the concern Court without depending upon Staffs, Clarks and Advocates. The parties have to pay money to inspect the documents and to have a date of the case. Sometimes failure to get up-to-date information interlocutory matter arises in civil suits and the bail being cancelled due to non-appearance of the accused. The public witnesses can get summons through the website of the Court. So, digital judicial administration may minimize the unnecessary delay.

Judicial Administration should be separated

A separate administration of the judiciary may be a way out in coping with the present backlogs of litigations. This may happen in any or more of the following ways:

a. An exclusive secretariat under the authority of the Supreme Court

b. Top to bottom 2(two) Divisions of Judiciary i.e. Criminal Division includes- Magistrate-Joint Sessions Judge-Additional Sessions Judge-Sessions Judge- Criminal Division of High Court – Criminal Appellate Division; and Civil Division includes Assistant Judge-Joint District Judge-District Judge-Criminal Division of High Court and Civil Appellate Division.

c. There shall be a Chief Justice of Bangladesh having only supervisory power over the whole judiciary including prerogative power without power of hearing of judicial proceedings.

d. Good number of judges should be increased and salary of the judges should be amplified to attract the commendable persons to this profession.

Effective Procedure for Service of Summons

There are many interesting chronicles as to serving of process. Under the present procedural system, service of summons or process is not properly resulted due to procedural technicalities. Moreover, the postal system of our country is not effective enough in providing its service in time. So

there is glaring need to change the present system and to incorporate a new dimension of service of summons or process. Any or more of the following steps may be taken into consideration:

i. The Village Court/Office of Councilors can play a vital role in servicing summons as they are well known to the locality.

ii. The parties should submit 2(two) sets of summons or notice and the process server/assigned police will delivery one copy in the office of the Village Court/Councilors instead of post office as the Postal department has already lost its confidence and another will be served by himself.

iii. Provisions should be incorporated in increase the transport costs for the process-server and to make them responsible for failure of service within the stipulated time.

iv. Government oriented internet or cyber network access should be adopted in every stage of the service of summons or process.

Increasing Court/Process Fees etc.

The parties in litigation have to pay unlimited money in a proceeding, whereas the Government got not more than 1% cost of the proceeding. The following examples are open secrete to everyone as-

i. In a mutation proceeding the Government at present will get Tk.250/=(taka two hundred and fifty) only as per the circular of 2010, but the parties have to pay Tk.5000/=(five thousand) to unlimited figures and the mutation proceeding must be completed within 45-60 days.

ii. In filing General Diary in the police station party is bound to pay at least Tk.500/=(five hundred) and in case of lodging First Information it depends upon the identity of the informant, but the Government has no gain over the matters.

iii. In filing civil suit/petition of complaint the parties have to pay the seristader, peshker and peon of the Court concerned which is both limited and unlimited. It is also run till disposal of the litigations.

It is mentionable that parties in the proceedings are very much willing to pay the right amount through ethical ways, but they have to pay more and more amount in unethical way which also tortured them mentally a lot. So, it is important to increase all kinds of fees to introduce digital judicial administration and to give effective facilities to persons engaged in the proceedings without imposing burden upon the Government.

Opportunity for Amendment of Pleadings and of Adjournments should be Limited

Amendment of pleadings occurs due to inefficiency of the Advocates and lack of documents of the parties and most of the adjournments taken by

the advocates due to their busy schedule and by the Government side. There should be a demarcating time within the period of which pleadings may be amended and no adjournment should be granted at the trial stage except on unavoidable grounds.

Early Disposal of Interlocutory Matters

Appeals or revisions against interlocutory orders which hold up the progress of civil suits and report of expert and publication in newspapers in certain criminal proceedings in lower Courts should be given precedence over all kinds of works other than that of an especially urgent nature, and every endeavor should be made to dispose of such appeals or revisions quickly.

Examination and Cross-examination on the Same or Consecutive Day

The witnesses in attendance must be examined on the same date and that no witness should go unexamined. The examination-in-chief of a witness shall be recorded on affidavit. There should be clear-cut provision that examination-in-chief and cross-examination of a witness must be completed on the same day or on the consecutive day. There should have recorded version of evidence as to avoid tempering in the record by any malefactor and to avoid petition of re-calling witnesses.

Compulsory ADR Mechanisms

As earlier it is stated that the Code of Civil Procedure adopts Alternative Dispute Resolution (ADR) mechanisms in Sections 89A to 89C as to mediation and arbitration. It is observed that the parties to the suit are quite ignorant of ADR mechanisms and the advocates are not willing to encourage their clients about ADR owing to loss of their financial interest. The ADR experiment in many countries reveals that ADR is the only mechanism, which settles down the dispute at the early stage of proceedings and prevents lingering of suits before entering into trial stage. ADR works like an anti-biotic against the long process of disposal of suits. ADR also provides the win-win situation among the litigants. For effective ADR mechanisms the Government should take initiatives to give benefit to the advocates and make rule to return the Court fees to the party concerned and it must be compulsory in every civil suit and in case of compoundable offences of criminal proceedings.

High Court Rules and Order / CRO Mechanisms

High Court Rules and Orders as well as Civil Rules and Orders (CRO) regulate the official as well as private conduct of the judges and to some extent of the advocates. The up-to-date version of both can play an effective role in facilitating speedy and early disposal of suits.

Accountability of Judges

A judge is accountable to his superior authority. The hierarchy of the Courts indicates the accountability of the judges of the subordinate

Courts. The High Court Division has superintendence and control over all Courts and Tribunals subordinate to it. The subordination of the Courts indicates that the District Court is subordinate to the High Court Division and every Civil Court of a grade inferior to that of a District Court and every Court of Small Causes is subordinate to the High Court Division and District Court. Every Judge has to prepare and submit a monthly or weekly statement of his judicial functions which includes a column of disposal of suits. Any misconduct committed by a judge makes him liable to departmental proceedings under relevant service rules. The accountability provisions of a judge may be said to be good if it is properly implemented. Recommendation may, however, be considered in the following perspective:

a. Judge having dual jurisdiction i.e. civil and criminal should include a certain number or percentage of disposal of civil suits in his monthly or weekly statement, failure to which makes him liable.

b. Judge's monthly or weekly statement should include a column of disposal of suits through ADR.

c. Regular and timely visit by the superior judicial officer over the inferior Courts may ensure the accountability of the judges of the subordinate Courts.

d. Annual Confidential Report (ACR) should be made main basis for promotion of a judge. It may also be suggested that, ACR should be considered fundamental basis for promotion for the administrative judicial posts, e.g. District Judge, Chief Judicial Magistrate, and Chief Metropolitan Magistrate etc. Ranking of merit list of a judge should not be the only basis for promotion.

Accountability of Advocates

Unlike judges, there is little accountability provisions for advocates. The Bangladesh Bar Council is the controlling and supervisory authority which gives advocacy certificate and supervises professional conduct of the advocates. According to the Bangladesh Legal Practitioners and Bar Council Order- 1972, an advocate may be reprimanded, suspended or removed from practice if he is found guilty of professional misconduct, and the Bar Council may refer such an allegation of misconduct to the Tribunal constituted by it. There are however, the little instances where an advocate had been reprimanded or suspended or removed from practice for his professional misconduct. Although there is a soaring feeling among the people that the advocates are free from accountability and once a case is handed over to them, they may conduct the case whatever way they like. In fact, there is no strong and transparent watchdog mechanism to ensure accountability of the advocates. The Bar Associations are doing nothing but to help preserve financial interests of

the advocates. So, strong accountability mechanisms over the advocates are quite expected to ensure effective administration of justice. The following recommendations may be considered for that purpose:

i.   The Bar Council should be the centre for ensuring transparency and accountability of the advocates. It should be reformed and institutionalized as watchdog machinery, and its functions should not be confined only to issue bar certificates.

ii. The Council should be as institutionalized as a board or university which would regulate and approve the curriculum and administration of the law colleges of the country.

iii. The bar associations should be brought under the administrative control of the Bar Council.

iv. After obtaining bar certificate, an advocate should go in for a number of efficiency tests on the basis of which, his gradation and category is to be determined.

v.   An advocate should prepare and submit a monthly statement of his professional works to the Bar Council through the president of his Bar Association, which must include disposal of suits in the month conducted by him and which must also include a column of disposal of suits through ADR.

vi. The provisions of professional misconduct should be scrutinized and made effective in consonance with time and necessity.

vii. Since administration of civil suits is complicated, involve different branch of laws and many cases of delay occur due to mistakes or ignorance of the advocates, an advocate who arrived at a certain period of experience and who obtains a specific grade standard should be permitted to conduct civil suits.

viii. A certain amount of fee for each category of civil suits should be fixed, and a time limit for disposing of every suit by an advocate should be specified by the Bar Council.

Land Survey, Mutation and Registration Processes should be updated

Most of the civil suits arise due to defective record of rights including mutation and land registration management etc. Differences of land portions between Cadastral Survey (CS), State Acquisition (SA), Revisional Survey (RS) and Bangladesh Revisional Survey (BRS) records often raise causes of land disputes. So it is suggested to update the records which should be made by settling all claims of land records by way of digital record management system and by a competent body consisting of *inter alia*, judicial personalities or under the control of the judicial administration.

Ends demanded easy access to justice

Litigants' craving for justice ends into crying. Constitutional mandates as to fundamental rights have been ignored by our judicial administration. Easy access to justice is nothing but a chronicle of Gold-deer. However, in order to easy access and expeditious justice, it is essential to appoint meaningful oath bound judges from the higher court to the lower courts. It is a matter of fact that, the judges of the higher court are over and over again appointed on political contemplation. Due to mental spirit most of the judges dare to come out of political influences to honor their oath. The judges of the lower courts also appointed by political considerations and they are not sworn with oath. Aristocracy and discipline in judiciary are not so high. As a result, the present emoluments of judges are so inadequate and the same do not attract competent people in the said posts to deliver complete decision at the first instance. So, substantial reforms required to judicial administration in respect of judges' appointment, training internal and foreign, posting, rules and orders as well as procedural laws to have easy access to justice by the people at large.

Conclusion

O.J Simpson case was a criminal trial held at the Los Angeles of United States of America, in which former National Football League star and actor O. J. Simpson was tried on two counts of murder for the death of his ex-wife, Nicole Brown-Simpson and a friend of her, a restaurant waiter, Ron Goldman in June 12, 1994. The trial spanned from the November 9, 1994 to a verdict on October 3, 1995, when Simpson was acquitted. The case has been described as the most publicized and longest criminal trial in American history in terms of examination of witnesses in trial. But in our jurisdiction on average a civil suit be ready for framing issues after 2(two) years and a criminal case be ready for framing charge after 1(one) year which initiates the trial. Delay in our judiciary has reached a point where it has become a factor of injustice, a violator of human rights. Praying for justice is the crying for the parties and becoming a part of long, stretched and torturing process and unknown to the ends of justice.

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10

Comprehensive Village Development and Cooperative Organizations

M. Kamrul Hasan

Introduction

Traditionally, agriculture featured prominently in plans for development as the first step as self-sufficiency in food was considered one of the most important step. Generally, they were aimed at increasing food production with mechanization and other improvements in agriculture and ensuring a system of distribution across the country. It was soon realized that sporadic efforts without considering the context in which development takes place was futile, and the village was recognized as a potential unit o drive development. This chapter examines the strategy of comprehensive village development (CVD) through cooperative organizations. Beginning with a review of the concept of village-based organizations with reference to the pattern of organizational behaviour in Bangladesh, the evolution of total and comprehensive village development is explored. In the process, the features of CVD are identified to recount the achievements of the strategy. The chapter presents a number of recommendations for alleviating the problems faced in promoting development in villages through the comprehensive village development program.

Village-based Organisations

Village organizations are critical for rural development. They are at the receiving end of delivery of services provided by the government. Development of ideas on participatory rural development has changed this notion of dependent receivers to the concept of harnessing the wisdom, expertise and capacity of the rural people. The village has been at the centre of Bangladeshi cultural traditions. Earlier, Koutilya promulgated his idea of agricultural civilization, in which he supported steps for the welfare of the peasants or *Shudras* association that was bestowed to the kings, and argued for assistance for providing irrigation facilities to the farmers, quality seeds, and ensure timely availability of capital or loan to them.

Some studies from the nineteenth century depict rural people as ignorant who engage in quarrels and factionalism and are superstitious. Although it is believed that self-help is the best method for achieving

progress, the colonial power structures in the society resulted in economic crisis and the problem of livelihood was not highlighted under imperialism. However, the Marxist view and dependency theory of development indicated there were different forms of imperialism, and that exploitative class relations were the main causes for human sufferings. In the early twentieth century, poet and social thinker Rabindranath Tagore established grass roots organizations such as rural banks for providing loans and assistance for agriculture to the general people in the rural areas of Bengal. The Cooperative Act 1904 was enacted in Bengal by the British Indian government.

After Second World War in the post colonial period, an institutional approach to rural development was first initiated in the area now known as Bangladesh in the 1950s through the Village Agriculture and Industrial Development (V-AID) program. This was the title used for the community development program which was mainly sponsored by the USAID. Following a strategy of people's participation and formation of need based village organizations along with institutional linkages, a program of rural development evolved through experiments. Pioneer initiatives by Akhter Hameed Khan and the Comilla eventually shaped the Comilla approach to rural development. Village organizations in the name of primary cooperatives were the principal people's organization, and they were connected with central cooperative association at the then Thana (Upazila) level.

Village organizations encouraged farmers to attend training and discussion sessions at the Thana Training and Development Centre (TTDC). Training and development experiences were shared in weekly or special meetings of the primary cooperative society at the village level. It also discussed and analyzed the state of financial capital, thrift deposit, share, savings, investment, agriculture development, and irrigation facilities, and became the integrated project for rural development with people's assembly at the grass roots level. The Comilla approach to rural development integrated Thana irrigation programme and embankment development for the benefit of the tillers of the soil, family planning for rural family welfare, participation of wage labourers in infrastructure development in the name of rural works and embankment development programmes.

The methodology of the Comilla approach was based on the needs of the people at the grassroots level, and synthesized the knowledge, experiences, and good practices from national and international sources under the leadership of Akhter Hameed Khan. Organization of village based cooperative societies, promotion of small farmers, and emancipation of women were tough tasks in orthodox Sunni Muslim communities. However, Khan received popular support with relentless

work by involving the people, elites, and small farmers as well as by winning government support and grants for modernizing the organization of village cooperatives and other projects for increasing food production, capital formation, women's participation in economy and education. He designated the people as "the real heroes" in these processes (Khan 1983).

Organizational Behaviour Village-based Organization

Organization of village based cooperative societies faced challenges for intervening in orthodox communities the in 1960s. The Comilla model of rural development responded by gradually opening up conversations with the community as well as demonstration of their effectiveness through advancements in agricultural practices.

There were several reasons for the weakness – both cultural and economic - of village-based organization in Bangladesh. They included a self-centered approach that was the product of long periods of oppression and exploitation by the foreign rulers, a culture of poverty, lack of self confidence, paucity of dedicated workers, overdependence on leaders, loss of capable leaders, as well as weak financial and human discipline that resulted due to the lack of such organizations (Syeed 2002).

Personal loyalties prevail over organizational loyalty (Jahangir 1982). Therefore, it is necessary to develop motivation and consensus for sustaining organization for CVD. Thus, motivation and training emerge as vital factors in the process. This is an institutional approach to rural development for modernization of villages under the umbrella organization with the motto of cooperative movement where "the cooperation application of regulatory functions, cooperative education and democratic decision making process by established ensuring every member's rights and privileges" (Bari et al 1995).

Total Village Development to Comprehensive Village Development

Total Village Development Programme (TVDP) was created in the Bangladesh Academy for Rural Development (BARD) in 1975. The objective was to establish organizations and mechanisms for fostering all-round development through a planned approach. It started on an experimental basis in four villages in BARD laboratory areas, and aimed to build up comprehensive village cooperative societies in the villages. All groups and people of different professions were invited to participate in the village community and join the village organization.

BARD, the prime research institution on rural development in Bangladesh stepped up to reorganize multiple organizations at the village level to constitute an umbrella organization on a pilot basis, and named the program as Comprehensive Village Development Programs (CVDP). The goal of the program is to improve the socio economic conditions and quality of life of all groups of people in the village through a common

institutional framework. Since 1983, BARD continued the TVDP experimental project under the new name of Comprehensive Village Development Programme. After several stages of successful experiments over the years by BARD and the Rural Development Academy in the district of Bogra since 1991 and other agencies (Bangladesh Rural Development Board and the Department of Cooperatives, CVDP was transformed into a national model project of the Rural Development and Cooperative Division under the Ministry of Local Government, Rural Development and Cooperatives of the Government of the People's Republic of Bangladesh. Now, CVDP is being implemented in at least one Upazila (Sub district) of all 64 Districts of Bangladesh at its second phase, and the Bangladesh Academy for Rural Development, Rural Development Academy, the Department of Cooperatives, and Bangladesh Rural Development Board are involved in it. Funds for training and salary of the project personnel are provided by the government of Bangladesh.

A number of features highlight the strengths and significance of CVDP.

1. *Open membership and inclusiveness*

All adult men and women in the village are allowed to become members of the comprehensive village development cooperative society. They have to deposit an amount as weekly savings, buy shares and can take out loans for economic activities. Children and youth (6 to 18 years) can join the organization as associate members of the cooperative society and it is expected to inculcate the cooperative spirit in their life and learn leadership and teamwork. It has been conceived as folk solidarity-based human development of grassroots organization for modernizing the village through participatory methods.

2. *Motivation and training*

The main component of CVDP is motivation and training. The key emphasis is on training, and provision of credit to the members at the project level is an important element. Each village has trained and raised several village development workers and leaders in the areas of fishing, poultry rearing, livestock, family planning, gender rights, agriculture development, etc. The various components include training and motivation, family development, community development, effective link with nation building departments and service providers for obtaining services, advice and sharing knowledge and experiences.

3. *Economic activities*

Micro savings activities are promoted through CVDP. The objective is to build up financial capital through thrift deposits. Accumulation of funds and investment are other important components of CVDP where the comprehensive cooperative society generates its funds through purchase

of shares and savings of members. Individual members and comprehensive village development cooperative societies invest their accumulated fund in various profitable sectors like agriculture, irrigation, transportation, small enterprises.

4. *Technical training for income generation and poverty reduction*

Technical training for income generating is the major area of focus where youths are selected to receive training for reducing unemployment and poverty. About 1,900 CVDP members (both young male and female) obtained training on vocational areas such as tailoring garments, performing electrical work, plumbing, solar technology and electronics servicing.

5. *Joint Meetings*

According to the Development Project Proforma, a cluster has been formed consisting of 20 to 25 societies to efficiently operate the activities of the comprehensive village development cooperative society. A minimum of three representatives from each society are required to assemble in monthly joint meetings by rotation. The meeting discusses monitoring and supervision of accounts, management issues and problems of the society with the intention of helping and formulating recommendations for economic and social development that are decided by consensus. Sometimes, there are arguments and debates in the joint meetings of CVD cooperative societies on diverse issues such as interest rate for loans, operational costs, advancement of women, infrastructure development, cooperative laws, red tape and management problems. These meetings are expected to contribute to commitments to transparency, accountability and participation.

6. *Social capital and social development*

Members of the society prepare annual plans for upgrading their living standards, particularly for discussion in the annual general meetings of the comprehensive village development society. It aims to develop future co-operative leadership through minor co-operators and leaders by patronizing the minor and children members, and motivating and training them. Several of these training and investment plans are important for social development. In fact, in many societies women are the major active contributors to the comprehensive cooperative society. Strengthening social solidarity and conflict mitigation is another aspect that deserves to be highlighted, and it has contributed to the creation of social capital. It is common for the poor people of the village community to establish Comprehensive Village Development Cooperative Societies (CVDCS) for improving their economic condition and, in many cases it has succeeded in fostering the development of entrepreneurship. In addition,

sound and successful comprehensive village development cooperative societies establish schools and community health clinics.
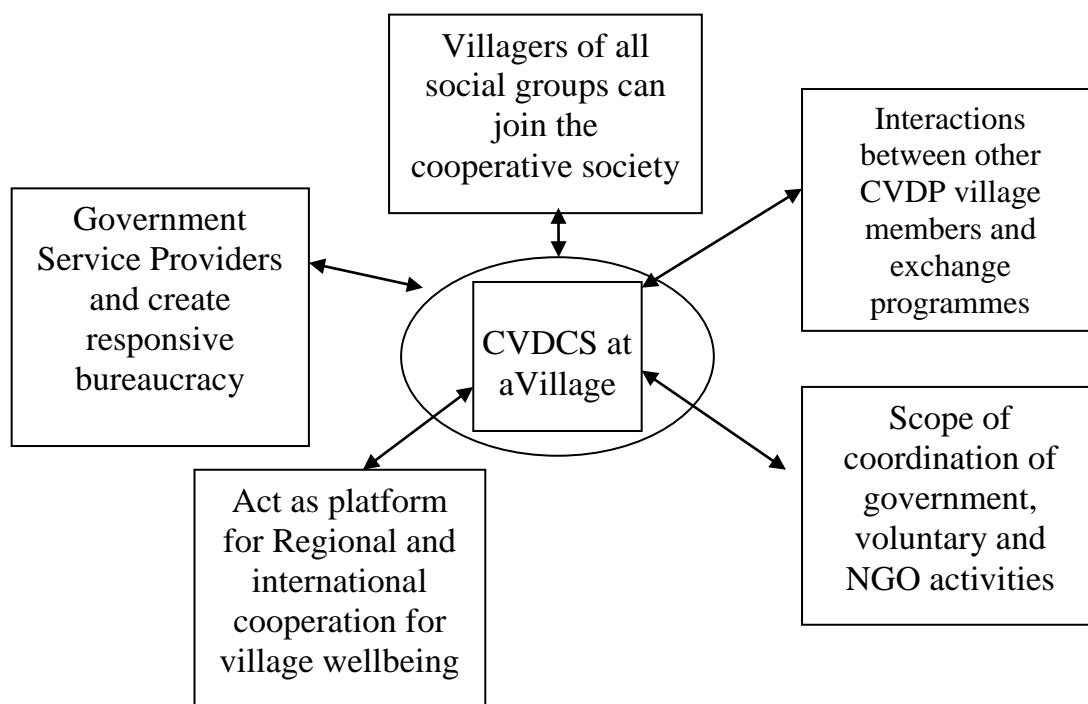

Figure 1: Mutual relations of various stakeholders of CVDP Cooperative based village organisation

Achievements of CVDP

This section provides an update of the achievements of the second phase of CVDP. It was implemented during 2009-15, and presents the outcomes with reference to the objectives of the Development Project Proforma.

- *Formation of a comprehensive village development cooperative society in the village*: About 1,020 CVDP co-operative societies comprising of the villagers have been formed and they built up share and savings together 3312.21 Lakh Taka. Cumulative credit disbursement was Taka 4758.07 lakh, and the rate of repayment was 97 percent.

- *Facilitation of participation of all villagers to develop an organization for effective application of all the policies of cooperative*: More than 158565 villagers (about 42% women) from about 103101 households became members of the society. Co-operators include both male and female, youth, rich, poor, landless, distressed, and women. They used to practice cooperative principles & practices.

- *Preparation of Village Information Books*: Bench mark surveys were conducted in each village and Village Information Books have been prepared based on the data collected. A strong linkage has been established between the co-operators and Upazila level officials,

making it possible for them to receive support and services from the Upazila level government departments.

- *Creation of component-wise trained village development workers*: The trained co-operators play an important role in linking the villagers with governmental services. They serve as development workers in agriculture, and help raise livestock and fisheries for the societies.

- *Development of skilled human resources*: There is continuous management and skill development training as needed by the villagers: Co-operators are able to acquire skill and management development training on cooperative management on agricultural development, leadership management, livestock development, gender development, children's participation, entrepreneurship development, cooperative audit and accounts.

- *Creation of self-employment through investment of own fund best use of local resources*: All together over 50,000 comprehensive co-operators received training on investment. 1,680 youth (male and female) took part in income generating training on tailoring, electrical house wiring, basic electronics, and plumbing. They are utilizing the knowledge and skill to create self –employment and generate income.

- *Solar panel management for power production*: More than 30 societies' of different Upazilas from eight districts were given solar power panels from CVDP, BARD. Besides, 240 youth co-operators, in particular 40 women received solar technician and electronics course. All the trainees successfully passed the course and received certificates that were helpful in creating opportunities for self-employment for this group.

- *Establishment of the village as the focal point of development*: Different stakeholders such as, Comprehensive Village Cooperative Society (CVDCS), government departments at the Upazila level, Union Parishad and various service providers have discovered the CVDP cooperative society as a forum for dissemination of knowledge and technology for the improvement of rural life. It is the central place for coordination and formulation of annual development programme of the concerned village by active participation of the villagers.

Cooperative Based Community Organisation and Challenges

Villages of Bangladesh are shifting from a nearly self-reliant agriculture and mechanical interdependent occupational group to an expanding quasi organic division of labour and market penetration. A decline in the number of people dependent on agriculture and rise of non-farm activities is taking place in Bangladesh villages at present. On the other hand, farming by owners is increasingly moving towards share cropping, and contract farming. The pattern of migration demonstrates the linkages of

villagers with internal market exchange, urban, growth centres and the global labour market. Remittances from abroad and within the country are changing the spending patterns in villages in terms of construction of durable houses, consumption pattern, educational attainment, health care, and attitudinal change.

The dependence on cooperative society and micro credit mainly attracts the lower middle income groups and poor people in the villages. From this perspective, cooperatives have several impacts on the villagers. Firstly, due to the requirement of credit that is critical for survival, villagers strive hard to deposit by weekly savings in the cooperative organisation. Secondly, the limited market and problems of marketing products persuades villagers to overcome them through farmers' cooperative and this is another positive feature of the cooperative organisation. Thirdly, cooperative is a movement and a rallying point for rural community. If the cooperatives adopt a comprehensive approach with various development components, it will be able to play a significant role in accelerating welfare and wellbeing at the village. Fourthly, cooperative movement has the potential to foster grass root democracy.

In spite of a number of positive features, there are obvious obstacles in the operation of CVDP. The following section lists the challenges and requirements for the continued effectiveness of these programs.

Continuation of government policy and support

Without government support and patronage relatively new comprehensive village development cooperative *samity* or societies will not functions properly. The village workers of CVDP receive a monthly honorarium of only Tk. 2000 per month, and this will not be adequate for attracting high quality workers..

Difference between old and new village development cooperative societies

The old comprehensive village development cooperative societies have succeeded in operating without government support. These societies were formed before the 1990s, and own land, office accommodation, and enterprises. They include some of the better performing societies such as Didar, Raicho, Bamoil, Kalikapur, Digolgaoun, Pachthubi, Korpai, Pathkittaya, Joshpur Agragami, Hatigara, Rasulpur, Krishnopur, Joypur, and Batabaria. The sustainability of these societies can be attributed to honest leadership, transparent management, accountability, motivation, availability of loan and services in right time to the members that helped with agriculture business and other needs.

Technical and skill training

The villagers feel the need for more training and skill development, capacity building, and enhancement of soft skills. These factors will help

the poor to utilize the training, which will eventually contribute to national productivity and entrepreneurship.

Emancipation of Women

Women of the villages should get more opportunities for participation in training, motivation and leadership development programs. They should also have access to technical based skill development.

Cope with changing village

The demographic features of the villages are changing and outward migration is adding to the volume of urban population. In light of changed circumstances, village based organizations can formulate plans for adding value to local products and employment opportunities in collaboration of local governments.

Conclusions

Comprehensive village development cooperative organisation can be a significant force for rural development. It is based on motivation and training activities by the project. The approach encourages financial capital formation at village cooperative organisations and accelerates social capital and development. Over 40 years, about 4000 CVDCS have been formed under the Comprehensive Village Development Programme (CVDP) throughout the country by four implementing institutions. The results are encouraging, although much more needs to be done. Moving forward, the level and scope of training and skill development will have to be expanded. A lager number of women should be provided with facilities for participation in programs on leadership, production and access to skill training. The government needs to revisit the policy and procedures for the comprehensive village development cooperative societies, and streamline those in accordance with the changing needs of villages and the nations.

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11

Remittance, Microcredit and Rural Development in Bangladesh

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Kawser Hamid

Development in Bangladesh

Bangladesh was recognized as a model for development by the President of the World Bank and is also acclaimed by economists and scholars. The main reason is the impressive progress made in social development indicators for poverty alleviation, empowerment of women, expansion of education, primary health care, reduction in child mortality, and improvement in rural living conditions. These are the results of initiatives by the government of Bangladesh for strengthening the economy and pursuing social development. The decision to export human resources to the world labour market proved to be a major thrust for accelerating the economy. At present, about 7.80 million Bangladeshis are working in various parts of the world. Most of them remit money for supporting their families. The Economic Review 2016 revealed that in the fiscal year 2014-2015, about 461,000 Bangladeshis went abroad for employment and sent US$15316.91 million which is equivalent to 7.9 percent of the country's GDP and US$1105.43 million from July to March in fiscal year 2015-2016.

At the same time, a number of non-governmental organizations (NGOs) are assisting in development efforts with financial loans to the people of rural Bangladesh. The NGOs proliferated after the independence of Bangladesh and expanded their activities rapidly to help the poor and are playing an important role in providing microcredit. A substantial amount of credit was made available to the rural poor by the NGOs and associate organizations. It will be interesting to compare the two sources of money flowing into the economy through remittance from overseas and microcredit and assess their relative impact. Some analysts argue that remittance is the key factor that contributes to rural development whereas others believe microcredit plays the central role in rural social transformation. This chapter attempts to examine the debate with reference to available data and propose policy measures for promoting rural development in Bangladesh.

Remittance and Microcredit

Remittance is a transfer of money by a foreign worker to his native country. Bangladesh is the 7th highest remittance earner in the world. Remittance influences the socio-economic and cultural life of recipient families. In spite of some negative potential impacts, there are several positive social consequences of remittance. On the other hand, microcredit is the extension of very small loans (microloans) to poor borrowers who would not qualify for credit from regular financial institutions. Microcredit is used mainly for the development and promotion of small entrepreneurs. It does bear a risk because credit recipients may not be able to escape the vicious cycle of loans. In such circumstances, they get into the trap of repeatedly borrowing money to pay previous outstanding loans. On the other hand, remittance is perceived to have a virtuous cycle where the life style of the rural poor including health, education, and nutrition improves noticeably from its impact. However, the question of the factor that has stronger impact on rural development deserves attention. This chapter will compare and contrast the social implications of remittance and microcredit to determine their relative impact.

A number of terms need to be defined and explained before the main discussion. Rural development refers to a process that aims at improving the standard of living of the people living in the rural areas. It is related to economic, social and political changes that cab initiated in rural areas for betterment of life. Microcredit is one component of microfinance. It is a financial loan provided to poverty-stricken people seeking to gain economic progress, mainly through small enterprises. Microcredit involves providing loans to people who are unable to secure credit because of poverty.

An expatriate is an employee working in a foreign country. He is a person who has citizenship in at least one country living in another country for employment. Remittance is the fund an expatriate worker sends to his country of origin. This transfer of funds across borders is economically significant and may be vital to the economy of poor countries. Non-governmental organizations are non-profit, voluntary, citizens' group which are organized on a local, national or international level. NGOs perform humanitarian functions and often provide microfinance to the poor.

Remittance and Microcredit in Development

There are several studies on the issue of contribution of remittance and microcredit to rural development of Bangladesh. Sajjad and Deluar (2008) argue that remittance has become the largest source of earnings in foreign countries by Bangladeshis. It had a strong impact in reducing

poverty and opening up investment opportunities in manufacturing and modernizing agriculture. Khawaja and Hiranya (2010*)* argue that remittance has led to a silent economic revolution in Bangladesh. It augments household income and is used for consumption. There has also been evidence that it has helped to reduce poverty in Bangladesh. Munim (2012) said that remittance inflows in Bangladesh are getting larger every passing year. It has helped to improve social and economic indicators like nutrition, living condition and housing, education, health care, poverty reduction, social security and investment activities of the recipient household. Kuntal, Fauza and Chatterjee (2010) found that the share of remittance in the gross national income is steadily increasing. It affects the micro-economic indicators positively and its contribution to the rural development is noticeable. Samuel and Dilip (2012) report that international migrant remittances are perhaps the largest source of external finance for developing countries. It appears to be the least controversial aspect of migration and both remitting and recipient countries have long-term economic implication from these transfers. Nadim (2011) notes that remittance reduces rural poverty and promotes standard livelihood for the poor people. A World Bank analysis noted that "Remittance has been a key driver of economic growth and poverty reduction in Bangladesh." Remittances assist the improvement of educational facilities and extend and improve health services.

In development rhetoric, microcredit is the extension of small loans, mostly to women for income generation projects and has been extolled as a magic bullet for poverty alleviation (Islam, 2010). However, according to professor Yunus (2006), the Grameen Bank model of microcredit is not only aimed at extension of credit, but has a unique set of social objectives. Microcredit is a way of delivering loans to the poor and is often suggested to be a way out of poverty (Aghion and Morduch, 2005). It enables women empowerment by placing capital in their hand and allowing them to earn independent income and contribute economically to their households and communities (Cheston and Kuhn 2002).

This chapter is based on ideas, data and information from both primary and secondary sources. Primary data was collected from two villages of Shahrasti and Laksham under the districts of Chandpur and Comilla respectively through a structured questionnaire and observation. Secondary sources include economic reviews, published books, journal articles, research reports and newspapers. A sample of 40 families was closely followed with 20 from each study area.

This study requires a range of background information on the actual state of rural development in Bangladesh. It will be useful to consider the factors that contribute to rural development and explore the roles played

by remittance microcredit in rural development. This exercise will help identify the key contributors and assist with proposing policy prescriptions for rural development in Bangladesh.

Remittance and Rural Development

Along with continuous employment generation, overseas employment and remittance from expatriate workers play a central role in reducing unemployment and poverty, increasing foreign reserve and accelerating overall economic development of Bangladesh. In recent years remittance increases have contributed to a higher percentage of GDP and accelerated internal development.

Table 1: Contribution of Remittance to Gross Domestic Product

Fiscal Year	Amount of send money (million Dollar)	Growth percent	Percentage of GDP
2010-11	11650.32	6.03	9.1
2011-12	12843.4	10.24	9.6
2012-13	14461.15	12.60	9.6
2013-14	14228.3	-1.61	8.2
2014-15	15316.91	7.70	7.9
2015-16	11053.43	-1.82	8.1

Source: Bangladesh Economic Review 2016

Remittance in Bangladesh has, in some ways, emerged as a tool for poverty alleviation. It assists directly in ensuring higher family income and allows households to increase consumption of goods and services. At the community level, remittance has an impact on social infrastructure and services. It reduces income inequality and promotes poverty reduction. Investment in health and education is valuable for long term economic growth, and remittance has also contributed to this end. The most comprehensive review on remittance in Bangladesh lays out a number of benefits-

Table 2: Impact of Remittance at Community and Household Levels in Rural Bangladesh:

Indicators	Positive Impact of Remittances
Nutrition	Allow families of migrants to meet basic nutritional needs
Living Condition and Housing	Living condition and housing improved
Education	Investment for education of children
Healthcare	Increased investment for healthcare
Social security	Social security for elderly people increased
Investment	Increased investment in business or income generating activities

Source: Modified from Tom de Bruyn 2005

It has continued to play a key role in economic growth and the livelihoods of people in Bangladesh. Remittance income a valuable source for any developing country, and its demand has increased rapidly in Bangladesh for a number of reasons. These are as follows:

- Remittance contributes to the national economy in a large scale.
- The government of Bangladesh is using remittance income to build schools, colleges, universities hospitals, and transportation infrastructure.
- Remittance income positively affects the socio-economic condition of migrant families.
- Remittance has been contributing to alleviate poverty in Bangladesh.
- Remittance helps to reduce dependence on foreign aid and improve the balance of payment position of Bangladesh.

Figure 1: Virtuous Cycle of Remittance
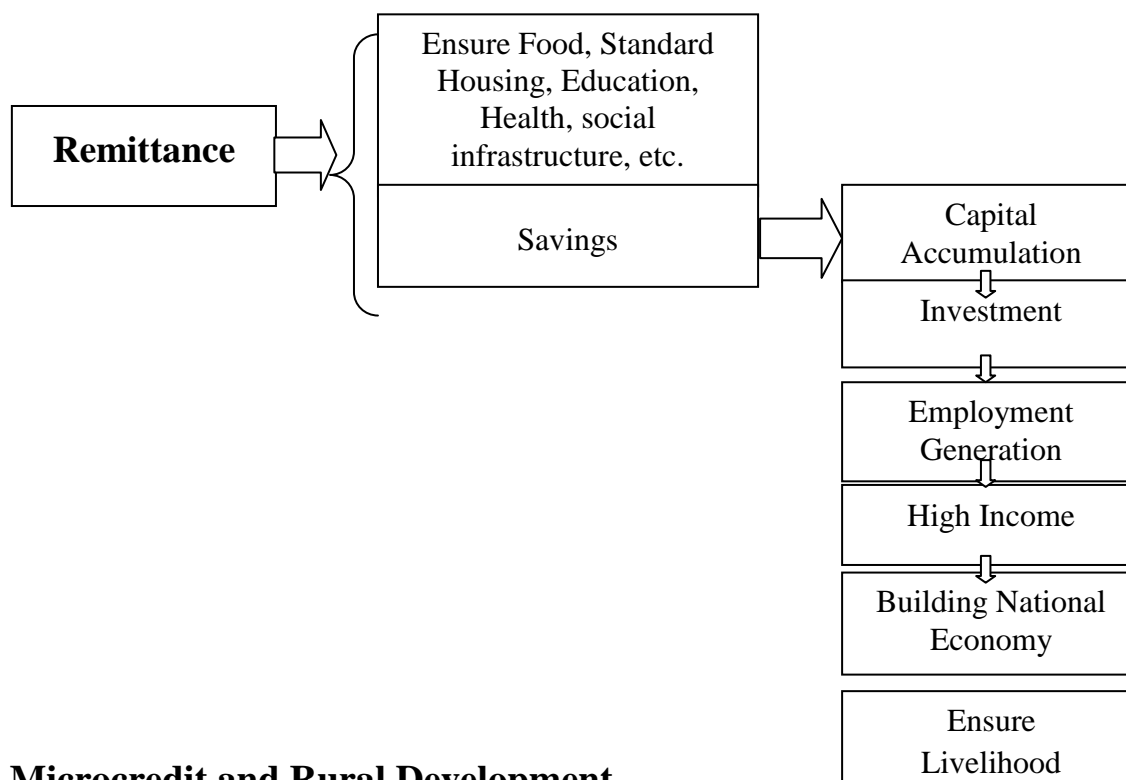
Microcredit and Rural Development

A large number of NGOs emerged to work toward rural development immediately after the independence of Bangladesh. In the early days, the main objectives were to provide relief, assist with rehabilitation, and develop small enterprises. Over time, NGOs started to provide microcredit to the rural poor for helping them to get engaged with economic activities on a small scale. In fact, they replaced local money lenders who charged high rates of interest and demanded collateral for the loans. The NGOs offer loan without collateral to rural people at satisfactory rates of interest. In this way, microcredit became one of the

key driving forces for development in rural Bangladesh. Since the year 2000, microcredit has expanded more into areas that were among the poorest. The reduction in poverty in rural Bangladesh has been much more in upazilas where microcredit membership increased rapidly.

Figure 2: The Microcredit Cycle
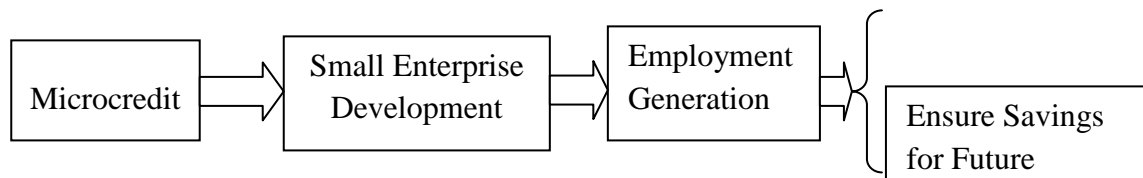
Micro-credit programs help households partially insure against shocks so that they play the role of an effective "safety net". Studies have found that microcredit borrowers are about 50 percent less prone to consumption fluctuation than their counterpart non-member poor households in Bangladesh. It is clear that not all borrowers benefit equally as it depends on the local economic environment, their entrepreneurial ability and to the extent their income sources are diversified. Microcredit leads to women taking a greater role in household decision making, greater access to financial, economic and social resources and greater mobility in Bangladesh. Overall, it has played its part in the impressive progress made by Bangladesh in poverty reduction over the past two decades. Table 3 shows the disbursement of microcredit by some leading NGOs in Bangladesh.

Table 3: Microcredit by Leading NGOs in Bangladesh

(Crore taka)

NGOs	2010	2011	2012	2013	2014	2015	Total
GRAMEEN BANK	875441	1029598	11577.16	12081	12941.45	7776.54	124550.23
BRAC	50446.62	8626.78	10422.2	12114.89	15190.49	19298.28	116099.26
ASA	41011.27	8670.22	9568.71	10739.15	11605.6	17683.26	10290580
PROSHIKA	4407.86	207	230.23	118.71	222.42	219.51	5405.73
KARITAS	1267.92	237.04	265.93	286.4	297.35	317.16	2671.90
TMSS	3888.03	991.46	1208.82	1470.71	1894.49	2963.8	13661.43
SSS	2749.16	826.52	1098.93	1249.00	1316.32	1686.26	8891.24

*Source: Bangladesh Economic Review 2016*

Analysis and Observation

Microcredit Holders

93 percent of the respondents received loans from NGOs, and they used more than one source and NGO. For this reason, they have to repay through two or more installments every week. The average amount of

loans from different sources varied between 50-70 thousand taka. Among them, only 60percent of the families have one or two earning members for a family size of 6-8. As a result they are trapped in a vicious cycle of poverty.

Figure 3: Share of Microcredit among Lenders
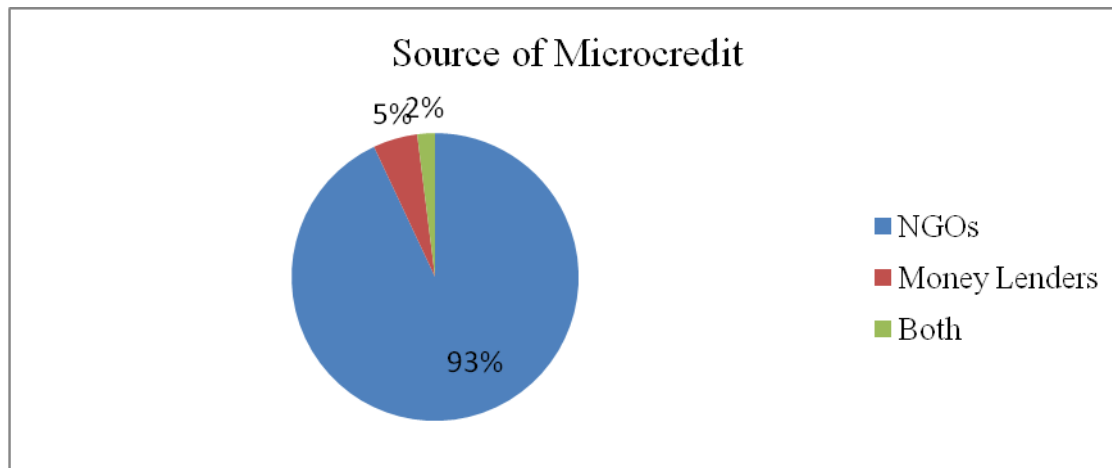
It was found that about 70 percent of the microcredit borrowers do not have any idea about the rate of interest for their loans. But they claim that they have to pay extra 5 to 6 installments on their loans. Others said that the interest rate is about 12-15 percent which is much more than rates charged by banks. A huge chunk of the money (70 percent) is used in paying the principal and interest for previous loans. House building and keeping is the next large category (15 percent), and only 5 percent can be spent on business. Treatment for illnesses and daily necessities are each allocated 5 percent.

The questionnaire investigated about education, shopping and healthcare services that they usually receive. 80 percent of the microcredit holders send their children to local government primary and secondary schools. 5 percent of the families send their children to kindergarten as they think that their income has increased due to microcredit. Children of 15 percent of microcredit holders do not attend school due to poverty and lack of awareness about the facilities available as well as the benefits of education.

About 90 percent of the microcredit holders do not use expensive items, and shop only during the two major religious festivals in Bangladesh. Most families use the local village market for procuring their basic needs of food and household items. About 90 percent of the microcredit holders obtain treatment from local community clinics and unqualified medical practitioners, and 10 percent of the respondent said that sometimes they go to the Upazila health complex. They cannot afford their children's educational expenses and health care due to very low income. Most of their income is used for the repayment of previous loans.

The questionnaire investigated if the microcredit borrowers participate in social events and ceremonies. 95 percent of the families said that they do not go these ceremonies because they cannot afford the cost of gifts or monetary contributions required for participation. Only 5 percent of the respondents said that sometimes they go to social ceremonies, either by using funds from their income or borrowing money from relatives and local money lender in order to maintain good relations with other villagers.

90 percent of the respondents said that their economic condition has not improved after taking loans from NGOs. However, they are still willing to obtain more credit from NGOs because they do not have any alternative. On the other hand, 5 percent of the respondents said that their income as well as living conditions have improved because they invested the loans in productive sectors like poultry farm, fisheries and grocery businesses. This group also expressed the willingness to accept further microcredit from NGOs for business purpose. The remaining 5percent of the respondents said that their living conditions had neither improved nor deteriorated. Regarding social development activities, 100 percent of the respondents said they do not spend their money on helping poor students or building rural infrastructure. They spend the full amount to meet daily necessities.

About 90 percent of the respondents said that they will take loans again in the future for the purpose repayment of existing loans, enterprise development, constructing a house, start another small business, send family members abroad, or invest money to purchase land. The other 10 percent are not willing to take further loans because they think it a big burden that makes it even more difficult to get out of this cycle. They, however, admitted to seek further loans in case of emergencies. About 90 percent of the respondents found it difficult to raise the installment money and added that it creates psychological pressure on them. They have to deposit the repayment installments even if they have no food for the family. Only 5 percent of the respondents said they can easily raise the repayment installments because they invested the loan in productive sectors with satisfactory returns.

The request for open comments from the respondents demonstrated the real impact of microcredit in the personal and social life of a credit holder. Abdus Subhan, a microcredit holder, argued that, "Actually loan is not beneficial for everyone all the time. I am ill and my health is becoming from the tension of having money for repayment of installments. But I think it is better than local money lenders as they claim a much higher interest rate than NGOs." Almost 98 percent of the respondents echoed similar sentiments that NGOs are a better option

compared to money lenders who charge higher interest rates and abuse borrowers if they fail to repay the loans.

Remittance Recipients

60 percent of the expatriate workers financed the cost of going abroad to work by selling lands, 30 percent by borrowing money from relatives, and the remaining 10 percent used their savings. They go through extreme hardships to raise the money for finding jobs abroad and covering travel costs. Children of most expatriate workers usually go to kindergartens, private schools and colleges for their education and only a small number attend local government primary schools and colleges.

Families of expatriate workers tend to shop for their daily necessities at the district and upazila markets. Sometimes they go to bigger cities and metropolitan centres to shop and spend large amounts of money. They use healthcare facilities from local private hospitals, and in case of serious illnesses, they are able to go the capital or other big cities with better facilities. The level of expenditure of a family rises after a member goes abroad to earn more, most of which is sent to the home country for maintaining the family and for the development of the next generation. It was found that a family that spent between Taka 4,000-7,000 before a member went abroad were now spending Taka 15000-25000. Members of expatriate workers' family use expensive gadgets, particularly smart phones, laptop computers and other electrical devices.

In short, remittance income is spent on buying foodstuff and household items, as well for education, healthcare and construction of houses. Once these needs are satisfied, money is spent on buying residential or agricultural land, acquiring precious metal such as gold, starting business ventures and then some of the money is saved.

All the respondents said that they participate in social programs and also contribute money to them. It was also clear that the standard of living of all families of expatriate workers had improved after the family member went abroad to work. As they have the ability to contribute to the family as well as society, members of the community view them with respect, and they are able to live up to the expectations of villagers. It can be said that expatriate can play a vital role in social development activities due to their overseas income. The society and villagers expect them to build religious and educational institutions, support students for their education, assist by contributing to the wedding costs of girls from poor families, help poor villagers at times of festivals, install tube-well for water supply to the village, and organize social and religious programs.

30 percent of the respondents identified family disputes and extramarital relations as major sources of conflict when a member works abroad. Interestingly, there are many causes over which disputes emerge, but

remittance plays the most important role in ensuring the financial strength of the family as well as helping other members of the community.

Views of Teachers

As local teachers have a good understanding of the community in which they are engaged in offering instruction and interacting with the members, an attempt was made to solicit response from two teachers in the study area who were interviewed about the role of remittance and microcredit in rural development. They stated that remittance plays a vital role in promoting rural development. As the rural population has to survive on low income, they are unable to live comfortably, and cannot repay the money borrowed from NGOs and other institutions. Moreover, they are under tremendous pressure and do not have the opportunities or expertise to invest the money productively in business or in enterprise development. The teachers provided an interesting contrast between remittance and microcredit and pointed out positive as well as negative aspects. They concluded that remittance has more positive impacts on the lives of rural people compared with microcredit. Their views on positive and negative aspects of remittance and microcredit are presented in Tables 4 and 5 respectively.

Table 4: Positive and Negative Aspects of Remittance

Positive	Negative
Family solvency	Family disputes
Improved lifestyle	Extra marital relation
Heightened social esteem	Disputes in conjugal life
Contribution to social programs and social development	
Savings for future generation	

Source: Interviews with teachers in study area.

Table 5: Positive and Negative Aspects of Microcredit

Positive	Negative
Better rate of interest than local money lenders	Rate of interest is still very high
Can invest in business and earn	Pressure for repayment
Last resort source of money for the poor	Family may get into dispute to arrange money for repayment
	Borrow money to repay loans
	Remain trapped in a vicious cycle

Source: Interviews with teachers in study area.

The teachers concluded it is clear that expatriate workers are able to help their families by earning a substantial amount of money overseas, ensure a comfortable lifestyle for their family members, and participate in local development efforts. Therefore, the villagers have no objection to

borrowing money to send their sons or family members abroad. The high rate of interest and small amounts of funds available from microcredit programs can become a tool of oppression for poor people as they cannot launch a profitable business with this meagre amount, while trying to clear off previous debts. Some studies have reported stern measures adopted by NGO employees to recover loans, and often they have to pay amounts much higher than their income. The consequence is that the borrowers emerge poorer and the broad goal of rural development becomes meaningless when individual existence is at stake. The teachers believe remittance plays a much more positive role in rural development in Bangladesh.

Comparing Remittance and Microcredit in Rural Development

It should be noted that both remittance and microcredit have important roles to play in fostering rural development in Bangladesh. Nevertheless, this study found that remittance plays a noticeable role in improving the standard of living for the family. Microcredit recipient families have fewer opportunities in improving living standard family life. Table 6 provides a comparative view of the two potential tools of rural development in Bangladesh.

Table 6: Impact of Remittance and Microcredit

Indicators	Impacts	
	Remittance	**Microcredit**
Housing	❖ Concrete housing ❖ Well decorated standard housing ❖ Standard size	❖ Sub standard housing ❖ Tin shade housing ❖ Congested
Food	❖ Nutritious ❖ Can manage square meal ❖ Often take fast food	❖ Suffers from malnutrition ❖ Lack of adequate meal ❖ Take traditional food
Education	❖ Children go to Kindergarten, private schools, colleges ❖ Have house tutor ❖ Provide all educational materials	❖ Go to government schools ❖ Often don't have house tutors ❖ Depends on stipend ❖ Can't afford all expense
Healthcare	❖ Conscious about the health of family members ❖ Take health services from local and town private hospitals ❖ Able to buy medicine	❖ Unconscious about healthcare services ❖ Go to rural local quacks and community clinics ❖ Unable to buy medicine
Social ceremonies	❖ Attend social programs ❖ Participate programs financially ❖ Present costly gifts ❖ Provide supports in socio cultural activities like waaz-mahfil, sports	❖ Sometimes participate in social programs without any financial support or with little amount ❖ If possible provide labor and mental support

Indicators	Impacts	
	Remittance	**Microcredit**
Participate societal developme-nt activities	❖ Funding to build religious institutions like Masjid, Mandir ❖ Fund to build learning institutions ❖ Provide stipend to poor students ❖ Financial support at marriage ceremonies of poor girls ❖ Support in local infrastructure-bridge, culvert, dam, road etc	❖ Support to build religious institutions with labor, land ❖ Mental support to found educational institutions ❖ Support in local socio economic and cultural infrastructure with land, labor and courage
Recreation	❖ Have fun facilities at home ❖ Go outside for entertainment ❖ Arrange family gathering and invite relatives ❖ Celebrate days like Birthday	❖ Have little opportunity of recreation ❖ Most of time they don't go outside of having fun ❖ Don't observe Birthday
Psychological condition	❖ Have in relax mode ❖ Never seen tensed for meal, money and shelter ❖ Worried about family members in home country and also for expatriate member/s	❖ Have stress to arrange installment money ❖ Always haunt in pensive mode for repaying loan and family members ❖ Puzzle for better future
Negative aspects	❖ Family disputes ❖ Extra marital relation for staying abroad ❖ Loose family ties	❖ High rate of interest ❖ Hampered in family life to arrange installment money ❖ Low/medium standard living

The chart shows the clear scenario of role of remittance and microcredit in rural development in Bangladesh. Table 7 indicates the percentage of utilization of remittance and microcredit.

Table 7: Utilization of Remittance and Microcredit

Purpose	Remittance	Microcredit
Food and cloth	60 percent	40 percent
Medical treatment	70 percent	30 percent
Children education	90 percent	10 percent
House making	60 percent	40 percent
Purchasing Land	95 percent	5 percent
Repayment of loan and lending money	30 percent	70 percent
Savings	95 percent	5 percent
Social ceremonies	95 percent	5 percent
Business	60 percent	40 percent
Purchasing gold	95 percent	5 percent

The above findings indicate that microcredit holders spend most of their borrowed money on repayment of previous loans and family needs. On

the other hand, remittance recipient families contribute to social development along with meeting their family needs and savings, and are also able to purchase land for ensuring financial stability. They also create employment opportunities in the rural areas.

Summary of Findings

1. Remittances and Microcredit both have influence on rural socio-cultural and economic development.

2. The lifestyle of remittance earners' families has changed in a positive direction. On the other hand, the lifestyle of microcredit holders has changed in both positive and negative directions. A handful of microcredit holders, who used their loans in productive sectors and have high income, had positive changes in their lifestyle, while others had no improvement.

3. Remittance earners family can afford nutritious food, better health care services, standard housing and a comfortable lifestyle. Most of the microcredit holder's families cannot afford nutritious food and good health care services and live in substandard houses.

4. Remittance earners spend more money on food, clothing, and children's education as well as in purchasing land and gold. On the other hand, microcredit holders spend most of their income for repayment of loans.

5. Remittance earners are both male and female. On the other hand, most of the NGOs provide loans mainly to women. Both remittance and microcredit creates family disputes and conflict in marital life.

6. The microcredit facility is better than local money lenders because they require collateral and charge higher rate of interest than NGOs.

7. Remittance earners' families face difficulties in the first year or two after they leave for abroad while they settle down in the new job and pay off money borrowed for migration. They are in a much better situation after the loan is paid off. Microcredit holders live under immense mental pressure as they try to accumulate money for repayment.

8. It is witnessed that it is easy to repay the loans if the income of microcredit holders' is high and only those people reported that they do not face difficulties in paying the installments.

9. Remittance plays a major in rural development in Bangladesh by contributing to the construction of infrastructure, helping poor students, and other good deeds for the community.

Recommendations and Conclusions

Drawing upon the information and ideas developed in this study, a number of recommendations can be made for facilitating rural development in Bangladesh. They are:

❖ Microcredit should be utilized in the productive sectors instead of consumption.

❖ The interest rate for microcredit should be reduced to a reasonable level, and borrowers should be allowed some time before commencing repayment.

❖ An effective policy should be put in place to keep the rate of interest at a level that does not burden the borrowers.

❖ Policies should be developed to generate local employment to create opportunities for the rural poor to assist them earn to fulfil their basic needs.

❖ Remittance should be utilized in employment generation or enterprise development like poultry, fisheries, cottage industries, social forestry and agriculture.

❖ A policy is needed on utilization of remittance. It should make compulsory to invest a certain percentage of the funds in productive sectors.

❖ The government should build a fund from remittance earnings for expatriate workers for helping them in emergencies.

Bangladesh has made impressive progress in rural development by utilizing the ideas of remittance and microcredit. Although there is difference of opinions about the role of microcredit, it has played a significant role in societal development. Microcredit holders are eager to get out of the vicious cycle they are trapped in, because if microcredit is accepted once, it is difficult to get out of it. They believe it is helpful in the short term but harmful in the long run. On the other hand, remittance plays a major role in a person's life. Remittance earners lead a more comfortable life than microcredit holders. They seem to have their basic needs fulfilled and plan for the future generation. They can also contribute to social, cultural and economic development. Remittance earning families are eager to send other members to work abroad for leading a comfortable life. On the other hand most of the microcredit holders are not willing to take further loans. They think it affects their normal livelihood and diminishes autonomy. It is clear that remittance is the bigger player in rural development in Bangladesh. Therefore, a priority for development should be to export increasing numbers of skilled and trained human resources abroad.

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12

Agroforestry and Smallholders Livelihood Development

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Introduction

Agroforestry is a practical alternative agricultural farming practice for the production of food, fodder, timber and fuelwood simultaneously with environmental protection. Most agroforestry systems constitute sustainable land use that helps to improve the soil in a number of ways. It is promoted widely as a sustainable production system that combines the best attributes of forestry and agriculture. This practice is now recognized widely as an applied science that is instrumental in assuring food security, reducing poverty and enhancing ecosystem resilience at the scale of thousands of smallholder farmers in the tropics (Adhikari, et.al. 2007).

Due to increasing population pressure, land use system been changing over the years and as a result, forest areas have been converted into agricultural land. It is well-known that the major land use problem in the upland areas is low agricultural production and the topography will not allow achieving the desired result in production with only agricultural crops. Therefore, agroforestry has become popular among smallholder farmers in the upland areas of Bangladesh. It has emerged as a promising land use option to surmount the problem of land degradation and the imminent "food crisis". It is higher than any other production system and it is possible for the diversification of species in the same unit of land. It has the potential to improve livelihood as it offers multiple alternatives and opportunities for farmers to improve farm production and income and also provide products and protective (biological diversity, healthy ecosystems, protection of soil and water resources, terrestrial carbon storage) forest functions of the ecosystems while protecting the natural environment. (Adhikari, et. al. 2007; Dhakal, et. al. 2007; Ramakrishnan, 2007).

Agroforestry has a considerable and positive impact in improving livelihood development of upland small farmers. But its key role in enhancing food supply and augmenting family income is commonly

ignored. (Magcale-Macandog, D.B., et.al. 2009). Agroforestry is a viable tool for upland management, which can ensure the sustenance of crop productivity in the uplands with environmental conservation. As a simultaneous land-use system, it has increasingly been regarded as an effective and low-cost method for minimizing the processes of degradation associated with land cultivation and for the retention of the ecosystems (Vergara and Nicomedes, 1987).

Moreover, diversification of crops is expected to create opportunities for achieving a steady and sometimes higher rural income through the more efficient use of resources and the exploitation of comparative advantages. Farm-evolved agroforestry often resembles natural secondary forest systems in the structure and ecology (Garrity, 1999). Such systems can combine short-term and long-term benefits for the farm households with the aim of livelihood protection and sustainability in the use of resources. Smallholder agroforestry may be a part of the strategy to reduce poverty and protect environmental degradation in the upland areas of Bangladesh. Thus, agroforestry practice could be the ultimate solution for the upland smallholder's livelihood development in Bangladesh as well as the mitigation of climate change impact.

Upland Area of Bangladesh: The Cox's Bazar Region

A massive land area in Southeast Asian countries is dominated by mountainous topography and populated by diverse minority communities. Expansive forests and sparse populations allowed these communities to practice variations of shifting (Jhum) cultivation, which enabled them to coexist in relative harmony with their environment (Cairns and Garrity, 1999). This cultivation system occupies a distinct place in the indigenous economy and constitutes a vital part of the livelihood and socio-economic setup of the majority of the highland population (Nath et al. 2005). The upland area of Bangladesh, especially in Chittagong Hill Tracts (CHT) and Cox's Bazar region are not different. Most of the upland area of Cox's Bazar are in Ukhiya & Teknaf Upazila. In its northern part, the Teknaf range is comparatively low (61 to 91m). From Whykong a high ridge runs south; its main peaks are Baragong (119m), Taunganga (268m), and Nytong (168m). The southwestern end of this range ends at a village called Noakhali para where there are a series of impressive cliffs, some 30m in height (Banglapedia, 2016). But, in terms of development, the upland area and its inhabitants of the Cox's Bazar region were not treated as the Chittagong hill tracts region.

In the past, the government implemented a good number of resettlement programs in efforts to rehabilitate internally displaced people and the Jhumias (shifting cultivators) in the CHT. The first resettlement

program was started in 1957 with an aim to rehabilitate the people affected by the construction of the Kaptai Dam on the river Karnafully, which was built as part of a hydroelectric power scheme (Nath et al. 2005). This rehabilitation scheme resettled only about 15,074 displaced families during the period 1957–1966 in the upward three northern valleys (ADB 1978, 1979).

After the construction of the Kaptai Hydroelectric Project at CHT in 1963 that shook up most of the inhabitants of the region. Some of 100,000 tribal people, mostly Chakma sedentary rice farmers, were uprooted by the project (Haque 2000). The government (1985–2000) also adopted an integrated program named the Upland Settlement Project (USP) in the Chittagong Hill Tracts (Nath et al. 2005). The USP is considered a major development program in the CHTs because it focused on the rehabilitation of landless and marginal jhumias through improved agroforestry practices (Khan et al. 2003). Moreover, a large number of tribal people especially Chakma & Tanchaynga has remained out of the rehabilitation program. Due to cross-cultural contacts, some tribal people had also avoided the government resettlement program. Afterwards, a rapid rise in population by immigration by people from the plains, insecurity of land tenure, and government policies on expansion of reserve and protected forests made jhum farming vulnerable and led to a sharp decline in the productivity of uplands smallholders in the CHTs, and ultimately made the farming system fragile (Khisa and Farid 1996). Under these circumstances, a large number of Chakma and Tanchangya had shifted to the upland area of Cox's Bazar from Bandarban and CHT. They have been settled down in Madarboniya, Monkhli, Telkhola in Ukhiya and Whykong, Shamlapur, and Hneela in Teknaf and, embarked on traditional shifting cultivation (jhum) as their customary practice which had earlier caused degradation of Cox's Bazar natural forest coverage.

Materials and Methods

Study area

Ukhiya is one of the most important and poorest Upazila of Cox's Bazar and located at 21°17′00″N 92°06′00″E to 21.2833°N 92.1000°E along the north-eastern side of the Bay of Bengal (Figure 1). The site is part of a linear hill range, gently sloping to small hills and cliffs. A number of deep gullies and narrow valleys are crossed by numerous streams flowing down to the Bay of Bengal. It has 19,189 units of household and a total area of 261.8 km² (SUST, 2008). In the study area, Bangladesh Forest Department, Arannayk Foundation, and Society for Health Extension and Development (SHED) jointly implement the Inani Protected Forest Area

Co-management project among the local poor forest dwellers to reduce their dependency on the forest and explore alternative livelihood development prospects. The area is densely populated in comparison to the other Upazila of Cox's Bazar but enriched with vast natural resources. The natural resources of the area are mainly disturbed by the displaced unregistered Myanmar nationals. They exploit the forest for fuelwood and settlement purpose.
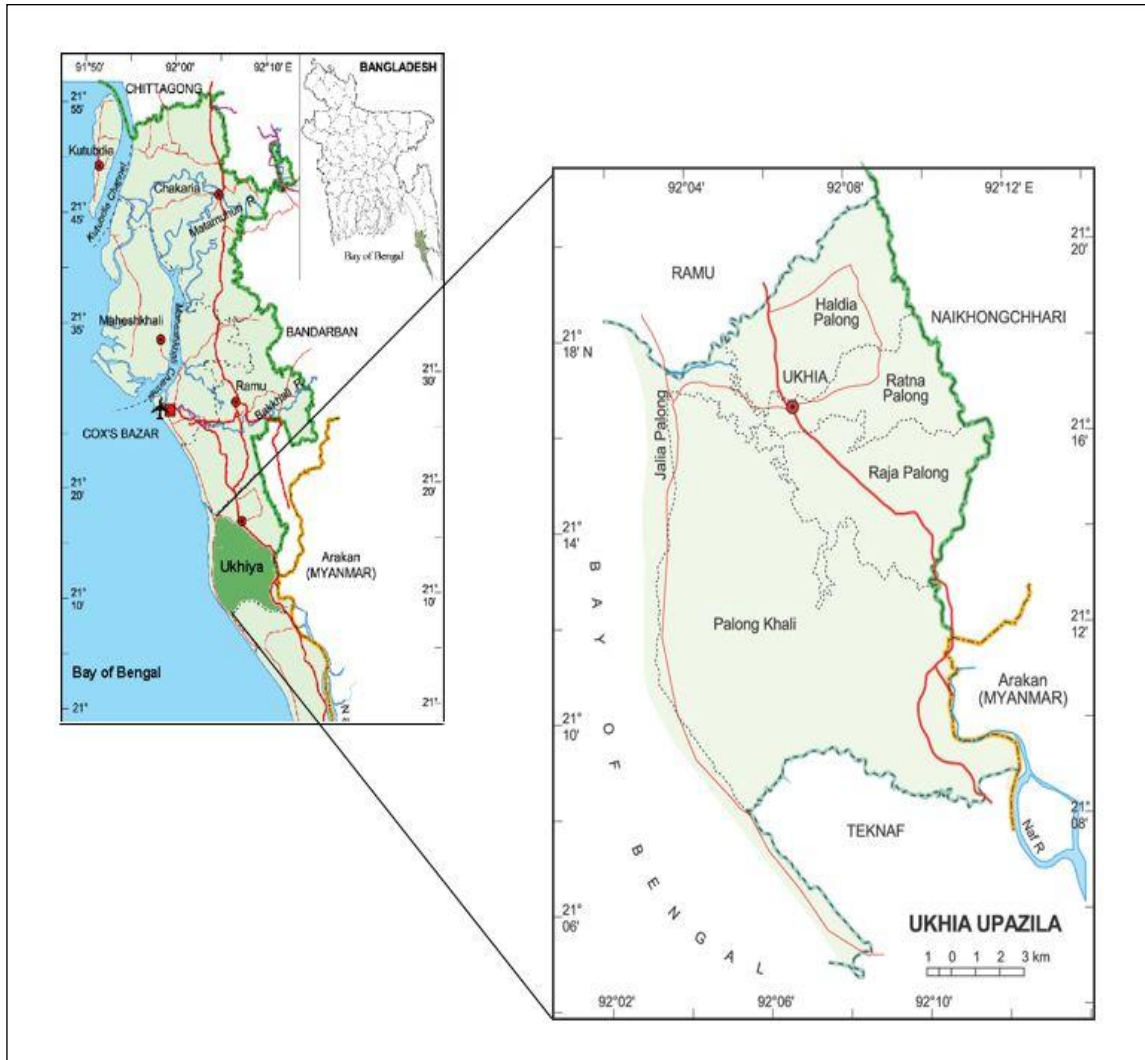

Figure 1: Map of the Study Area

Methods

The study was conducted within the project working area of Inani Protected Forest Area Co-management Project in Ukhiya. It was purposefully selected to assess the role of agroforestry on livelihood development due to project interventions among the upland households. The area was segmented into 22 distinct villages/settlements out of which 10 were randomly selected for the survey. Sample populations of the study were smallholder farmers of Ukhiya. The criterion for their inclusion in the sample was engagement with agroforestry practice as primary or secondary livelihood sources. Two different types of

respondents – smallholder farmers and key informants - were interviewed. Smallholder farmers were interviewed for the purpose of availing raw field data and key informants were interviewed to complement the information to obtain a comprehensive picture of agroforestry practices.

The number of respondent in each village varied according to the size and population of the village/settlement. A total of 60 respondents were randomly selected from the 10 villages/settlements for the interview. In each of the village, a list of farmers was drawn up and random sampling was used to select farmers for inclusion in the interview. Appointments were made with the assistance of field level officers of SHED and farmers were requested to be present at their households and attend the interviews during the period of data collection. Household survey and key person interviews were conducted to collect primary data. The interview was made through a semi-structured questionnaire intended to capture basic demographic data, farmer's socio-economic status and a variety of information on farmer's particulars on agroforestry practice. Farmers were asked about their agroforestry farming for livelihood development.

The questionnaire was chosen as an instrument for collecting data because it was easy to use among the smallholder farmers most of whom were illiterate. The questionnaire included both open and closed end questions to find out about their economic status before and after the adoption of agroforestry and also its impact on the livelihoods of the smallholder. They were requested to answer the questions on the basis of their perception and experience. Interviews and discussions with key informants and also personal observation were carried out throughout the study area. All secondary data and other required information were collected from published books and various journals. A considerable amount of information was gathered from active NGOs working in the area as well as from baseline survey, quarterly and annual progress reports.

Smallholder farmers

Criteria for identifying smallholders vary across the world. The High-Level Panel of Experts (HLPE) of the Committee on Food Security reviewed the concept of smallholders, and presented a wide array of criteria used by countries in their national definitions (HLPE, 2013). The most commonly used dimension for measuring farm size is land, but some countries also consider the number of livestock held or assets used, while others use gross sale as a criterion. Interestingly, what is small in Latin America and the Caribbean may be viewed as large in Sub-Saharan Africa or Asia. Although simplistic, a 1 or 2 ha threshold is frequently used to designate farms as small in most of the country (FAO 2013). In

Asia, farms are relatively very small due to the dense population. The average size of a smallholder farm in Bangladesh and Vietnam is 0.24 and 0.32 hectares respectively (George Rapsomanikis, 2015). Bangladesh assumed farms smaller than 0.20 ha (Government Survey of Bangladesh, 2010), 0.69 ha (Household Income & Expenditure Survey, 2005) as the smallholders. But FAO recommends 1-2 ha in Bangladesh as it appears in the Agriculture Census 2015 (George Rapsomanikis, 2015; Lowder SK. at el. 2015).

With reference to the infertile upland area, we consider smallholder farmers who possess around or less than 0.1 ha cultivable agricultural land. Information on the households that are available in government organizations and relevant offices are not updated in most cases. Hence, we relied more on baseline reports by NGOs for updated information on related population, smallholder farmers, village settlements and farmers practicing agroforestry.

Key informants

The social set up of rural communities in the upland area are headed by the village headmen. The headman or another designated person was interviewed along with smallholders. Key informants were interviewed, especially on how they observe the impact of agroforestry on the livelihood of farmers in his/her village and beyond. Whereas the headmen were intended to be interviewed as key informants, in most cases, it was found that they were also a part of the farming community and in most cases preferred to be interviewed as practicing farmers.

Role and Impact of Agroforestry

Existing Land Use and Agroforestry System in the study area

The land use systems in the study area are generally agro-crop production along with timber and fruit tree species and livestock production systems. The farmers practice agroforestry through Woodlot, Taungya, Alley cropping, Windbreaks/Shelterbelts and Citrus/arable intercrop. Most farmers intercropped grain, vegetables and tree crops. The grain crops cultivated in the land use system include paddy, maize (Zea mays), mustard, and green chili, with vegetable and fruit like gourd, bitter gourd, pumpkin, bean, carrot, pineapple and banana. The tree crops in the land use system include citrus spp., betel nut, coconut and Exotic spp. such as Acacia, Mangeum, Eucalyptus with very few indigenous spp. like Mahagoni, Raintree, Neem, Cashew (Anarcadium occidentale), Mango and litchi. Grain crops and vegetable were grown for household consumption and farmers wanted to increase income by incorporating tree/cash crops concurrently. Farmers also cultivated pepper (Capsicum frutecens), turmeric, spice and leafy vegetable in homestead garden.
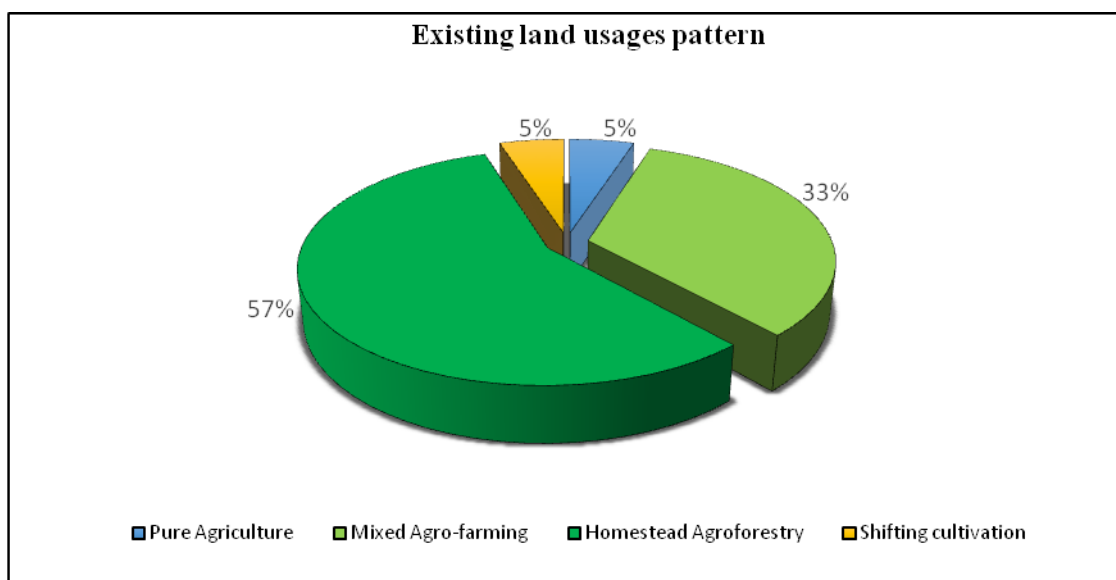
Figure 2: Land use Pattern of the area

Most of the surveyed respondents were engaged in homestead agroforestry, which constitutes 57% while 33% were practicing mixed agro-farming (Figure-2). Only 5% farmers were involved in both pure agriculture and shifting cultivation. It is widely known that the Tribal communities were fully dependent on shifting (Jhum) cultivation for their livelihood, and this practice was blamed as the major cause of forest degradation, although this was in practice for a long time.

In the interview, the farmers agreed to abandon the Jhum as they are now aware of its negative impact. Some NGOs (SHED and AF) are working with the tribal people for forest conservation. The NGOs work to make them aware to abandon the traditional shifting cultivation system against various AIGA (Alternative Income Generating Activities) supports. The community using agroforestry practice represents the following complex systems where the highest number (33.34%) follow multi-layered homestead agroforestry in the combination of fruit, trees, and crops (Table 1).

Table 1: Agroforestry Practiced system

Practiced Agroforestry system	*Practiced Percentage*
Agro-silviculture (trees + crops)	21.67
Boundary plantation (trees on boundary + crops)	11.66
Block plantation (trees + crops)	5
Alley cropping (shrubs + crops)	5
Agri-horti-silviculture (trees + fruit trees + crops)	6.66
Agri-silvipasture (trees + crops + pasture/animals	10
Live fence (shrubs/under trees on boundary)	1.66
Homestead (multi-layered combinations of trees, fruits & crops)	33.34
Total	**100**

Main sources of livelihood

It was found that income generating activities in the study area were not diversified as compared to other regions of Bangladesh. It is known that Ukhiya is one of the poorest Upazila in Bangladesh with high population density. High population growth creates pressure on defragmentation of agricultural land, so they were not able to cultivate these lands with solo agricultural crops. As a result, they were mostly engaged in agroforestry practice. However, the study ascertains that agroforestry practice was the main primary source of livelihood for over 42% of the respondents followed by pure agriculture 25% (Figure 3). In most cases, the primary and secondary sources of livelihood remain in the range of agroforestry and pure agriculture practice. These scenarios show the importance of agroforestry practice in the region. The rest of the primary and secondary sources of livelihood of the respondent are shown Figures 3 and 4 respectively.
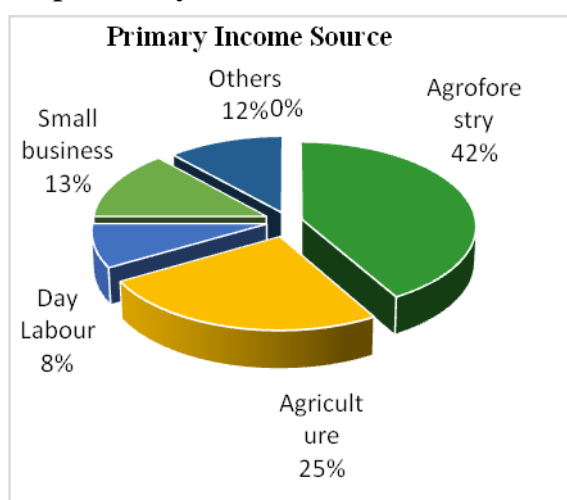
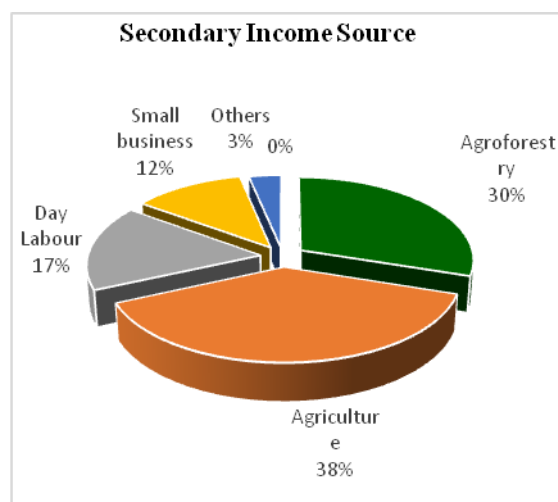**Figure 3:** Primary income source of respondents   **Figure 4:** Secondary Income source of respondents

Only a small proportion (33%) of the rural population was dependent on off-farm activities as the main source of livelihood (Figure 3) whereas 32% were dependent on off-farm activities as secondary livelihood sources (Figure 4). 82% smallholders in the region reported that off-farm activities are seasonal. They engaged in such businesses only during the dry season when little or no farm activity takes place.

Financing of farming activities

The study reveals that 41.67% of the farmers used finance from their personal savings. Only 1.66% used bank loans to finance their farming activities (Table 2). All smallholders and key informants claimed that they did not receive any financial support from the government, whereas 41.67% of smallholders had development organizations as their source of finance. They named the Bangladesh Krishi Bank and SHED and AF as

sources of finance. It should be noted that banks charge them interest against the loan, but the development organizations do not, but require them to repay the loan within a specific time. However, finance from development organizations is not sufficient.

Table 2: Financing of farming activities

Source	Ratio of financing source
Personal savings	41.67
Bank loan	1.66
Money lenders	5
Family support	10
Government support	0
NGO support	41.67
Total	100

Inadequate sources of finance such as banks, money lenders, and family support may affect the adoption of agroforestry. This is consistent with the views of Anaman (1988) who reported that the most important and reliable source of capital funds for running the farm business is the farmer's own savings which come out of the profit that is reinvested in the farm. Development organizations would like farmers to organize themselves into groups before loans could be granted, and farmers would not have to pay interest on loans. In the study area, most of the respondents were illegal tree-feller, but they were not entering the forest to cut trees in the last two years because they were given interest-free loans by the NGO working for the conservation of tropical forest. Their strategy was to enhance agroforestry within the homestead area so they do not have to be dependent on the forest.

Sources of Planting Materials

About 62 % of smallholders obtained planting materials from the market by self-finance, whereas 20% of farmers received assistance from NGOs and development agencies. However, 13% of farmers were able to receive planting materials from government agencies such as the Forest Department and Department of Agriculture (Figure 5). Most of the respondents who were beneficiaries of the implemented project by SHED got seed and seedlings of vegetable, fruit and timber species and other planting materials free of cost but the amount of support were not enough to develop their homestead agroforestry system in a sustainable way. Respondents who were not program participants had to buy the input materials from the market or collect from other sources. 70% of the respondents found the price of input materials high whereas, 30% considered it to be reasonable.
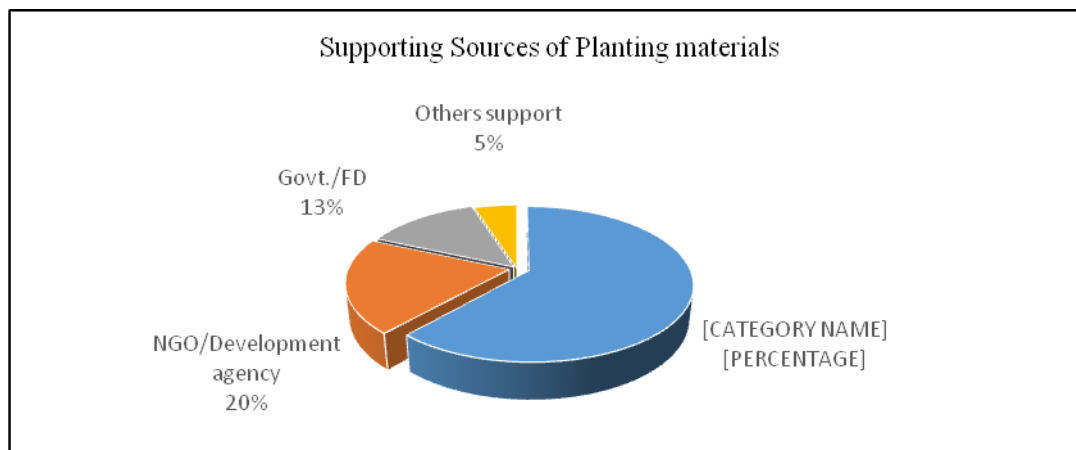
Figure 5: Sources of planting materials

Impact of Agroforestry on Livelihood

Changes in production after adoption of agroforestry

The study found that production from agroforestry has been steadily increasing due to the innovativeness of the farmers and also the spatial arrangement of multiple crops. The majority of the smallholders (85%) claimed that their production increased after the adoption of agroforestry, whereas only 3.33% faced decrease and 11.67% had no improvement in production (see Figure 6). The smallholders had suggested various reasons for the fluctuation in production. They believe that the cause of decrease in production is the hilly topography and low soil fertility in some areas. Availability of water was also one of the major problems in this case.

Figure 6: Trend of Production
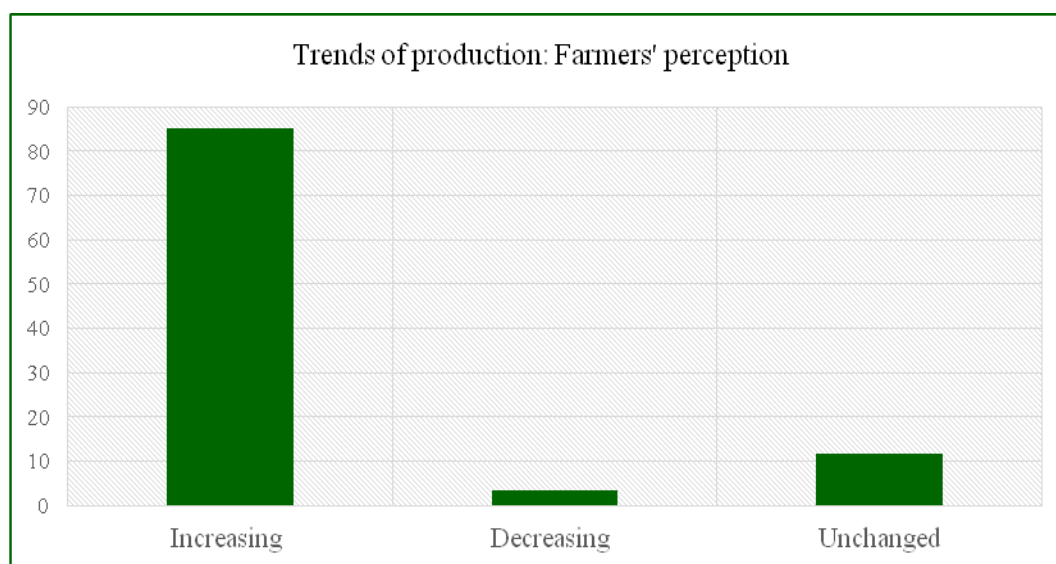
They also claimed that due to the agroforestry practice they are able to harvest multiple crops all year round and this enhances their food security. Mr. Ishak Miya from Ukhiya said,

"I am practicing agroforestry for over 7 years, now my production is about double that of my previous practice. Now I can produce more than two crops in a single land area. Moreover, I can produce vegetables in my homestead along with fruit and timber species simultaneously".

However, the decline in food production may have been caused by shades from the tree canopy. However, the tree produced highly valued ecosystem service. Initially, most farmers did not know the process of managing tree and food crop simultaneously and resulted in the food crop outgrowing the tree crop that led to a decrease in yield of tree crop. But most of the respondents agreed that the total production had increased.

Changes in Household Annual Income

The farmers' views on changing annual household annual income after the adoption of agroforestry are presented in Figure 7. These incomes include money accrued from the sale of both food crop and tree crop from agroforestry practices. A greater proportion of agrarian as 71.67% had increased in household's income (see Figure 7). The increased level of income helped farmers meet household needs such as medical bills and education costs for children. This indicates a significant impact on the livelihood of the households. Only 8.33% reported decrease in income due to factors in practicing agroforestry like low fertility, rocky soil and water inaccessibility over the past few years. However, the decrease in income may not be permanent. About 20% of the farmers did not have any significant changes in income level after the adoption of agroforestry.

Figure 7: Change in Household Income level
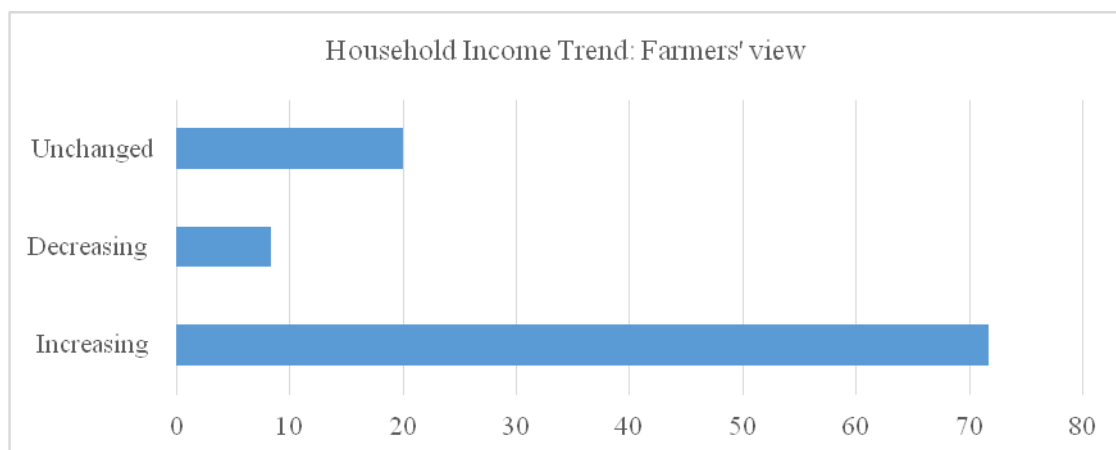
Before the adoption of agroforestry, the annual income level of 66.67% of farmers was less than Taka 100,000, while 30% earned between Taka 100,000-200,000. After adoption of agroforestry the level of annual income of 56% increased to the range of Taka 100,000-200,000 which was at 30% before the adoption. Furthermore, no one was in the income range of Taka 400,000-500,000 earlier. After the adoption of agroforestry, 1.67% attained that range of income (see Table 3).

Approximately 10–15% of the smallholders did not have clear information regarding the income and expenditure of their farm operations before adopting the technology. Since they did not keep proper records, the recall method from other elder family members was been used to derive the range of income. Anaman (1988) pointed out that lack of accurate data from the farm sector has contributed partly to poor performance of the economic predictions.

**Table 3:** Household Income Before and After Adopting Agroforestry

Level of Income (00,000 BDT)	Before Adoption		After Adoption	
	No. of respondents	Percentage	No. of Respondents	Percentage
<1	40	66.67	22	36.67
1-2	18	30.0	34	56.66
3-4	2	03.33	3	5
4-5	0	0	1	1.67
Total	60	100	60	100

[Note: 1 USD @ 80 BDT]

Changes in dwelling status

After adoption of agroforestry practice, 67% of the smallholders upgraded their residences to tin shed, compared to 53% who had similar accommodation before. On the other hand, about 28.33% of the smallholders were living in houses built with bamboo and sun grass before adopting agroforestry. The percentage was reduced significantly to 20% after the adoption of agroforestry. Similarly, the ratio of farmers living in mud and sun grass fell to 7-5% (see Figure 8). 30% of farmers were able to build their own houses after adopting agroforestry compared to 5.7% of farmers who had owned houses before the adoption.

Figure 8: Change in Quality of Housing
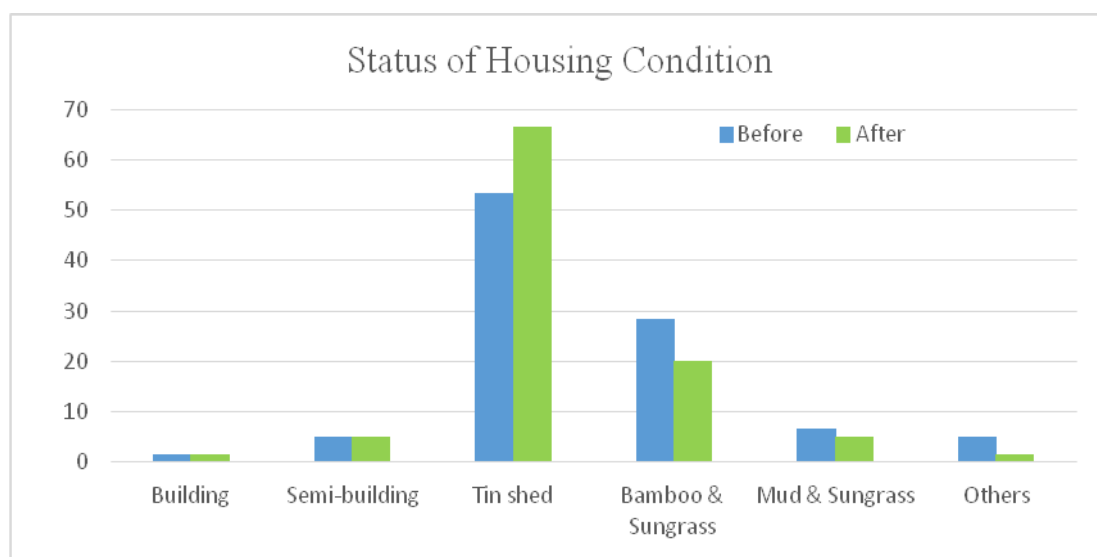
Enhanced Ability for Schooling Health Care

After adoption of Agroforestry, about 42% were able to pay school fees for their children and the number was at 30% before. A greater proportion of the farmers (60%) were able to afford new clothes when required for the family members and it increased from the percentage of 50% before the adoption. Similarly, affordability of medication by the smallholders increased significantly from 20% to 45% (see Figure 9). Most of the enhanced income came from sale of surplus food crop and tree crop that helped changes in the ability to afford school fees and learning materials, clothes and medical bills. Thus, the adoption of agroforestry had a significant impact on the livelihood of most growers and their families.

Figure 9: Change in Affordability for Education and Health Care
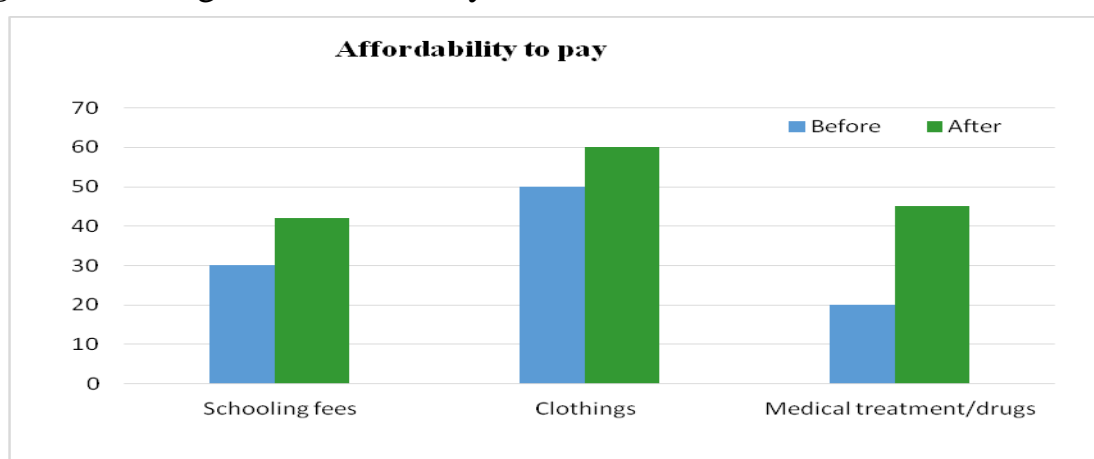
Conclusions

Agroforestry has immense potential for livelihood development of the smallholders in the upland area, but this aspect has been neglected so far ignored. The main problem is that the farmers did not keep records of the farming activities. There are still gaps in our understanding of the role of agroforestry as a whole, and further research is required in this area. Future efforts should be directed at on-farm research with priority on the farmers' involvement for identifying the problems and disseminating research results.

Agroforestry plays an extremely important role in helping to ensure adequate nutritional demand for the household with an eye on environmental sustainability. It provides food in many forms, contributes to dietary diversity, supplies nutrients and micro-elements, and minimizes seasonal or emergency food shortages (FAO, 1999). The study demonstrated that agroforestry has huge potential in enhancing productivity, additional income generation and food and livelihood security of the smallholder farmers in the upland areas of Bangladesh. With the adoption of agroforestry, a considerable section of the farmers were able to increase their income level with higher productivity that

helped them to secure access to food, afford school fees and learning materials for their children, clothes and medical treatment for the household members and also live in comfortable houses. This had a positive impact on the livelihood of the farmers and their families, and one of the principal causes is that farmers are able to use money from the sale of tree crops to purchase additional nutritional food items to supplement the stock in the household (Boateng, 2008).

Agroforestry innovations provide options for reducing poverty, improving food and income security and livelihood improvement with increased crop production, additional income generation for smallholder farmers in the upland areas of Bangladesh. Thus, agroforestry emerges as an essential part of the effort to feed the hungry people in the uplands. While these efforts may not be able to substantially alter the social, economic and political problems that cause food supply inequalities and insecurity, they have the potential to contribute towards household food security.

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