

Articles and Contributors

Education: A Road towards Women Empowerment

Jannatul Ferdous

Writing Behavior of ESL Learners of the Tertiary Level: A Study on Prime University

Aysha Alam Talukder

Role of Remittance to the Economic Development of Bangladesh

EM Sajjad Hossain

Md. Deluar Hossain

Postmodern Par-excellence: Khondakar Ashraf Hossain's Selected Poems

Md. Abdul Awal

Preventive Detention and Violation of Human Rights: Bangladesh Perspective

Md. Nazir Ahmed

The Role of the Legislature in Upholding the Rule of Law in Bangladesh

Md. Mostafijur Rahman

Environmental Crime as a Transnational Threat to Asia: An Analysis

Md. Ishtiaq Ahmed Talukder

Mahmuda Akter

Adoption of Energy Drinks: A Cause for Concern and Social Awareness

S. M. Saieef Uddin Ahmed

Book Review

HISTORY OF BANGLADESH 1704-1971, (in 3 volumes): 1ST Volume - Political History, 2nd Volume - Economic History, 3rd Volume - Social and Cultural History by Sirajul Islam (ed.) pp. (600+649+599)=1848, Asiatic Society of Bangladesh, Dhaka, Revised New Edition, 2007, Price Tk. 2500.00 (per set).

M. A. Jalil

Prime University Journal

Volume-8, Number-2, July-December-2014

ISSN: 1995-5332

Centre for Research,
Human Resource Development and Publications
Prime University

2A/1, North East of Darussalam Road
Section-1, Mirpur, Dhaka-1216, Bangladesh

ISSN: 1995-5332

PRIME UNIVERSITY JOURNAL

Volume-8

Number-2

July-December-2014



PRIME UNIVERSITY
JOURNAL

2A/1, North East of Darussalam Road
Section-1, Mirpur, Dhaka-1216

Prime University Journal



Prime University

Prime University Journal

Volume-8, Number-2, July - December: 2014

Centre for Research, HRD and Publications

Prime University

2A/1, North East of Darussalam Road, Section-1, Mirpur
Dhaka-1216

E-mail : puj.crhp@primeuniversity.edu.bd
primeuniversity_crhp@yahoo.com

Published and copyright protected by:
Prime University

Price: BDT 250.00
= US\$ 5.00

Editorial Board

Patron

Md. Ashraf Ali
Chairman, Board of Trustees

Editors

M. Abdus Sobhan
Editor

Mohammad Arshad Ali
Managing Editor

Members

Manohar Pawar
Charles Sturt University, Australia

Md. Shahinoor Rahman
Islamic University, Bangladesh

Cassie Landers
Columbia University, USA

Durgadas Bhattacharjee
Dhaka University, Bangladesh

Gareth Davey
Monash University, Malaysia

Mir Shahabuddin
Prime University, Bangladesh

M. Abul Hossain Sikder
Prime University, Bangladesh

Khurshida Begum
Jahangirnagar University, Bangladesh

M. A. Jalil
Eastern University, Bangladesh

Sarkar Ali Akkas
Jagannath University, Bangladesh

Editorial Note

The Prime University Journal (PUJ) is a biannual International Journal. This is a scholarly peer-reviewed journal aimed to promote inquiry on education, research and development. PUJ encourages emerging scholars and academicians globally to disseminate their professional knowledge, innovative ideas and research in the fields of life, literature, culture, business, arts, social science, law, technology, science and engineering related disciplines. The objective of the PUJ is to bridge the research community in humanities, social science and technology developers from academia and industry through submitting/publishing their research-based papers, articles, case studies, reviews on various topics of current concern in different disciplines, and book review in a single platform. The PUJ has an international editorial board consisting of scholars of different disciplines of the eastern and western origins.

Eight research papers are selected in the current volume of PUJ on different disciplines with the inclusion of a book review.

The *first paper* is on women empowerment. As half the population of Bangladesh is women, so women empowerment is a critical factor for the socio-economic development of Bangladesh. Dissemination of education among women is the most important instrument for achieving power and position of them in the society. The present study analyzes the role of education in women empowerment and the present state of women's education critically in Bangladesh. The *second paper* is a survey-based study on the writing behavior of ESL (English as Second Language) Learners in the Tertiary level study in a private university in Dhaka city where medium of instruction is English. This research depicts the current state of the TESL learners writing capability is undoubtedly needs to be under intensive care of the teachers to achieve success in future academic grounds. The *third paper* is on the role of remittance to the Economic Development of Bangladesh. The study sees that the end use (microeconomic) of remittance by the recipient households is focused in the literature. Little has been observed on the macroeconomic aspects by the remittance. In *paper four*, the author attempts to analyze the postmodern par-excellence such as self-reflexivity, post-impressionism, post-structuralism, viability of the system of representation, narrative mediate and construct history of the Bengali poet, Khondakar Ashraf Hossain's selected poems. Hossain ranks himself with the Bangali postmodern poets through black humor and macabre irony. The *fifth paper* is on the preventive detention and violation of human rights in the perspective of Bangladesh. The researcher defines preventive detention as detention of a person without trial and without conviction by a court, but merely on suspicion in the minds of the executive authority. The author says that our constitutional safeguards and some recommendations reiterate to protect human rights violation through preventive detention. He urges to stop the misuses of preventive detention in order to protect personal liberty from invasion, which is the basic human right of citizens. The *sixth paper* is on the role of the legislature in upholding the rule of law in Bangladesh.

In the contemporary global politics the rule of law is considered as the pre-requisite for better democracy, socio-economic development and good governance. The foremost role of the legislature as second branch of government to recognize the rights of citizens and to assure the rule of law prevails. He urges to stop the misuses of preventive detention in order to protect personal liberty from invasion, which is the basic human right of citizens. The *sixth paper* is on the role of the legislature in upholding the rule of law in Bangladesh. In the contemporary global politics the rule of law is considered as the pre-requisite for better democracy, socio-economic development and good governance. The foremost role of the legislature as second branch of government to recognize the rights of citizens and to assure the rule of law prevails. The paper raises the question as to what extent the parliament plays a role in upholding the rule of law in Bangladesh. The *seventh paper* is on the environmental crime as a transnational threat to Asia. The transnationality manifests in terms of organized illegal trafficking, money laundering and corruption especially in Asian countries. The combination of administrative, constitutional and legal framework in conjunction with effective implementation of national and international treaties as well as public consciousness is required for combating the transnational threat to Asian countries. The *eighth paper* is on the concern of social awareness on the adoption of energy drinks. Top three factors are extracted through factor analysis of the principal components that which shows that almost 40% of the variance corresponds to the proposed model. Varimax rotation of the factors employed to yield the factor structure. One factor is identified as the promotional factor explaining 19.00% variance, another one the distribution accounts for 12.30% variance and the third one the health factor represents 8.61 % variance.

The book review section is a wonderful contribution of the reviewer to this journal. The review is on the book, 'History of Bangladesh' in 3 volumes by Sirajul Islam (Editor), published by the Asiatic Society of Bangladesh, Dhaka. The edited volumes contain in all, 63 articles: 22 on political history, another 21 on economic history, and the rest 20 on social and cultural history of Bangladesh from 1704-1971. A perspective discussion at the start of each volume is given by the editor which gives the readers perspective of all the articles to set their mindset to extract maximum benefits from it. The 2nd volume starts with a series of articles on general economic conditions of Bengal in different periods. The 3rd (and last) volume contains 20 articles on diverse issues of social and cultural arena. All the discussions in the book lead to a gloomy picture of Bangladesh during pre-liberation period of Bangladesh. Ultimately, the Bengalis fought the war of liberation in 1971 and won the war and made Bangladesh a free and sovereign state.

M. Abdus Sobhan
Editor

Contents

	Page
Education: A Road towards Women Empowerment Jannatul Ferdous	9
Writing Behavior of ESL Learners of the Tertiary Level: A Study on Prime University Aysha Alam Talukder	26
Role of Remittance in the Economic Development of Bangladesh BM Sajjad Hossain Md. Deluar Hossain	47
Postmodern Par-excellence: Khondakar Ashraf Hossain's Selected Poems Md. Abdul Awal	62
Preventive Detention and Violation of Human Rights: Bangladesh Perspective Md. Nazir Ahmed	84
The Role of the Legislature in Upholding the Rule of Law in Bangladesh Md. Mostafijur Rahman	106
Environmental Crime as a Transnational Threat to Asia: An Analysis Md. Ishtiaq Ahmed Talukder Mahmuda Akter	133
Adoption of Energy Drinks: A Cause for Concern and Social Awareness S. M. Saieef Uddin Ahmed	151

Book Review

HISTORY OF BANGLADESH 1704-1971, (in 3 volumes): 1st Volume - Political History, 2nd Volume - Economic History, 3rd Volume - Social and Cultural History by Sirajul Islam (ed.) pp. (600+649+599)=1848, Asiatic Society of Bangladesh, Dhaka, Revised New Edition, 2007, Price Tk. 2500.00 (per set).
M A Jalil

Education: A Road towards Women Empowerment

Jannatul Ferdous¹

Abstract: Women empowerment is the burning issue all over the world and it touches Bangladesh also. For attaining appropriate social and economic progress women empowerment is actually greatly desired. Dissemination of education within women is the most influential instrument of achieving power and position in the society. It supports in decreasing discriminations and acts as a weapon for enlightening their prominence within the household and community. Women encompass almost half of the total population in Bangladesh. Thus, without a significant and lively contribution of women in regular economic events, a vibrant and sustainable economy is difficult. A vibrant and sustainable economy is a prerequisite for national progress and development. In the current development discourse, women's education has acknowledged extensive responsiveness. By this time, it has been shown in the various educational policies and programs related to the development of women. Some improvements have been made there in the women's education over the years. Though, the results are still disappointing. Due to the ancient and traditional mentality, women are less educated than their counterparts even now. The present study analyzes the role of education in women empowerment and the present state of women's education critically in Bangladesh. Finally, this paper gives some recommendation of increasing women empowerment through education.

Keywords: Empowerment, women, education, literacy.

Introduction

One of the foremost aims of the Millennium Development Goals (MDGs) is getting women into the middle-of-the-road of economic activities and confirming the equal opportunity as tracked by the government of Bangladesh. Yet, women are subjugated by a patrilineal and patriarchal kinship system, which imposes the social and economic dependency of females on males and prescribes comparatively lower grade of women in Bangladesh (Ferdaush & Rahman, 2011).

A large share of women in this country has so far to be empowered to take part enthusiastically in the economic, social, cultural and political segments. The official statistics on health, nutrition, education, employment,

¹ Lecturer, Department of Public Administration, Comilla University, Comilla, Bangladesh.
E-mail: jannat.lata@yahoo.com

and political participation reveals that there still exists gender discrimination. Women in Bangladesh are plagiaristic of their family position by tradition. A woman's role in the maintenance of the family as a social institution has an economic entity (Rahman, 2013). Like many developing countries, the social, cultural and religious constitution of the various products and services impede their access to, a number of restrictions on women imposes. The ability of a girl to progress eventually and their capability to lead their life with dignity are seriously inhibited by gender discrimination. Women constitute almost half of the population, who are neglected and deprived of their rights in every field of society (Begum, 2007). This situation can be changed, and women can raise their voice through proper access to education. Promoting gender equality in the education of women is likely to play an important role. Education will increase the ability of women to secure employment. The purpose of this paper was to present the potentials and prospects for women's empowerment through education in Bangladesh.

Conceptual Framework

Education is the variable that intends to promote values and improve the capacity of people that sustain the environment and development issues of any country. It contributes to create awareness, welfare attitudes, skills and behaviors as well as inducing a sense of ethical responsibilities among the people. Education is a fundamental right of every citizen of a country. There is no alternative to education for development of human resources and for women it is a vital tool of empowerment. Before getting on a discussion, it is essential to define the concepts, gender, women, education, participation, empowerment and women empowerment.

Gender

On one hand, the differences between male and female are determined biologically, on the other hand by society. There are differences between sex and gender. Sex is the biological differences between male and female. Gender describes the personal and psychological individualities accompanying with being man and women called masculinity and femininity. Women's marginal status has been seen as natural and a fact of their biology (Kabir, 2013). Gender differences in each society have been

formed and repeated through religious, socio-cultural, political and economic issues (HDC, 2000). It is very much prevalent that, Gender inequality is the outcome of social processes than biological issues. A social and religious conservative keeps women backward in the development activities.

Women

Women represent nearly half of the entire population and half of its potential of the country. Consequently, socioeconomic progress cannot be rightly attained without the lively participation of women in the decision making arena in society (Jahan, 2007). Women are never treated as general representatives of humanity or general people. They are specifically feminine gender and normally sexual categories. In family life, women are recognized as nurturers. Women are presented as someone's mother, daughter, sister or wife at the community level. They are seen as dependent and subordinate to her male counterpart (Mahtab, 2012). It is necessary to share equal rights and opportunities for the development of the country. Because, when half of the population do unproductive works, then countries' development must be impossible.

Participation

Participation is the involvement of people in decision making procedure. According to Mishra (1984), "Participation means collective and continuous efforts by people themselves in setting goals, pooling resources together and taking actions which aim at improving their living conditions". According to Human Development Report, participation means "people are closely involved in the economic, social, cultural and political process that affects their lives" (UNDP, 1993). So, participation involves the decision-making process which keeps touching a person's economic, political, social and cultural life and it is a collective procedure also.

Empowerment

The term empowerment denotes as a process and the outcome of this process is called empowerment. To be more specific, the visible result of empowerment is rearrangement of power within individuals, nations, classes, groups, races, castes and ethnic groups. Empowerment is the

change in the structure of subordination through a faster change in law pattern, property rights issues, control of women's manual labor and bodies, and the traditions which support male domination continuously (Khan & Ara, 2006). World Bank defines empowerment in a broader sense as, "expansion of freedom of choice and action" (Narayan, 2002). Thus it can be made out that empowerment means a method of establishing control over resources, also means of acquiring the opportunity to participate in the decision-making process actively and its implementation also.

Women Empowerment

Women Empowerment requires systematic alteration of institutions which support the patriarchal social structures (Malhotra & Schuler, 2005). Women Empowerment can be expressed as control over intellectual and material resources that ensures liberation from any kind of subordinate positions.

For women empowerment five levels of equality are essential.

Like:-

- Fulfilling the basic needs of women.
- Equality of access to resources like land, credit and opportunities of education.
- Identifying that their difficulties curtail from essential structural and institutional discrimination.
- Working together collectively and taking decisions along with man. It will increase the representation and empowerment also.
- Women are able to control over their lives, their family members' lives also. There should be a balance of power between men and women (Mahtab, 2007).

Indicators of Education that Measure Women Empowerment

Indicators of education are surrounded by the most vital actions of women's position and gender parity. Education provides women with facts to make informed decisions about their everyday lives and to increase the bargaining power (Kantachote et al., 2013). With the advanced levels of education, women have a tendency to have lower fertility rates, improved status of nutrition, and improved use of health services for themselves and their children also. In addition, education aids

as a forecaster of better employment prospects because educated women contribute more in the work force and earn greater income level.

Objectives of the Study

- 1) To present the status of women in education sector of Bangladesh.
- 2) To find out the major stumbling blocks in the way of women's participation in the education sector in Bangladesh.
- 3) To suggest some measures to reduce the stumbling blocks towards the way of women's participation in Bangladesh.

Methodology

This paper basically depends on both primary and secondary sources. In order to conceptualize the women empowerment through education in Bangladesh, 50 women respondents of the study area were interviewed to illustrate the real situation. The data of the present study collected by the researcher herself during the months of October and November, 2014 from the Comilla District of Bangladesh. Secondary sources like published books, research works, reports, journals and newspapers and through the review of information from this, the paper prepared skillfully. Some information is collected through internet browsing also.

Importance of Women's Education

In "The Millennium Development Goals (MDGs)," goal number two tells about "Achieve Universal Primary Education" and goal number three tells about the "Promote Gender Equality and Empower Women" (GoB, 2014).

Education is the fact that aims to stimulate standards and expand the capability of people that develop themselves and contribute in all development concerns of any country. It donates to generate consciousness, approaches of well-being, assistances and actions in addition to inducing a sense of moral duties within the people. Education is a major right of each and

every citizen of any country. For the development of a country's human resources, the only weapon is education. Besides, it is a crucial instrument for attaining empowerment, social status, equal opportunity, harmony and complete growth. Both men and women benefit from non-discriminatory education and, ultimately, the relationship between them are equal. With the purpose of participating in positive change in each case, the woman must have equal access to educational opportunities. Educated women are able to understand the aids of the development. They would like to have a smaller number of children, try to have themselves and their offspring better and healthier life, refer their children to good schools along with complete their schooling as well. They are able to find employment and independent more easily, are more creative, can earn or can pay. This is for the reason that females are more responsible than males in the matter of child rearing and spending their remunerations for the benefit of the education or health of the offspring. Educated women are more active citizens. Possibly most significantly, an educated woman can more definitely overcome the vicious cycle of poverty. In its place, she can be measured as a contributor of education that confirms the welfare of her offspring and her country as well. Through this way, a woman can contribute to the development of her family and the whole nations.

The Constitutional Guarantee of Education and Equal Opportunity

Bangladesh Constitution declares effective measures of getting education for its entire people. According to the Constitution of Bangladesh Article -17, about the equal job opportunities are:

“The State shall adopt effective measures for the purpose of -
(a) establishing a uniform, mass-oriented and universal system of education and extending free and compulsory education to all children to such stage as may be determined by law ;
(b) relating education to the needs of society and producing properly trained and motivated citizens to serve those needs; removing illiteracy within such time as may be determined by law.”

Again, the Bangladesh Constitution declares equal opportunity in every phase of life. According to the Constitution of Bangladesh. Article-28, about the discrimination on ground of religion, etc. are :

“(1) The State shall not discriminate against any citizen on grounds only

- of religion, race caste, sex or place of birth.
- (2) Women shall have equal rights with men in all spheres of the State and of public life.
- (3) No citizen shall, on grounds only of religion, race, caste, sex or place of birth be subjected to any disability, liability, restriction or condition with regard to access to any place of public entertainment or resort, or admission to any educational institution.
- (4) Nothing in this article shall prevent the State from making special provision in favour of women or children or for the advancement of any backward section of citizens.”

State of Women Education in Bangladesh

Bangladesh in various national and international figures that reflect the education of women has achieved over the years. Women are still regulated within their family from the birth with the view that they will move away to another place after their wedding in Bangladesh. Therefore, they do not need education. By tradition, woman education has been given a little prominence in Bangladesh because of poverty, superstitions, social directions for female isolation and the little importance of girls. However, the situation is changing in recent years. Progress, however, is less than the desired level. As a result of various initiatives and affirmative actions adopted by the government and non-government organizations along with the speed up rate of women literacy, female kids are most prospective to enroll them in the school.

Table-1: Literacy Rate and Primary Level Education

Status of Education	2005		2010	
	Male	Female	Male	Female
Literacy Rate of Population (7 years and above)	55.4	48.8	59.8	53.9
Adult literacy rate of population (15 years and above)	58.3	48.6	62.9	55.4
Net enrollment rate at primary level	84.4	85.6	85.6	87.8
Dropout rate at primary level	28	24.4	14.4	12.2

Source: Islam, 2013

The above table depicts that, Bangladesh has exposed certain optimistic symbols in the extent of literacy rate over the previous few years, especially for females. The rate of female literacy was improved with a faster speed than that of the male literacy rate for adopting certain dynamic initiatives and consciousness. Female literacy was 48.8 percent in 2005, and then it was increased to 53.9 percent in 2010. In the case for male, the rate of increase was 55.4 in 2005, and then it was increased to 59.8 percent per year during the same period.

The adult literacy rate of females has been improved with the faster speed than that of males. In decreasing the gender inequality and growing the gender equivalence has resulted from this advanced rate of intensification in women adult literacy rate over males. The rate of growth in adult literacy for women was 48.6 in 2005 and in 2010 it becomes 55.4. In the case for male, the rate of increase was 58.3 in 2005, and then it was increased to 62.9 percent per year during the same period.

At primary level over the last few years, Bangladesh has attained a note worthy level of advancement in enrollment. Female enrollment at the primary level has amplified from 85.6 percent in 2005 to 87.8 percent in 2010. Male enrollment at the primary level has amplified from 84.4 percent in 2005 to 85.6 percent in 2010.

Though the enrollment increased in the primary level of educations over the last few years, the dropout rate of students is still continuing. The dropout rate for females has been lessened from 24.4 percent in 2005 to 12.2 percent in 2010. The Male dropout rate has been lessened from 28 percent in 2005 to 14.4 percent in 2010. Several favorable programmes for female education have caused in some progresses in female enrollment at the primary level of education.

Table-2: Secondary Education, Higher Secondary School Certificate (HSC)

Status of Education	2005		2010		2013	
	Male	Female	Male	Female	Male	Female
Result of Secondary School Certificate (SSC)	221525	173468	367066	346494	440284	445607

Status of Education	2005		2010		2013	
	Male	Female	Male	Female	Male	Female
Result of Higher Secondary School Certificate (HSC)	143293	102256	217190	199797	290900	288397

Source: Bangladesh Bureau of Educational Information and Statistics, 2014

The above table depicts that, the performance of female goes upward in the result of Secondary School Certificate (SSC). The result of female in 2013 was better than male. The number of males who passed was 440284 and the number of females who passed was 445607. In 2005, the gap was high, there 221525 males passed and the number of passing female were 173468. In 2010, the passing number of females increased to 346494. Then, finally in 2013 female got the best performance.

In the matter of Higher Secondary School Certificate (HSC), there are still differences between male and female. The number of male and female passed respectively 143293 and 102256 in 2005. Then, in 2010, 217190 males passed and 199797 females passed. In 2013, the number of male 290900 and 288397 female passed. Female were developed, their passing status, but there is gap between male and female.

Table-3: University Education

Type of university	2008		2013	
	Male	Female	Male	Female
Public	120381	40066	279334	160215
Private	173414	53572	267984	104669

Source: Bangladesh Bureau of Educational Information and Statistics, 2009 & 2013

The above table depicts that, there is a large gap between male and female. Women, yet, are far behind in relation to males. In 2008, the number of males in public university was 120381 and female was 40066. Then, in 2013, the enrollment of women increased, but not to a satisfactory level. In the matter of the private university, male enrollment was 173414 and female enrollment was 53572. In, 2013, the number of male enrollment was 267984 and female enrollment was 104669. So, it can be easily identified that female enrollment highly dissatisfactory and shows a very frustrating picture.

Education and Women Empowerment in Bangladesh: Respondent's View

The main concern of this section is to analyze the impact of education on women empowerment in Bangladesh. In order to conceptualize the impact of education on women empowerment, 50 women respondents of the study area were interviewed to show the real situation. Here, all the respondents are working women and completed the higher education. Detailed analysis of the responses are provided in the following table:

Table-4: Education and Women Empowerment: Respondent's View

Impact of Education	Responses	Percentage
Increased decision making power	35	70%
Improved nutrition	45	90%
Increased use of health services	40	80%
Better employment opportunities	48	96%
Earn higher incomes	46	92%

Source: Field Survey

From the above table, it is easily depicted the positive impact of education on women empowerment. Due to education, the decision making power of women gets a good response of the respondents is 70%. The nutritional status of women also developed, the responses regarding nutrition is 90%. Within the respondents, it is also seen positive responses regarding the use of health services, the 80% response proved that women are aware and able to receive the health services. Regarding better employment opportunities and earn higher incomes, there got respectively 96% and 92%. So, we can see that if women get enough opportunity of education there empowerment status will be increased.

Obstructions to Women Education in Bangladesh

Though, there are some steps taken by the government to address the problems of women education, still the improvement of education status is not reached to satisfactory level due to quite a few reasons.

Poverty

Bangladesh Bureau of Statistics (BBS) 2010 household survey expresses that, 31.5 percent of the total population lives under the poverty line, as well as 17.6 percent are pointed as the category of 'extremely poor'. The World Bank report alleged in 2000 that, 48.9 percent of the total population was living below the poverty line, with the 34.3 percent represented as 'extremely poor' (Harmachi, 2013). Due to poverty, it becomes very difficult to fulfill the need of food, cloth, shelter, health needs. Price hike also leaves detrimental impact on fulfilling the basic needs. The need of education, they cannot fulfill due to extreme poverty.

Socio-structural Grounds

Discrimination is a part of the social structure. Social and cultural norms, religious affairs, the lack of parental education and lower expectations for girls' education are responsible to create inequality. The People who belong to the lower classes of society in any way be associated with the upper class are not allowed. There has been an absence of strong policy that will encourage all spheres to be literate and educated enough.

Net Enrollment and Parental Education

Net enrollment and parental education have a positive correlation. The percentage of never schooled parents reduced over time. From 1998 to 2000, It was reduced from 47.7% to 45.4%, and from 2005 to 2008 it was reduced from 35.4% to 33.3%. Throughout, 1998-2005, the net enrollment rate was improved for the children of both not ever and always schooled parentages, which became still in 2008 for both of the groups (Ferdaush, 2011). So, parent's education is necessary to increase the enrollment of the children's education.

Cultural Barriers

The majority of women's education in the rural and the poor in particular, are neglected in Bangladesh. Investment in women's education is considered a luxury by most parents. As per their husbands they will stay at home after marriage; marriage of their daughters is given more priority than education. Therefore, the need to invest in their education and it is not like the loss of money. Besides, taking care of their parents, along with the son seems to be the main income provider. As a result, girls are not encouraged to go to school.

Geographical Remoteness

Geographic remoteness is also a resilient obstacle in attaining women's education. Rural-urban discrepancies have played a vibrant part of the topic of this. Deficiency of educational institutions along with the remoteness between home and educational institutes in the rural areas obstruct the women enrollment in education. Women's education in the hill tracts, hornbill and char regions are impacted by the problems such as lack of educational institutions. Financial deficiency, societal disparities, geographic remoteness, imbalanced distribution of income, poor communication, etc. generate a difficult circumstance for the children, basically girls to get an education.

Over Population Issue

Bangladesh is one of the most populous countries in the world. The big mass of its population stresses for a more educational institutes compared to its rising resident. Here is, still, a massive deficiency of educational organizations for the increasing population. This request of additional educational institutes cannot be recognized drastically associated with the population growth. Therefore, over population generates an obstacle in the development of educational segment and women's education also.

Safety Issues

The safety issue is a big issue for women. Domestic violence was found 397 in the year of 2010. It could be eminent that the revealed ASK statistics for the six months from January to June, 2012 is also accessible. The statistics express that because of sexual harassment 10 females committed suicide. 31 females come to be victims of acid violence, 457 females were raped out of which 59 were killed after rape in the course of the similar period (Hossain & Sumon, 2013). In these situations, parents are not feeling secure to give permission to their daughter outside their household and even they have become tensed to send their girls to educational institutions. Consequently, the proportion of women's education is depressing down. In recent times, eve teasing and sexual harassment in educational institutions in terms of the safety of a new concern for parents has been added. An educational institution is considered to be a site of physical or sexual violence, then parents may be reluctant to send their girls to school, and the students will be reluctant to attend. Consequently, women's

education has been mainly affected by the violent activities against women from the society and particularly from the male-controlled attitude of the society.

Recommendations

Equity is significant instrument that can lessen the gender gap reasonably, though, appropriate signs, including fairness, and strategy essential to be intended for those children, who are factual and generally deprived. Equity does not at all times drives to fairness in education as per the idea of gender have several societal forces at work, and there are several concerns that might underprivileged the children of attaining justifiable outcomes. Equity is considered as part of quality. There are noteworthy tasks for executing a gender-dispassionate method in educational services. 'Equity' is an innovative experiment that generates the ultimate dilemma in feminist theory, in an educational setting. To articulate equity, there is a fight continuing as the portion of quality; the right to use, requirements and space, and arrangement for the manifold genders that at the same time analyze the ideas of gender and the parts regarding of gender. Until now, the policy and the needs of men and women for a variety of implications for the design of educational environment has been articulated, but persistent disparities still exist with the other gender and power relations (Khaled, 2013). To ensure a meaningful and an essential step to empower them in the education sector, the following policy prescriptions may be taken into consideration:

1. Eliminate the gender gap and make sure about the women's empowerment and proper participation in a sensible social development.
2. Raise consciousness and confidence level among women that they can do something and can go ahead.
3. Inspire women at every stage to obtain abilities and skills.
4. Transformation women's prevailing subservient position and make them empower to proceeds solid initiatives to make sure equivalent rights through acquiring proper education.
5. Girls and boys in basic education, formal and non-traditional, or alternative approaches are given the opportunity to gain admission to the lawful means.

6. Raise awareness among the people, to increase women's participation in order to provide opportunity in higher education / professional education.
7. The curriculum of the primary level will reflect a positive and progressive image of women. It will include the issue of equal rights.
8. Ensure the women's participation in socio-economic progress and poverty alleviation to contribute in socio-economic progress by engaging in various fields of events or self-employment through educating them.
9. Generate strong approach and confidence within the women to get rid of the problem dowry, violence against women and confirm the equal rights and opportunities.
10. Ensure security, so that they can take education fearlessly.
11. Change the attitude of those men who have faith in conserving of men's control and honor and dominating women.
12. Influence completely on the lives of women and men in the workstation, public place and family also.
13. Girls and boys should accept impartial action and devotion to have equivalent prospects to study.

Conclusion

Getting women interested in the mainstreaming in economic events, educational facilities and confirming equal opportunity are the key objectives of the Millennium Development Goals (MDGs) as followed by the government of Bangladesh. Bangladeshi women in the level of family, society and the state have been struggling to establish their rights. Practices in the society and in the operation of law, women are still in front of the problem of discrimination, social exclusion and inequality and have insignificant effect in decision making procedures. Inequitable laws and policies hamper proper parity and socio-political situations prevent women from working out their rights and privileges. Girls are very often measured as a burden, particularly for poor families, wherever they are at possibility of marriage at an early age level and wherever the exercise of dowries though unlawful carry on and is troublesome. It is significant to highlight that developments in the education structure only will be inadequate to eradicate the series of gender disparities in an assumed country or improve women's economic participation without complementary variations in the 'empowering atmosphere'. Organizational reasons of

discrimination, a number of them legally grounded, and approaches inserted in organizations and society must in general besides be undertaken.

References

Bangladesh Bureau of Educational Information and Statistics (2014) BANBEIS-Educational Database 2014. [Online] Available from: http://banbeis.gov.bd/data/index.php?option=com_content&view=article&id=316&Itemid=106

Bangladesh Bureau of Educational Information and Statistics (2014) BANBEIS-Educational Database 2014 [Online] Available from: http://banbeis.gov.bd/data/index.php?option=com_content&view=article&id=317&Itemid=107

Bangladesh Bureau of Educational Information and Statistics (2014) BANBEIS-Educational Database 2014. [Online] Available from: http://banbeis.gov.bd/data/index.php?option=com_content&view=article&id=979:table-81-number-of-university-teacher-and-enrolment-by-type-and-gender-2012&catid=147:university-education-2011&Itemid=231

Bangladesh Bureau of Educational Information and Statistics (2014) BANBEIS-Educational Database 2014. [Online] Available from: http://banbeis.gov.bd/data/index.php?option=com_content&view=article&id=288:enrolment-by-gender-in-public-universities-2008&catid=52:university-education&Itemid=154

Bangladesh Bureau of Educational Information and Statistics (2014) BANBEIS-Educational Database 2014. [Online] Available from: http://banbeis.gov.bd/data/index.php?option=com_content&view=article&id=289:enrolment-by-gender-in-private-universities-2008&catid=52:university-education&Itemid=154

Begum, F. S. (2007) *Women Entrepreneurship Development Programme: Implementation Plan*, BSCIC, Dhaka.

Ferdaush, J. (2011) *Inequality in Primary Education of Bangladesh*. Unnayan Onneshan-The Innovators, Dhaka.

Ferdaush, J. & Rahman, K. M. M. (2011) *Gender Inequality in Bangladesh*. Unnayan Onneshan-The Innovators, Dhaka.

Government of Bangladesh (2011) *The Constitution of Bangladesh*, Dhaka: GOB.

Government of Bangladesh (2014) *Millennium Development Goals: Bangladesh Country Report 2013*. Bangladesh Planning Commission, Dhaka.

Harmachi, A. R. (2013) Bangladesh to attain UN's poverty goal by 2013. *bdnews24.com*. [Online]. 20th June. Available from: <http://bdnews24.com/bangladesh/2013/06/20/bangladesh-to-attain-uns-poverty-goal-by-2013>. [Accessed:20th June, 2013]

HDC (2000) *Human Development in South Asia 2000: The Gender Question*, University Press Limited, Dhaka.

Hossain & Sumon (2013) Violence against Women: Nature, Causes and Dimensions in Contemporary Bangladesh. *Bangladesh e-Journal of Sociology*, vol.10, no.1, pp. 79-91.

Islam, M. A. A. (2013) Woman and Education. In: Titumir, R. A. M. (eds). *Institutions Matter: State of Women in Bangladesh 2013*, Shrabon Prokashani, Dhaka.

Jahan, M. (2007) Gender mainstreaming in Bangladesh civil service: Prospects and constraints. *Asian Affairs*, vol. 29, no.1, pp. 41-72.

Kabir, L. (2013) *Women's Participation In South Asian Civil Services: A comparative analysis of India, Pakistan and Bangladesh*. A H Development Publishing House, Dhaka.

Kantachote, K., Mallick, A., Polster, R., & Roets, K. (2013) 'Indicators of Women's Empowerment in Developing Nations'. *Workshop in International Public Affairs*.

Khaled, P. (2013) Violence against women: Gender inequality, and the need for proper education in Bangladesh. *The Financial Express*. [Online]. 09th March. Available from: <http://www.thefinancialexpress-bd.com/old/index.php?ref=MjBfMDNfMDIfMTNfMV85OV8xNjI0OTU=>. [Accessed:09th March, 2013]

Khan, M. M. R. & Ara F. (2006) 'Women, Participation and Empowerment in Local Government: Bangladesh Union Parishad Perspective'. *Asian Affairs*, vol. 29, no. 1, pp. 73-92.

Mahtab, N. (2007) *Women in Bangladesh: From Inequality to Empowerment*. Dhaka, A H Development Publishing House.

Mahtab, N. (2012) *Women, Gender and Development: Contemporary Issues*. Dhaka, A H Development Publishing House.

Malhotra, A., & Schuler, S. R. (2005) 'Women's empowerment as a variable in international development'. *Measuring empowerment: Cross-disciplinary perspectives*, pp. 71-88.

Mishra, S. N. (1984) *Participation and Development*, NBO Publishers, India.

Narayan-Parker, D. (Ed.). (2002) *Empowerment and poverty reduction: a sourcebook*. World Bank Publications.

Rahman, K. M. M. (2013) Demographic and Economic Profile of Women. In: Titumir, R. A. M. (eds). *Institutions Matter: State of Women in Bangladesh 2013*, Shrabon Prokashani, Dhaka.

UNDP (1993) *Human Development Report*, World Bank, New York.

Effective writing requires a number of things: a high degree of organization in the development of ideas and information; a high degree of accuracy so that there is no ambiguity of meaning; the use of complex grammatical devices for focus and emphasis; and a careful choice of vocabulary, grammatical patterns, and sentence structures to create a style which is appropriate to the subject matter and the eventual readers.

In case of cognitive processes Scardamalia and Bereiter (1986) find the Hayes model most influential as it identifies three basic cognitive processes in the L2 writing process, which are planning, translating and reviewing. According to them a major contribution of this model was showing that these three processes are not strictly sequential but these actually interact recursively with one another.

Munira, S. (2013) mentioned that, "To explain possible factors affecting word choice errors in language learners' English written texts, Hedge (2000, p. 111) points out the limitation of vocabulary knowledge and lack of usual attention to vocabulary choice would lead readers to question what writers would like to say in their work. Jiang (2000, p. 61) also suggests that lexical errors can happen in English writing when EFL learners choose and utilize L2 words on the basis of their L1 translation." It is found that the learners need to improve their vocabulary and grammar knowledge for overall improvement of writing skill. It is clear that students need to "understand and control the established ways of communicating first, before they go on to express other different possibilities" (Matsuo and Bevan, 2002). To make clear communication writer or learner need to ensure the cohesion and coherence in writing. Liu (2000, p. 33) argues that "content lexical ties are an important cohesive device in writing and that insufficient use of lexical cohesive ties by ESL students contribute to the lack of cohesion in their writings".

Correcting students' writing is time-consuming work therefore, many teachers dislike correcting students' writing. The goal of writing classes, however, is to promote learners performance in writing accurately across different genres. This requires explicit instruction on many items such as grammar, punctuation, spelling, structure, style as well as on generating and expressing ideas. Tennant (2001, p. 27) used two methods for editing/correcting students writing: (1) to write corrections on the paper, using a red pen to make them clearly visible; (2) and "more effective method" to write lengthy comments explaining grammar points, rising

questions concerning meaning and logical development, suggesting alternative wording, and reorganizing text. But teachers' response is not satisfactory. However, the results are rewarding because students can learn better.

Hasan and Akhand (2010) wrote an article on 'Approaches to Writing in ESL/EFL Context: Balancing Product and Process in Writing Class at Tertiary Level' which aimed to examine the effects of product and process approach to writing on learners' performance and found the advantages of using a product-process approach to gauging the effects of writing tasks were appraised. Similarly, it is found that large percentage of teacher translated difficult words into mother-tongue. In the same way, teachers are not comfortable in teaching essays because of poor linguistic background of the students in the English language.

The ability to write academic essays is widely considered as one of the common important phases of higher education. It is essential that university students be able to write clearly about topics related to their research fields. (Cohen and Miller, 2003) But it is difficult for the ESL / EFL students to write academic essays or any kind of academic writing in a second language. Writing in one's own language is difficult enough and if it is second language then it becomes more difficult for the students. To develop academic writing skill, at first students need to have clear concept of this kind of formal writing. About academic writing Tribble (1996, p. 83) believes that, "learners who wish to write in new academic settings have to gain a mastery of the concepts and content of their subject area as well as developing an ability to express themselves effectively and appropriately in foreign language".

Academic writing is one of the vital skills which ESL / EFL students need to acquire for their prospective studies in English-mediated university courses. Sinha (1997) illustrates that, "Error frequently occurred when the students were asked to write paragraph and dialogues or when they attempt to answer comprehension questions".

Research Methodology

By nature this is a primary research. According to Brown (1988), primary research obtains original or first hand data to explore the original information. This research is based on authentic data as first hand original

information regarding students' common errors in writing have been occupied by using documents analysis and questionnaire responses. The participants of this research are studying in Prime University in Bangladesh. This research also qualifies the characteristics of empirical research as it is based on experimentation with evidence. This research is framed on specific questions and the results will be discovered through empirical data analysis. This study will employ the teachers to think and explore the way to improve students' writing in the target level.

The research has been done combining both qualitative and quantitative research. To find out the necessities this research used questionnaires for data collection. In this paper the results and answers has been shown with the presentation of numerical data. To identify students' error in their writings, this research is incorporated with document analysis too which has a qualitative touch in it. Thus the research method is a mixed one.

Participants and Setting

The participants of this study were first year students ranging in the same age group of 20-21 years. The students had completed twelve years of schooling; primary, secondary and higher secondary. The total number of students was 30. The study was conducted in Prime University of Bangladesh where the medium of instruction is English. For this study the researcher has investigated 30 learners' class test scripts and some other writing tasks to identify errors in their writings.

Actually the writings of the students were collected through class tests taken by the researcher in different times in the year 2014. The specific course of the class test copies is Elementary English which is the course for the first year first semester students. The aim of this course is to sharpen the basic knowledge of the learners. The chosen test topic was relevant free writing where students had to write some sentences on a given topic. The researcher has chosen their free writing test script for in-depth analysis of the students' writings, so it will be an in-depth document analysis of the students' errors in their academic writing.

Sources of Data

The main data source of this study was the students' class test scripts, specially focused on free (paragraph) writing part. These scripts have been taken as samples of students' writing, which falls under the category of document. Each sample will be analyzed for error. Questionnaires are used as research instrument to collect quantitative data. The questionnaires were organized in such a way that after collecting and analyzing the finding of the quantitative data, it would reflect teachers' and students' general attitude and perception on errors in writing.

Data Collection

The primary data for the study were collected through two questionnaires for teachers and students that included mostly close-ended questions except one or two open-ended questions. Another primary data the writings of learners were collected as document to analyze errors in their writings. Each student's written scripts were examined to find out common errors they made while writing on any relevant topic in academic setting. Errors were identified and categorized into different groups. Some pertained to grammar, some to vocabulary and some to mechanism. The questionnaires were constructed using different patterns including Likert scale, MCQ and Yes / No choice. Questions on different aspects of students' errors were included in the questionnaire; teachers and students were asked to indicate their agreement or disagreement with the statements and provide suggestions in the few open-ended questions.

Questionnaires are one of the most popular data collection devices. Brown and Rodgers (2002, p.142) state that "questionnaires are predominantly made up of more closed-response items such as Likert scales, multiple-choice, yes-no, and ranking". Responses to closed questions are easier to collect and analyze data. The questionnaire of this research includes answers from separate language teachers and students from different semesters of the same university. After delivering the questionnaire to students, the researcher has found that a few students did not understand some questions. So, when they asked, the researcher made the meaning clear to them. Two different sets of Questionnaire were given to students and teachers (See Appendices A and B for Questionnaire). The questionnaire contained a mixture of closed and open questions respectively. Questionnaire for the teachers contained closed questions

including ranking, multiple choice, yes-no items. In some questions, teachers were given option for their comments or suggestions. There were given two fully open ended questions for the teachers. Questionnaire for the students mostly contained closed questions including ranking, multiple choice and yes-no items. The nature of all the questions was mainly based on students' interest in writing, error in writing and error analysis.

Data Analysis of the Questionnaire for Teachers

To extract data from the teachers, a written questionnaire comprising of 10 questions (See Appendix - A) with both fixed alternatives and open-ended questions have been used that are discussed below.

The first question was asked to elicit teachers' opinion on students' error in their writing. It was yes-no question, they were asked to put tick mark on yes-no item. Question number 2 and 3 were multiple choice questions that would help the researcher to find teachers' belief on the reason behind students' most common errors. Questions from 4 to 9 teachers were asked to give their opinion regarding the errors of the students, their concern about it and its impact on further studies. These questions were designed in Likert format where teachers had to chose the (agree / disagree / neutral) option from the list to reveal the real scenario of our students' writing ability. The last question is for the suggestion from the teachers on the issue of minimizing the errors of the learners' writings.

Six statements were included in the questionnaire to find out teachers attitudes towards the errors of students' writings. It was found that most of the ESL teachers believe that writings of the tertiary level learners are not up to the mark and full of very common and basic errors in many cases.

All of them either agreed (83.33%) or disagreed (08.33%) with the statement that *Writings of the tertiary level ESL learners are not up to the mark*. They believe that their writings are not up to the standard of their educational status.

50% respondents agreed with the statement that *Learners do not get enough scope of learning in their primary to intermediate level* while 33.33% respondents disagreed. 83.33% accepted the statement that *Learners are not aware of their errors in writing*. In response to the statement- *Only error analysis in class is not enough for their correction*, 66.66% respondents agreed and 33.33% respondents were neutral. *The errors of the tertiary level ESL learners are affecting their higher education*; – the statement was supported by 83.33% and denied by 08.33% respondents. In response to the statement -*The tertiary level ESL learners are reluctant to learn from their errors*; 58.33% respondents agreed 16.66% disagreed and 25% were neutral in their opinion. Table 1 presents their responses to these statements about learners' errors.

Table-1: Teachers' Attitudes towards Students' Errors in Writing

Statement	Agree	Disagree	Neutral
1. Writings of the tertiary level ESL learners are not up to the mark.	83.33%	08.33%	---
2. Learners do not get enough scope of learning in their primary to intermediate level.	50%	33.33%	16.66%
3. Learners are not aware of their errors in writing.	83.33%	08.33%	08.33%
4. Only error analysis in class is not enough for their correction.	66.66%	---	33.33%
5. The errors of the tertiary level ESL learners are affecting their higher education.	83.33%	08.33%	---
6. The tertiary level ESL learners are reluctant to learn from their errors.	58.33%	16.66%	25%

In the questionnaire the teachers were asked "What type of errors / mistakes do you find in the writings of these learners?" where 91.66% of the participant teachers agreed that learners do errors in grammar as well as spelling. Another question is formed to find out the reasons for the learners errors where 83.33 % agreed that learners do errors in writing for 'all these' reasons (Lack of knowledge, Unconsciousness / lack of concentration, Poor schema or poor basic knowledge) and 33.33% opined for 'Poor schema or poor basic knowledge' and 16.67% opined for 'Lack of knowledge'.

These calculations agree with the first question which shows that 'the Bangladeshi tertiary level ESL learners do undesirable errors in their academic writing' is 83.33% true from the survey findings.

Data Analysis of the Questionnaire for Learners

To draw out data from the students, a questionnaire comprising of 15 questions (See Appendix - B) with fixed alternatives and two of those are open ended questions.

The first 10 questions were asked to elicit students' opinion on errors in academic writing, their problems in writing, teachers' role regarding their errors and the common errors that they make in writing. It was intended to reveal students' own belief on these important issues related to students' error. These were multiple choice questions. In question 11 to 13, students were asked to tick on the multiple-choice items that would allow the research to explore student's own belief on common errors. Question 14 and 15 were asked to give their comment/ thoughts on the problem or error they usually face in writing and their own belief on overcoming the errors at the tertiary level.

To explore the learners' views and beliefs about the reasons behind their errors this research has analyzed the data collected through questionnaire survey among the learners. In the questionnaire three statements were included to find out learners' attitudes towards the reasons of their errors in writings. It was found that most of the ESL learners believe that due to having the lack of correct vocabulary, grammatical as well as structural knowledge of the English language they are committing errors in their writings.

73.33% respondents agreed to the statement that *Lack of appropriate vocabulary ruins my writing*; while 20% disagreed and 06.66% were neutral. In response to the statement- *Complete preparation on a topic gives me strengths to write correctly*; 93.33% respondents agreed and 06.66% disagreed. This response reveals very clearly that preparation on a topic leads less error in learners' writings. 53.33% of the respondents disagreed on the statement - *I did not get the corrections of my errors before*; while 13.33% agreed and 33.33% were neutral in their opinion. Table-2 presents the responses of the learners' beliefs of their errors.

Table-2: Learners' Beliefs towards the Reasons of Their Errors in Writing

Statement	Agree	Disagree	Neutral
Lack of appropriate vocabulary ruins my writing.	73.33%	20%	06.66%
Complete preparation on a topic gives me strengths to write correctly.	93.33%	---	06.66%
I did not get the corrections of my errors before.	13.33%	53.33%	33.33%

From the questionnaire of the students the research has found that the learners are not interested to learn English, not eager to make themselves efficient, not ready to read or write on their own; that is if teachers are forcing in class they are writing it is not that learners are writing on their own interest. The following table shows the self judgments of the learners writing skill.

Table-3: Learners' Self Assessment of Their Own Writing Ability

Questions	Yes	No	Sometimes
1. Do you enjoy writing?	60 %	0%	40%
2. Do you think you are good in English writing?	33.33%	26.66%	40%
3. Do you notice problems or "stuck points" in your writing and figure out what the causes are?	40%	0%	60%
4. Can you vary the way you go about writing depending on the situation: the topic, the audience, type or writing, and so on?	60%	6.66%	33.33%
5. Can you find a main point in a mess of your disorganized writing?	46.66%	20%	33.33%
6. Can you find a new shape in a piece of your writing which you had previously organized?	66.66%	6.66%	26.66%
7. Can you find problems in your reasoning or logic and straighten them out?	6.66%	0%	93.33%

Questions	Yes	No	Sometimes
8. Can you make your sentences clear --so they are clear to readers on first reading?	53.33%	20%	26.66%
9. Can you get your sentences lively?	60%	13.33%	26.66%
10. Can you get rid of most mistakes in grammar, spelling, punctuation, and so on?	53.33%	13.33%	33.33%

The data shows that learners need a great effort to improve their writing ability with a lot of practice and guidelines from the teachers. The target level learners need to improve their vocabulary, grammar knowledge as well as sentence organization.

Document Analysis

To identify the common errors of the learners in their academic writing, this research has collected some documents of the students of the first year from the department of English of this university. Their different courses' class tests were taken as document of writing to be analyzed for this research. From the samples, different types of errors have been identified and categorized accordingly. It is known that in error analysis, collection of samples of learners' writing and then identification of errors are very important steps. The aim of this study was to find out the tertiary level ESL learners' common errors in academic writing which is obtained through the identification of the errors in the learners' writings.

In their first class test in first semester, learners had committed errors in spelling, capitalization, choosing the right form of the words, right verb form, tense structure, agreement between subject and verb, incomplete fragmented sentences etc. Few examples of errors that have been found in the documents collected from the learners' class test copies are listed below.

- He *fight* for freedom----- (Verb form)
- He ? the chief figure in English literature. (Auxiliary verb)
- He is great *assist* of science. (Spelling)
- He really well discuss on his essay. (Verb form and use of Preposition)

He *discuss* about Aphorism. (Subject- verb agreement)
 He was a essayist and every people *known* that *Bacon's* is a father of prose. (Few errors are found in this sentence, use of articles, verb form and use of apostrophe.)
 Simile is an *complicit* comparison (Article and Spelling)
 As if and as like are often used *to* simile. (Use of Preposition)

In some of the learners' mid-term exam scripts the researcher has found some common errors recently. Among the errors the spelling mistake was very common and other errors were wrong choice of words, wrong choice of auxiliary verbs, missing a word from a sentence, unnecessary capitalization etc. The exam scripts were collected from the course teacher of the course ENG-103, 'Elementary English' run in the very first semester in the Department of English and the scripts were checked and re-checked by the course teacher and the researcher. The errors found in the exam scripts are mentioned below:

The old lady *appretiated* so much *Wrong spelling 'Appreciated'*
 Rifat caught his hand *hardly*. *Instead of using 'tightly'*
 I know this old ? . *Did not use 'lady'*
 May be you *can* know me. *Instead of using 'don't'*
 Then *They* took the old lady to her house. *Unnecessary capitalization*

These data is collected from the documents of 30 students who were studying the fundamental English courses in their first semester. In the study it is found that most of the learners do errors in grammar either right form of verbs or in structuring sentences.

Table-No. 4: Errors in Students' Writing

Errors	Number of student (30)	Percentage
Spelling	25	83.33%
Grammatical errors (subject- verb agreement, tense, right form of verb etc.)	27	90%
Sentence Construction / Structure	22	73.33%

The above mentioned errors are found very commonly in most of the learners' academic writings which bear the sign of improper care to their learning in previous academic years.

The researcher believes that if lessons are provided with proper as well as practical care, learners will be able to catch up those lessons properly and be able to implement the knowledge in their further academic purposes otherwise these errors will create a strong barrier in achieving accurate higher education successfully in future.

Major Findings

This study was aimed at investigating Bangladeshi tertiary level ESL learners' common errors in their academic writing. From the data collection and analysis it is seen that though the students were in tertiary level, they continue to have major difficulties in writing sentences. The findings of this study are as follows:

- * The majority of the students could not properly structured sentences, as they are not much expert in the target language. Students face serious problems in developing sentences while expressing thoughts. Some syntactic errors were so unique to comprehend that at first look, the sentences did not make any sense.
- * Use of wrong words and wrong form of words are common errors that students made. Sometimes they used words which are out of context, which indicate their lack of knowledge in the target language as well as subject matter.
- * Spelling error is one of the most common errors that students made. Because of having LI interference students mostly do pronunciation error which sometimes reflected in their writing as spelling errors.
- * Regarding grammatical error it is found that students made prepositional errors the most. They get confused with the use of even simple prepositions.
- * Misuse of helping verb and auxiliary verb denoted that students were very weak in the grammatical knowledge of the target language.

Though students have been learned these grammatical aspects from their primary level, still they commit errors while writing in advance level. The kind of common errors students frequently committed in writing indicate that they are not prepared to be students of tertiary level.

For document analysis the selected writing samples of the students were from the department of English in Prime University of Bangladesh, they are in their first year. The courses were elementary for the learners to develop as well as practice their knowledge of the target language.

As analyzed the class test scripts of the learners, the researcher has come to know about their common errors they still commit at the advance level of learning. After analyzing the errors the researcher thinks that the course is not adequate for the learners' development. After getting lectures and having practice on the writing, students still committed number of errors. Students' frequent errors indicate that they are not prepared for upper level courses. From this study, the researcher can say that though the students have enrolled in the university after completion of their higher secondary level of education, where English is compulsory but not effective, and that is why students still continue making errors in syntactic, grammatical and lexical areas very frequently. Concerning common types of errors many teachers frequently find 4 types of errors in students writing. Most of the teachers believe that faulty sentence construction is a common error that students frequently commit in their writing. Among other types of errors, most of the teachers mentioned spelling error, grammatical error, and punctuation error.

Recommendation

The research has tried to explore some ways to improve the learners' errors. From the study the researcher has collected data from the teachers' questionnaire and displayed some of those suggestions as recommendation here. The learners can improve their errors or mistakes by—

- motivating the learners to learn correctly
- correcting errors or mistakes
- creating an environment of correct learning with competent teachers
- gathering knowledge on grammar and vocabulary
- implementing writing methods
- building reading and writing habits
- practicing more and more
- most importantly ensuring attendance of the learners' in class.

The research shows that the vital necessity is the joint ventured effort, eager and motivation both from the teachers and learners; otherwise there will be no improvement in the result. The learners have to be more dedicated to learn or earn knowledge from their teachers likewise the teachers should be careful to provide knowledge and ensure correct learning of the learners. The learners admitted in the tertiary level with the poor knowledge of English grammar which reflects in the further academic learning as well as results. Another mentionable matter is that English is the medium of instruction in the tertiary level of education which is difficult to follow for the learners in the beginning and make barrier in the flow of English speaking environment in classes. This research also attracts the attention of the previous public examination authorities, teachers to take care of the results to be authentic as well as reliable so that at tertiary level teachers may get a trustworthy source of the learners' basic knowledge of the language. Side by side the private university authority should take care of the admission test so that the basic condition of the learners can be predicted and it will help the teachers to categorize the learners according to their problems and go for the specific feedback to them. Though it is evident that the previous learning of the target group ESL learners is full of errors, it's the high time for the learners to recover those deficiencies of knowledge in this level otherwise this learning may turn up as a curse to them in near future because practical life is full of competitions and struggles to ensure a place of one's own in the world.

Conclusion

Writing is one of the most essential parts of language learning. In the era of globalization English is indispensable everywhere around the world. After conducting this research it is found that the majority of the tertiary level ESL learners in Prime University are not eligible to be a student in this advance level of education. The results come out from the findings of document analysis show that around 90% learners' writings is full of errors. On the other hand the survey of the teachers' questionnaire showed that 91.66% teachers believe that the learners have problems in their academic writing and it is really an alarming matter to be considered.

But we should always keep the hope to improve the quality of the learners through constant practice and effort both from the teachers' and students' sides. Based on the findings of this study it may be generally concluded that the existing condition of English writing skill in private universities requires intensive treatment and care for the improvement besides giving more importance in the SSC and HSC level of education which create the pavement for the learners to higher education in Bangladesh.

References

- Cohen, R. and Miller, J. (2003) *Reason to Write Strategies for Success in Academic Writing*, Oxford University press, New York.
- Emig, J. (1971) 'The Composing Process of twelfth graders', Champaign, IL: National Council of Teachers of English.
- Hedge, T. (1989) *Writing*, Oxford University Press, Oxford.
- Hasan, K. M. and Akhand, M. M. (2010) 'Approaches to writing in EFL/ESL context: Balancing product and process in writing class at tertiary level', *Journal of NELTA*, vol. 15, no. 1-2, pp. 77-89.
- Assignment Point 2014, Assignment on learning EFL writing at SSC level in Bangladesh, viewed 30 November 2014, <http://www.assignmentpoint.com/arts/english/page/3>
- Harmer, J. (2007) (4th ed.), *The Practice of English Language Teaching*, Pearson, Longman.
- Hinkel, E. (2004) 'Teaching Academic ESL Writing: Practical Techniques in Vocabulary and Grammar', Lawrence Erlbaum Associates.
- Larsen-Freeman, D. (2003) *Teaching Language: From Grammar to Grammaticing*, Thomson-Heinle, Canada.
- Liu, D. (2000) 'Writing Cohesion: using content lexical ties in ESOL', *English Teaching Forum*, January 2000, pp. 28-33.
- Majid, A. N. I. (2011) 'A Study of the Writing Behaviors of Low Proficiency English Learners in Bangladesh', *Eastern University Journal*, vol. 3, no. 1, pp. 118.

Matsuo, C. and Bevan G. (2002) 'Two approaches to Genre-Based writing Instruction: A Comparative Study', www.adm.fukuoka.ac.jp/fu844/home2/Ronso/Jinbun/L38-/L3801_0155.pdf

Munira, S. (2013) 'Teaching English at Tertiary level: Frequency of common lexical error in EFL learner', *International Conference on Tertiary Education*, (ICTERC 2013) Daffodil International University, Dhaka, Bangladesh 19-21 January 2013.

Nunan, D. (1989) *Understanding language classroom*, Prentice Hall, U.K.

Peregoy, S. and Boyle O. (2005) (4th ed.), *Reading, Writing and Learning in ESL: a resource book for K-12 teachers*, Pearson, Allyn and Bacon.

Rivers, W. (1968), *Teaching foreign language skills*, Chicago University, Chicago.

Sinha, B.S. (1997) 'Learners' errors, their significance in L2 learning and the role of correction', *The Dhaka University Studies*, vol. 54, no. 2, pp. 145-157.

Tennant, S. (2001) 'Useful Resources for Editing Academic writing in English', *English Teaching Forum*, vol. 32, no. 2, pp. 26-29.

Tribble, C. (1997) *Writing*, Oxford University Press, Oxford.

White, R. and Arndt, V. (1991) *Process Writing*, Longman, London.

Questionnaire for Teacher

Name :

Work place :

Experience :

1. Do you think the Bangladeshi tertiary level ESL learners do undesirable errors in their academic writing?
a) Yes b) No
2. What type of errors / mistakes do you find in the writings of these learners?
a) Grammatical b) spelling c) all these d) none of these
3. What do you think - they do the errors / mistakes for ---
a) Lack of knowledge b) Unconsciousness / lack of concentration
c) Poor schema or poor basic knowledge d) All these e) None of these
4. Tertiary level learners' writings are not up to the mark.
a) Agree b) Disagree c) Neutral
5. Learners do not get enough scope of learning in their primary to intermediate level.
a) Agree b) Disagree c) Neutral
6. Learners are not aware of their errors in writing.
a) Agree b) Disagree c) Neutral
7. Only error analysis in class is not enough for their correction.
a) Agree b) Disagree c) Neutral
8. The errors of the tertiary level ESL learners are affecting their higher education.
a) Agree b) Disagree c) Neutral
9. The tertiary level ESL learners are reluctant to learn from their errors.
a) Agree b) Disagree c) Neutral
10. How can we minimize the errors of the learners?
Answer:

Questionnaire for the Learners

Name
University
Department
Semester
Result of HSC & SSC
Board/s
Passing Years

1. Do you enjoy writing?
Yes / No / Sometimes
2. Do you think you are good in English writing?
Yes / No / Sometimes
3. Do you notice problems or "stuck points" in your writing and figure out what the causes are?
Yes / No / Sometimes
4. Can you vary the way you go about writing depending on the situation: the topic, the audience, type of writing, and so on?
Yes / No / Sometimes
5. Can you find a main point in a mess of your disorganized writing?
Yes / No / Sometimes
6. Can you find a new shape in a piece of your writing which you had previously organized?
Yes / No / Sometimes
7. Can you find problems in your reasoning or logic and straighten them out?
Yes / No / Sometimes
8. Can you make your sentences clear--so they are clear to readers on first reading?
Yes / No / Sometimes
9. Can you get your sentences lively? Can you give them a human voice?
Yes / No / Sometimes

10. Can you get rid of most mistakes in grammar, spelling, punctuation, and so on?

Yes / No / Sometimes

11. Lack of appropriate vocabulary ruins my writing.

Agree Disagree Neutral

12. Complete preparation on a topic gives me strengths to write correctly.

Agree Disagree Neutral

13. I did not get the corrections of my errors before.

Agree Disagree Neutral

14. What problems do you face while you are writing?

Answer:

.....

.....

15. How would you be able to overcome your problems/ errors of writing?

Answer:

.....

.....

- To study the present condition of the writing skill of the ESL learners at the tertiary level.
- To explore the errors of the learners commonly found in their writing.
- To find out the reasons behind the errors in their writing and how their errors can be minimized at this level.

Literature Review

The researcher made an attempt to review research reports and journal articles came out in the field of literature and language teaching on writing skill.

Learning the process of writing is a difficult skill for students to develop and learn, especially in ESL / EFL context, where exposure to English is limited to a few hours per week. Learners struggle with many structural issues including selecting proper words, using correct grammar, generating ideas, and developing ideas about specific topics.

Writing is seen as a communicative act with an intended purpose to expose to its audience. The teacher and other learners help the writer find a topic and revise drafts of a written piece until it conveys the intended meaning. While working to make their meanings clear, learners are assumed to acquire competence using the style, syntax, grammar and surface features of the language. According to Nunan (1989, p. 36), writing is an extremely complex cognitive activity in which the writer is required to demonstrate control of variables simultaneously. At the sentence level, these include control of contents, format, sentence structure, vocabulary, spelling and letter formation. Beyond the sentence, the writer must be able to structure and integrate information into cohesive and coherent paragraph and text. Emig (1971) observed that good writers concentrated on ideas rather than on correctness. Writing is a not only the combination of words and sentences rather it is a total thought process of a writer. It is mentionable here the words of Hedge (1988):

of study in the tertiary level is English now-a-days and so the knowledge of English is indispensable. Though ours is a third world country, it is trying to develop its citizens to be highly educated. In fact according to UGC (2012) there are thirty-four public and sixty private universities running higher education for the students of Bangladesh where English is the only medium of instruction especially in private universities. Students of Bangladesh find English as a compulsory fundamental subject to study from their primary to intermediate level. But it is a matter of regret that even after passing 12 years students carry out a lot of errors in their writing which becomes really a barrier to overcome in the tertiary level of education. In the tertiary level students come to make themselves proficient in specific study fields. So it is very much necessary to have good command over English as it is the medium of learning in tertiary level in private universities in Bangladesh. This research aims to find out what type of errors the tertiary level learners do, what are the reasons behind their poor writing ability and how their errors can be minimized at this level.

Writing is one of the most important and integral part of language learning. Writing is the ability to put ideas from mind to paper, to generate more meaning and to make ideas clear. It is essentially a thinking process and those thoughts are finally imprinted in a written form as writing. It can help to reconstruct thinking into the written form, as well as supply important clues for improving the coherence of the text.

According to White and Arndt (1991, p. 3), 'Writing is far from being a simple matter of transcribing language into written symbols: it is thinking process in its own right. It is a permanent record, as a form of expression and as a means of communication.'

For Rivers (1968, p. 243), writing refers to the expression of ideas in a systematic way to organize the graphic conventions of the language: the ultimate aim of a writer at this stage is to be able to express him in a polished literary form which requires the utilization of a special vocabulary and certain refinement structure.

Objectives of the Study

The main objective of the study is to explore the importance and impacts of good writing skill in the future life of the tertiary level ESL learners in private universities of Bangladesh. The specific objectives are as follows:

Writing Behavior of ESL Learners of the Tertiary Level: A Study on Prime University

Aysha Alam Talukder

Abstract: English is the decisive media to achieve higher studies in home and abroad. Students of Bangladesh get English as a compulsory subject to study from nursery to intermediate level. But the regretful matter is that, during this long 12 years the target level learners could not acquire apt proficiency in English which creates hurdle in the tertiary level where the learners come to make themselves expert in a particular area of study. In the tertiary level of education, it is very much necessary to have good command over English as the medium of instruction is English in private universities of Bangladesh. Making repetitive and common errors in academic writing is a very regular phenomenon. But the presence of errors in students' academic writing is completely undesirable in the tertiary level of learning. This research aims at investigating the current scenario of tertiary level ESL learners' common errors in academic writing. The study is a quantitative empirical research as it is conducted through observations, document analysis and survey of the two questionnaires for both teachers and students. The researcher has found 83.33% teachers who believe that the writings of the target level learners are not up to the mark and the learners are not aware of their errors. The survey of the questionnaire for the learners of this study shows that 93.33% learners acknowledge that complete preparation gives them strength of correct writing. In the paper, the document analysis portion has exposed the real scenario that 90% learners' writings are full of errors; either those are of grammatical, syntactic or even of spelling. The sadistic truth is that the learners getting admission in the tertiary level are not enough suited in the advance or higher level of education. This research depicted the current scenario of the tertiary level ESL learners writing capability which undoubtedly needs to be mended with intensive care of the teachers to achieve success in future academic grounds.

Keywords: Writing skill, tertiary level, ESL learners, academic writing.

Introduction

Writing in English, the international language is an important skill especially for the tertiary level learners of different streams of knowledge. In Bangladesh the medium

Lecturer, Department of English, Prime University, Dhaka, Bangladesh.
E-mail: aysha309@yahoo.com

Role of Remittance in the Economic Development of Bangladesh

BM Sajjad Hossain¹ and Md. Deluar Hossain²

Abstract: The remittance has become the single largest source of foreign earnings in Bangladesh. Recently most of the literatures on economic development via remittance have mainly been focused on the end use (microeconomic) of remittance by the recipient households. Little has been observed on the macroeconomic aspects. In this context, this paper attempts to clarify a few questions: what role has remittance played and what role can it play in economic development of Bangladesh? In line with this question, this paper also looks for: what policy initiatives could be undertaken to increase remittance for economic development of Bangladesh? Or if global recession continues to go on what should be the national strategy of Bangladesh for the best utilization of remittance? In which sector, remittance could play a more important role to uphold economic development?

Keywords: Remittance, remittance flow, remittance growth, economic development, manpower export.

Introduction

Bangladesh is a huge labor surplus country in the world due to over population. Hence, it belongs to the supply side of the global labor market for unskilled labor. Notably 6,07,798 workers went to overseas officially in the year 2012 (ILO, 2015). Flow of migrant workers is associated with growing flow of remittance to Bangladesh. Since the late 1990s successive governments of Bangladesh realize the importance of remittance to the economy; have undertaken different macroeconomic reforms to encourage official flow of remittance. This paper aims to understand the outcomes of recent government policies and actions with remittance management. To emphasize the importance of remittance for the developing world, it was estimated that 60 percent of global remittances were sent to developing countries in the year 2000 (INAFI, 2006).

¹Lecturer, Department of Agribusiness, Atish Dipankar University of Science & Technology (ADUST), Dhaka, Bangladesh. Email: bmsajjad@gmail.com

²Assistant Professor, Department of Agribusiness, Atish Dipankar University of Science & Technology (ADUST), Dhaka, Bangladesh.
Email: deluaradust@yahoo.com

Even in 2012 only India earned US \$ 70,000 million of migrant remittance and became the world's top most country of migrant remittance earner country (64%), where Bangladesh ranked for sixth and earned US \$ 14,169 (ILO, 2015). Lower middle income countries apparently receive the largest amounts, but remittances may constitute a much higher share of the total international capital flow to low-income countries. To further emphasize the development dimension of migrant transfers, remittances seem to be more stable than private capital flows and to be less volatile to change economic cycles. It may, therefore, be concluded that monetary remittances play an important role in the accounts of many developing countries and are crucial to the survival of poor individuals and communities around the world. The emphasis of development policy is now firmly on poverty reduction and the achievement of the Millennium Development Goals, which, in addition to the eradication of extreme poverty, also envisage improvement of health and education, gender equality and empowerment of women, the reduction of infant and child mortality, access to safe drinking water and sanitation, and the improvement of the lives of both rural and urban poor people.

Literature Review

A good number of literatures have been studied on the issue of manpower export and remittance. Murshid and Kazi (2001), Salim (1992) and Mahmud (1998) wrote in their papers that a significant part of the overseas earnings is spent in unproductive sectors for consumption purposes, purchasing assets particularly land, and investment in small business and reinvested to go to other countries. Siddiqui and Abrar (2003) explained that the yearly income of the migrant families increased by 119 percent. Only 46 percent of the remittances were remitted to Bangladesh through proper channel and 54 percent through different unofficial channels. Hosain (2007) wrote the different pattern of migration from Bangladesh and the impacts of remittance in economic development process. In those papers, researcher showed only the robust growth of our economy. Most of the above studies are abruptly focused with inflow uses, management and development of remittances and its impacts on our national economy. But in this paper, one of the main aims is to understand current use of remittance and its potential for further productive investment to promote economic development of Bangladesh.

Methodology of the Study

This study is based on 'analytical narratives', a case study method for a single country. Whereas the notion of 'analytical' conveys the use of some conceptual framework or some sort of analytical reviews, the notion of 'narratives' conveys the utilization of qualitative and quantitative data analysis. Over the last few years, a very few important studies have been done on migrants' remittance including INAFI, Bangladesh working paper series along with the studies, publications and reports of central, public and private banks and bank websites which are used as a secondary data for the study and also some information is collected from journal articles and newspaper articles, books, policy paper, thesis paper etc.

Flow of Migration from Bangladesh

Bangladesh is a huge labor surplus country. From 1976 to 2008 a total of about 5.94 million people migrated temporarily from Bangladesh (see Appendix 1). On an average, the country exports about 140,000 people annually from 1976 to 2004. Systematic recording of information on migration of Bangladeshi workers began in the mid-70s. Bureau of Manpower, Employment and Training (BMET) of Labor Ministry maintains the record. Now BMET is under the Ministry of Expatriates' Welfare and Overseas Employment. BMET has classified temporary migrant population into four categories. These are professional, skilled, semi-skilled, and unskilled. Doctors, engineers, nurses and teachers are as professionals, manufacturing or garments workers are considered as skilled; while tailor, mason etc. as semi-skilled workers; housemaid, cleaner, laborers are classified as unskilled. The skill composition of those who migrated over this period, in general, indicates a consistent level of comparatively high proportion of semi and unskilled migrant workers too. The statistics said that in 1990, 40 percent of the migrant workers were in professional and skilled category, and the rest of the 60 percent were in semiskilled and unskilled category. But, in the year 2004, although the number of migrant workers increased significantly but the proportion of professional and skilled category, and semiskilled and unskilled category remained almost unchanged. In 2004, 44 percent workers were in professional and skilled category, and the rest of the 56 percent were in semiskilled and unskilled category. The manpower export increased gradually after 1990 and

the number of skilled workers also increased but it was not that significant proportionately to that of semiskilled and unskilled workers.

Flow of Remittance in Bangladesh

In spite of the low quality of Bangladeshi migrant workers and the remarkable decline of manpower export in 2009, the country witnessed a phenomenal growth in the flow of remittance (Table 1). During the period 1976 to 2009 Bangladesh received over US\$ 67676.58 million as remittance. However, the amount of remittance would have been much higher if the country could send more professional and skilled workers.

Table-1: Flow of Remittance in Bangladesh during 1976 to 2012

Year	Remittance Earned (in million US\$)	Year	Remittance Earned (in million US\$)	Year	Remittance Earned (in million US\$)
1976	23.71	1989	757.84	2002	2847.79
1977	82.79	1990	781.54	2003	3177.63
1978	106.90	1991	769.30	2004	3565.31
1979	172.06	1992	901.97	2005	4249.87
1980	301.33	1993	1009.09	2006	5484.08
1981	304.88	1994	1153.54	2007	6568.03
1982	490.77	1995	1201.52	2008	8979.00
1983	627.51	1996	1355.34	2009	10720.20
1984	500.00	1997	1525.03	2010	11004.73
1985	500.00	1998	1599.24	2011	12168.09
1986	576.20	1999	1806.63	2012	14163.99
1987	747.60	2000	1954.95		
1988	763.90	2001	2071.03	Total	105013.39

Source: Bangladesh Association of International Recruiting Agencies, 2012
ILO, 2015

Here the flow of remittance in Bangladesh is represented during the period between 1976 and 2012. As evident, the country has experienced a rising trend of remittance flow with exceptions. The remittance received by Bangladesh in 1976 was only US\$ 23.71 million. It jumped to US\$82.79 in 1977 and continued to increase until 1983. The remittance showed a downward trend during the next couple of years. During the period 1984-1991, remittance flow showed downward trend and remarkable fluctuations. However, the remittance earning is in the increasing trend day after day with the rising labor migration flow (see Appendix-1). The relative share of Bangladesh's remittance from the Middle-East and the Gulf nations increased by leaps and bounds. If one looks into the sources of remittance, obviously the countries of the Middle-East, Malaysia and Singapore constitute major sources of total remittance for Bangladesh (see Appendix-2).

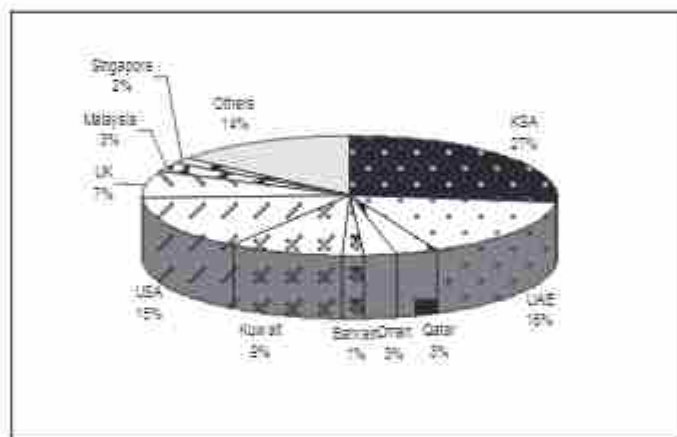


Figure-1: Country Wise Remittance (in percentage) in 2009
Source: Bangladesh Economic Review, 2011

If one takes only the year 2009, it is observed from the Chart 1 that the countries in the Middle-East constituted a big amount (59.45 per cent) of total remittance for Bangladesh. Of the amount, the highest (26.67 per cent) came from Saudi Arab,

16.37 per cent and 9.05 per cent came from United Arab Emirates and Kuwait respectively. Besides, Bangladeshi migrants, in USA contributed 14.67 per cent, UK 7.36 per cent, Malaysia 2.63 per cent and Singapore 1.54 percent. Remaining 14 percent earned as remittance from other countries in the world.

Role of Remittance in Bangladesh Economy

Since 1976, remittance has been playing a significant role for the economic development of Bangladesh. In 1999 remittance was 1.17 and 9.12 times higher than the foreign aid received and foreign direct investment (FDI) respectively in Bangladesh (see Table-2). In 2009, the 'times' went up to around 5.90 and 11.39 for overseas assistance and FDI respectively. This means that yearly remittance has always been exceeding foreign aid and FDI in Bangladesh.

Table-2: Remittance, Foreign Aid and FDI (During 1999 to 2013)

Year	Remittance \$	Foreign Aid \$	FDI \$
1999	1806.63	1536	198
2000	1954.95	1588	383
2001	2071.03	1369	550
2002	2847.79	1442	391
2003	3177.63	1585	376
2004	3565.31	1034	385
2005	4249.87	1507	776
2006	5484.08	1568	743
2007	6568.03	1631	760
2008	8979.00	2061	650
2009	10720.20	1815	941
2010	11004.73	2227	842
2011	12168.09	1777	5115
2012	14163.99	2126	3496
2013	7050.95 (Up to June)	2786	2338

Source: Bangladesh Economic Review (BER), 2009; ILO, 2015
Bangladesh Bank, 2014, Ministry of Finance, 2014

An increasing flow of remittance has been reducing Bangladesh's external aid dependency, in particular importance of the development partners who provide aid to the country and have a major influence over the policy making process of the country. The growing inflow of remittance, equivalent alone to more than 50 per cent of total government revenue, has also been reducing dependency on FDI in Bangladesh.

It is observed that in 1999 remittance as percent of GDP and export was 3.74 per cent and 32.04 per cent respectively. In 2009, remittance as percent of GDP and export stood at 10 per cent and 68.37 per cent respectively. This means that the amount of remittance in terms of GDP and export earnings has increased over the period 1999 to 2012. Such growing contribution of remittance inflow to GDP and export has not only assisted to meet the increasing trade deficit (see Table 3) but also maintained a stable foreign currency reserve.

The table 3 depicts that foreign currency aspect of remittance is especially important as Bangladesh runs a trade deficit. Growth in remittance is likely to be one of the key factors in maintaining foreign exchange reserves. The steady growth of inward remittance and falling import payments have contributed to the higher growth of reserve. The growing contribution of inward remittance to foreign exchange reserve (FER) has been helping Bangladesh to make up the deficit between total export and import and to maintain the balance of payments (BOP), and thereby also economic stability.

Table-3: Export, Import and Trade Deficit (1999 to 2012)

Year	Export \$	Import \$	Trade Deficit \$
1999	5313	8006	2693
2000	5752	8374	2622
2001	6467	9335	2868
2002	5986	8540	2554
2003	6548	9658	3110
2004	7603	10903	3300
2005	8655	13147	4492
2006	10526	14746	4220
2007	12178	17157	4979
2008	14111	21629	7518
2009	14171	22507	8336
2010	12833	20594	7761
2011	18464	30188	11724
2012	27028	34084	7056

Source: Bangladesh Economic Review, 2014; Bangladesh Bank, 2014
Export Promotion Bureau, 2014; ILO, 2015

Utilization Patterns of Remittance

However, an issue of high importance but also much ambiguity is the way in which remittance is being used. An answer for this inquiry may be viewed observing the real effects of remittance at the household level. Impact of remittance at the household level partially depends on the characteristics of the migrants and hence the recipients i.e. whether they constitute the rural poor, or the more educated section of the population generally residing in urban areas. In fact, a large number of studies find that the majority of Bangladeshi migrants from the rural areas with lack of access to land and resources, are unskilled. Therefore, the utilization pattern of remittance at the household level in Bangladesh has mainly been directed towards the needs of families (See Appendix-3).

Families are the main beneficiaries of remittance, and a large amount of the remittance, e.g. about 66 per cent is used for conspicuous consumption. Such consumption includes spending on meeting the basic human needs, basic nutritional needs, improving living condition and lifestyle, and ensuring social security. However, expenses on basic needs, e.g. spending on food, clothing, health, medical treatment and children's education, can be seen as investment in future human resource development, and is valuable for long-term economic growth and poverty reduction. Although much of the total remittance is consumed by the households, a significant portion e.g. about 12 per cent and 14 per cent are invested in buying land and houses, and repaying loans/costs for migration respectively. Remittance plays an important role to retrieve the sold or mortgaged land and also to purchase additional land. Although investment of remittance in housing or land purchase can be considered as unproductive since it does not add to the country's productive capacity and also may result in inflation. Remittance has increased the loan repaying capability of the migrants or their families since remittance is cited as making up around 51.12 per cent of recipient poor households' total income. Therefore, remittance has helped to shift the budget line of the recipients, allowing them to increase expenditures on both durables and

non-durables products, and providing them with protection against negative income shocks. Consequently, impacts or benefits of remittance have been more on alleviating local level poverty for the poorer households. However, a significant portion of remittance is used for non-productive purposes (see Appendix-3). While meager amount of remittance (only 3 percent) is saved in banks as fixed deposits and/or insurance policies for future, only less than 5 per cent is utilized for productive investment, particularly in small business (running shops, opening phone and fax shop, stationery store, etc.) or income generating activities or other ventures (constructing a market place) or different types of services related to farming or sending family members abroad.

Required Level of Remittance May Require in Future

According to a study conducted by Centre for Policy Dialogue (CPD) in Bangladesh, the required level of remittance in FY 2020 for consistent 4 per cent, 6 per cent and 8 per cent GDP growth will be US\$8.9 billion, US\$16.4 billion, and US\$29.9 billion respectively. In other words, remittance in FY 2020 would have to be 8.86 per cent, 11.69 per cent and 15.21 per cent of GDP to achieve a consistent GDP growth of 4 per cent, 6 per cent and 8 per cent respectively (see Table-4).

Table-4: Required Level of Remittance

Year	Remittance Required (millio US\$) to Achieve			Remittance Required (as % of GDP) to Achieve		
	4% GDP Growth	6% GDP Growth	8% GDP Growth	4% GDP Growth	6% GDP Growth	8% GDP Growth
2010	4272.04	5628.07	7346.74	6.35	7.18	8.07
2011	4593.72	6264.04	8453.90	6.56	7.54	8.60
2012	4939.63	6971.87	9727.90	6.78	7.91	9.16
2013	5311.58	7759.70	11193.89	7.01	8.31	9.76
2014	5711.55	8636.54	12880.81	7.25	8.73	10.40
2015	6141.63	9612.47	14821.95	7.50	9.16	11.08
2016	6604.09	10698.68	17055.62	7.75	9.62	11.81
2017	7101.38	11907.63	19625.90	8.02	10.10	12.58
2018	7636.11	13253.19	22583.52	8.29	10.61	13.40
2019	8211.11	14750.80	25986.86	8.57	11.14	14.28
2020	8829.41	16417.64	29903.08	8.86	11.69	15.21

Source: Bhattacharya, D., and Deb, K. U., 2006.

Recommendations and Conclusion

The economic development of Bangladesh is very much dependent on increasing investment opportunity and reducing poverty. There are some areas where remittance has been used as productive investment. Remittance has helped Bangladesh to make investments for manufacturing expansion, modernize its agriculture, and industries by importing high-tech machineries for export-oriented manufacturing. Therefore, remittance can be an important source of investment, and perform as a key driver of economic development for Bangladesh.

Remittance has been impacting positively on the development of Bangladesh's economy both at the macro and the micro level. At the macro level, increase of remittance in Bangladesh has led to a decline in interest rate as well as has reduced financial constraints. However, the future growth of Bangladesh will depend on promoting export, sustaining remittance, and triggering FDI. So remittance has been considered as the most important and large factor for future economic development of the country.

Expected level of remittance may be obtained through supply of skilled manpower. Supplying skilled manpower would require planned human resource development strategy and planned utilization of remittance in productive investment. On the other hand, creating enabling environment to invest remittance in capital market is also important. The government should make easy access to the capital market for the remittance recipient families. At present there is a provision of quota for foreign investors or non-resident Bangladeshis during Initial Public Offering (IPO) of issuing shares but most of the time this quota remains unfulfilled due to critical process. The government should make this quota system in issuing IPO also applicable for the families of the non-resident Bangladeshis, so that they can invest in the capital market. However, the government has now undertaken a series of initiatives for increasing overseas employment and remittance so that the two factors can have significant impact on Bangladesh's future growth and economic development.

Besides, the government of Bangladesh should introduce foreign currency denominated bonds and repatriate foreign currency accounts that could be efficient tools to stimulate remittance flow to Bangladesh as India and Pakistan experimented with this policy initiative and achieved much success.

It is proved that absence in the of state patronization remittance does not automatically contribute to national economic development. Therefore, first of all the government must formulate an appropriate investment policy so that productive sectors could be identified for the migrant workers to invest their remittance to the sectors. The investment policy must be well-matched with macro-economic policies. The investment policy must also be well-suited with Poverty Reduction Strategy Paper and National Development Strategy Paper of Bangladesh. The outcomes of the measures may encourage the migrants to hold their savings in financial assets in their home country rather than holding them abroad or spending on just consumer goods. This in turn would attract the uses of remittance towards productive investments rather than unproductive.

The government must also ensure self-employment investment schemes to stimulate more direct investment in productive assets. Therefore, linking remittance with the Micro Finance Institutions (MFIs), could be considered since the poorer segment of the population are often unable to access adequate deposits, credit, savings and investment, but to a large extent they have confidence in the MFIs. Sufficient access to deposits, credit, savings and investment may in turn result in small-scale industrialization, creating employment opportunity, poverty reduction and acceleration in the long run economic development due to additional investment in physical and human capital.

In Bangladesh, a significant share of remittance still enters through unofficial channels, largely due to the migrant workers' lack of knowledge about the formal sector and the time and more cost involved in channeling the money through the formal sector. Therefore, the government must enhance the functions of the formal sectors such as banking services must be provided at any level, particularly in the remote rural areas. In this respect, assistance from the smaller financial institutions, such as credit unions and MFIs with a regulatory support could be undertaken which will be possibly low-cost remittance sending services to the rural areas. The government must reduce transaction cost of remittance through official channels, provide quicker and secure transfer support to increase the flow of remittance.

Among all the policies, the most important one is to encourage the greater use of official channels to send remittance because the Indian economic development already proved that the foreign earnings which come through a formal way automatically have a positive impact on economic development. In order to take place robust growth of the economy of Bangladesh, it is essential to ensure the increasing trend of inflow of remittance which account for 54 percent of our export earnings and 11.14 percent of our GDP (BER, 2014). So government should attach top priority in this respect. Moreover, Bangladesh is considered as pioneer in Microfinance but still this remittance sector is untapped by many MFIs and NGOs.

Reference

Bangladesh Association of International Recruiting Agencies (BAIRA), *Annul Report 2010, 2011, 2012, 2013, 2014*, Dhaka.

Bangladesh Bank, *Annual Report, 2005, 2009, 2010, 2014*, Dhaka.

Bangladesh Bureau of Statistics (BBS), (2007, 2009) *Statistical Yearbook of Bangladesh 2007, 2009*, Statistics Division, Ministry of Planning, Dhaka.

Bhattacharya, D. and Deb, K. U. (2006) *Bangladesh 2020: An Analysis of Growth Prospect and External Sector Behavior*, Centre for Policy Dialogue (CPD), January 2006, Paper. 56, Dhaka.

Bureau of Manpower, Employment and Training (BMET) (2010, 2014) *Annual Report 2010, 2014*, Dhaka.

Government of Bangladesh (2008, 2009, 2010, 2014) *Bangladesh Economic Review 2008, 2009, 2010, 2014*, Ministry of Finance, Government of Bangladesh, Dhaka.

Hossain, M. A. (2007) 'Manpower Export from Bangladesh: Trends, Pattern and Development Impact', *Bangladesh Journal of Public Administration*, vol. XVI, no. II.

International Network of Alternative Financial Institute (INAFI), (2006) *Bangladesh Working Paper*, Series No.1, p. 7, published 30 April 2006, Dhaka.

International Labor Organization (ILO), (2015) *In the corridors of remittance*, Country Office for Bangladesh, Dhaka.

Mahmud, R. A. (1998) 'Globalization, International Migration and Development: Linkages and Implication', Mimeo Publications.

Murshid, K.A. S., Iqbal, K. and Ahmed, M. (2002) *A Study of remittance Inflows & Utilization*, UNDP & IOM, Dhaka, November, 2002.

Murshid, K.A. S., Iqbal, K., and Ahmed, M. (2001) 'Migrants Workers from Bangladesh: Remittance Inflows and Utilization', *Research Report No.170*, Bangladesh Institute of Development Studies (BIDS), Dhaka.

Raihan, M. (2010) 'Manpower Export from Bangladesh: Problems and Prospects', *BISS Journal*, vol. 31, no. 1, 2010, Dhaka.

Salim, R.A (1992) *Overseas Remittance in Bangladesh: Importance, Potentials and Policy Options*, The Jahangirnagar University, Savar, Dhaka.

Siddiqui, T. and Abrar, R. C. (2003) 'Migrant Worker Remittances and Micro-Finance in Bangladesh', *ILO Working paper No.38*, September 2003, Dhaka.

Siddiqui, T. (2004) *Migrant Worker Remittances and Microfinance in Bangladesh*, Presented in the Asia Pacific Region Microcredit Summit February 2004, pp.16-19, Dhaka.

Appendix-1

Flow of Migration from Bangladesh over Different Period

Year	Workers category				Total	Remittance Million US\$
	Professional	Skilled	Semi-skilled	Un-skilled		
1976	568	1775	1775	3201	6087	23.71
1977	1766	6447	6447	7022	15725	82.79
1978	3455	8190	8190	10114	22809	106.90
1979	3494	7005	7005	12311	24495	172.06
1980	1983	12209	12209	13538	30073	301.33
1981	3892	22432	22432	27014	55787	304.88
1982	3898	20611	20611	34981	62762	490.77
1983	1822	18939	18939	33361	59220	627.51
1984	2642	17183	17183	31405	56714	500.00
1985	2568	28225	28225	39078	77694	500.00
1986	2210	26294	26294	30889	68658	576.20
1987	2223	23839	23839	38339	74017	747.60
1988	2670	25286	25286	29356	68121	763.90
1989	5325	38820	38820	39920	101724	757.84
1990	6004	35613	35613	41405	103814	781.54
1991	9024	46887	46887	58615	147131	769.30

Year	Workers category				Total	Remittance Million US\$
	Professional	Skilled	Semi- skilled	Un-skilled		
1992	11375	50689	30977	95083	188124	901.97
1993	11112	71662	66168	95566	244508	1009.09
1994	8390	61040	46519	70377	186326	1153.54
1995	6352	59907	32055	89229	187543	1201.52
1996	3188	64301	34689	109536	211714	1355.34
1997	3797	65211	43558	118511	231077	1525.03
1998	9574	74718	51590	131785	267667	1599.24
1999	8045	98449	44947	116741	268182	1806.63
2000	10669	99606	26461	85950	222686	1954.95
2001	5940	42742	30702	109581	188965	2071.03
2002	14450	56265	36025	118516	225256	2847.79
2003	15862	74530	29236	134562	254190	3177.63
2004	12202	110177	28327	122252	272958	3573.76
2005	1945	113655	24546	112556	252702	4802.00
2006	925	115468	33965	231158	381516	5979.00
2007	676	165338	183673	482922	832609	7915.00
2008	1864	281450	132825	458916	875055	9689.26
2009	1426	134265	74604	255070	475278	10987.4
2010	387	90621	12469	287225	390702	11650.3
2011	1192	229149	28729	308992	568062	12843.4
2012	812	209368	20498	377120	607798	14461.1

Source: Bureau of Manpower, Employment and Training (BMET), 2014
Bangladesh Economic Review, 2014, Bangladesh Bank, 2014

Appendix-2

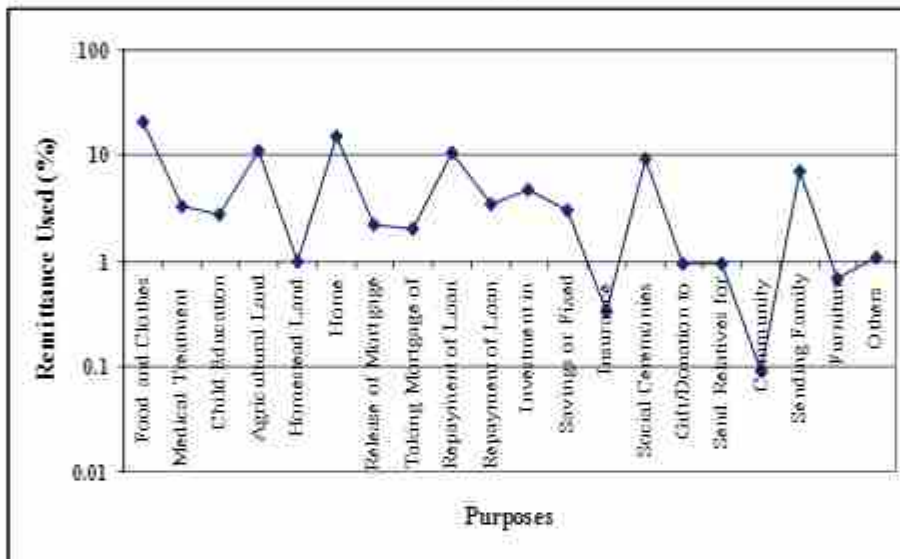
Country Wise Remittance (in million US\$)

Year	KSA	UAE	Qatar	Oman	Bahrain	Kuwait	USA	UK	Malaysia	Singapore
1999	685.49	123.34	63.94	91.93	38.94	130.22	239.4	54.04	67.53	13.07
2000	916.01	129.86	63.73	93.01	41.8	245.01	241.3	71.79	54.04	11.63
2001	919.61	144.38	63.44	83.66	44.05	247.39	225.6	55.7	30.6	7.84
2002	1147.95	233.49	90.6	103.27	54.12	285.75	356.2	103.3	46.85	14.26
2003	1254.31	327.4	113.55	114.06	63.72	338.59	458.1	220.2	41.4	31.06
2004	1386.03	373.46	113.94	118.53	61.11	361.24	467.8	297.5	37.06	32.37
2005	1510.43	442.24	136.41	131.32	67.18	406.8	557.3	375.8	33.51	47.69
2006	1696.96	561.44	175.64	165.25	67.33	494.39	760.7	555.7	30.83	684.8
2007	1734.7	804.84	233.17	196.47	79.96	680.7	930.3	886.9	11.84	80.24
2008	2324.23	1135.1	289.79	220.64	138.2	863.73	1380	896.1	92.44	130.1
2009	2839.1	1754.9	343.4	290.1	157.4	970.8	1575.2	789.7	282.2	165.1

Year	KSA	UAE	Qatar	Oman	Bahrain	Kuwait	USA	UK	Malaysia	Singapore
2010	3427.05	189.31	360.11	349.08	170.14	1019.18	1451.89	827.51	587.09	193.46
2011	3290	2002.6	319.4	334.3	183.93	1075.8	1848.51	839.6	703.7	202.3
2012	3634.37	2404.78	335.25	400.93	298.47	1190.13	1498.45	987.45	847.49	311.47
2013	3829.5	2829.4	286.9	610.1	361.7	1186.9	1859.8	991.6	997.4	498.8

Source: Bangladesh Association of International Recruiting Agencies, 2014; Bangladesh Bank, 2014; Bangladesh Economic Review, 2014

Appendix-3
Utilization Patterns of Remittance in Bangladesh



Source: Hasan, R. A., (2006), NAFIA Bangladesh Working Paper Series No. 1

Postmodern Par-excellence: Khondakar Ashraf Hossain's Selected Poems

Md. Abdul Awal¹

Abstract: Like most other Bangladeshi poets, Khondakar Ashraf Hossain sustains the theme of new visions in Bengali literature in his writing exceeding stereotypical form and makes room in the literature. Hence, this study tries to analyze Hossain's poetry with special emphasis on the poems dealing with postmodern elements such as self-reflexivity, post-impressionism, post-structuralism, viability of the system of representation, narrative mediate and construct history, play with formal devices and realism and playfulness which place Hossain in the throne of a postmodern poet. If a poet does not reconstruct or deconstruct history, can he ever be a postmodern poet? Hossain's reconstruction is the main source of motion of his poetry. An assessment of his poetic career is hardly complete if his poems of reality, nature and humanity are not taken into account. His philosophy is akin to that of other postmodern poets. Hossain ranks himself with the Bangali postmodern poets through black humor and macabre irony. Thus, the focal point of this article is to examine how Khondakar Ashraf Hossain might be considered as a postmodern poet.

Keywords: Defamiliarization, ethnicity, playfulness, postmodernism, representation, poststructuralism.

Theoretical Framework

Postmodernism is a literary term emerging from Modernism. Scholars have widely different definitions of Postmodernism, because the terms 'Modernism' and 'Postmodernism' often overlap, and the boundaries between the two vary with variation in usage. Postmodernism is certainly a new form of contemporary culture. Like much contemporary literary theory, the postmodernist literary works put into question that entire series of interconnected concepts that have come to be associated with what we conveniently label as liberal humanism, autonomy, transcendence, certainty, authority, unity, totalization, system, universalization, center, continuity, teleology, closure, hierarchy, homogeneity and uniqueness in origin. It rejects the tragic and pessimistic elements of Modernism. Postmodernism welcomes and celebrates everything and accepts reality. Jeremy Hawthorn describes postmodern art or culture as extending or even breaking with modernist techniques and convention without reverting to realist or pre-modernist positions after the Second World War. He says:

¹Senior Lecturer, Department of English, Prime University, Dhaka, Bangladesh.
E-mail: awalnanny@yahoo.com

"Postmodernism, then, can be used today in a number of different ways: (1) to refer to the non-realist and non-traditional literature and art of the post-Second World War period; (2) to refer to literature and art which takes certain modernist characteristics to an extreme stage". (Hawthorn, 2003)

Hawthorn has also posited that certain Modernist characteristics when taken to their extreme forms may produce Postmodernism. "Postmodern culture, then, has a contradictory relationship to what we usually label our dominant, liberal humanist culture." (Newman, 1985, p. 42 and Palmer, 1977, p. 364). It contests from within its own assumptions. Modernists like Eliot and Joyce have usually been seen as profoundly humanistic (e.g. Stern 1971, p. 26) in their paradoxical desire for stable aesthetic and moral values, even in the face of their realization of the inevitable absence of such universals. Postmodernism differs from this, not in its humanistic contradictions, but in the provisionality of its response to them: it refuses to posit any structure or, what Lyotard (1984a) calls, master narrative—such as art or myth—which, for such modernists, would have been consolatory. The rejections of the invariable poetic formulae of the preceding three decades are: transformation of semantic associations of words; thirst for intellectuality; reliance on philosophy; cross-fertilization of consciousness with myth; scientific attitude, immersion in the tradition of the native land and an awareness of the world at large. (Khan 2002, p. 196) Ihab Hassan shows postmodernism as play, anarchy, combination, idiolect, disposal, text/intertext, rhetoric, signifier, absence, parataxis, syntagm, performance and so on. (Hassan 1987, p. 152) Frederic Jameson argues strongly that Postmodernism is a "cultural dominant: a conception that allows for the presence and co-existence of a range of very different, yet subordinate features." (Jameson 1991, p. 55)

Literature Review

Postmodernism started being talked about in Bangladesh from the middle of the 1980s, mainly in relation to art and architecture. Hossain along with other poets who kept abreast of the time knew that the wings were changing fast, and that they would soon have to cope with the phenomenon of postmodernism in their poetry. A host of new little magazines played the dominating role. *Ekobingsha*, *Gandeeb*, *Sanghed*, and *Pranto* were in the forefront in this regard. The traditional complacency of the Bengali poets regarding the impeccability and resilience of Bangla poetry is shaken at last, and the poets like Hossain, of the time try to synthesize the amorphous ideas and theories in their consciousness.

Parallel to the fragmentary allusions to the sources of myths, these poets build multiple layers of consciousness. The force of self-excitation and self-annihilation ultimately make the depth of the earth their refuge...Of the first phase, Khondakar Ashraf Hossain, Rezauddin Stalin, Farid Kabir, Moin Choudhury, Mohammad Sadik, Shantanu Choudhury are graduating towards maturity (Khan 2002, p. 200). A quick summarization of the main facets of Postmodernism might prove necessary in understanding its impact on Bangla poetry, of both West Bengal and Bangladesh. Postmodern Bangla Kabita edited by Prabhat Choudhury is a kind of definite anthology of special band of postmodernist poetry. The anthology showcases 96 poets of various age groups—from Utpal Kumar Basu (b. 1936) of the sixties to the youngest Shekhi Azahar. In the Introduction, Prabhat Choudhury has hinted at the variety of subjects and styles of these poets. The subjects of their poems are insects, dishes, spoons, dinner table, ashtrays, nose-rings, website, birds, a doctor's name card, a house nameplate and so on. Anjan Sen, by following the example of Ihab Hassan (1987), has drawn a chart showing West Bengal Uttar Adhunikata. Some are as follows: continuity, transitive writing, presence of subject-centre/through centre, post-personal self, more emphasis on idea, humanism, combined discourses of urban and the rural, putting less importance on undermining of logic, meaningfulness, alignment with cultural roots and tradition, 'myth' a concrete idea, regard for history, logical awareness of time, construction and so on. Uttar Adhunikata stresses unity and universality. In words of Nitai Jana, a theorist of this school,

Uttar Adhunikata is not confined within idealist imagination. Its inherent sense of space-time-history is filtered through dialectical materialism into art. Through discourse and intertextuality, tradition and new consciousness then become an ever expanding limitless beauty. Therefore Amitabha Gupta, like the theorist Ihab Hassan, claims immanence and stresses that 'a poet has to know everything'. (Jana 2001, p. 83).

Nitai Jana's doctoral thesis entitled *Postmodern o Uttar Adhunik Bangla Kabita Parichay* (2001) is a good source book. We can gather these typical examples of Uttar Adhunik poetry of West Bengal. Critique of history and folk life Amitabha Gupta's poem goes like this:

"This is all my belonging: A burnt pot, a plate with broken edges,
a bellyful of hunger
I sit down with that, wherever I can, as is the rule.
In the Indiamyth I am like an exclamation mark:
Give me rice-water, O mother!"

(Krishnadwaipayana: Kabi, 'Mata o Mrittika' [Mother and Soil])
(translated by Hossain)

Anjan Sen has stressed the need of a new language for the poetry of the Uttar Adhunik era, a language that would be near actual speech and at the same time carry the fragmentary remembrances of the past master as well as folk songs. He puts his idea forward in a poem of his:

Stop you traveler
If you were born in Gourabanga
If you've heard padavali mangala
Panchali parsadi Madhu Rabindra
Stop for a moment
If you were born in the land of floods, drought and good harvest
You'll say language is all around you...
(‘Darao pathik’ [Stop you traveler], *Gourabachan Kathanbishwa*
[The Narrative World of the Goura Language]) (translated by
Hossain)

These archaic forms are embodied in the Uttar Adhunik literary works because “Uttar Adhunikata recognizes cultural continuity, it is not averse to accepting other cultures or new cultures, but that must not be as ‘detached reality’ but in a continuum influx.” (Bhattacharya, 2004, p. 184)

In the poems of Bangladesh, the instances of postmodern poetry can be cited mainly from the writings to identify the insurgence of a new spirit. A new life-vision in the frame of tradition is becoming deeply meaningful. The language of the postmodern poetry is becoming richly symbolic:

Long ago, God sent his serpent once,
Pursuing Man from Heaven to the Earth-door,
He dug a hole in the floor of Rahim's hut;
He also moans in pain during his sleep:
Hunger burns in his belly; his bones shiver:
Mahammad Rafiq, ‘Shatratar nitattwa’ [Aesthetic of enmity],
Swadeshi Nishshas Tunimoy [Native Breath is Full of You]
(translated by Hossain)

Sarker Masud's two lines can be ideally set to search the tone of the post-modern poetry of Bangladesh.

“The assassin sits in the mist at a distant junction
And sips his tea.”

(Sarker Masud, “*Hotey Parey*” “It's possible”) (translated by
Hossain)

Again Masud Khan introduces another tone in line with postmodernist features where he sets the coexistence of religious symbols and tropes.

"The Electron belle with hair untied sat to cook
Then suddenly the flavour of a flute flew to her bursting the centre
Her body was overwhelmed and her mind was worried
The sound of the flute loosened her ties."

Masud Khan, 'Paramanu' [Atom] (translated by Hossain)

Postmodernism in Khondakar Ashraf Hossain's Poems

Before going to deal with his poems from postmodernist point of view, a glimpse at the following facts would facilitate the understanding of his works. Like other literary deeds, Bangladeshi poetry has crystallized into a palpable and undeniable entity in the arena of world literature through the winning of the Nobel Prize by Rabindranath Tagore (1861-1941) for *Gitanjali* in 1913. Khondakar Ashraf Hossain contributes a lot to the field of Bangla Literature. Bangla Literature has its roots in the age of old tradition of Bangla poetry, a tradition that emerged with the growth of 'Turbo-Prakrita', a sub-dialect of the Indo-Aryan language into a recognized distinct language called 'Bangla'. The people speaking this language came to be known as 'Bangali'. The earliest extant example of poetry written in this language is contained in the *Charjapada*, a body of Buddhist mystic songs written around the 10th century (Hossain, 2010, p.7) During this long history, Bangla poetry went through a number of phases absorbing on the way many cultures and many curious deposits of the time till date. "Literature as a whole perhaps evinces a greater interest in folk culture than before." (Haq, 2009, p. 22). Hossain got 'Alaol Prize' in 1989, 'Brahmaputra Padak' in 2008 and 'Jibananada Prize' in 2013 for his literary works. "Since the first publication of his collection of poems *Tin Ramanir Qasida* in 1984, Khondakar Ashraf Hossain rose to prominence as a powerful and serious poet and assiduous prose writer in our literary circles", Akbar, a senior civil servant says in "The Daily Star". *The Ekobingsho* (The Twenty-First—a research periodical) initiated by Hossain himself in 1985 on writing new poetry is a remarkable venture for Bangladesh in the postmodern era. "At the same time recent international trends like postmodernism have also made a noticeable impact. A recent issue of the little magazine *Ekobingsho* (Twenty First) edited by the poet-academic Khondakar Ashraf Hossain is devoted to postmodernism. (Haq, 2009, p. 22)

Hossain during his life time serving and nourishing postmodernism in Bangla poetry in his little magazine has continuously contributed to the field through his exquisite creations in poetic form. He customizes the subjects for his poems to suit himself to the inanimate world as a post-modern poet. The evidence can be found in the following verses:

তবে আর

আর তোর তুন্দ নুনের ছুরি মোহনিত চকিত চাকুর
শাবিত নলার নাচ বদনের মুক্ত জিত আর
এখানে পেতেছে কুক সন্নিপিত বিপদা চিবুক
আর তবে ভৈরবী নাচল আর নদীতীর হাস
পন্নর হামার সাথে আর নৃত্য কসাইয়ের হাসি

(Come

Come your raging knife of salt amazed flash

Dance of the sharp edge spear's enchanted tongue

Come

Here I have bared my chest

Surrendered my embattled cheeks

Come then your *bhairavi* dance the riverside grass

With the lowing cow butcher's laughter Come

(Hossain, 'My Assassin', 'Amar Ghatak') (translated by Hossain)

'Amar Ghatak' (My Assassin) is a famous poem of Hossain. It shows the disjunction of the syntax and the avoidance of punctuation marks as a technique. His poems dig the tradition and heritage of his own land. He connects them with one of the preoccupations of Postmodernist poetry in the world at large. He sheds the abundance of adjectives and adverbs. He forsakes to a large extent such figures of speech as similes and metaphors to create a new dimension of his poetry. He deconstructs the genre using extra punctuations as a defamiliarizing technique. Deconstruction is one of the major features of the postmodern philosophy. He considers his poetic style and language as self-reflexive and non-representational. Ferdinand de Saussure (1857-1913) in his *Course in Linguistics* says that language is a system of signs: there is a fixed relationship between the signifier and the signified: "the bond between the signifier and the signified is arbitrary. Since I mean by sign the whole that result from the association of the signifier with the signified, I can simply say: *The Linguistic sign is arbitrary*" (Saussure, 2001, p. 954). But the post-structuralists ruled away such relationship: Language signs are not only arbitrary; they are anti-representational. Instead of signifying any fixed meaning, they are in a "free play", thus exploding the possibility of any fixed meaning. Jacques Derrida, (1930-2004) a French philosopher built his theory of Deconstruction on the post-structuralist ideas in relation to the hierarchical opposition of the Western metaphysics. Poststructuralist discourse paradoxically contests, yet unavoidably inscribes, the very preconceptions it seeks to challenge. This does not mean it is characterized by any antifoundationalist despair or by some sort of "intellectual disarray" (Lewis, 1982, p. 22). Along with postmodernist art, such theory is

energized by the need to rethink and problematize everything, even its own identity. Deconstruction aims to undermine Western metaphysics by undoing or deconstructing these hierarchical oppositions and by showing their logocentric reliance upon a center or presence which reflects the idealist desire to control the play of signifiers by making them subject to some extra-systemic transcendental signified. The following lines from, "26 June 1381/1977" one of the short poems of Mattheias can be culled in respect to the power of punctuations practicing on free play. The poem ends:

Stupid or giddy, gawking
 Us with the eyes still in their sockets
 And tongues still in our mouths-
 Where do we travel, where
 Do we think we can go
 All of us now, staff, of one, life?

The placement of the commas in the last line brings additional strength to a poem that asks serious questions about faith and about our relationship with the vagaries of the past. So does Hossain in his above poem, 'Amar Ghatak' (My Assassin). The poem's title "26 June 1381/1977" itself is very problematic that postmodern poets often create. However, the poem tells the story of the execution of a man whose executioner is a very unpleasant man.

Hossain values and tries to bring in as much newness as possible in his poetry in Bangali literature. His thinking focuses on his home tradition and glorifies his native heritage as a Postmodern poet of Bangladesh, a re-reading of the past masters of Hossain from Alaol (1607-1680) to Madhusudan, Rabindranath to Nazrul, Bishnu Day to Jibanananda, and Lalou Shah (1774-1890), Mukundadas (1878-1934), and the folksingers of shakta-bual-sufi tradition is necessary. Bits and pieces of their writings may surface in the writings of Hossain as fragments of ethnic memory. The following poem of Hossain contains the images of various ethnic rites and totems side by side with other features of subaltern life surface:

ধান জানে ডিনাজল, কিন বোন।
 বেহলা বনিষ্ঠা তার বড়ো বোন যুগতী খুটনা
 মেজটি গহনা
 তারা ধান জানেও ভালো জানেও ভালো
 তাদের পায়ে রুপার সোনার গহনা
 [.....]
 আসিল শাওন মাস দেওয়ার খুরখুটি
 কমাঝন কুঠি পড়ে বাড়ির উঠানে
 নোটের গহীন গর্ভে মেলে রাখি ধানের যৌবল।

নানুক শ্যামের দশ উদাত আকোশে
 গুড়িয়ে গুড়িয়ে যাক সেহ মন কামিনী বদরন।
 [.....]
 সরে যাও বিহী পান আরেকটু সহ না
 তারা পান জানেও ভালো জানেও ভালো
 তাদের শায়ের রূপায় সোনার গহনা।

(There sisters husk paddy / Behula is the youngest, the oldest is Khullana
 / the second one is named Lahana / They know the art of husking well /
 They have silver ornaments on them /... The month of Shaon comes, and
 amidst the darkness of the clouds / Rain falls in torrents on the yard / We
 spread the youth of the paddy in the deep husking hole / Let the husking
 rod come down in full fury / and crush our body and soul, the female and
 the riches /... Bear it a little more, O Binni rice / For they know the art of
 husking well/ Their bodies are adorned with gold and silver ornaments)

(Hossain, 'Dhanramani' 'Rice-women') (translated by Hossain)

'Dhanramani' (Rice-women) represents Bangla tradition. Hossain illustrates the images of Bangali rites and rituals of the peasantry. He upholds the ethnic-culture, creed and custom of villages through the viability systems of the representation of the tradition. Most of the postmodernist contradictory texts are also specifically parodic in their intertextual relation to the traditions and conventions of the genres involved. When Eliot recalls Dante or Virgil in *The Waste Land*, one senses a kind of wishful call to continuity beneath the fragmented echoing. It is precisely this that is contested in postmodern parody where it is often ironic discontinuity that is revealed at the heart of continuity, difference at the heart of similarity (Hutcheon, 1985). Hossain's "Dhanramani" attunes to suit the fashion of the time in the Postmodern Phase. His way of representation of the life of farmerhood is very thrilling. His poems lead the best society. A society is unproductive without literature and literature is blind except through the production of social values, norms and forms. His poems must meet the demand of time. Hossain vividly portrays the women's activities in a realistic setting within the postmodern elements. The household objects are the major instruments of Hossain's poems. We find the same expression of the aboriginal cultural manifestos from the poem of Mohammad Sadiq:

মস্ত পড়া আজ মস্ত নাও!
 ওড়াও দুই হাতে, লালচে গামছায় তুমুল নাচ;
 ছিগালী, হকোরে তোনার অকিরাশী দোহাই পাড়া;
 এই যে শিলা, এই তীব্র বৃষ্টি ও সর্বনাশ
 ফেরাও তুমি!
 হাওড়ে আনাদের মাদারী ধান,
 কিলীত ফলবতী লজ্জা তার

ফেলাছে ছিড়ে আজ এ কোন প্রেত!
 [.....]
 হিরালী! দেখো অই ডাকছে মোমা
 তাড়াও তাকে!
 নতুন পোশাকের নতুন রঙে
 হিরালী তোমাকে সাঝাবো ফের
 উঠানে আঁক হবে নতুন আলপনা, জ্বালবো রাত্রে সেই
 মোহন বাতি;
 বাছছি বীজ ধান তোমাকে দেখো;
 গাঙ্গী ও মোরগের নির্মূল জোড়া

(Say your spell, chant your spell/ Wave the red loin-cloth with both hands/ *Hirali* (witch-doctor) roar your undying oaths/ Divert this hail, this fierce rain and do! / Our dear paddy is still in the field/ Who is this demon that is tearing apart its fruitful modesty? / ... *Hirali*, look! The cloud is rumbling! / Drive it away! / *Hirali*, I'll deck you again with a new dress; / The yard will be painted anew with new pattern; beautiful lights will be lighted; / We'll give you the chosen seed, / and pairs of flawless cows and cocks)

(Mohammad Sadiq, '*Hirali*', Witch-doctor) (translated by Hossain)

Similar to Hossain, Sadiq, a Bangali postmodern poet vividly describes the beautiful panorama, natural atmospheres through the narrative fragmentation out of imagery and symbols in the poem, '*Hirali*' (Witch-doctor). Similarly, '*Girl*', a poem written by Jamaica Kincaid, an African American authoress, can be called to the postmodern respect:

Wash the white clothes on Monday and put them on the stone heap;
 wash the color clothes on Tuesday and put them on the clothesline to dry;
 don't walk barehead in the hot sun;
 cook pumpkin fritters in very hot sweet oil;
 sock your little cloths right after you take them off;
 when buying cotton to make yourself a nice blouse, be sure that it doesn't have gum
 on it, because that way it won't hold up well after wash;

This phenomenal poem '*Girl*' is a complete experience of postmodern creativity. The poem might be an example of postmodern par-excellence because of hybridity. It is a hybrid poem and a short story. It is a stream of consciousness—a stream of absurdities and realities—drenched in gerunds, questions and semi-colons like those of Hossain. At first glance, '*Girl*' seems to be a poem. But, after reading through the entire essay, some would argue that '*Girl*' is actually a short story about a woman instructing her daughter about ways to make men fall in love with the girl. The poem concerns 'free play' of Derrida. Kincaid moves beyond the traditional rules of prose and poetic form as we find in Hossain's poetry.

However, the entire essay/poem of Kincaid is written in one sentence with a gratuitous amount of capital letters that lend to overall ambiguity in terms of style of the Postmodernism. Moreover, it is not really organized in a way that invites or encourages immediate definition, so the terms 'poem' or 'short story' or 'essay' are not relevant. Postmodern manifestos are typically pieces of literary work that serve as public declarations of motives or intents blurring the boundaries between genres. Postmodern literary works are unquestionably more experimental and conceptual than modern prose. Kincaid's 'Girl', we can say, is a literary embodiment of the themes as an egalitarian poem like Hossain's.

Hossain writes a wide variety of poems in lucid language and with innovative and suggestive imagery. Expressions and eloquence in his poetry come out of his successful, spontaneous incorporation of national and world heritage and mythology into his personal experience and feelings. The postmodern writers reconstruct or deconstruct the genres through discourses. The use of myth is even more prominent in the poetry of Hossain that represents Bengal beliefs. He uses Greek, Biblical, Indian and Islamic myths from the beginning of his poetic career. His first volume, *Tin Ramanir Qasida* (Tale of Three Women 1984) contains various mythological allusions. The following two lines can be cited.

"পর্শনের তিন মেয়ে চলে গড়ে সাপের ছোবল,

কানে গোঁজা কক্সমূল, পদতলে রক্ত শঙ্খচূড়:"

"Three Gorgon daughters – snakes hiss in their hair

Flowers adorn their earlobes; *Shankhachur* snakes

Writhe underneath their feet"

(*'Tin Ramanir Qasida', 'Tale of Three Women'*) (translated by Hossain)

Hossain's illustration of myth helps the return of Bangladeshi poetry to subjectivity that helps the familiarization, a characteristic of postmodern poetry, in his poetic language. He intertwines his native myths with the Islamic myths. This intermixture proves fruitful for the postmodernists for the rejuvenation of genres at different points of time. The following lines from the poem, 'Saap' (Snake) can be remembered.

বরাং আদম হ'ল দুই ঠোঁটে চেটে নেয় মুক্তিকার তাপ,

[.....]

একদা তিকন সাপ আমাদের চাই, শোন, লোহার বাসর

বস্ত্রহীন, দুমায় বেছলা নারী, পাশে তার একক নাগর,

স্বর্ষপূর নতুন পৃথিবী তারা কালক্রান্তে বাজাবে রঙিন

It's Adam and Eve who lick the heat of the dust

[.....]

We want a snake to wriggle into the iron bridal chamber
 Where sleeps Behula with her husband;
 They'll adorn a selfish world of their own in the morning
 ('Saap': 'Snake') (translated by Hossain)

The resurgence of myths of Hossain poems is connected with the overall poetic climate of the postmodern intellectual stadium. "Postmodernist discourses—both theoretical and practical— need the very myths and conventions they contest and reduce" (Watkins, 1978); "they do not necessarily come to terms with either order or disorder (cf. Wilde 1981, p.10), but question both in terms of each other. Hossain's use of myths and conventions exists for a reason. "We are difference...our reason is the difference of discourses, our history the difference of times, our selves the difference of masks. That difference, far from being the forgotten and recoverable origin, is this dispersion that we are and make" (Ducault, 1970). Postmodernism investigates that reason. The postmodern impulse is not to seek any total vision. It merely questions. If it finds such a vision, it questions how, in fact, it made it. The following poem of Hossain is noticeable here:

তোমরা যারা আসর জমাও দিছকরে,
 পাশা খেলার নিচ্ছে জিকে হস্তিনাপুর, সুখ-শকুনি
 পার্শে বসা, নিচ্ছে জীক, দ্রৌপদীকে টানছো বসছে,
 তোমরা আমার জতুগৃহে আজনা দেবে এই বাতাবিক।
 [-----]

বুকের মধ্যে অনেক জ্বালা অনেক আগুন
 হিমায়িত, মহাদেবের চুলের জটা আমার মাথায়,
 আমার পায়ে ফেরাক নদীর জলের আঁচড়,
 আমার চুলে ঐর নগরীর
 শেষ নারীর দুঃখ বিলাপ, আমার পোশাক
 মেঘের কাফনা, হাতবুটোতে মৃত্যুভাব সে দুর্ভ পায়ের
 গন্ধ নিয়ে জকিয়ে আছে।
 আমি বার্ষ পিপাসার্ত,
 হয় হোসেন হয় বিলাপ নিয়ে তিনটি চতুই
 উড়ছে আমার মাথার উপর-
 আমার ঘোড়ার পায়ের কাপে জমতে থাকে অনেক ডিজোর
 চোখের পানি,

Those of you, who lounge at noon,
 You who have won *Hastinapur* in the game of dice,
 (*Shakuni* sits by as your adviser) and pull
Draupadi towards you—it's natural
 Then you'd set fire to my *Jatugrihe*.
 [-----]

A lot of fire is frozen in my breast;
 Mahadeva's matted hair is on my head;
 The water of Euphrates scratches my feet;
 In my hair the cries of the last Trojan woman;
 The meal of sweets I had from Sujata
 can still be smelt on my hands.
 I'm a failure; I'm a thirsty;
 Three Sparrows lament over my head,
 "Hossain, oh Hossain!"
 Tears of a thousand Dido
 Gather in the hoofmarks of my horse.
 (*Atmapaksha* "Self-defence") (translated by Hossain)

Myth has always been used in poetry. The use of myth in the poetry of the 1980s in Bangla contributes to the subsequent shift of poetry from Modernism to Postmodernism. This happens in a curious manner. Using myths becomes one of the major tools of Hossain's writings. The indications of myths in Hossain's poems are cryptic, rereferential and representational. He breaks the myth and gives it a new shape to create new poetry in Bangladesh. He emphasizes narrativity, mythology and Bangaliness. He bridges the gap between the urban and rural, between the elite and the folk culture to highlight indigenocity. His myth lies in the source of the strength for the regeneration of poets in literature.

The postmodern writers do not pay any heed to the genres rather they destabilize them blurring the boundaries between high and low arts as the egotistical center in favor of diversity in their verses such as:

ছিল ছুড়ে আয়নাটা ভেঙেই দিলাম শেষতর।
 এখন বিস্ময় কাছে শতচক্ষু কোকিলের
 বাক্যলাপ শুনি,
 গোলাপের লাল বুকে লেগেছে নরমুক তীর
 ('রোজা' ও 'রোজা')
 দলভলো পড়ে আছে ছিন্নভিন্ন চাঁদ।
 I smashed the mirror casting a stone at last.
 Now I hear the jibberings of a hundred-eyed cuckoo
 in the splinters,
 An arrow of lust has pierced the red rose
 (Rose, O Rose!)
 The petals are like a shattered moon.
 (*Hanan*, "Killing") (translated by Hossain)

Hossain regards history to carry the fragmentary remembrances of the archaic forms as embodied in the literatures from his past masters as well

as folksongs without concerning any rule of writing literary works. Lyotard's own words may be culled here:

A postmodern artist or writer is in the position of a philosopher: the text he writes, the work he produces are not in principle governed by preestablished rules, and they cannot be judged according to a determining judgement, by applying familiar categories to the text or to the work. Those rules and categories are what the work of art itself is looking for. (Lyotard, 1984, p. 81).

Hossain often plays with formal devices and realism to find out history. He reconstructs history through pungent fun in his "The Gospel of Sadananda":

। রসা বহিয়া কি কড় লেব সন্দালা
। রমাগবে নাও লেবা রখেতা লইহ
। মন্দা যে জারদ খিদে স্তেচে কেদিরিচ
। স্নাগোদাতা তোত রেমা স্তাও রাবৈনুমা (রসা)
[-----]

স্বপ্নায় স্বপ্নায় নর্থ মাইল নীমানা ।
তার মাঝে বঙ্গদেশে আমার ঠিকানা
আছিল সোনার বাগা সন সে বাখানি ।)

Sadananda enquires of the disciples what he will hum
The sins got boundless at departure
I see doors bolted all around
(And) men hit hard to break without understanding

[-----]
The area covers 56 thousand square miles
Bengal in between is my residence
Once was the Bengal of gold, listen to the tale.

(Hossain, 'Sadanandar Padaboli' [Sadananda's Lyric])
(translated by the author)

Hossain produces cultural-geographical-historical realities of Bangla community through his critical representation in Sadananda's verses. His suppositions might be universal and preposterous because he stresses his own culture. He takes substances from his particular culture by reforming Sadananda's above poem that is to read from the right. (সদানন্দ বলে কড় কি বাহির আর । / হইল আবেহ কলে গনা বেগমার ঠ । / চারিদিকে চেয়ে লেখি পরজা যে বাছা । / (আর) মানুষেরা তস্তা মারে তস্তে আকগোদাতা) Sadananda enquires of the disciples what he will hum / The sins got boundless at departure / I see doors bolted all around / (And) men hit hard to break without understanding/. Sadananda is a columnist name of a postmodern poet who practices writing as fun. But the striking point here is that Hossain discovers Sadananda out of his awareness to seek indigenous culture. Hossain criticizes some of his contemporary writers who make themselves as postmodern authors through

macabre-irony. As it is seen in the following lines:

(আর) গুরুশ্রেষ্ঠ মহামন্ত্রি ফারাক নাজার।
কেনানে বলিব আমি তার সনাতন।
অতিনব্বু সিন্ধুজন বিদ্বান্ মহান।
কটুতর্কে তার সাথে নারে বুজুর্গান।
বড় বড় বাণ সিংহ ছেপায় মারেন।
ফাগার চৌধুরী হইতে প্রজ্ঞানন্দ সেন।
ফেরের বুদ্ধিতে পারে হেন সাধ্য কার।
মক্কর ধরিতে পারে নাহি খন্দকার।

(And) Farak Nazar's the greatest mentor.
How can I relate his facts and file.
He is a great sage and noble wit.
No wit matches him in foul rhetoric.
He defeats the big guns like Fakgar Chowdhury
To Pragananda Sen with callousness.
Who can comprehend his implications
Khondakar fails in guessing at fact.

(Hossain, 'Sadamandar Padaboli' [Sadamanda's Lyric])
(translated by the author)

Postmodernists' poems often raise questions of simplicity to re-open the playfulness in their literary works out of humor to depict the reality of the humanitarian passions and sentiments out of human absurdities through black humor and macabre irony. Hossain's poems seem fragmentary but present the reality of human conditions by both the use of language and representation of the social fakeness of all classes of people. Postmodern is self-conscious art "within the archive" (Foucault, 1977, p. 92), and that archive is both historical and literary. Hossain amalgamates animate and inanimate objects for asking the same questions. His following poem, 'Fun' (Ranga) represents human subjects to concentrate the mind on inanimate objects to breakdown the conventional technique of personification as a postmodern writer. We see him functioning in the following verses:

কত রক বেধি যাদু, রবে রবে বেগা গালো ভাটি
আকাশে প্রস্তুত হলো মেঘবতী খোড়া
ধুলোর আদর নিয়ে কল্ক কুলে শুধু পাখ ঝাঁটি
পঞ্চাতে টিনের বান্দা, পিঠে পড়ে বেগুড়
ইটছি তো হেটেই যাচ্ছি, দোলায়িত রেশমি চান্দর

(I come by fun and festivities, dear, the time passes aging life to closing
The sky nourishes the swift but watery clouds

I tread the road having the lovely touch of dust
 Rumbling music trails, and the back gets lashed
 I keep on walking and walking, with silky towel fluttering on the back
 (Hossain, 'Fun' [Ranga]) (translated by the author)

Hossain believes in tradition, the geography of self but his poem, 'Fun' (Ranga) has more philosophical quest than in form. He emphasizes his poetic mood on theories as a postmodernist. His poems are experimental. "Language is...more powerful as an experience of things than experience of the things. Signs are more potent experiences than anything else, so when one is dealing with the things that really count, then you deal with words. They have a reality far exceeding the things they name" (Gass, 1985). Hossain's unashamed expositions of human relations bring a new definition of meta-knowledge in his poems. We find echoes of these in the following verses:

তামার পায়ে রাখো বৌ মাছ
 না হয় অন্ধকার কুলুঙ্গিতে রাখেন লেহামে
 দু'হাতের অঙ্গলিতে রাখো
 বিনিক দিয়েছে তার ন্যাজের উদ্ভাস
 কালকে বেড়াতে যাবে উত্তরের সুমনে পাড়ায়।
 ধরো তাকে অধরের ত্রিকোণ আশ্রাসে
 তাকে বাঁধো বাহুভেদে বিখ্যাত দীর্ঘ তিশূলা টেঁটায়
 আজ রাখো তামার নিকব পায়ে, হাতের তালুতে
 (Keep the bride fish in the copper vase
 Or safely in the dark chamber of crystal bottle
 Keep her relaxing on the palms of two hands
 Flashes flow from flowing robes
 She will tomorrow be on visit to the drowsy village.
 Hold her within triangular lips with the assurance
 Grasp her by arms or at the tip of trident Harpoon
 Keep her today in copper touchstone vase within your palm)
 (Hossain, 'Bou mas' [Bride Fish]) (translated by the author)

The poem, 'Bride Fish' (Bou Mas) copes with the postmodern phenomena because of its hybrid title. The title itself is problematic that is often found in postmodernists' works. However, the poem, 'Bride Fish' (Bou Mas), hits with its full force and intimations in the diction and the subject matter in this postmodern intellectual stadium. Hossain uses lucid postmodern elements in his poems such as copper dish, crystal bottle, sleepy village, and trident harpoon to make him a postmodernist poet. The poem may be an example of postmodern brilliance because of hybridity. It is a hybrid poem and a short story. At first glance, 'Bride Fish' (Bou Mas) seems to be a poem. But, after reading through the entire writing, some

might argue that 'Bride Fish' (Bou Mas) is actually a short story about an instruction to make men fall in love with others. Hossain moves beyond the traditional rules of prose and poetic forms as we find in his many poems. Postmodern manifestos are typically pieces of literary works that serve as public declarations of motives or intents blurring the boundaries between genres. Postmodern literary works are unquestionably more experimental and conceptual than modern prose. Hossain's 'Bride Fish' (Bou Mas), we can say, may be a literary embodiment of the themes as an egalitarian postmodern poem.

Hossain always tries to uphold his own creed and culture in the poems. He wants to live his own land. He wants to uplift his tradition to the universe. His poems are self-reflective and patchy. A few more lines can be mentioned here:

তোরা যাবি, তোরা তো অবশ্যি যাবি, আমি যাবো কিনা
 ভেবে দেখি।
 আনার মানস কথা তৈরসংক্রান্তির উদ্ভোধিত্বো পাতা
 বৈশাখের প্রমত্ত ডালের পর কুলে পাকে
 ত্রিকলবিহীন।
 তোদের চলার গতি আষাড়ের অলম্বরশ্যাম
 তোদের গতির সূর্য জ্বালুকুমসঙ্গাপ
 তোদের বাহুরে তেঁতুল, পায়ে পায়ে স্বতশলক বহিকের হর্ষ।
 You all will go, you all are sure to go, let me think
 Whether I'll go or not
 I am to go, a broken leaf flying on the last day of Chaitra
 Keep hanging on the lashing branches of Boishakh
 Floating, homeless
 You take stride like waterpool in Ashar
 Your pace resembles the fragrance of China flower
 Rage is in your arms while your steps befriend the bike's horns.
 (Hossain, 'Jatra' [Departing]) (translated by the author)

Hossain's poem 'Departing' (Jatra) is a living excellence of how metaphors, similes and personifications are customized to adorn his tradition. His poems are humorous and witty in many cases. He is a realistic poet and his writings are very suggestive. The placement of the commas brings additional strength to a poem that asks serious questions about ambivalence and about the relationship with the vagaries of the nature and human being.

Hossain's poems are the socio-political representations of Bangladesh.

He explores not only contemporary social and political condition of his country but also the grounds of existential philosophy in conceiving human life as fragile yet undying, as self-destructive yet eternal. His keen observation of the human condition illustrating through black humor and macabre irony leads him to be a serious poet in the postmodern era. The evidence is in the following poem:

দুঃখ হলো এক পিটার যে বাদকের আঙুল কেটে
 নিজের ভারের পর পরীক্ষা করে;
 সুখ এমন বাড়িওয়ালা, ঘর খালি সেই তবু টু লেট
 নানায় না; দুঃখময় এমন কিরাটি গোট
 যার ভেতর দিয়ে দেখা যায় বন্ধুর অসল সুখ;
 আর হেঁম হলো এমন বাগিশ, মাঝেমধ্যে
 যাকে খাওয়াতে হয় রোদের আদর, না হলে
 দুর্গন্ধ ছোটে: বিরহ একটি ফেলে-মাওয়া সুটকেস
 যার চাবি চলে পেছে মাগিকেন্দ্র শাপে, ভুলিয়েটে নেই।
 বৌ হলো আপনার পুরনো অ্যাকউন্ট, প্রতিবার
 টাকা উঠাতে ঝামেলা হয়, কেনলা বাদক মোলে না;
 আর আপনার সন্তানেরা? আপনার কবরের দূরত্বমাপক:
 এমন পথিকেন্দ্র পায়ে হ্রাস যাকে বসে নিজে গেছে।
 Sorrow is the guitar that cuts the fingers of its player
 To set the tune with sharpness of its wires
 Happiness is such an owner of a house. No empty room
 But keeps To-let hung; Bad time is such a big gate;
 Through which the real friends are rested
 And love is that pillow which requires
 The soft touch of sunshine, otherwise
 Bad odour emits; Separation is such a left suit-case
 The key's with the master, there's no duplicate
 Wife's your old bank account, you'll have problem
 Every time you draw money, for signature makes a mess;
 And your off spring? They measure the distances of your grave
 The mark of such a pedestrian who's been devoured by a tiger.
 (Hossain, 'Vhouya Darsana' [Fake Philosophy]) (translated
 by the author)

Hossain's poems present the reality of the predicament of the proletariat people of the world. He illustrates the pen-picture of the garment workers and the attitude of their owners through logical statements. His poem, 'Vhouya Darsana' (Fake Philosophy) is a playful poem as playfulness is one of the vital features of postmodern literary works. Hossain plays with the formal device and realism that postmodernist poets often do. 'Vhouya Darsana' (False Philosophy) is similar to "Light Is Like Water", a short story written by Gabriel Garcia Marquez, a Colombian writer who might

be an evidence of playfulness of the postmodernist literary work. Playfulness becomes increasingly self-referential. Indigenous language is the vital vehicle of exercising playfulness in the translation of Hossain. He has mastery over translating many languages into Bangla. His translation of Greek literary works into Bangla is praiseworthy. But as a postmodern poet, Hossain translates Robert Frost and T.S. Eliot's poems by using his own particular dialect interestingly (old Dhakaya). Out of his many translations, the following few translations may be mentioned:

Let us go then, you and I,
 When the evening is spread out against the sky
 Like a patient etherized upon a table;
 Let us go, through certain half-deserted streets,
 The muttering retreats
 Of restless nights in one-night cheap hotels
 And sawdust restaurants with oyster-shells:

"আলম্বু সরলালের গিরীকের লাচাকিচ

(গও বাহি, কুমি আর আমি

এই মাপরেবের একে আসমান মন

স্যাটিকারা রইছে

টোবিলের উপরে মিলকির বিমারীর কাঠাশ

লও মাই অল্কেক সুনসান গলির মইন্দে দিয়া

যেহানে নাতরানপুনের তরান একরাকিহের

হেটোলপলাত

করা জরিগি ফুসুরকুসুর করে

আওর ছলানিয়া রেস্টুরেন্ট গলা নতি বেচে

ইলিশমাফের সালুন"

Eliot, "The Love Song of J. Alfred Prufrock"

Hossain translates the following poem, 'Stopping by Woods on a Snowy Evening' very funnily using the same dialogue.

Whose woods these are I think I know
 His house is in the village though;
 He will not see me stopping here
 To watch his woods fill up with snow
 [.....]
 The woods are lovely, dark and deep,
 But I have promises to keep,
 And miles to go before I sleep
 And miles to go before I sleep

("মগরেবের একে জললের কিনারে"

কেন নিগর এই জলল, মনে লসু জামি

এই মন্বায় তি হার হাবোলি অয়া পায়ে

এই যে ঝড়ইয়া এইহানে হালা জানা তি পারবো না,
 দেববার লইছি ক্যাননে বর্কে ভরত্যাছে
 অলোরে
 [.....]
 জমলডা হালায় জবর সোন্দর,
 আনদাইরা পহিল কাপে; / মাসার আমার হো বহুত জবান সেগন আছে
 যাজে লাসব দুরের রাহা নিন্দ মাপনের আগে।

Hossain's works are deliberately playful and self-referential with more ambiguous relationship to meaning. It is then problematizing both the process and product of such a procedure (Lyotard, 1984) and "the structure of critical propositions in their relations to the artifacts they describe" (Thurley, 1983).

Hossain's poetry elicits a variety of responses of postmodernism in the poets in Bangladesh. Postmodernism is a generic name and umbrella term where Hossain's poetry conveys a host of different theories and trends. He is a practitioner of writing Bangla poems out of semantic chaos and linguistic jugglery. He may not exist in the all postmodern literary realms but several of his poems strive to seek the root of Bangali ethnicity in the special brand of Postmodernist poetry.

Works Cited

- Akbar, S. (2013) 'What should I say?' Dhaka: *Deniy Star*, July 20.
- Bhattacharya, K. (2004) 'Fkti UttarAdhunik Parjalochona'; in Anjan Sen et al eds. *Banglar UttarAdhunik Sabityachinta*, Gangeo Patro, Kolkata.
- Elliot, T. S. (1915) 'The Love Song of J. Alfred Prufrock', *Prufrock and other Observations*, The Egoist Ltd, USA.
- Frost, R. (1978) 'Stopping by Woods on a Snowy Evening', *Collection of Poetry*, Dutton's Children's Books, New York.
- Foucault, M. (1970) *The Order of Things: An Archaeology of the Human Sciences*, Pantheon, New York.
- Foucault, M. (1972) *The Archaeology of Knowledge and the Discourse on Language*, trans. A. M. Sheridan Smith, Pantheon, New York.
- Gass, W. H. (1985) *Habitations of the Word: Essays*, Simon & Schuster, New York.
- Hassan, I. (1987) *The Postmodern Turn*, Columbus, Ohio State U P.

Haq, K. (2009) 'Padma Meghna Jamuna', *Foundation of SAARC Writers Literature*, New Delhi.

Hawthorn, J. (2003) *A Glossary of Contemporary Literary Theory*, 4th ed. Arnold, London.

Hossain, Khondakar A. (2005) *Kabitasangraha* (Collection of Poetry), Shikha Prakashani, Dhaka.

Hossain, Khondakar A. (2010) 'Amar Ghatak' (My assassin), *Kabitasangraha*, Janantik, Dhaka.

Hossain, Khondakar A. (2010) 'Ranga' (Fun) *Kabitasangraha* (Collection of Poetry) Janantik, Dhaka.

Hossain, Khondakar A. (2010) 'Prurana Kabita' (Old poem), *Kabitasangraha* (Collection of Poetry), Janantik, Dhaka.

Hossain, Khondakar A. (2010) 'Hanan' (Killing), *Kabitasangraha* (Collection of Poetry) Janantik, Dhaka.

Hossain, Khondakar A. (2010) 'Atmapaksha' (Self-defence), *Kabitasangraha* (Collection of Poetry) Janantik, Dhaka.

Hossain, Khondakar A. (2010) 'Saap' (Snake), *Kabitasangraha* (Collection of Poetry) Janantik, Dhaka.

Hossain, Khondakar A. (2010) 'Modern And Beyond: Western Influences on Bangladeshi Poetry', PhD Diss, Dhaka Viswavidyalay Prakashana Samstha, Bangladesh.

Hossain, Khondakar A. (2010) 'Vhouya Darsana' (False Philosophy), *Kabitasangraha*, Janantik, Dhaka.

Hossain, Khondakar A. (2010) 'Boa Mas' (Bride Fish), *Kabitasangraha* (Collection of Poetry), Janantik, Dhaka.

Hossain, Khondakar A. (2010) 'Dhanramani' (Rice-woman), *Kabitasangraha* (Collection of Poetry), Janantik, Dhaka.

Hossain, Khondakar A. (2010) 'Sadanander Padaboli' (Sadananda's Lyric), *Kabitasangraha*, Janantik, Dhaka.

Hossain, Khandakar A. (2010) 'Jatra' (Departing), *Kabitasangraha* (Collected Poems), Janantik, Dhaka.

Hossain, Khandakar A. (1984) *Kabitasangraha*, Shikha Prakashani, Dhaka.

- (1984) *Tim Ramanir Qasida*, Ekobinghso, Dhaka.

- (1986) *Partho Tomar Teebro Teer*, Muktaadhara, Dhaka.

- (1989) *Jibaner Saman Chumuk*, Ekobinghso, Dhaka.

Hutcheon, L. (1985) *A Theory of Parody: The Teachings of Twentieth-Century Art Forms*, Methuen, London and New York.

Jamerson, E. (1991) *Postmodernism, or the Cultural Logic of Late Capitalism*, Verso / Durham / Duke University Press, London.

Jana, N. (2001) *Postmodern o Uttaradhinik Bangla Kabita Paricha*, Banishilpa, Kolkata.

Khan, R. (2002) *Bangladesher Kabita: Samabayee Swatantraswar*, Ekushey, Dhaka.

Kincaid, J. (1978) 'Girl', *An Introduction to Fiction*, The New Yorker, USA.

Lewis, P. (1982) 'The Post-Structuralist Condition', *Diacritic*, The New Yorker, USA, vol. 12, no. 1, pp. 2-24.

Lyotard, Jean F. (1984a) 'Answering the Question: What is Postmodernism?' trans. Régis Durand, University of Minnesota Press, Minneapolis.

Lyotard, Jean F. (1984) *The Postmodern Condition: A Report on Knowledge*, trans. Geoff Bennington and Brian Massumi, University of Minnesota Press, Minneapolis.

Mathias, J. (2004) '26 June 1381/1977', *New Selected Poems*, Salt Publishing, Cambridge.

Newman, C. (1985) *The Post-Modern Aura: The Act of fiction in an Age of Inflation*, Northwestern University Press, Evanston, Ill.

Preventive Detention and Violation of Human Rights: Bangladesh Perspective

Md. Nazir Ahmed¹

Abstract: Preventive detention is the most debatable issues of law in our country. Preventive detention means detention of a person without trial and without conviction by a court, but merely on suspicion in the minds of the executive authority. The violation of human rights has started from very beginning of our civilization. Violation of human rights through preventive detention has become a part of the culture all over the world, especially in the third world countries. It is sorry to mention that Bangladesh is one of them. In my paper discussion, I want to highlight its definition, history, its nature and justification, our constitutional safeguards and some recommendations to protect the human rights violation through preventive detention. In this paper, I would like to show how the preventive detention infringes the human rights i.e. rights of a person and liberty of a citizen is violated due to misapplication of preventive detention in Bangladesh and to what extent such right is violated, drawbacks of preventive detention, validity of the preventive detention and finally ways / recommendations to stop the misuses of preventive detention in order to protect personal liberty from invasion, which is the basic human rights of citizens. It also examines social necessity of the law of the preventive detention for our country. Preventive detention should be used sparingly only in exceptional circumstances.

Keywords: Preventive detention, detenu, wrongful arrest, human rights, violation, government, state.

Introduction

Preventive detention is the most arguable topics of law in recent time. That's why a lot of people tried to give a exact definition of it. But there is no authoritative definition of it. In the case *A.K. Gopalan v. State of Madras*, (AIR 1950, SC-27) the court held that, there is no authoritative definition of preventive detention. The word "Preventive" means that restrain, whose object is to prevent probable or possible activity, which is apprehended from a would be detent on ground of his past activities. (*Sunil Kumar Samaddar v. Superintendent of Hoaghy jail*)

'Detention' means keeping back. (*Alamgir v. State AIR 1957*) Preventive detention means detention of a person only on suspicion in the mind of the executive authority without trail, without conviction by the court. (*Patel, T-1993*)

¹Senior Lecturer, Department of Law, Prime University, Dhaka, & M.Phil Fellow, Department of Law, Rajshahi University, Rajshahi, Bangladesh.
E-mail: nazirlawru@gmail.com

Human rights are inherent in human person and which can be claimed by any person for the very reason that he is a human being and without none can live as human being. These rights come with birth and applicable to all people throughout the world irrespective of their race, colour, sex, language or political or other opinion. (Halim, Md. Abdul, 2006).

Thus human rights are universal rights. The concept of human rights adopted by United Nations in 1948. According to the comments of Sridathirampal, human rights have their origin in the fact of the human condition and they are fundamental and inalienable. More specifically, they were born not of man but with man. Personal liberty is the basic human rights of every person and every state recognized and adopted it as a fundamental right towards all citizens of the land which is their inalienable right. So, any individual can oppose successfully the whole community and the state to claim his right if such right is violated. Liberty itself is the gift of the society and it can be curtailed or circumscribed only in the interest of society (Chowdhury, B. Haider, 1990). Personal liberty can be curtailed for the interest and security of the state and nation, because the enjoyment of personal liberty itself is dependent on the safe security of the state. Moreover, all international and regional documents of human rights recognize and make provisions for derogation of rights in case of emergency and of national crisis. However, when such right is curtailed arbitrarily then the question of violation is raised. Everywhere human rights are being violated which has been started from the very beginning of human civilization. Preventive detention curtails the liberty of citizens to the extents that a person who has not committed any offence but may be presumed that he is about to commit any prejudicial act and convicted without trial. Since it is based upon the presumption of the executive and carries with the risk of abuse and that's why it becomes a culture of violation of human rights through preventive detention all over the world, especially in the 3rd world countries like Bangladesh, Sri-Lanka, Pakistan, India etc.

Preventive detention is an abnormal measure whereby the executive is authorized to impose restrain upon the liberty of a man who may not have committed a crime but who, it is apprehended, is about to commit acts that are prejudicial to public safety (Brohi A.K, 1958).

In Bangladesh, this practice is very popular among all the successive governments in order to perpetuate their rule and suppress opposition's movement. For the very reason, in guise of preventive detention law, the executive authority exercises wide discretionary power regarding arrest and detention to any person as they wish.

Objectives

1. To find out the actual condition of the detainee.
2. To know about the general conditions of the detainee.
3. To know about the safeguard of the individuals.
4. To know about the personal liberty of the individual.
5. To ensure the sanity of the detainee.
6. To give some suggestions about the present circumstances of preventive detention.
7. To show how human rights are violated by the abuse of preventive detention in Bangladesh.
8. To give some recommendations for the improvement of the existing law regarding preventive detention.

Methodology

This paper is qualitative in nature. Content analysis method has been applied in this article. Information or data has been collected from the secondary sources like facts, figures, data, books, journals, reports, opinion, internet and so on. Relevant judicial decision has been collected from various sources. A number of books have been studied and consulted to find the necessary information. Various national and international articles by different authors have been critically observed.

Preventive Detention: Meaning and Definition

Preventive detention means detention of a person only on suspicion in the mind of the executive authority without trial and without conviction by the court. (*Patel, T-1993*) Preventive detention is not to punish an individual for any wrong done by him but to prevent him from acting in a manner prejudicial to the state. It is a pre-trial internment. Although there exist preventive detention law directly or indirectly all over the world but there is no authoritative definition of the term preventive detention due to difference in application of the law during emergencies or in both time of peace and emergencies.

In *Rex v. Halliday; Ex parte Zolding (Rex v. Halliday, Ex parte Zolding 1917)* case the expression preventive detention was used for the first time in Britain (Bhuiyan, Md. J. H., 2004).

The word preventive means restraint, whose object to prevent probable or possible activity, which is apprehended from would-be detenu on grounds of his activities and detention means that the person who detained liberty to go nowhere for the very reason preventive detention necessarily involved the detention of a person. Preventive detention means detention, the aim of which is to prevent a person from doing something which is likely to endanger peace or safety or causing public disorder. Preventive detention means detention of a person without trial and conviction by the court but merely on suspicion in the minds of the executive authority. In *Rex v. Halliday*, Lord Finlay quoted that it (preventive detention) is not a punitive but a precautionary measure. Thus preventive detention is a precautionary measure adopted by the executive for the greater interest of the nation and state. In *Gopalan v. State of Madras (A.K. Gopalan v. State of Madras AIR 1950)* Justice Mukherjee pointed out, the preventive detention is a precautionary measure. The object is not to punish a man for having done something but intercept him before he does it and to prevent him from doing it. No offence is proved nor any charge formulated and the justification is suspicion or reasonable probability and not criminal conviction. To quote A. K. Brohi, Preventive detention is an abnormal measure where by the executive is authorized to impose restrains upon the liberty of a man who may not have committed a crime but who, it is apprehended, is about to commit acts that prejudicial to public safety (Halim, Md. A., 2006). Preventive detention means detention of a person only on suspicion in the mind of executive authority without trial and without conviction by the court.

Preventive detention is a peculiar measure in the sense that it imposes restriction on the liberty of a citizen to the extent that a person who has not committed any offence but presumed that he is about to commit any prejudicial act.

Preventive detention is a serious encroachment upon the personal liberty of a person for the simple reason that unlike ordinary arrest or imprisonment, preventive detention is effected without trial "Preventative detention means this is a detention of a person without trial in such circumstances that the evidence in the possession of the authorities is not sufficient to draw up a legal charge or secure the conviction of the detent by legal proof. Preventive detention laws legal instrument applied by the executive primarily to detain any person without any charge in trial. (Banglapedia: Islam, S., 2003) Seemingly these instruments run parallel to the penal laws that include all grounds for which the detention law in general is enforced.

Nature of Preventive Detention

Everything is different from others for its own nature, so the nature of preventive detention is different from others detention, namely punitive detention. Because, detention may be of two types punitive detention and preventive detention. The term preventive detention is used in contradiction to punitive detention. Preventive detention is the detention of a person without trial in such circumstances that the evidence in the possession of the authorities is not sufficient to draw up a legal charge or secure the conviction of detenu by legal proof; but all the same, it is justified, no offence is proved nor any charge formulated but the justification is dictated by suspicion. It is an anticipatory measure and doesn't relate to an offence while criminal proceeding is to punish persons for an offence committed by him. Thus preventive detention is detention of a person without trial and conviction by a court, but merely on suspicion in the minds of the executive authority. Justice Mukharjee described the distinction between preventive and punitive detention, by which one can easily understand the nature of both. He observed "A person is punitively detained only after a trial for committing a crime and after his guilt has been established in a competent court of justice, Preventive detention on the other hand, is not a punitive but a precautionary measure. The object is not to punish a man for having done something but to intercept him before he does it and to prevent him from doing it. No offence is proved; nor any charge formulated and the justification is suspicion or reasonable probability and not criminal conviction which only can be warranted by legal evidence (Quoted by Sharifuddin, P., 1964) . According to justice Vinan Bose, preventive detention has three special features.

1. It is an detention not imprisonment,
2. It is detention by the executive authority without trial or inquiry by a court and
3. The object is preventive and not punitive.

Thus it is a precautionary measure and its object not to punish but to prevent doing something prejudice act against public (Quoted by Sharifuddin, P., 1964).

Justice Mukharjee defined preventive detention as which consists in restraining a man from committing a crime, which he may commit but has not yet committed, or doing some act injurious to members of the community which he may do but has not yet done. Thus when a person comes within the satisfaction of executive e.g. the government authority that a person is going to commit prejudicial act against state or public interest, he may be detained through preventive detention to prevent / defend him from doing such act. (*Section 2 of The Special Powers Act 1974*) Though the act itself mentioned that prejudicial act against Bangladesh but it's a matter of sorrow that no government can realize the distinction between the government and state, the act says for prejudice act against the state, not to the government (Mohsin, A. F. M. 2003).

But Preventive detention is an abnormal measure whereby the executive is authorized to impose restraints upon the liberty of a man who may not have committed a crime but who, it is apprehended, is about to commit acts that are prejudicial to public safety etc. Preventive detention makes an inroad on the personal liberty of a citizen without the safeguards inherent in a formal trial before a judicial tribunal and it must be jealously kept within the bounds fixed for it by the constitution and relevant law. (*Ram Krishana v. State of Delhi AIR 1953*) The Indian Supreme Court observed, "Preventive detention is a serious invasion of personal liberty and such meager safeguard as the constitution has provided against the improper exercise of the power must be jealously watched and enforced by the court. Since the preventive detention laws allow much unlimited powers to the executive authorities to arrest and detention a person, as a result, every government use this law in order to protect their political interest, stability etc. in the name of the security and interest of the state. Consequently many times detaining authorities violate fundamental rights of the citizen and abuse the powers given under preventive detention laws to satisfy the government.

Justification of Preventive Detention

Though preventive detention is a serious invasion of personal liberty and an abnormal measure of curtailing personal liberty of an individual but many countries contain or enact preventive detention law either in war or in peace time. What is the justification or philosophy behind enacting such law?

Preventive detention in case of emergency of war is well recognized because national security and interest are more important than the personal liberty of citizen. Personal liberty depends upon the safe security of the state. Considering the justification for preventive detention Lord Atkinson in *R v Halliday* observed, "Where preventive justice is putted in force some suffering and inconvenience may be caused to the suspected person". This is inevitable. But the sufferings is inflicted for something much more important than his liberty or convenience, namely for securing the public safety and the defense of the realm. Similar view also exposed by Lord Alfred Denning. He said that if there are traitors in our midst, we cannot afford to until we catch them in the act of blowing up our bridges or giving our military secrets to the enemy. We cannot run the risk of leaving them at large. We must detain them on suspicion (Bhuiyan, Md. J. H., 2004).

All international and regional documents of human rights recognize and make provision for derogation of rights in case of emergency and national crisis. In recent times, the necessity of having such provision in time of peace has been felt to prevent anti-social and subversive elements from imperiling existence and welfare of states. The ruling government justifies the practice of preventive detention by saying without this law country could not be administered and this law is a must to run the government and to suppress terrorism, it is essential to control anti-social activities. The former general secretary of Bangladesh Awami League has said, "The Special Powers Act was introduced to combat looting of police station, setting fire on jute godowns, slogan Muslim Bengal, Noxalite activities and above all to combat the nefarious tendency to destroy the sovereignty of the state (Sufian, Md. A. A., 2008). Though there are

justifications behind the practice of preventive detention in peace time but in times of peace preventive detention is not at all known in all democratic countries, specially developed countries. The greatest constitutional expertise of India has explained one of the reasons of incorporation of preventive detention in India as "there may be many parties and persons who may not be patient enough to follow constitutional methods but are impatient in reaching their objective and for that purpose they resort to unconstitutional methods, and then there may be a large number of people who have to be detained by the executive. In such a situation, would it be possible for the executive to prepare the cases only do all that necessary to satisfy the elaborate legal procedure prescribed. Hence the virtual necessity of the law of preventive detention in certain situation can hardly be over estimated.

History of Preventive Detention

In the case *Rex. v. Halliday*, the expression, the word Preventive detention was used in Britain first time. Preventive detention was first introduced in our sub-continent in 1818 by the Bengal State Prisoners Registration (iii). The Presidencies of Madras and Bombay made similar regulations in 1819 and 1827. In 1935 through government of India Act, provided for scope of Preventive detention and under the Defence of India Ordinance was promulgated. Afterward it was transferred into the Defense India Act 1939 and continued until the time of 2nd world war. Defense Act, 1915 also provided the scope Preventive detention. The Indian Constitution empowers the parliament to legislate on preventive subject to limitation laid down by Article 229. In India, the Preventive detention was enacted in 1950 as named "Preventive Detention Act, 1950". Afterward, it was amended and replaced by Maintenance of Internal Security Act, (MISA) 1971. Preventive detention also introduced by Foreign Exchange and Prevention of Smuggling Activities Act (COFEPOSA) 1974, National Security Act 1980, The Essential Services Maintenance Act (EMS) 1981, and lastly by the Terrorist and Disruptive Activities (Prevention) Act 1985. In Pakistan through Public Safety Ordinance Act 1949, Public Safety Act (Amendment) 1950, Public Safety Ordinance 1952 and lastly The Security of Pakistan Act 1952 were provided Preventive detention in various ways. The constitution of Pakistan of 1956 and 1962 empowered and also constitution of 1973 empowered parliament of Pakistan to enact Preventive detention laws.

In the original constitution of Bangladesh, there was no provision introducing for Preventive detention. But through 4th amendment by "The Special Powers Act 1974" (9th February) enacted Preventive detention act which was an anti-people black law that is still continuing. After enacting the provision by the Special Powers Act, then government used Preventive detention against the tribal people of Chittagong Hill Tracts and against the suspected members of Jatio Shomajtantirik Dol and Shorbohara Party. Later on, the Jatio Party Government used this preventive detention against Awami League and BNP during their regime (1982-90). But unfortunately, two elected parties BNP Govt. (1991-95) and Awami League Govt. (1996-2001) used it to oppress the opposition party severely.

Preventive Detention in the Light of Bangladesh Constitution

The first constitution of Bangladesh had no provision of preventive detention. It has been added on the constitution by the 2nd amendment of the constitution in 1973. Preventive detention has been legalized in Bangladesh by the article 33 of the Constitution of Bangladesh. It has been stated in article 33, "Safeguards as to arrest and detention.

- (1) No person who is arrested shall be detained in custody without being informed, as soon as may not be of the grounds for such arrest, nor shall be denied the right to consult and be defended by a legal practitioner of his choice.
- (2) Every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty four hours of such arrest, excluding the time necessary for the journey from the place of arrest to the court of the magistrate, and no such person shall be detained in custody beyond the said period without the authority of a magistrate.
- (3) Nothing in clauses and shall apply to any person- (a) who for the time being is an enemy alien; or (b) who is arrested or detained under any law providing for preventive detention.

- (4) No law providing for preventive detention shall authorize the detention of a person for a period exceeding six months unless an advisory board consisting of three persons, of whom two shall be persons who are, or have been, or are qualified to be appointed as, Judges of the Supreme Court and the other shall be a person who is a senior officer in the service of the Republic, has, after affording him an opportunity of being heard in person, reported before the expiration of the said period of six months that there is, in its opinion, sufficient cause for such detention.
- (5) When any person is detained in pursuance of an order made under any law providing for preventive detention, the authority making the order shall, as soon as may be, communicate to such person the grounds on which the order has been made, and shall afford him the earliest opportunity of making a representation against the order.
- (6) Parliament may by law prescribe the procedure to be followed by an Advisory Board in an inquiry under clause."

The Special Powers Act 1974 has also described the provision of preventive detention.

The Parliament on February 9, 1974 enacted the black law, "Special Powers Act, 1974" containing the provisions of preventive detention. The Act says that any person can be arrested and detained by the executive authority if there is apprehension in the mind of the authorities that he may commit "prejudicial act" which means-

To prejudice the sovereignty or defense of Bangladesh,

To prejudice the maintenance of friendly relations of Bangladesh with foreign States,

To prejudice the security of Bangladesh or to endanger public safety or the maintenance of public order,

To create or excite feelings of enmity or hatred between different communities, classes or sections of people,

To interfere with or encourage or incite interference with the administration of law or the maintenance of law and order,

To prejudice the maintenance of supplies and services essential to the community,

To cause fear or alarm to the public or to any section of the people,

To prejudice the economic or financial interests of the state.

Preventive Detention: A Weapon of Oppression

Preventive detention has both advantages and disadvantages as every other law. But, the use of this power should be very limited or it may become a weapon of oppression very easily.

In some third world's corrupted countries, it has already a weapon to oppress people. In most democratic countries, this law can be used only in emergencies. As for example, in the U.S.A, this law can be used only in emergencies. There are some specific reasons why it can be said as weapon of oppression.

Firstly, in Bangladesh without trial six months detention can conferred to the detainee. This is a bad process because such long detention period is not found anywhere else in the world. In India, this time is three months. (*Article 22 of Indian Constitution*) and in Pakistan the initial period of detention is three months.

Secondly, in democratic countries preventive detention is a method resorted in emergencies like war (*Article 10 (7) of present Pakistan Constitution*). In the western developed countries like USA, UK and Singapore, it is specifically mentioned that only in the time of emergency, preventive detention is applied for and also for specific purposes, but there is no specification in our constitution and can be restored to in the time of both peace and emergency.

Thirdly, we do not have fixed maximum period of detention in our constitution or in the Special Powers Act 1974. This is also a negative aspect of Preventive detention. In Pakistan, the period of preventive detention is eight (8) months in a year and in India, maximum two years.

Fourthly, in Bangladesh a large number of political workers and leaders are detained without trial through the preventive detention under the Special Powers Act 1974 known as a 'Black Law'. But this picture of detention without trial is not found in western countries where this preventive detention also exists.

Fifthly, the preventive detention under the Special Powers Act is keeping in line with the maintenance of Indian Security Act 1971 and the East Pakistan Public Safety Act 1958. But in Bangladesh the provision relating to Preventive detention made more draconian than those two. By 44th amendment, the process of preventive detention made something democratic in Indian constitution.

Sixthly, police officer after arresting any person prays before magistrate court for remand and in maximum cases police gets remand and starting bodily, mentally torture which is a violation of international human rights law. (*Article 7 of International Covenant on Civil and Political Rights prohibits torture and ill treatment*)

Seventhly, there is nothing entitled against who a detention order has been made to appear by lawyer in any matter connected with the reference to the advisory board (*Section 11 of The Special Powers Act 1974*) and its report excepting that part of the report in which opinion of the advisory board is specified shall be confidential.

Eighthly, if any person is actually criminal that he or she would be arrested under general law and magistrate can punish him or her but if it is happen then he or she must bring before magistrate within 24 hours. But not to bring within 24 hours before the magistrate, a suspected is arrest under the Special Powers Act 1974. Because by this a person without bring before magistrate can put in prison month after month.

Ninthly, many suspected people who are not actually criminals are kept inside the jail for wrong information. Among them who are rich come outside through writ of Habeas Corpus in High Court Division but those who are poor, have no chance.

Preventive Detention in Bangladesh & Constitutional Safeguards

In our constitution, Article 33 deals with the rights of an arrested person. Article 33 confers three constitutional rights or safeguards upon a person arrested. Sub article (1) and (2) deals with;

He or she cannot detain in custody without being informed, as soon as may be on the grounds of his arrest.

He or she has the right to be produced before the nearest magistrate within 24 hours and cannot detain in custody beyond the period of 24 hours without authority of the magistrate.

He or she has the rights to consult and be defended by a legal practitioner of his choice and Sub article (3), (4), (5), (6) deals with four constitutional safeguards for detention. They are:

1. Review by an Advisory Board.
2. Right to communicate of grounds of detention.
3. Right of fight against the detention.
4. Judicial control-satisfaction of detaining authority.

1.Review by an advisory board

No law providing for preventive detention shall have any authority of detention of a person for a period exceeding six months unless an advisory board consisting of three persons, of whom two shall be person who are, or have been or are qualified to be appointed as, judges of the supreme court and the other shall be a person who is a senior officer in service of the republic. No person can be detained more than 6 months without authority of the advisory board, if the board give their opinion that, there is sufficient grounds for such detention only than the authority can detain the suspect for more than 6 months. If the grounds of detention are not placed before the advisory board within 120 days from the date of detention, the detention will be illegal (*Sayedur Rahman Khalifa v. Secretary Home Affairs, 1986*). The opinion of the majority of the Advisory Board shall be deemed as an opinion of the board if there is a difference in opinion among the members.

2. Right to communicate of grounds of detention

Article 33(5) of our constitution and also in Indian constitution Article 22(5), in Pakistan constitution, Article 33(5) says that the detaining authority must communicate as soon as possible the detenu about the grounds of detention. "As soon as" means a reasonable time. According to the Special Powers Act the grounds must be communicated within 5 days from the date of detention. (*Nazir Ali v. Secretary Home Affairs, 1990*) If the arrested person is illiterate, the grounds may be communicated to him verbally. If he is literate, they are to be made in the language, which the detenu could understand.

3. Rights of representation against the order of detention

It is the rights of the arrested person to engage counsel and the consul will help the person to defend him. Article 33(1) of our constitution provides that the detaining authority must afford the detenu the earliest opportunity of making representation against his detention. The person arrested has a right to have purposeful interview with the legal practitioner out of the hearing of the police or jail staff through it may be within their presence.

4. Judicial control-satisfaction of detaining authority

The question of a person being detained under the law of preventive detention is left to be determined upon the subjective satisfaction of the detaining authority. This satisfaction is a matter into the existence of which the courts will not set on foot any inquiry unless it is alleged that the order of detention is a malafide one. (*Section 34 of The Special Powers Act 1974*) As the High Court in the case of *Ranabir Das v. Ministry of Home* observed, "A detention order is made malafide when it is made contrary to the object and purpose of the act or when the detaining authority permits him to be influenced by conditions which he ought not to permit. In the case *Habibullah Khan v. S.A. Ahmed* the appellate division held that it is not only the government is satisfied that the detention is necessary but it is also for the court to be satisfied that the detention is necessary in the public interest. In *Krisna Gopal v. Govt. of Bangladesh*, the Appellate Division held that an order which is going to deprive a man of personal liberty cannot be allowed to be dealt within a careless manner, and if it is done so, the court will be justified in interfering with such order. The court held the detention order unlawfully.

The Law Itself Contains the Serious Violation of Human Rights

Provisions contain by the preventive detention are the direct violation of human rights for the following reasons:

Firstly, in Bangladesh, our constitution provides that the initial period of detention is 6 (six) months without trial which means the detainee can be detained for 6 (six) months. Nowhere in the world such long period of initial detention is found because it is direct encroachment of personal liberty.

Secondly, in Bangladesh there is no fixed maximum period of detention. Thus, neither our constitution nor the Special Powers Act 1974 specifies any fixed period, which means that a person can be detained for an indefinite period once the advisory board opines that there exists sufficient cause for such detention.

Thirdly, the detention has no right to consult and defend by legal practitioner at his choice. There is nothing entitled him to appear by lawyer in any matter connected with the reference to the advisory board, and its report exception that part of the report in which opinion of the advisory board is specified shall be confidential.

Fourthly, any arrested person must bring before magistrate within 24 hours. But under this law, without bringing before magistrate within 24 hours, a suspected (detainee) can put in prison month after month.

Lastly, preventive detention in case of emergency is well recognized in democratic countries, which indicates that it is a method resorted to in emergency. For example, in USA and UK, it is specifically mentioned that only in time of emergency such law would be applied. But it is unfortunate that our constitution does not provide such specification and this is why preventive detention is resorted in times of both peace and emergency.

Preventive Detention Contrary to Rule of Law

Rule of law speaks for the establishment of human rights, democracy which is the desired dimension of our constitution. But in Bangladesh, every government has used Special Powers Act, 1974 as a brutal weapon and a huge number of persons are detained every year without trial with the view to suppress political opponents for purpose and fundamental rights guaranteed by article 31, 32 (A) 33(1) and (2) of our constitution, namely, right of the protection of law, personal liberty and safe guards are not ensured by the constitution itself for the detainee, detained under preventive detention laws. Thus once a person is detained illegally

Thus once a person is detained illegally under this law he finds his all fundamental rights except the right to life strangulated in a pincer- like trapping. In our country such law is exercised by all governments during peace time as a permanent law. So, the provisions allowing for preventive detention in peace time is contrary to the concept of rule of law. Moreover this law empowers the detaining authority to exercise their arbitrary discretion to detain any person upon their satisfaction that such person shall be detained in order to prohibit him from doing any prejudicial act against the state.

This arbitrary and wide discretionary power of the detaining authority is contrary to the concept of rule of law. Excessive exercise reliance on preventive detention laws, tyrannical laws by the government reduced the government's status as adopting 'rule by law' not rule of law. "Rule of law" is distinct form "Rule by law". Abuse and excessive use of power by the government may be designated as "rule by law" when the laws are used as instruments of government's policy. Rule of law, by contrast, is the use of law making power by the government. The abuse of rule by law manifests itself in the passing of and reliance on unjust laws, it is already mentioned that in our country preventive detention law used as an ultimate and brutal weapon to perpetual rule. Form the aforesaid discussion, it can be concluded that preventive detention law is a draconian and obnoxious law which undermines the rule of law and fundamental principles of human rights.

Table - 1 :
Annual basis number of detenus under the Special Powers Act 1974

The rule of law demands that power is to be exercised in a manner which is just, fair and reasonable and not in an unreasonable, capricious or arbitrary manner leaving room for discrimination. *Delhi Transport Corporation v. D.T.C. Mazdoor Congress, (1991)*. But Bangladesh has another scenario. In Bangladesh, "Preventive detention is an abnormal measure whereby the executive is authorized to impose restraints upon the liberty of a man" (Brohi, 1958) For example, during the first 3 years of AL (1996) 7,618, during the 5 years of BNP 18000 and during the 9 years of JP (1981-90) 27000 persons were detained (The Daily Jugantar, May 30, 2000).

Year	Total Number of Detenus	Number of Released Persons Through writ of Habeas Corpus
1974	513	13
1975	1114	31
1976	1498	46
1977	1057	25
1978	753	30
1979	960	31
1980	710	41
1981	1759	29
1982	1548	54
1983	872	44
1984	643	36
1985	882	48
1986	2194	94
1987	4585	327
1988	4907	741
1989	4482	871
1990	4615	1099
1991	5302	1710
1992	6497	1594
1993	3 669	1066
1994	2968	630
1995	4173	1705
1996	5413	3376
1 997 up to July	2539	1393

Source: Halim, Md. Abdul, 2006

Recommendations

The above discussion reveals the truth that preventive detention is an abnormal measure to detain a person which is serious violation of personal liberty of a citizen. Under this law the detaining authority upon its discretion, may detain any body and the law provides all immunities to the detaining authority. As a result, the detaining authority misuses their power e.g. they exercise arbitrary and malicious discretion in order to perpetuate rule. Considering the above discussion I notice the following recommendations which may give relief to the people from the pangs of this repressive law:

1. Government should take initiative to stop arbitrary arrest and detention by repeal or amending all provision providing for preventive detention.
2. An option of judicial review should be given to those who are arrested under such laws.
3. Since our constitution gives the authority of making preventive detention laws, so the constitution must contain provision describing the certain specific period when the law shall be exercised i.e. only in time of grave emergency or war.
4. Article 33 (3) (b) of the constitution deprived the detainee from the fundamental rights ensure by article 33(2) which provides that every person who is arrested and detained in custody shall be produced before the magistrate within 24 hours and right to counsel under article 33 (1) of the constitution and these are fundamental human rights guaranteed by constitution itself. So such a provision should be repealed and it is the clear violation of these rights.
5. The detenu shall be informed immediately about the grounds of his detention with facts and particular's which enable him to make effective representation.
6. The opportunity to challenge the legality of their detention order before a court of justice should provided towards all detenu who are detained under preventive detention laws.
7. The detenu shall not be subject to torture and other ill treatment in detention.
8. All allegations of oppressions should be quickly and immediately investigated.
9. The government should bring a provision in the constitution ensuring the right to get compensation at least the person who is detained unlawfully in peace time as article 9 (5) of the international Convention of civil and political rights.
10. The orders and directions should be obeyed entirely, immediately and strictly.

11. Judicial detention is preferable to executive detention. In order to ensure the proper functioning of democratic environment and to maintain the standard of human rights preventive detention should be restricted.
12. There must be constitutional provisions describing certain limited period when the powers of preventive detention exercised.
13. All reasonable legal and human opportunities should be provided to the detenu.
14. The detenu must not be kept with those who are regular convicts.
15. He or she will be informed as early as possible about the reasons behind his or her arrest.
16. The detenu must be allowed immediate and regular access to lawyer, family members and unbiased medical board.
17. Police should not be used for political motives.
18. Judiciary and administration need to be free from corruption.
19. Establishing a legal aid clinic in few police stations on pilot basis.

The above recommendations should be ensured and practiced.

Eventually, the government may add aforesaid provision in our constitution or in the laws providing for preventive detention which will specifically mentioned that the preventive detention law cannot be used by government except in times of emergency, war or external aggression.

Conclusion

Already I have mentioned that government may exercise preventive detention only in case of grave emergency and government cannot violated one's fundamental rights which is prescribed in Bangladeshi

constitution. Though preventive detention is a tool of constitution for social needs, but now it is working for other purposes behind its legal or theoretical purpose. The excessive use of laws of preventive detention, affects the liberty of the individual and at the same time dangerous for a big community. The law related person should not forget that this law is for the protection of society and state and not for the oppression to the people who are in different community or thought. The philosophy lying behind the preventive detention is the safety of the community at large, but may create an atmosphere which affects the community in general and liberty of the person in particular. The government should remember that in an organized society it exists for the welfare of the people. The power of detention is necessary no doubt, but it should be used only in exceptional circumstances. The liberties will then usher in better standards of civic. So, in order to show respect and follow the constitution and to exercise the practice of true democracy, every government should give its attention to establish the fundamental human right of the citizens but not to violate their rights. Government should remember that in an organized society preventive detention exists for the welfare of people but not to encroach their basic human rights.

References

AIR 1950 SC 27

Brohi, A.K. (1958) *Fundamental Law of Pakistan, Karachi*, p. 424.

A.K- Gopalan v. State of Madras AIR (1950) SC 27.

Alamgir v State AIR (1957) at p. 285.

Article 7 of International Covenant on Civil and Political Rights prohibits torture and ill treatment.

Article 10 (7) of present Pakistan Constitution.

Article 22 of Indian Constitution.

Banglapedia: *National Encyclopedia of Bangladesh*, (2003) Shirajul Islam, Asiatic Society of Bangladesh, Dhaka, vol. 8, pp. 200-203.

Bhuan, Md. Jahid Hossain, 'Preventive Dentation and Violation of Human Rights Bangladesh, India & Paikstant, Bangladesh', *Journal of Law*, vol. 8, no. 1 & 2, June and December 2004, p.104.

Bhuiyan, Md. Jahid Hossain, 'Preventive Detention and Violation of Human Rights Bangladesh, India & Pakistan, Bangladesh', *Journal of Law* vol. 8, no. 1 & 2, June and December 2004, p.113.

Chowdhury, B. Haider, (1990) *The Long Echoes*, Naima Haider, Dhaka, p.144.

Delhi Transport Corporation v. D.T.C Mazdoor Congress (1991)

Daily Jugantar May 30, 2000.

Halim, Md. A. (2006) *Constitution, Constitutional Law & Politics* 3rd Ed. Human Development Foundation, Dhaka, p. 88.

Halim, Md. A. (2006) *Constitution, Constitutional Law & Politics* 3rd Ed. Human Development Foundation, Dhaka, p. 227.

Halim, Md. A. (2006) *Constitution, Constitutional Law & Politics* 3rd Ed. Human Development Foundation, Dhaka, p. 299.

Mohsin, A. F. M. (2003) *Shangbidhanik Ainer Mulnitee*, Kamrul Book House, p.112.

Nazir Ali v. Secretary Home Affairs 10 BLD 1990 HCD 258.

Patel, T. (1993) *Personal Liberty under the constitution of India*, Delhi, p. 48.

Quoted by Pirzada Sharifuddin, (1964) 'Fundamental Rights and Constitutional Remedies in Paikstan', *All Paikstan Legal Decision*, Lahore, p. 191.

Ram Krishana v. State of Delhi AIR (1953) SCB 18.

Rex v. Halliday, Exparte Zolding (1917) AC 260.

Section 2 of The Special Powers Act 1974.

Section 11 of The Special Powers Act 1974.

Section 34 of The Special Powers Act 1974.

Sayedur Rahman Khalifa v Secretary Home Affairs 6 BLD (1986) DB 272.

Sufian, Md. A. Arafat, (2008) 'Preventive Dentation in Bangladesh: A General Discussion', *Bangladesh Research Publications Journal*, vol.1, no.2, July-August, p. 172.

Sunil Kumar Samaddar v. Superintendent of Hoagly jail, (1971), 75 cal WN 151.

The Role of the Legislature in Upholding the Rule of Law in Bangladesh

Md. Mostafijur Rahman¹

Abstract : In the contemporary global politics the rule of law is considered as the pre-requisite for better democracy, socio-economic development and good governance. It is also essential in the creation and advancement of citizens' rights of a civilized society and being considered for solving many problems in the developing country. The foremost role of the legislature-as second branch of government to recognise the rights of citizens and to assure the rule of law prevails. In order to achieve this goal the legislature among the pillars of a state should be constructive, effective, functional and meaningful. Although the rule of law is the basic feature of the constitution of Bangladesh the current state of the rule of law is a frustration because, almost in all cases, it does not favour the rights of the common people. Under the circumstances, the existence of the rule of law without an effective parliament is conceivable. The main purpose of this study is to examine to what extent the parliament plays a role in upholding the rule of law in Bangladesh and conclude with pragmatic way forward accordingly.

Keywords: Rule of law, principles of law, citizens' rights, legislature, electoral procedure, legislative process.

Introduction

The 'rule of law' is opposed to 'rule of man'. The term 'rule of law' is derived from the French phrase *la Principe de legalite* (the principle of legality) which refers to a government based on principles of law and not of men. In this sense the concept of *la Principe de legalite* was opposed to arbitrary powers (Massey, 2005). In England, The Magna Charta, 1215 was the foundation of rule of law by which after long struggle people get recognition of their inherent rights and privileges against arbitrary power. The famous article 39 of it says: "*No freeman might be arrested, imprisoned, dispossessed, outlawed, or exiled or harassed in any other way save by lawful judgment of his peers or of the land.*" So, it is clear that the concept of rule of law has come to be identified with the concept of rights of men. In the contemporary global politics the rule of law is very much essential for socio-economic development, good governance and better democracy.

¹Senior Lecturer, Department of Law, Prime University, Dhaka and M.Phil Fellow, Rajshahi University, Rajshahi, Bangladesh. Email: mostafij.mithu@yahoo.com

In order to achieve this goal legislature of a country should be further strengthened to recognise the rights of individuals. As the primary political objective of electing a parliament is to allow the representatives to legislate, so the rule of law means the rule by a democratic law—a law which is passed in a democratic elected parliament after adequate debate and discussion (Halim, 1998). Because the blood-shot eye of law can make hungry people obey the law but it cannot make them respect the law (ibid). Bangladesh is being failed to make parliament to become the main centre of political and legislative activities and has been marked by the failure of promoting constitutional guarantees. This is why the rule of law deems *'to be the elusive golden deer that the nation doggedly sought but could not find'* (Khan, 2002). Under the circumstances, it is time to know how and what role is being played by the legislature as one of the most important state pillars in upholding rule of law in Bangladesh.

Objectives of the Study

The main aims and purposes of the article are:

1. To assess how far the legislature is being applied in upholding rule of law in Bangladesh
2. To reveal the loopholes and obstacles available in this path to implement the legislature functional and effective
3. To determine what needs to be done to make the legislature meaningful so that it may truly be designated as one of the main state pillars for ensuring rule of law in Bangladesh.
4. To recommend some policies to strengthen the legislature for ensuring rule of law.

Methodology of the Study

This study has been conducted based on both primary and secondary data collected from concerned law books, journals, daily news papers, annual reports and other materials. The paper envisaged the role of the legislature as minimally procedural indicator that can be considered as one of the main aspects for ensuring the rule of law.

This is why the rule of law has been measured on the scale of minimal normative standard using a procedural indicator – ‘legislative approach to the rule of law’ in Bangladesh. Legislature is minimally a necessary indicator that plays a vital role for upholding the rule of law to strengthen the democratic system for Bangladesh. Although this layer is not exhaustive in the measurement of degree of the rule of law, but this is minimally a necessary yardstick for judging rule of law prevalent in Bangladesh. The study argues that without the progress of effective parliamentary system the rule of law to the large extent would remain meaningless and dysfunctional.

Evaluation of the Minimum Legislative Performance for Upholding The Rule of Law

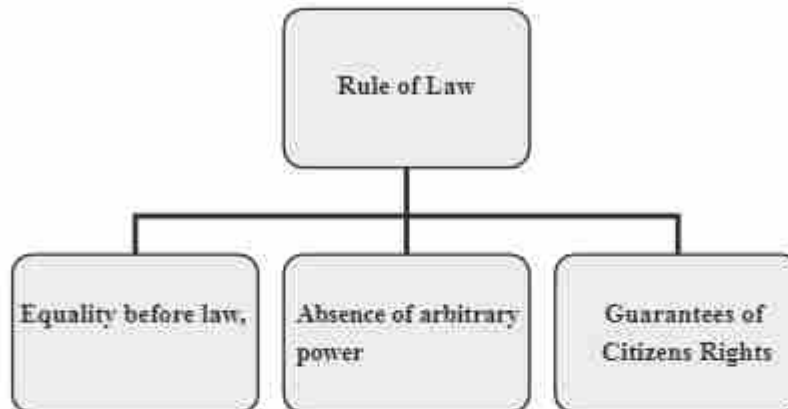
In a democratic state, the constitution vests the legislative power of the Republic in Parliament. The elected body or the parliament is minimally necessary to the procedure of ensuring rule of law because the legislature recognises the rights of individuals. In *Bachan Singh v. State of Punjab*, (AIR 1982 SC 1325) Bhagwati J. stated that-“ Law in the context of rule of law does not mean any law enacted by legislative authority, however arbitrary or despotic may be, otherwise even in dictatorship it would be possible to say that there is rule of law because every law made by the dictator however arbitrary and unreasonable has to be obeyed and every action has to be taken in conformity with such law.....what is necessary element of rule of law is that the law must not be arbitrary or irrational and must satisfy the test of reason, and the democratic form of policy seeks to ensure this element by making the framers of the law accountable to the people.” According to the modern concept of rule of law developed by the International Commission of Jurists in New Delhi known as the Declaration of Delhi, 1959

a) *The function of the legislature in a free society under the rule of law is to create and maintain the conditions which will uphold the dignity of man as an individual. The dignity requires not only recognition of his civil and political right but also establishment of the social, economic, educational and cultural conditions which are essential to the development of his personality.*

b) *The rule of law depends not only on the provisions of adequate safeguard against abuse of power by the executive, but also on the existence of effective government capable of maintaining law and order and ensuring adequate social and economic condition of life for society (Quoted from Halim, 1998).*

Rule of Law: Conceptual Clarity

Although the phrase has been in use since at last as early as the time of Aristotile in fourth century B. C. Professor Albert Venn Dicey includes three things of rule of law in his work '*the Law of the Constitution*' first published in 1885:



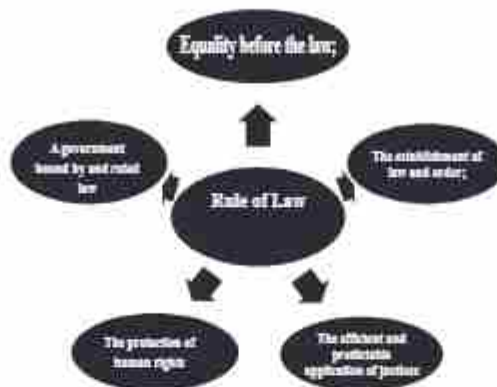
Source: Dicey, A. V. 1973

Modern Views of Rule of Law

The modern concept of rule of law has developed by the International Commission of Jurists in New Delhi known as the Declaration of Delhi, 1959 which was later on confirmed at Lagos Conference in 1961 saying that- "*The rule of law is a dynamic concept which should be employed to safeguard and advance the will of the people and the political rights of the individual and to establish social, economic, educational and cultural conditions under which the individual may achieve his dignity and realize his legitimate aspirations in all countries, whether dependent or independent*". (Quoted from Islam, 2012, p. 84)

Common Principles of Rule of Law

The rule of law is the concept that the law applies to everyone. The Scholar Rachel Klienfeld Belton identifies five principles of the rule of law:



Source: Belton, R. K. 2005

Belton also identifies a second definition based on the institutions by which the ends of rule of law are achieved. These are: (1) The existence of comprehensive laws or a constitution based on popular consent; (2). A functioning judicial system; (3). Established laws enforcement agencies with well-trained officers (ibid).

The rule of law defined by the World Justice Project (WJP, 2014) as a system in which the following principles are upheld:

1. The government, its officials, agents, individuals and private entities are accountable under the law;
2. The laws are clear, publicized and stable and just; are applied evenly; and protect fundamental rights, including the security of persons and property;
3. The process by which the laws are enacted, administered and enforced is accessible, fair and efficient;
4. Justice is delivered timely by competent, ethical and independent representatives and neutrals that are of sufficient number, have adequate resources, and reflect the makeup of the communities they serve.

After going through the principles of rule of law mentioned above it can be said that absent of any of these features, the rule of law may arguably break down.

Rule of Law as Reflected in the Constitution of Bangladesh

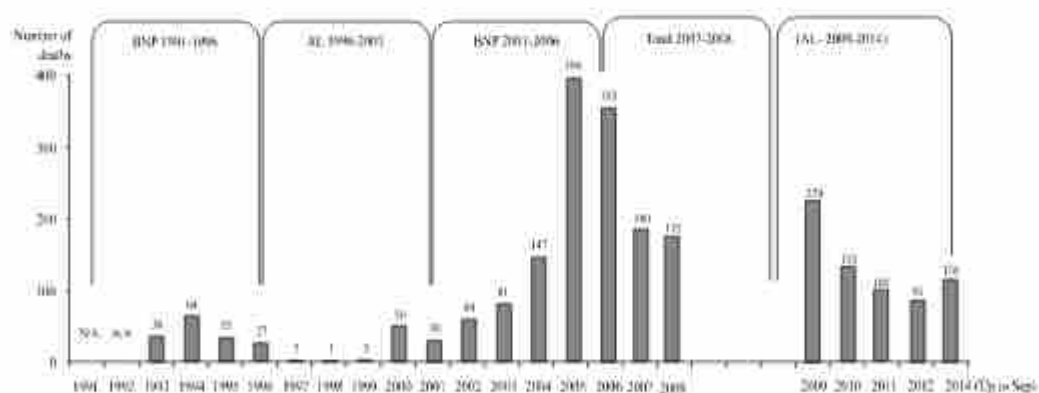
The meaning of the 'rule of law' as envisaged in the Constitution can be seen from the Preamble- "*it shall be a fundamental aim of the state to*

through the democratic process a socialist society, free from exploitation—a society in which the rule of law, fundamental human rights and freedom, equality and justice, political economic and social, will be secured for all citizens” (Constitution of the People’s Republic of Bangladesh). Moreover, 18 fundamental rights have been guaranteed in the constitution, and constitutional arrangement for their effective enforcement has been ensured in Articles 44 and 102. Articles 7 and 26 impose limitation on the legislature that no law which is inconsistent with any provision of the constitution can be passed. In the famous case- *Anwar Hossain Chowdhury v. Bangladesh* (1989) the Appellate Division declared the power of judicial review as a basic feature of the constitution whereby it can examine the extent and legality of the actions of both the executive and legislative. Thus the rule of law is a basic feature of the Constitution of Bangladesh (ibid). But the real scenario of the rule of law in Bangladesh tells a different story.

Current State of Rule of Law in Bangladesh

To know the current state of rule of law, it is important to consider how the question of legal rights is resolved by ordinary application of the law or how the very need is protected under a democratic government. Although there are various indicators for judging rule of law prevalent in the country the minimal indicator must concern the first and foremost fundamental rights of a man- ‘right to life’. Because, “no right can be compared with the right to life without which all other rights are meaningless and rule of law can play its most significant role in this respect” (Islam, 2012). The following figure is a glaring example to show a current state of rule of law in Bangladesh:

Trends in Extrajudicial Deaths

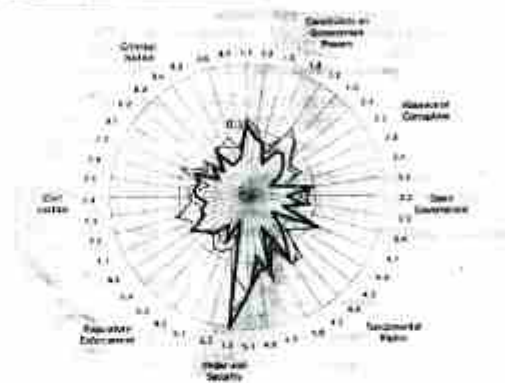


Source: The figure partly (1991-2006) compiled and calculated by Alamgir, J. (2007) and partly by author based on The Bangladesh Protidin, 19 September, 2014

The statistics shows that, on average, government agents killed per year almost 41 people extra judicially from 1993-1996. From 1996-2001 almost 18 people on average, from 2001-2006 on average 207 people, from 2006-2008 (during Care-taker Govt.) on average 177 people and from 2008-2014 (up to Sep.) almost 134 people were killed by the law enforcement agency.

Rule of Law Index, 2014

Bangladesh



Bangladesh		South Asia		Lower-Middle Income Group	
Global Score	Regional Rank	Global Rank	Global Score	Global Rank	Global Score
0.39	4/6	20/24			92/99
		Factor	Factor Score	Regional Rank	Global Rank
		Global Score			
		Global Score			
		Global Score			
		Global Score			
		Global Score			
		Global Score			
		Global Score			
		Global Score			

Source: WJP Rule of Law Index, 2014 (<http://data.worldjusticeproject.org/#/index/BGD>)
 According to the index, Bangladesh holds 92nd position in civil justice, 94th in criminal justice, 95th in absence of corruption, 80th in constraints on government powers, 85th in open government, 87th in fundamental rights, 76th in order and security, 91st in regulatory enforcement.

Bangladesh Legislature

After independence in 1971 Bangladesh adopted a parliamentary system based on the Westminster model. Part V of the constitution deals with

'the legislature'. Chapter I of this part of the constitution provides that the legislative powers of the republic shall be vested in Parliament to be known as 'the House of Nations' [Article 65 (1) of the Constitution of Bangladesh, 1972]. Parliament consists of 350 members of whom 300 members will be elected in accordance with law from single territorial constituencies by direct elections (Article 65(2), *ibid*). There shall be reserved 50 seats exclusively for women members who shall be elected according to law by the members aforesaid (Article 65(3), *ibid*). The first parliamentary election in 1973 which introduced a one-party presidential government. In August 1975, the military intervened and ruled the country. Elections of 1st, 2nd, and 3rd parliaments were held under military rule. None of the parliaments could complete their 5 years term. By a people's movement in 1990 military rule was over and the parliamentary form of government was restored. Except two years (2007-2008, military backed care taker government) 5 parliaments have been elected since 1991 of which almost all (except sixth parliament which term was only 12 days) completed their tenure.

People's Confidence in the Parliament

The World Values Surveys, conducted twice in Bangladesh in 1996 and 2002, found that 90% and 95% valued democracy as the political system. 85% and 87% of respondents has confidence in the parliament as an institution. The majority of the citizens wanted conflicts to be resolved through the parliamentary process (quoted from Alamgir, 2012, pp. 1-12).

Electoral Procedure

Modern democratic government is a party government. The party winning in the election forms the government. But coming into power the government may turn itself into a dictatorial one violating the basic rights of people and oppressing the opposition (Halim, 1998, p.87). The aim of a contestable election is to prevent such a possible danger and promote democracy together with rule of law minimally. So the first and foremost feature of a better democracy is the procedure of contestable election held by the regimes that are free; that is contested by meaningful opposition, that are fair; that is not rigged or biased from the process of voting through counting and the declaration of results and above all 'the opposition has chance of winning' (Przeworski et al, 2001, quoted from Jalal, A., 2012, pp.1-12). According to one researcher (Jahan, 2014)

organisation of regular, free and credible elections acceptable to all contestants is regarded as a first step for institutionalising democracy. Unfortunately, this has always been a challenge for Bangladesh. In Bangladesh, national elections are held every five years. But the question is that whether democratic norms and values are upheld in the election years or whether the general populations can participate in governmental decision making. As the main objective of electing a parliament is to allow the representatives to legislate, so the parliament, as an elected body of legislators, is minimally necessary to the function of rule of law. That is why, we can judge: to what extent the legislators, winning in general election, are able to discharge their duties and to what extent the government rely on the parliament as the final legislative authority after electing its legislators.

Bangladeshi General Elections: (1991-2014)

Voter turn out	Ruling Party: won	Main Opposition	won
5 th parliament (1991-1995)	1991: fair elections, 62% turnout 1996 (Feb.) One sided election, 10% turnout	BNP 140	Awami-League 88
7 th Parliament (1996-2000)	1996 (June): fair elections, 75% turnout Local elections held fairly	Awami-League 146	BNP 116
8 th Parliament (2001-2006)	2001: 75% turnout, but high violence in elections, minorities threatened	BNP (4 party alliance) 264	Awami League 56
9 th Parliament (2008-2013)	2008 (29 December):	Awami-League (Grand alliance) 262	BNP alliance 33
10 th Parliament (2014-)	2014 (5Jan.) One sided election, 22% turnout, Violence	Awami-League 234	JayO Party 34

Source: Compiled by author based on: (Moniruzzaman, M, 2009:100-126), (Alamgir, Jalal, 2012, pp.1-12), Parliament of Bangladesh, IFES, Bangladesh Election Commission (<http://www.ecs.gov.bd/election.php3?sum=1>)

The table shows that in 1991's election 56% and 62% of voters cast ballots. BNP was elected to power, winning 140 seats and receiving 30.8% of the vote. Awami-League led the opposition bench with 88 seats, but had won 30.1% of the vote. The national election was held in

February, 1996 without participation by the opposition. BNP won 289 out of 300 seats in a 'nearly voter less' contest in which only about 10% of the voters cast ballots. Fresh election were held under a Care-taker Government in June, 1996 with 75% voters' turnout. AL was elected to power winning 137 seats. BNP was the opposition obtaining 104 seats. Bangladesh instituted a unique system of Non-party Care-taker Government to preside over general elections and four elections were held under the NCG. In these elections the losing sides has always complained that some element of electoral fraud contributed to their defeat, they eventually accepted the legitimacy of the election and took the oath to enter parliament (Jahan, 2014). The current ruling party decided to abolish the NCG system through the 15th Amendment of the constitution in 2011. There is now no system acceptable to all political contestants to organize a credible parliamentary election. The present government has held the 10th parliamentary election under the incumbent government went into care-taker mode, but the opposition has strongly protested and there was only 22% voters' turnout.

Election Commission

The election commission which is the fourth organ of the state as envisaged in the constitution is a constitutionally independent body to control and conduct election process but the problems lie with the statutory independence. According to Barrister Md. Abdul Halim (Halim, 1998) the problems are:

Firstly, according to the Rules of Business the Election Commission Secretariat is attached to the Prime Minister's Secretariat. As a result, the Chief Election Commissioner cannot exercise his effective power over the Secretariat of the Election Commission.

Secondly, the commission has little statutory independence to control election process independently and effectively. The election commission simply arranges the election; and the real control remains at the hand of the Returning Officers. Under Section 39 of the Representation of the People Order, 1972 the principle function of pronouncing election results of parliamentary election is done by the returning Officers who are the Deputy Commissioners of different districts. These returning Officers are easily dictated by the government.

Thirdly, the workload of the Election Commission has been another threat to its discharging functions effectively. For example, a gigantic

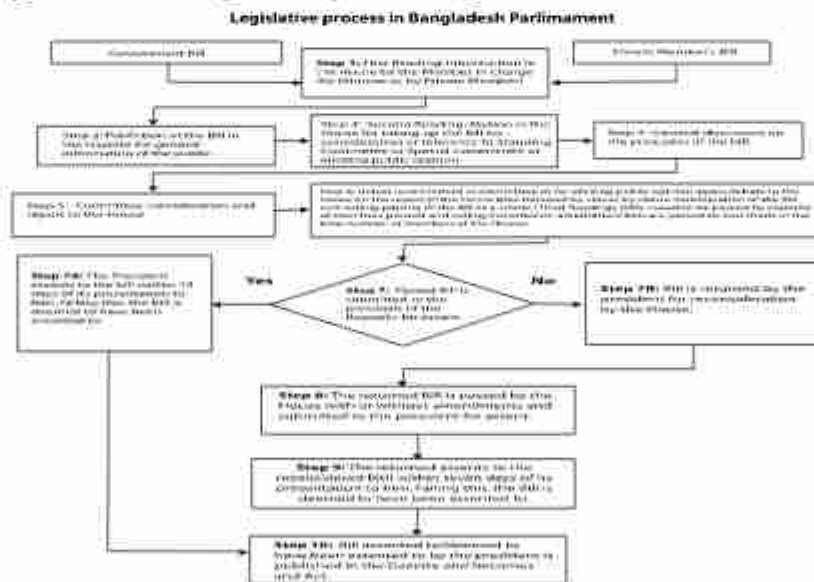
burden of holding local bodies' elections has been put on the shoulder of Election Commission besides for controlling and arranging the Parliamentary election. The Commission is engaged with abnormal load of more than 50 thousands elective offices of the local bodies.

Fourthly, the Election Tribunal (under the Representation of the People Order, 1972) can be called in question by a candidate through an election petition for any violation of election rules and irregularities. But the procrastination of the proceedings of the tribunal vitiates all its pious purposes. Till Nov. 1995, 194 election petitions were filed out of which only 26 petitions were decided and that too very lately (ibid).

Fifthly, the District Election Officer (DEO) has been made subordinate to executive officers. The status of the DEO is lower than that of TNO. Besides, the DCs enjoy the magistracy power and controls the general elections or elections of the local bodies. Thus the problems of administering, arranging and controlling the electoral process have made the way of unfair and incredible election and legislators elected such a way cannot play a pivotal role for upholding rule of law.

Legislative Process

Since the parliament recognizes the rights of individuals. So for a democratic law which shall have a legislative approach to the rule of law in Bangladesh must be passed by following methods:



Source: <http://www.parliament.gov.bd/index.php/en/parliamentary-business/businessofthehouse/bill-and-legislation/legislative-procedure>

Proxy Measures of Role of the Parliament in Upholding the Rule of Law

Whether 'Laws' are made According to Basic Legislative Norms are not:

Though the supreme power to make laws belongs to parliament, the constitution of Bangladesh provides ordinance making provisions under Article 93 which are not passed in a democratically elected parliament after adequate deliberation and discussion by following normative legislative norms. See the following figure:

Statistics of Law and Ordinance Passed by Parliament

Parliament	Total Law Passed by Parliament	Number of Bills Passed which have been initiated from ordinances	Total Ordinances Promulgated between two Sessions
The First Parliament (7 Apr. 1973-17 July, 1975)	154	90	94
The Second Parliament (2 Apr. 1979-2 Mar. 1982)	65	15	295
The Third Parliament (10 July, 1986-13 July, 1987)	39	14	323
The Fourth Parliament (25 Apr. 1988-25 Aug. 1990)	142	89	92
The Fifth Parliament (5 Apr. 1991-18 Nov. 1995)	173	70	102
The Sixth Parliament (19 Mar. 1996-25 Mar. 1996)	01	0	19
The Seventh Parliament (14 July, 1996-13 July, 2001)	190	20	21
The Eighth Parliament (28 Oct. 2001-27 Oct. 2006)	184	06	06
Ordinances by Armed Backed Caretaker Govt. (28 Oct. 2006-Dec 2007)	Year	Number of Ordinances	
	2006	06	
	2007	42	
Ninth 2009-present (Jan. 2009)	2008	74	
	Ordinances turned Bills	65	Total Ordinances Issued 122

Source: Compiled and calculated by author based on Halim, M. A., (1998 and 2014) / World Bank 2010, p. 80

The statistic shows that from 1973 to 1996, 940 ordinances in total were promulgated whereas the number of laws passed by parliament in this period was 594 in total out of which 293 originated from ordinances. Excluding Martial law period 49.33% of the total laws in the country have been originated through ordinances and the average number of ordinances promulgated in every recess of parliament is more than 7. The BNP govt. during 1991-95 passed most of its 172 laws enacted by promulgation. Only 4.0 percent of the total bills were scrutinized by the relevant committees, and an impressive 34.7 percent of the bills were originally ordinances. The most important of the 185 bills that the BNP govt. passed, such as the speedy Trial Tribulation Act, 2002, during the 8th Parliament, was by promulgation. During the 5th and 8th JS, bills scrutinized by the concerned committees were negligible (Moniruzzaman, 2009). One of the important ways to measure the nature of activism of a legislature is to calculate the volume of laws passed by it over a period of time. For this, a table of a comparative account of legislative outputs of different parliaments elected since independence mentioned below:

Table-4: Tenure, Bills and Sessions of Parliament

Parliament	Tenure (Month)	No of Sessions held	No. of bills passed	Bills passed pe session	Bills Passed per Year
First	28	8	154	19.25	66
Second	35	8	65	8.12	22
Third	17	4	38	9.50	27
Fourth	31	7	142	20.30	55
Fifth	56	22	173	7.80	37
Sixth	0.4 (12days)	1	1	---	---
Seventh	60	23	189	8.21	37
Eighth	60	23	185	8.04	37
Ninth	24 (upto 2010)	7	130	18.57	65

Source: Ahmed, N. (2002), Jahan, R. and Amundsen, I. (2012)

The table shows that in terms of producing legislative outputs, the 9th parliament has performed nearly to the level of the 1st parliament. This shows that although the parliament is the supreme law making institution in Bangladesh, the law making authority is shared with the executive (Jahan and Amundsen 2012). Sometimes ordinance is made 4 or 5 days before the starts of parliament session and sometimes a parliament session only approves ordinances and no other legislative function is done at all. This trend is, as the Indian Court says, nothing but a 'subversion of the democratic processes and colourable exercise of powers which amounts to a fraud on the constitution (*D.C. Wadhwa v State of Bihar*; 1987).

The ordinances issued by president may, therefore, be called as 'Cabinet-made law' (Brohi, A.K., 1998). These laws are contrary to the concept of rule of law.

Role of the Opposition in Parliamentary Work

Between 1991 and 1996, more than one-third of the bills were enacted through executive ordinance rather than the legislative process. Despite opposition demands, bills were not submitted to bipartisan parliamentary committees; in fact, committees scrutinized only seven out of the 173 bills passed during this time (Ahmed, 2003). After the 8th parliamentary election parliament went into centralization of decision making power. According to a news letter the government submitted none of the 54 laws passed by the 8th parliament for scrutiny by relevant parliamentary committees. In 2004, another analysis noted that for the first time in history, parliamentary proceedings had to be canceled, due to a lack of quorum (Mondol, 2004). By 2005 the quorum crisis had become 'chronic'-according to a report by TIB (2006). By this time, the opposition party had resigned to the fact that the parliament had been handicapped deliberately, and they thus began to boycott the parliament. (Alomgir, 2007). The following table is a glaring example:

Opposition Presence and Boycott of Parliament

Parliament			Opposition			
Under study	Tenure	sessions	At work (days)	Boycott (days)	Presence (days)	Absenteeism (%)
5th('91-'95)	4y 8m	22	400	300	100	75.00
7th('96-'00)	5y	18	382	156	126	40.83
8th('01-'06)	5y	23	373	223	150	59.78
Total			1159	679	376	58.78

Source: (Moniruzzaman, M. (2009), *Parliamentary Democracy in Bangladesh: An Evaluation of the Parliament During 1991-2006*, *Commonwealth and Comparative Politics*, vol. 47, no. 1, 100-126, Feb-2009

The tendency to boycott or desert the parliament led the government to promulgate laws easily. The AL that assumed office in 2014 by 10th one-sided parliamentary election will face no strong opposition in the coming days. In Parliament, the handmaiden main opposition Jatiya Party is unable to hold the government accountable for its activities (The Daily Star, September 27, 2014).

Percentage of Boycott of Parliament by the Main Political Parties:

5th Parliament /Apr. '91-Nov. '95	7th Parliament / Jun '96-Jul '01	8th Parliament/ Oct. '01- Oct. '06	9th Parliament/ Jan. '09-Apr. '13
33.75%	42.67%	59.79%	85.41%

Source: Quoted from Manobadhikar Bangladesh 2012, Ain o Shalish Kendra, 7/17 Block-B, Lalmatia, Dhaka, December, 2013

The practice of boycott of the parliament continues to be a major cause for the weak performance of the parliament's accountability function. The opposition has boycotted the sittings of 43% of the 7th, 60% of the 8th, and over 80% of the 9th parliament. This has left four successive governments effectively unaccountable to the parliament (Jahan, 2014).

The Provision of Article 70 of the Constitution of Bangladesh

The Provision of Article 70 is frustration for all positive devices in the constitution for ensuring rule of law. The provision of collective responsibility (Art. 55) has been a soundless vessel because of Art. 70 as the cabinet is always sure that it is not going to be defeated by motion of no-confidence, because no member of the majority party has right to vote against his own party (Chowdhury, 1997). Under the anti-defection law there is none from the government to protest or vote against. So, the government can pass any unethical bill which can be detrimental to the country. For example, 2nd session of the 4th JS, 5th, 13th & 19th session of 5th JS. According to Nazim Kamran Choudhury this tendency shows an attitude of complete disregard for the parliamentary culture and reluctance to build political institutions. So Article 70 has turned a responsible government into an elected dictatorial government and rule of law into the rule of man or party (Halim, 1998). Thus the sweeping power of Article 70 has been a great hindrance to ensure rule of law in Bangladesh.

Many Laws have been Made Arbitrarily Without Public Consent

Since independence of Bangladesh many laws have been made arbitrarily without public knowledge and consent. For example, the Special Powers Act, 1974, the Information and Communication Technology Act, 2006, the Anti-Terrorism Act, 2009, and the Mobile Court Act, 2009 etc.

are among other draconian laws created without public knowledge. The Fourth and the Fifteenth Amendment to the Constitution of Bangladesh was passed in the National Parliament in less than 15 minutes. The people of the country were in the dark regarding these Amendments. (Ashrafuzzaman, 2014). The 16th Amendment, 2014 recently passed by the Parliament without public consent by which the power to remove a judge will be vested in the Member of the Parliament.

Whether All Persons Are Under the Same Laws Made by the Parliament

According to the Constitution of Bangladesh "*All citizens are equal before law and are entitled to equal protection of law,*" but in practice there is a different scenario. The President of Bangladesh enjoys constitutional privileges from criminal and civil proceedings during his time in office. The member of the Parliament shall not be subject to the jurisdiction of any court during their tenure. A law titled 'Joint Drive Indemnity Act, 2003' protects officers of the armed forces and the other paramilitary forces from prosecution if they were to commit a large scale violation of human rights (Cheesman, 2006). In many cases, public officials are out of accountability for doing official misdeeds, even though high profile politicians are above the law and the criminal justice system (Asrafuzzaman, 2014).

Parliamentary Committee System of Bangladesh

In a democratic parliament, legislative functions should be performed by parliamentary standing committees. It can play a vital role in ensuring ministerial responsibility, maintaining governmental transparency, accelerating administrative dynamics, scrutinizing governmental policies and holding the executive answerable to the parliament. But due to the dysfunctional nature of the parliament, standing committees had a number of serious limitations.

Sample Performance of the Standing Committees in the Parliament

Types	5th Parliament	7th Parliament	8th Parliament
Total Committees	46	46	48
Total Meetings	1388	1485	1242
Average Meetings, (per committee, per year)	6.03	6.46	8.63
Total report submitted (per committee)	49	28	47
Average report submitted (per committee)	1.07	0.61	0.98
Committees did not produce any report	30	29	10

Source: Rahman (2007) quoted from Moniruzzaman, M (2009)

Table shows that the total number of committees formed during the three parliaments was almost the same. It indicates that the committee system failed to provide the intended service. A rule regarding the standing committee states that, 'all government Bills introduced in Parliament would be referred to a standing committee for examination and report to parliament before the Bill was taken up by the House for immediate consideration'. However another clause in the law adds that, 'certain kinds of Bills cannot be referred to any committee'. This makes the earlier rule weak as the government can easily apply its discretionary power based on this later clause to prevent any Bill it wants from going to the standing committee (Moniruzzaman, 2009). Again minister may be a member of the committee which still remains as an undemocratic provision.

Delegated Legislation

The constitution of Bangladesh has expressly allowed (the provision of article 65) parliament to delegate its legislative power. It is now a well settled principle that the legislature can delegate some of its legislative power to the administration. Due to the tremendous pressure on parliament's functioning the importance and necessity of delegated legislation can no way be negated. But in most cases these laws have been made violating all aspirations of the provisions of the constitution. No research statistics has yet been made in Bangladesh as to what percentage of total laws in Bangladesh consists of delegated laws. But it is evident that almost 90% Acts and Ordinances provide for delegation legislative

power to the executive and definitely the largest portion of the laws in the country is coming from the delegated legislation. This excessive delegation almost amount to the abdication of the legislative power of the parliament. Because, unlike in Britain there is no parliamentary control (the only control which exists in Bangladesh is judicial control) in Bangladesh over delegated law. No select committee exists to scrutinise and make report over delegated laws or no statutory instrument Act has been made in Bangladesh. Nor there is any mandatory obligation on the part of the executive to publish the delegated laws for the information of the public before their application. In this circumstances rule of law is not possible by the legislature. (Halim, 1998, pp. 205-220).

Representation in the Parliament

The parliament of Bangladesh does not represent social diversity. Women, who constitute approximately 50% of the population, are under represented (usually 2-3% in directly elected seats and presently 6%). Similarly, the religious minorities, who constitute nearly 10% of the population, are under-represented (usually 2-3% of seats). The most difficult challenge, however, is to ensure the representation of the resource poor. As the expenses (mostly unofficial and hence illegal) associated with running elections are rising prohibitively, there is an increasing tendency for the parliament to turn into a 'rich man's club'. This trend is manifested by the fact that in the 1st Parliament less than 25% of the MPs were business persons. In contrast, at present 56% of the MPs formally claim to belong to that category while a large proportion may be indirectly or less conspicuously engaged in business (Jahan, 2014). The number of women's reserved seats has now been increased to 50, but women's organization have criticized this measure as ineffective as it reduces the credibility of a member who is nominated rather than elected to the House. Women's groups have demanded direct elections to women's reserved seats to enable women to independently establish their own electoral base (ibid).

Violence and Agitation as Political Culture

During the 1980s political violence became common place in the move to unseat the Ershad regime. From the beginning of the 1990s, political violence became further institutionalized through inter-party conflict. Eventually, violence became a legitimate means of securing political demands.

According to a report, made by ASK, 147 has been killed in political violence in 2014. Over the election, 2014 as many as 848 political clashes took place last year. The clashes left 507 people and 22,407 injured. Since the announcement of the polls schedule on 25 November, 2014, over 100 people died across the country. 75 died during hartals and blockades from 25 November-15 December, 2014 (The Daily Star, 01.01.2015).

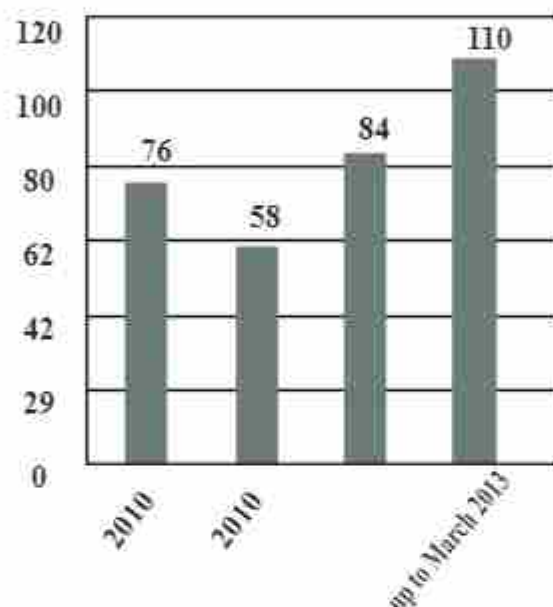


Figure-4: Annual Average Political Violence in Bangladesh

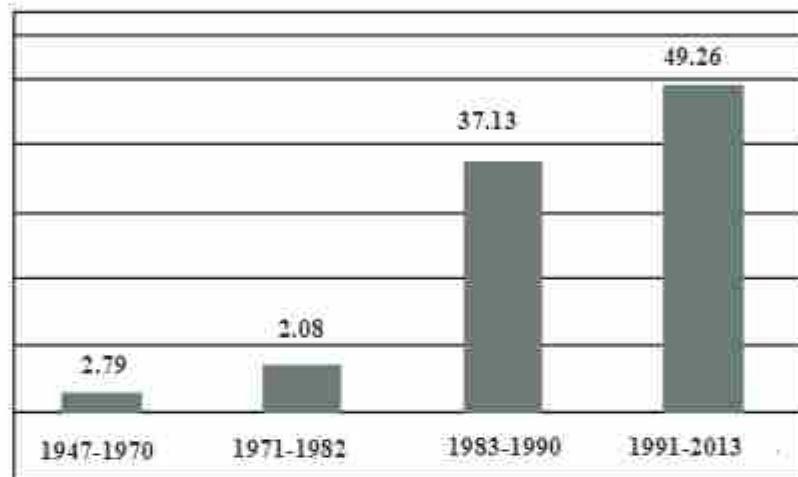
Source: ASK and CPD (Quoted from Textile Today, 2013, available at: <http://www.textiletoday.com.bd/magazine/619>)

The table shows that the number of people killed in political violence kept below 100 persons in the year 2010, 2011, 2012 and 2013 shows the figure of 110 compared to 84 in 2012 and 58 in 2011 (including blockades). From 5th January, 2015 the total number of 38 general people died in hartal among them 28 died by petrol bomb. The number of political violence is threatening the congenial political atmosphere in Bangladesh. Violence, disturbance and interruption of normalcy in public life become part of the political landscape overshadowing the role and importance of parliament (Moniruzzaman, 2009, pp. 100-126).

Average Hartal per Year and Bangladesh Parliament

In the democratic period, since 1991, hartal has remained one of the preferred weapons of the opposition parties to voice their concerns with

the ruling party. The winner-takes-all form of politics in Bangladesh is seen as the main reason why opposition parties go to the streets to voice their concerns, rather than using the parliament (Suykens, and Islam, 2013). For a functional and effective parliament the opposition party should go to parliament to point out government's mistakes. On the other hand, the ruling party should not do such acts instigating the opposition so that they can take part in violence in the street in the name of hartals boycotting the parliament. But reality shows a different story.



Source: Sangbadpatre Hartalchitra by Ajoy Dasgupta; Ahmed, Imtiaz (2011); Odhikar; ASK and CPD (Quoted from Bhattacharya, D. et.al, 2014), *Assessing the Economic Implications of the Present Political Shocks: The Economics of Hartal in Bangladesh (ongoing draft)*, CPD p.7

The figure shows that the average occurrence of hartals from 1947-1990 (Pre-liberation) was 2.79%, from 1971-1982 (post-liberation) was 2.08%, from 1983-1990 (Presidential regime) was 37.13% and from 1991-2013 (the democratic regime) was 49.26%. Thus the political parties both the AL and the BNP repeatedly walk out and boycott parliament and have been using hartal as a mechanism since the restoration of democracy in 1991.

Inter Party Democracy

For ensuring rule of law inter-party democracy is a must. Because, "Democracy within political parties makes them inculcate democratic values and principles of collective and consultative decision making, representation through elections, and tolerance of criticism and differences of opinions, and accommodativeness" (Moniruzzaman, 2009). But in Bangladesh

political parties are not run as per the democratic principles. Democratic practice within the two major political parties still remains a far cry. According to report published in a daily news paper (The Daily Star, 23 and 25 June, 2014) the AL has often undermined intra-party democracy by flouting its charter since assuming office in 2009. Most of the committees have become ineffective over the last 5 to 6 years. Insiders say PM and AL Presidium Sheikh Hasina alone made some decisions ignoring the party constitution, just to make some leaders happy. As per the AL constitution, if any party man contests national elections against party-nominated persons, he / she will be expelled from the party. On the other hand BNP Chairperson Begum Khaleda Zia enjoys the absolute authority to convene the party's national executive committee meeting. But over the last 25 months, she hasn't called any. There has been no leadership change in the AL, BNP and JP during the last three decades. Due to the absence of internal party democracy, the parties suffer from dominance of personality rather than rules, the maintenance of leadership so that it tends to be a lifetime position and the dynastic nature of party leadership. So the undemocratic nature of running the parties has made the party leadership stagnant, dynastic, authoritarian and autocratic (Hossain and Lowey, 1994). Such lack of intra-party democracy can not develop parliamentary democracy because it is a popular saying that "charity begins at home" and without parliamentary democracy rule of law is not possible.

Party Leadership Problem

A talented and constructive political leader always tries, with a sacrificing sentiment, to settle all political problems in a democratic and compromising way (Halim, 1998). But instead of adopting democratic methods and techniques the leaders of Bangladesh deal with the opposition forces in a dictatorial way. Since the independence in 1971, political parties have remained highly personalised around a few leaders such as Sheikh Mujibur Rahman and his daughter Sheikh Hasina for AL, Ziaur Rahman and his widow Khaleda Zia for the BNP, Ershad and his wife Ravshan Ershad for the JP, and Ghulam Azom (recently deceased) for the JI (Moniruzzaman, 2009). This unchallenged, unchanged, unopposed, unquestioned and privileged leadership makes our leaders to be self-conceited. As a result, despite the existence of all possibilities for ensuring rule of law the nation is still facing virus of injustice because we could not get an honest and far-sighted leader who can guide the nation to a proper direction.

Discussion and Conclusion

The whole study is based on the performance of the legislature for upholding rule of law in Bangladesh. It has analysed the current state of rule of law and emphasized to draw up the role of the legislature in protecting rule of law in Bangladesh accordingly.

It is the legislature whose duty is to recognise the rights of citizens of the country as one of the most important state pillars. To attain this fundamental aim of the state as a co-ordinate and co-equal organ with the other two organs of the state, legislature should be made functional to perform the delicate task of ensuring rule of law overcoming all kinds of loop-holes. But parliament has failed to become the main forum of political and law-making activities as discussed above. Factors responsible for this are-ruling party's negligence, frequent boycott of opposition of parliamentary work, limitations of parliamentary standing committees, and absenteeism of ordinary members etc. For these very reasons, the parliament became ineffective in almost all government's period. Due to such dysfunctions and ineffectiveness, a parliament, as the main centre of the government can scarcely uphold the rule of law. As the supreme responsibility belongs to the legislators, the heart of the parliament, throughout the study it has been demonstrated some weakness of the legislature that should be immediately removed. In order to achieve this goal following issues should be acknowledged:

The national parliament should be made effective with the participation of all political parties and relevant as a forum for political discourse and decision making.

The opposition should be given due opportunity to utter their voice on decision making process at the parliament. On the other hand, the opposition should avoid the culture of boycotting and engaging in regular parliamentary work. Effective measures should be taken for regular attendance of the Prime Minister, the leader of the opposition and the MPs in parliament.

Delegated legislation should be reduced so that bureaucrat as cannot get any power in law making process avoiding parliament. The law making power which parliament intended to confer on any other body should be clearly defined and parliamentary scrutiny and controlling should be improved in this regard.

Politicization from every stage should be stopped and in various phases of law making, participation of the general population should be ensured.

Political parties are considered to be the key to development of democracy as well as rule of law. In particular, those who talk about democracy do not uphold democratic values within their parties. Hereditary nature of leadership should be abolished and democratic practice within the parties must be gradually strengthened.

Election Commission should be made fully independent with full authority to conduct regular election both at national and local level. Other defects of the election laws should be found out and corrected, and the commission must have its own fund and budget.

A Parliamentary Ombudsman should be created which will work as an all-time watchdog against the inefficiency of the parliament.

A Code of Conduct for MPs should be adopted and enforced. The MPs should avoid un-parliamentary language in the parliament. Training can be organized to improve their skills.

The duration of question-answer time as well as the duration of working of the parliamentary session should be increased.

The sweeping power of Article 70 should be amended to ensure independent deliberation in parliament.

The number of reserved seats for women should be increased and the political parties should increase the ratio of women candidates in parliamentary election.

Corruption is the main problem in the administration of Bangladesh. So corruption should be minimized at the tolerable within the society. The policy makers should take step to stop corruption.

The power of the parliamentary committees should be increased. In this committee the participation of the opposition and the participation of women MPs should be enhanced. Performance of parliamentary committee should be evaluated by a separate committee.

Civil Society of Bangladesh can increase debates constantly within the country and pressure the government by exposing the defects and loopholes of the legislative process that remain as obstacle for implementation of the rule of law.

References

Ahmed, N. (2002) *The Parliament of Bangladesh*. Aldershot, Ashgate.

Ahmed, N. (2003) 'From Monopoly to Competition: Party Politics in the Bangladesh parliament (1973-2001)' *Pacific Affairs*, vol. 76, no. 1, pp. 55-80.

Alamgir, J. (2007) Democratic Performance in Bangladesh 1991-2006: A Political Measurement, *Journal of Bangladesh Studies*, vol. 9, no. 2, pp.1-12.

Anwar Hossain Chowdhury v. Bangladesh (1989) BLD (Spl) 1, para 443.

Ashrafuzzaman (2014) Special Report: Inexistent Rule of Law in Bangladesh, *Asian Legal Resource Centre*, Hong Kong, vol. 13, no. 2 accessible at: www.article2.org/mainfile.php/1302/479

Bangladesh Pratidin, 13 and 19 September, 2014.

Bangladesh Election Commission (<http://www.ecs.gov.bd/election.php?sum=1>)

Sangbadpatrehartalchitra by Ajoy Dasgupta; ASK, Daily Star and CPD.

Bhattacharya, D., Akbar, M. I., Khan, T. I., Sadique, M. Z. (2014) *Assessing the Economic Implications of the Present Political Shocks: The Economics of Hartal in Bangladesh* (ongoing draft), CPD p. 7.

Belton, R. K. (2005) Competing Definition of the Rule of Law: Implications for Practitioners, *Carnegie Endowment for International Peace*, Number 55, January, 2005 (accessible at: carnegieendowment.org/Files/CP55_Belton_FINAL.pdf)

Brohi, A. K. (1958) *Fundamental Law of Pakistan*, (Din Muhammad Press, Karachi, 1998, p. 283.

Bachan Sing v. State of Punjab, AIR 1982 SC 1325, 1337

Cheesman, N. (2006) *Lawless Law Enforcement and the Parody of Judiciary in Bangladesh* vol. 5, no. 4.

Constitution of The Peoples Republic of Bangladesh

Chowdhury, N. (1997) 'The Legislative Law in Bangladesh: Politics and Functioning of then East Bengal Legislature 1947-58'.

Daily Star, 01 January, 2014, 23 and 25 June 2014 and 27 September, 2014.

Dasgupta, A. (2001) *Sangbadpatre Hartalchitra*, Press Institute of Bangladesh, Dhaka.

D.C. Wadhwa v. State of Bihar (1987) ISCC 378.

Dicey, A.V. (1973) *Introduction to the Study of the Law of the constitution*, 10th ed., ELBS and Macmillan, London.

Halim, M. A. (1998) *Constitution, Constitutional Law and Politics: Bangladesh Perspective*, Khan, M. Yusuf Ali Ed.; Rico printers, Dhaka, p. 352.

Halim, M. A. (2014) *Constitution, Constitutional Law and Politics: Bangladesh Perspective*, CCB Foundation, Dhaka, pp. 407-420.

Hossain, M. and Lowey, R. (1994) Bangladesh: the militarization and development of political underdevelopment, *Asian Thought and Society*, vol. 19, no. 56, pp. 148-166.

<http://www.parliament.gov.bd/index.php/en/parliamentary-business/businessofthehouse/bill-and-legislation/legislative-procedure>

<http://www.ecs.gov.bd/election.php3?sum=1>

Islam, M. (2012) *Constitutional law of Bangladesh*, 3rd ed.; Mullick Brothers, 42 Banglabazar, Dhaka, Bangladesh, 2012.

Jahan, R. (2004) "Bangladesh in 2003: Vibrant Democracy or Destructive Politics?" *Asian survey*, vol.44, no.1, pp.56-61

Jahan, R. and Amundsen, I. (2012) The Parliament of Bangladesh (Representation and Accountability), CPD-CMI Working Paper, pp.01-06.

Khan, R. Z. (2002) Decentralized Governance: Trials and Triumphs' in Jahan, Rounaq, *Bangladesh; promise and Performance*, Dhaka, UPL

Manobadhikar Bangladesh (2012) *Ain o Shalish Kendra*, Dhaka, Dec. 2013.

Massey, I. P. (2005) Conceptual Objections Against the Growth of Administrative law, *Administrative law*, 6th ed; Eastern Book Co., Lkhnow.

Moniruzzaman, M. (2009) Parliamentary Democracy in Bangladesh: An Evaluation of the Parliament During 1991-2006, *Commonwealth and Comparative Politics*, vol. 47, no. 1, pp. 100-126, Feb-2009.

Mondol, M. A. L. (2004) '*Quorum Crisis in Parliament*', Holiday, 10 December, 2004.

Przeworski, A., Alvarez, M. E., Cheibub, J.A. and Limongi, F. (2001) 'What Makes Democracies Endure?' in *The Global Divergence of Democracies*, Larry Diamond, ed., The Johns Hopkins University Press, Baltimore.

Rahman, M. M. (2007) Parliament and good Governance: a Bangladesh Perspective, *Japanese Journal of Political Science*, vol. 9, no. 1, pp. 39-62.

Suykens, B. and Islam, A. (2013) 'Hartal as a complex political performance: General strikes and the organisation of (local) power in Bangladesh', *Contribution to Indian Sociology*, SAGE Publications, vol. 47, no. 1, pp. 61-83.

Textile Today (2013) available at:
<http://www.textiletoday.com.bd/magazine/619>

Transparency International Bangladesh (2006).

TIB, Parliament Watch, Quoted from Manobadhikar Bangladesh 2012, *Ain o Shalish Kendra*, Lalmatia, Dhaka, December, 2013

WJP Rule of Law Index, 2014 available at <http://data.worldjusticeproject.org/#/index/BGD>

World Bank, (2010) Bangladesh Country Assistance Strategy 2011-14. The World Bank, Dhaka.

www.ti-bangladesh.org/beta3/index.php/en/research-policy

Adoption of Energy Drinks: A Cause for Concern and Social Awareness

S. M. Saief Uddin Ahmed¹

Abstract : This study tried to explore the reasons behind adoption of energy drink by consumers. Top three factors were extracted through principal components factor analysis that accounted for almost 40% of the variance corresponded to components of the proposed model. Varimax rotation of the factors was employed which yielded the factor structure; one factor was identified as promotional factor (models used in the commercials and TV and radio commercials of the product) explained almost 19 percent variance, another was distribution factor (availability of the product) accounted for 12.30 percent variance and a third was health factor (stamina and calories) represented 8.61 percent variance. Special cautions are provided for consuming high caffeine as it is considered risky and consumer may experience heart palpitations, increased blood pressure, upset stomach and sleeplessness. People should be careful to take energy drinks for releasing thirst and getting refreshment.

Keywords: Energy drink, consumer, factor analysis.

Introduction

O'Brien et al. (2008, p. 553) defined the term 'Energy drinks' as beverages that claim to provide a burst of energy by using a combination of caffeine, other plant based stimulants (e.g., guarana, yerba mate), simple sugars (e.g., glucose, fructose), glucuronolactone (a naturally occurring glucose metabolite), amino acids (e.g., taurine, carnitine, creatine), herbs (e.g., ginkgo biloba, ginseng), and vitamins. Energy drink first appeared in Europe and Asia in the 1960s in response to consumer demand for a dietary supplement that would result in increased energy. The Daily Star (2012) reported that socio-culturally, this country does not favor wine or whisky as a drink either. After the soft drinks boom, the market is now overloaded with various brands of energy drinks. Interestingly, though developing countries like us enjoy these drinks at present, most developed countries have already banned most energy drink brands after gaining awareness about its harmful effects. In summer, people take these drinks to mitigate their thirst and they think it would fulfill their demand of water in body. Many people choose an energy drink to

¹ Assistant Professor, Department of Business Administration, Sylhet International University, Sylhet, Bangladesh. Email: ahmedsaief@siu.edu.bd

power their body up. Some prefer energy drinks to water/soft drinks in order to quench their thirst. Energy drinks may temporarily boost energy levels, but they often cause a crash and ultimately can lead to drowsiness.

a) Energy Drinks Business in Bangladesh

Globe Soft Drinks Ltd: The market leader

This is the pioneer company is producing energy drinks in our country. They have captured a huge market share around 70% & obtain handsome profit. The sale of Tiger is also increasing. Energy drinks brand from Globe soft drinks Ltd. is 'Royal Tiger'.

Akij Food and Beverage Ltd. (AFBL): The market challenger

The second largest market owner of energy drink is AFBL. They have captured almost 25% market & their sales volume is also increasing. Brand from AFBL. is 'Speed'.

PRAN Foods Ltd.

The PRAN came in the energy drink market as the market follower. PRAN commercially launched its product in 2008. Its market share is approximately 1%. Brand from PRAN Foods Ltd is 'Pran Power'.

Osotspa Co. Ltd.

This company is working in Thailand and its product is imported here by Eurydice and Eleftheria Ltd. Its brand name is 'Shark'. It performs niche marketing and gained 4% market share.

b) Brand names & their meanings

Brand name	Meanings
Royal Tiger	The brand name is synonymous to Royal Bengal Tiger, which is the symbol of power and strength.
Speed	Speed means motion/force. It brings motion in our life. Makes our life dynamic.
Shark	Shark is a fast moving & energetic animal in the sea. This drink enables us to move fast & be stronger like shark.
PRAN Power	This drink generates power for us to work more powerfully & smartly.

Source: www.assignmentpoint.com, retrieved at 27/04/1014

c) Market Share of each producer's brand

Producer	Brand Name	Market Share (%)
Globe Soft Drinks Ltd.	Royal Tiger	70
Akij Food & Beverage Ltd.	Speed	25
PRAN Foods Ltd.	Pran Power	01
Osotspa Co. Ltd.	Shark	04

Source: www.assignmentpoint.com, retrieved at 27/04/2014

d) Literature review

Dr. Hossain, R. (2011) wrote that three researchers from the University of Texas Health Science Centre and the University of Queensland in Australia examined the contents of energy drink, which are sold alongside soft drinks. Their review of all the studies published recently in the Mayo Clinic Proceedings revealed that high level of caffeine, one of the major ingredients in energy drinks puts certain susceptible people at risk of dangerous, even life-threatening consequences and adverse effects on blood pressure, heart rate and brain function.

Mc Cusker et al (2006, p. 114) found that nowadays there has been an increase in the popularity of caffeine- containing 'energy drinks' or 'functional beverages'. Functional beverages are also known as nutraceutical foods, which are substances considered to be a food or part of a food that may provide some health benefits. However, there are important health concerns that cannot be ignored with regards to the amount of caffeine contained in these drinks.

Dr. Hossain, R. (2011) wrote that some of these energy drink products sold in Bangladesh do not list the ingredients with their amounts including caffeine. Therefore, it is hard to determine exactly how much caffeine you are consuming.

Islam, T. (2012) mentioned that people are being influenced by the attractive advertisements of several types of drinks. Most of these advertisements are posterized on their favorite stars, who act as if these drinks give them unimaginable power. The language used in these advertisements is also extremely alluring and objectionable to attract people. There is no doubt that influenced by such advertisements and while succumbing to peer pressure, people of all ages, especially the youth, are drinking energy drinks. He also noted that although energy drink temporarily refreshes you and changes your mood, it has many harmful effects on your health. High amounts of caffeine are used in energy drinks which can lead to epilepsy.

Neil, R. (2013) commented that people newly acquiring wealth in Bangladesh are always in search of enjoyment. They view that their drinking habit will help overcome their class difference. Such pull and push within society, however, exert an extra pressure on the young generation to emulate their elders. But limited affordability compels them to lay their hands on cheaper varieties of drinks. Quite a few companies and business houses have taken a round-about path to cash in on the young people's gullibility. They are marketing a number of what is called energy drink.

Islam, T. (2012) also noted that many parents still buy these drinks for their children as they have no idea about its harmful effects. Many children buy and drink these drinks like juice or soft drinks. These children, along with their parents, need to be informed about the bad effects of these drinks.

Neil, R. (2013) also identified that alluring advertisements on some of these drinks draw attention of the uninitiated and soon they become addicted not only to these but also to stronger drinks. Some food and drink experts fear that these drinks directly contribute to rising crimes in society. Their apprehension cannot be ruled out.

Star health (2011) reported that Energy drinks have caffeine and its intoxication generally causes nervousness, anxiety, restlessness, insomnia, gastrointestinal upset and tremor. Moreover, many ingredients present in these drinks are not scientifically researched. Other than caffeine, ingredients of energy drinks include high level of sugar, taurine, glucuronolactone, vitamins B, E, inositol, guarana etc.

Islam T. (2012) mentioned that 400mg caffeine is enough for an adult male person and 300mg caffeine is enough for female in a day. But a can of energy drinks contains 360mg caffeine. So we should understand what could be the effect on our health when we regularly drink several cans of energy drinks. Unfortunately one of the bad effects of caffeine is that it increases the tendency of urine and reduces the amount of water in body. Also, by consuming high amounts of caffeine regularly, there is a possibility of being affected by many diseases like nervousness, anxiety, headache, insomnia, blood pressure, asthma etc. Energy drinks also affect the kidneys and heart. It reduces the amount of oxygen in human body. Phosphoric acid which is used in energy drinks, demolishes the calcium of bones and teeth. It increases weight because of high calorie content. Moreover, there is another harmful effect called sterility. Male or female, who are used to energy drinks, have decreased fertility. In their cases, the rate of abortion is increased. Some energy drinks have four percent alcohol, making it unlawful for the practicing members of many faiths.

Ahmed, Z. (2009) wrote that high caffeine intake in adolescents can result in difficulty in sleeping and tiredness in the morning. Adolescents should recognize that energy drinks are no substitute for sleep and rest. It is important for teens and their parents to monitor caffeine consumption and look for healthier options for staying energized, such as getting adequate rest and physical activity.

Bhuiya, M. et al (2014, p. 1667) summed up that the consumption of high caffeine content energy drinks has increased markedly in recent years. Most of the beverage companies in Bangladesh are not following regulation of energy drinks, including content labeling and health warnings.

Rationale of the Study

Energy drink is popularly considered as one of the drinks for releasing thirst and ensuring refreshment. But it is one of the adversely affecting drinks over human body. In spite of having much more negative consequences of drinking these beverages, some marketers are making good profit out of it. This study will try to find out what kinds of forces are influencing consumers to take energy drink. The findings will help the consumers to rethink adopting energy drink and to adjust manufacturers approach to produce such drink.

Objective of the Study

- To find out what factor or factors influence consumers to adopt energy drink To provide suggestions based on the influential adoption factors

Methodology

This is a descriptive research which has been made on the basis of a survey. A well-structured questionnaire has been developed for the target population, the students of Sylhet International University, a Private University in Sylhet Division, Bangladesh. Students' semester number is the identification number of sampling unit and it is used as sampling frame. We have considered each semester as one stratum and also chosen 10 strata; ten semester students have been chosen for sampling purpose. We have then selected samples from each stratum by using simple random sampling procedure. We picked 31 samples from each stratum. The sample size is 313 consisting males and females. Stratified sampling technique has been used. Primary data has been collected through a questionnaire survey conducted over a period of 20 days in the month of November 2013. The sample individuals were interviewed face to face through a well-designed questionnaire to gather the required information. The questionnaire contained two parts - Part I pertained to general demographic variables of the respondents like age, gender and semester and Part II contained the questions related to adoption criterion of energy drinks, consist of sixteen variables, and were designed in a Likert scale format which is given five point rating scale ranges from not important at all to very important. Regarding the secondary data, due acknowledgements of the exact sources have been mentioned in the reference part of the study. The collected data were analyzed for frequency table and factor analysis through Statistical Packages for Social Sciences (SPSS) version 20.

Findings

By conducting factor analysis, we have tried to identify the factors behind preferring energy drink, the first step in this analysis has been to measure the appropriateness of factor analysis and the following results here have been produced to make the decision.

Hypothesis testing

H0: $R^2_{pop} = 0$ the variables are uncorrelated in the population

H1: $R^2_{pop} \neq 0$ the variables are correlated in the population

Table-1: KMO and Bartlett's Test

Kaiser-Meyer-Olkin Measure of Sampling Adequacy.		0.685
Bartlett's Test of Sphericity	Approx. Chi-Square	789.445
	df	120
	Sig.	0.000

Hypothesis can be tested through Bartlett's Test of Sphericity. So the above significant value of Bartlett's Test of Sphericity rejects the null hypothesis. A high value of chi square leads a .000 significant value which ultimately rejects null hypothesis. As a result it can be said that factor analysis is an appropriate technique where all the variables are correlated in the population. Kaiser-Meyer-Olkin Measure of Sampling Adequacy is another important method to determine the appropriateness of factor analysis. A value greater than 0.5 indicates that correlation between pairs of variables can be explained. Here the result is 0.685 which is positive and is a sign of the appropriateness of factor analysis.

Table-2: Descriptive Statistics

Variables	N	Mean	Std. Deviation
Product's quality	313	4.1342	0.93775
Refreshment	313	4.0799	0.99519
Brand image of the product	313	3.9712	1.16126
Product's price	313	3.8275	1.22040
Product's popularity	313	3.7636	1.14984
Reduction of thirst	313	3.6869	1.24205
Stamina	313	3.6422	1.20884
Product's quantity	313	3.5399	1.14599
Availability of the product	313	3.4984	1.08641
TV and radio commercials of the product	313	3.4089	1.37707
Experience with the product	313	3.3834	1.32529
Calories	313	3.3674	1.21522
Ingredients of the product	313	3.3387	1.27111
Size and shape of the bottle	313	3.2460	1.33500
Pre stage attached with the product	313	2.9489	1.32431
Model/s used in the commercials	313	2.8051	1.43571

Source: Field survey, 2013

From the table-2, looking at the mean, we can conclude that product's quality is the most important variable that influence customers to take energy drink. It has the highest mean of 4.134.

Table-3: Communalities

	Initial	Extraction
Calories	1.000	0.590
Stamina	1.000	0.662
Refreshment	1.000	0.368
Reduction of thirsty	1.000	0.193
Ingredients of the product	1.000	0.235
Product's quality	1.000	0.350
Product's quantity	1.000	0.358
Product's price	1.000	0.326
Availability of the product	1.000	0.419
Brand image of the product	1.000	0.302
TV and radio commercials of the product	1.000	0.460
Model/s used in the commercials	1.000	0.615
Prestige attached with the product	1.000	0.371
Product's popularity	1.000	0.392
Experience with the product	1.000	0.349
Size and shape of the bottle	1.000	0.328
Extraction Method: Principal Component Analysis.		

The initial value for each variable under communality table is 1 as the unities were inserted in the diagonal of the correlation matrix. The next column gives the data of the extracted values of each variable. The extracted values are less than the initial value because all the 16 factors will not be retained and this will be explained later in the analysis. Table 3 shows how much of the variance in the variables has been accounted for by the extracted factors. For instance over 66 percent of the variance in Stamina is accounted for while almost 62 percent of the variance in model/s used in the commercials is accounted for.

Table-4: Total Variance Explained

Component	Initial Eigen values			Extraction Sums of Squared Loadings			Rotation Sums of Squared Loadings		
	Total	% of Variance	Cumulative %	Total	% of Variance	Cumulative %	Total	% of Variance	Cumulative %
1	2.972	18.575	18.575	2.972	18.575	18.575	2.525	15.783	15.783
2	1.968	12.300	30.875	1.968	12.300	30.875	2.073	12.953	28.736
3	1.378	8.613	39.487	1.378	8.613	39.487	1.720	10.751	39.487
4	1.287	8.047	47.534						
5	1.102	6.891	54.425						
6	1.010	6.311	60.736						
7	0.953	5.955	66.691						
8	0.839	5.246	71.937						
9	0.718	4.489	76.426						
10	0.677	4.229	80.654						
11	0.653	4.081	84.735						
12	0.614	3.839	88.574						
13	0.550	3.436	92.010						
14	0.476	2.977	94.987						
15	0.419	2.617	97.605						
16	0.383	2.395	100.000						

Extraction Method: Principal Component Analysis.

Source: Field survey, 2013

From the output of table-4 shows extraction sums of squared loadings show those variables that are retained. Here 3 components are retained which have total 39.49% of the total variance. We noticed that the first factor accounts for 18.575 percent of the variance, the second 12.30 percent and the third 8.613 percent.

Determination of the number of the factors

- * We are extracting six factors having eigenvalue is more than one but we take top three factors.
- * The cumulative variance of 3 factors is 39.49% which is satisfactory and that's why we are extracting top three factors.
- * Scree plot (figure1) gives an idea about the number of factors to be extracted. The following scree plot also shows the number of factors to be extracted.

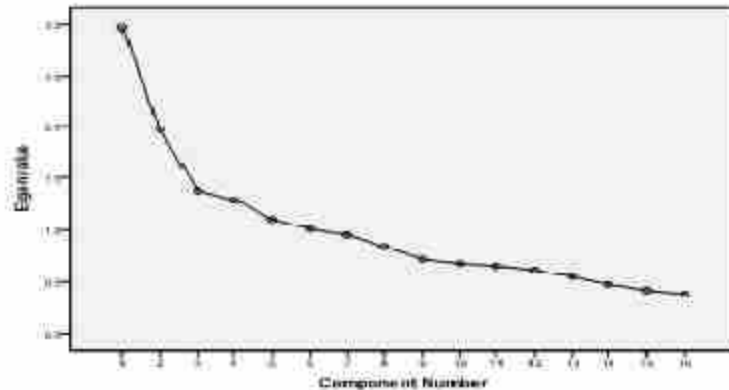


Figure-1: Scree plot

Component (Factor) Matrix

Looking at the table-5 below, we can see the factor loadings for each variable. We went across each row, and highlighted the factor that each variable loaded most strongly on (by suppress small coefficient below 0.60).

Table-5: Rotated Component Matrix

	Component		
	1	2	3
Model/s used in the commercials	0.770		
TV and radio commercials of the product	0.673		
Product's popularity			
Product's quantity			
Prestige attached with the product			
Product's price			
Reduction of thirst			
Availability of the product		0.631	

Product's quality	
Experience with the product	
Size and shape of the bottle	
Brand image of the product	
Ingredients of the product	
Stamina	0.795
Calories	0.722
Refreshment	
Extraction Method: Principal Component Analysis.	
Rotation Method: Varimax with Kaiser Normalization.	

Based on these factors loadings (table-5), we can find our objectives by labeling the three factors:

Table-6: Factor labeling

Factor	Factor importance (% variance explained)	Loading	Variables included in the factor
F1	Promotional factor (18.575%)	0.770	Model/s used in the commercials
		0.673	TV and radio commercials of the product
F2	Distribution factor (12.30%)	0.631	Availability of the product
F3	Health factor (8.613%)	0.795	Stamina
		0.722	Calories

Summary

* 84 percent of the respondents are male and 87 percent of the respondents fall in the age group of 20-24 years.

* Promotional factor (F1) such as Model/s used in the commercials in addition to TV and radio commercials of the product are influenced very strongly on the respondents' adoption of energy drinks, because F1 (table-6) it has explained almost 19 percent variance.

- * Distribution factor (F2), for instance, availability of the product has also dominion over respondents' adoption of such drinks; it explains 12.30 percent (table-6) variance.
- * Health factor (F3), variables such as Stamina and Calories are strong influential in taking energy drinks among respondents, it shows almost 8.61 percent (table-6) variance.

Conclusion

- It is a great concern that respondents take energy drinks giving most priority on the promotional matters instead of product quality, price and ingredients. Therefore, they are overlooking the level of caffeine attached on these; experts agree consumption of more than 400 mg of caffeine a day is considered high and consumer may experience heart palpitations, increased blood pressure, upset stomach and sleeplessness. People should be careful to take energy drinks for releasing thirst and getting refreshment.
- As Manufacturers of energy drink have wide distribution network across the country to make these drinks available; consumers can also find other fluids' manufacturer products available in the market, so they can take water or other fluids as substitute of energy drinks.
- Most consumers think that energy drinks will give them good stamina and calories. In fact, these drinks provide an initial jolt and increase alertness. There are down sides to high caffeine and sugar consumption. They have to be aware of the long running health hazard such as demolishes the calcium of bones and teeth, reduces the oxygen in body and decreases fertility for both male and female.
- Consumers can put pressure on government institution such as Bangladesh Standards and Testing Institute (BSTI) to make solid policy for quality assurance of energy drinks so that health hazardous elements from the energy drinks can be distinguished.

- * Society, especially young consumers, as a whole has to take initiatives to raise the awareness program about positive and negative impacts of energy drinks.

References

Ahmed, Z. (2009) 'Energy Drinks: The Truth Behind the Boost', *Cooperative Extension Family and Community Health Sciences*, viewed 20 June 2015, available at: <http://somerset.njacs.rutgers.edu/pdfs/fs1108.pdf>

Dr. Hossain, R. (2011) 'Energy drinks: A cause for concern', *Daily Star (Star Health)*, 12 February.

Islam, T. (2012) 'Energy drinks: Into the world of addiction', *Daily Star*, 13 August.

'Know the foods that affect sleep' (2012) *Daily Star*, 12 May.

Mc Cusker, R. R., Goldberger, B. A. and Cone, E. J. (2006) 'Caffeine Content of Energy Drinks, Carbonated Sodas, and Other Beverages', *Journal of Analytical Toxicology*, vol. 30, no. 2, pp.112-114.

Neil, R. (2013) 'Fatal attraction for energy drink', *Financial Express*, 04 February.

O'Brien, M. C., McCoy, T. P., Rhodes, S. D., Wagoner, A., Wolfson, M. (2008) 'Caffeinated Cocktails: Energy Drink Consumption, High-risk Drinking, and Alcohol-related Consequences among College Students', *Academic Emergency Medicine*, vol. 15, no. 5, pp. 553-554.

Reissig, C. J., Strain, E. C., Griffiths R. R. (2009) 'Caffeinated Energy Drinks A Growing problem', *Drug and Alcohol Dependence*, vol. 99, pp. 1-10.

Saugata, D., Bhuiya, A. M., Uddin, N., Ajrin, M. (2014) 'The Quantitative Determination of Caffeine in Energy Drinks Available in Bangladesh', *The Experiment*, vol.24, no. 2, pp. 1663-1667.

<http://www.assignmentpoint.com/business/marketing-business/report-on-market-potential-of-energy-drinks-in-bangladesh.html> (Accessed on: April 27, 2014)

HISTORY OF BANGLADESH 1704-1971, (in 3 volumes): 1ST Volume - Political History, 2nd Volume - Economic History, 3rd Volume - Social and Cultural History by Sirajul Islam (ed.) pp. (600+649+599)=1848, Asiatic Society of Bangladesh, Dhaka, Revised New Edition, 2007, Price Tk. 2500.00 (per set).

The edited volumes contain in all 63 articles-22 are on political history, 21 on economic history, and the rest 20 on social and cultural history. At the outset of every volume a perspective discussion by the editor, Sirajul Islam, will initiate the readers to the perspective of all the articles and also set their minds creating more interest for deriving maximum benefits from all the articles included in each volume. The first sentence of the perspective article in 1st volume bears the testimony when the author says, 'From the regional point of view the shifting of capital of Subah Bangla from Dhaka to Murshidabad in 1704 was surely an event of great historical significance'. The first volume starts with an article by Abdul Karim on 'Subah Bangla', an administrative unit under Mughal imperial system, begun with Akbar's partial conquest of Bengal. Among other articles 'The Partition of Bengal 1905: A Political Analysis' by John R. McLane deserves special mention, because the incident carries special importance for a number of reasons: partition sparked a major political crisis along religious line, British used their divide-and-rule political game with great force, and Muslims of East Bengal thought that they would witness their expectations coming true.

Other important articles are on 'A Move for United Independent Bengal' by Harun-or Rashid, 'East Bengal at Independence' by Ahmed Kamal, 'Language Movement' by Badruddin Umar, 'Quest for Autonomy' by Kamal Uddin Ahmed and finally 3 articles on war of liberation by Enayet-ur Rahim, K. M. Mohsin, Rafiqul Islam and Abul Kalam deserve special mention, because these articles describe about how West Pakistani regime deprived the Bengalis of East Pakistan from their due shares in different ways, why the Bengalis were compelled to go for war of liberation paying their supreme sacrifice and how they won the victory.

An interesting information is available in the appendix of the 1st volume containing 'The Map: From Vanga to Bangladesh' (20 maps depict area of Bangla from 1000 BC to present Bangladesh with explanation given by the author, K. Moudood Elahi). A map of India by British surveyor James Rennell (1784) first labelled Bangala as Bengal.

According to this map 12a the territory of Bengal extended as far as western Banaras near the border of Oudh and Bihar to the lower Assam and Sylhet in the east, from the border of Nepal and Bhutan in the north of Midnapore bordering northern Orissa and the Bay of Bengal in the south. Still earlier, another map by J. N. Bellin (1764), the French hydrographer depicted Bengal as the vast kingdom with highly settled human habitation (map 12b). The territorial changes of Bengal (1857 to 1904) and the partition of Bengal 1905 had far-reaching effects and leading subsequently to the creation of Bangladesh. The Great Revolt of 1857 brought the rule of East India Company to an end. The most important change in the name of administrative improvement was the partition of Bengal in 1905. This reorganization may also be regarded as the genesis of later day's formation of East Bengal.

The discussion of the 2nd volume started with a series of articles on general economic conditions of Bengal in different periods. The first one is on 'General Economic Conditions under the Nawabs' by Sushil Chaudhuri, followed by 'General Economic Conditions under the East India Company' by P. J. Marshall, 'General Economic Conditions under the Raj' (1857 to 1947) by Sugata Bose, and 'General Economic Conditions during Pakistan Period' by M. M. Akash. Almost all other articles deal with different components, such as revenue, banking, export trade, agriculture, industry, transport and communication, working classes, population, land reforms, etc which are of specific interest to the different readers as per their needs for meeting queries and also for research purpose. One of the attracting articles on the popular issue is on 'Golden Bengal: Myth or Reality' by Akbar Ali Khan. After going through the articles referred above, we are to agree with Khan that 'the historical interpretation of the "Golden Bengal" is inconsistent with standard economic theory.' Economists of major schools despite their schisms dismiss a priori the theory of "Golden Age" in the past as myth.

The last article of 2nd volume is on 'Economic Basis of Bengali Nationalism' by Rehman Sobhan. This article, to my view, has some distinguishing features. The author has correctly diagnosed the sense of economic deprivation of the people who inhabited in Eastern Bengal and Assam which eventually came to constitute Bangladesh. The introductory part discusses conceptual issues relating to deprivation and nationalism. Then it looks at the economic basis of Bengali participation in Pakistan movement.

Part three looks at the material dimensions of deprivation as it evolved over the 1947-71 period. Part four looks at the role of Pakistan and its policies in promoting the sense of deprivation among the Bengalis. Part five looks at the regional bias in the development of Western part only which aggravated the sense of deprivation among the Bengalis. The sixth and concluding part discusses the extent to which failure of Pakistan to correct the disparity against Bengalis compelled the participation of the Bengalis in the political struggle for independence.

The 3rd (and last) volume contains 20 articles on diverse issues of social and cultural arena. Since this part of the sub-continent was/is predominantly agrarian in nature, the issue of land control and use was more prominent in those days and the starting article on 'Land Control and Land Society during Nawaby Regime' by Shirin Akhtar is most relevant. Then, many more issues such as, 'Mughal Cultural Heritage', by Jagadish Narayan Sarker', 'State and Education' by Zaheda Ahmed, 'Muslim Reform Movement' by Muin-Ud-Din Ahmed Khan, 'Hindu Reform Movement' by Priti Kumar Mitra came for discussion in which many would be interested. Those are followed six articles written by eminent scholars on various literatures, such as, Bangla literature in eighteenth, nineteenth and twentieth centuries and also folk literature, Arabic, Persian and Urdu literature, and Sanskrit literature and virtually they constitute the main theme of the volume. This discussion on literature were enriched by the articles on 'Music', 'Drama and Theatre', 'Art and Literature', 'Rural Art and Crafts'. The last three articles on 'Law and Society', 'Women and Society', and 'Social and Cultural Basis of Bengali Nationalism' give us ample opportunities to know our immediate past cultural situation prevalent in those days.

For centuries Bengal was governed by alien rulers who always tried to impose their culture and therefore, all faith and beliefs, habits and manners, rites and rituals, rules and regulations, establishments and institutions that evolved to hold the people together are prominently the outcome of political power. And all the discussion in three volumes lead to a gloomy picture of the country during pre- Bangladesh liberation period, when the people of this country were politically oppressed, economically depressed, and culturally suppressed.

Prof. Dr. M A Jalil
Faculty of Business Administration
Eastern University
E-mail : abdul.jalil@easternuni.edu.bd

Invitation to Contributors

Office Organ

Centre for Research, Human Resource Development and Publications,
(CRHP) Prime University, 2A/1, North East of Darussalam Road, Mirpur-1,
Dhaka, Bangladesh.

E-mail : puj.crhp@primeuniversity.edu.bd,
primeuniversity_crhp@yahoo.com

Website : www.primeuniversity.edu.bd

Instruction for Submission of Papers:

Prime University Journal is an international and interdisciplinary journal published twice in a year, one in January and another in July of each calendar year and is registered with National Serials Data Program, Library of Congress (ISSN. 1995-5332). The journal contains research-based articles on **Law, Education, Business, Social Science, Arts, Science and Technology**. Contributors are requested to submit articles both in hard and soft copies for publication in the Journal. The following will be treated as broad guidelines for submission of the articles.

Conditions of Submission

Manuscripts are reviewed for publication with the understanding that they

- are original;
- are not under consideration by any other publisher;
- have not been previously published in whole or in part;
- have not been previously accepted for publication;
- will not be submitted elsewhere until a decision is reached regarding the manuscript for publication;
- are completely free from plagiarism

Manuscript Format and Style Guide

When the manuscripts are sent for external review, they are double-blind reviewed. So, please ensure that no authors' names are given on the first page of the manuscript and that author names have been taken out of the "File-Properties" screen in word.

All manuscripts should be double-spaced and in single column. Margins should be one inch (2.5cm) at the top, bottom, left and right sides of the page. Font should be Times New Roman and size should be 12 point or larger.

The manuscript should be limited within 8000 words of text, unless an exception has been granted based on discussion with the Editors in advance of submission. This recommended word count refers to the entire content of the article, including abstract and references. Articles with heavy use of figures and/or tables should be correspondingly shorter to compensate for these. We give preference to shorter pieces.

Title

The title of the article should contain a short running title of no more than 90 characters (including spaces). Title should not be in statement form. Also the manuscript should be included with the author's names, affiliations and contact details (including email address) for the corresponding author.

Abstract

Authors are requested to submit an unstructured abstract of no more than 250 words. Abstract should be informative for non-specialists.

Please make sure that the abstract page does not contain any information identifying the author(s). Also please take care to select a title and an abstract that are direct and 'readers friendly'.

Keywords

Please include no more than five keywords that describe your paper for indexing and for web searches of your manuscript.

References in the Text

The citations should follow the Harvard style, included by the authorship and the year of the work. Each citation requires a reference at the end of the work with full details of the source item and should enable it to be traced.

Example:

Unterhalter (2007, p. 5) argues that 'gender equality in schooling is an aspiration of global social justice'.

Personal communications should be listed as such where they are cited in the text, and not listed in the references.

Example:

Results have been reported (Don Graham, 1989, personal communication).

Articles not yet published should show 'forthcoming' in place of the year (in both the reference and the citation). 'In press' should be used in place of the volume, issue and page range details.

Example :

Sharp Parker, A.M. (forthcoming) Cyberterrorism: An examination of the preparedness of the North Carolina local law enforcement. *Security Journal*, in press.

References

References should be placed alphabetically by author or authorship, regardless of the format, i.e. whether books, websites or journal articles etc.

Examples of Correct Forms of References:

Book

Slovic, P. (2000) *The Perception of Risk*, Earthscan Publications, London.

Edited Volume

Nye Jr, J.S., Zelikow, P.D. and King D.C. (eds.) (1997) *Why People Don't Trust Government*. MA: Harvard University Press, Cambridge.

Chapter in Book

Foureur, M. & Hunter, M. (2005) 'The place of birth', in S Pairman, J Pincombe, C Thorogood & S Tracey (eds), *Midwifery preparation for practice*, Elsevier, Churchill Livingstone, Sydney.

Article in Journal

Diezmann, C.M. & Watters, J.J. (2006) 'Balancing opportunities for learning and practising for gifted students', *Curriculum Matters*, vol. 5, no. 1, pp. 3-5.

Article in Newspaper

Warren, M. (2007) 'Kyoto targets flouted', *Australian*, 21 November, p. 3.

Note: In the reference list omit 'The' from any newspaper title.

Newspaper or Magazine Article (Without a Named Author)

'Federal election: new Chip in politics' (2001) *Advertiser*, 23 October, p. 10.

Journal Article from the Web

Kennedy, I. (2004) 'An assessment strategy to help forestall plagiarism problems', *Studies in Learning, Evaluation, Innovation and Development*, vol. 1, no. 1, pp. 1–8, viewed 7 October 2005, <http://www.sleid.cqu.edu.au/viewissue.php?id=5>

Conference Proceedings

Sapin, A. (ed.) (1985) *Health and the Environment. Proceeding of the Conference on Biological Monitoring Methods for Industrial Chemical*, 30-31 March 1984, Chicago, IL. American Toxicological Association, Chicago.

Conference Paper

Kell, P. (2006) 'Equality of opportunity in new times: the politics of learning and the learner in the new world disorder', *Proceedings of 4th International Lifelong Learning Conference: partners, pathways, and pedagogies*, CQ University Australia, Yeppoon, Qld, pp. 17–25.

Papers/Talks Presented at a Conference but Not Published

Danaher, P., Danaher, G. & Moriarty, B. (2006) 'Supervising Australian and international postgraduate students', paper presented to the Lifelong Learning Conference, Yeppoon, June.

Dissertation/Thesis (Unpublished)

Wagner, S.J. (2004) *Derailment risk assessment*, Masters thesis, Central Queensland University, Rockhampton.

Figures and Tables

Ensure that every table or figure is referred to in the text. The table or figure will be placed as per the first mention in the text. Legends should be short, descriptive and define any acronyms, abbreviations or symbols used.

Tables should be numbered and the caption should be put above the table. The source will be straight underneath. Figures should be numbered and the caption will be underneath the figure. The source goes straight under the caption.

Distribution of Journal and Reprints

One copy of journal of the article will be distributed to each of the concerned contributors.

The address of the contact person:

F. Nahid Huq

Secretary

Centre for Research, Human Resource Development and Publications

Prime University

2A/1, North East of Darussalam Road

Mirpur-1, Dhaka-1216

Phone: 8031810/120,

E-mail: puj_crhp@primeuniversity.edu.bd,

primeuniversity_crhp@yahoo.com