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## Social Aspects of Gift in Muslim Marriage of Rural Bangladesh

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**Abstract:** This paper delineates the wedding gift practices of muslim marriage in rural Bangladesh. According to our social context, gift receiving and return gift are considered as an obligation, of one's relative or neighbor, in a marriage. Present research is an endeavor to address the rituals dealt with gift, the types of gift in rural muslim society, the allocation and redistributions of gifts and the functions of gift exchange in muslim marriage of rural Bangladesh. The types and essentials of wedding gifts depend upon the economic class situation of givers and receivers. This study examined the kinship ties of rural Bangladesh through the customs of gifts in muslim marriage. Gifts are primary social obligation of the kinsmen in marriage. Gifts from the kinsmen and neighbor are counted and valued as it requires a return gift.

**Key words:** marriage transactions, gift exchange, custom, ritual, social obligation, class, kinship.

### Introduction

Marriage is an obtainable, challenging adventure of life which resembles a number of customs and obligations according to the couple's religion and culture. It provides human society a control over sexuality, socio-economic security, legal right to be parents and many more. There are a number of rituals and practices in marriage all over the world. Though only couples are going to involve in a union, but other members of the couple's family, kinsmen and friends have certain duties and obligations to perform in a marriage. In marriage there are social and economical transactions. In Bangladesh, the widely practiced marriage transactions are dowry, *mohor* and *bharon-poshoun*. Despite, these marriage transactions, there are some other category of obligatory socio-economic transactions. Some of these

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transactions involve only the couple and their family and some to the relatives and participants of the wedding occasions. Thus, gift by the relatives and participants of the wedding occasion is one of the customs of marriage. Bangladesh is a kin-based society. Hence, the relatives play very significant role in wedding. Gifts by the relatives are neither a social rule nor a religious law in a muslim marriage. However, it has some certain essentials in marriages of every religion in Bangladesh. The practice of gift in wedding, demonstrates social structure and kinship features of certain society.

### **Aim of the Study**

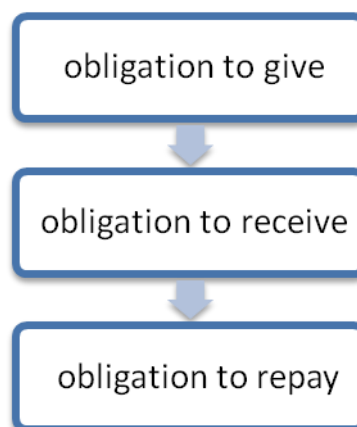
The aim of the present paper is to explore varieties of persons involved in gift transactions and the types of gifts rural people of Bangladesh choose in muslim marriage. The researchers tried to explore whether gift culture depends on class situation and kinship structure of the rural society of Bangladesh. More specifically the researchers investigated the types of relation as giver and receivers, the hierarchical order of the gift giver and receiver and examined whether economic class, social status or kin relationship plays role to choose a gift.

### **Methodology of the Study**

In order to conduct this qualitative research, we have used techniques of semi-structured interviews and focus group discussion. The study was conducted among the villagers of three rural areas of Jessore district of Bangladesh. This study required respondents who got married recently (within 5 years prior to the study) and their families. We listed (using snowball sampling) the alliances made in this period and visited the newly married couple and the parents from the both side. These respondents went through semi-structured interviews. The villagers were faced with a number of focus group discussions, which helped us to gather data in a short time. Focus group discussion also provoked our research thought to carry out further interviews with the couples and their parents. Researchers have used pseudo name for the villages, not to disclose their exact identity. Thus, we maintained the ethics of research.

## Related Literature and Theoretical Base of the Study

Gift culture has multifaceted meaning in the society. It can be studied from multi-disciplinary approaches. Gift exchange is present in every society from simple to complex. Hence, it is an universal social practice. There are relatively a lesser amount of sociological and anthropological empirical works on gift .There are a good number of studies on the transactions (such as, dowry) on marriage, where gift giving by the arrays of relative and others is not included. Social scientists need to give more attention to interpret gift giving.<sup>1</sup> According to Encyclopedia Britannica gift exchange is also called ceremonial exchange. It indicates the transfer of goods or services that, although regarded as voluntary by the people involved, is part of the expected social behaviour. Gift exchange may be distinguished from other types of exchange in several respects: the first offering is made in a generous manner and there is no haggling between donor and recipient; the exchange is an expression of an existing social relationship or of the establishment of a new one that differs from impersonal market relationships; and the profit in gift exchange may be in the sphere of social relationships and prestige rather than in material advantage.<sup>2</sup> Discussion on gift started with classical anthropological work of Bronislaw Malinowski (1906) in his description on *kula ring* among the Trobriand Islanders. Malinowski successfully investigated the socio-economic value of *kula ring*. After that, French Scholar Marcel Mauss (1923) explained gift exchange as reciprocity and examined significance of gifts in the social and religious life of the people of simple society. He analyzed different ethnographies, including the potlatch of the Kwakiutls Indians and *kula ring* of Melanesians. The nature of transaction among human societies depends upon the ability to fulfill three obligations:



Mauss extended his idea on gift to focus on the social affiliations of gift exchange rather than the economic function of it. He associated gifts with social status, rituals and religion of the per-literate societies, he studied. Thus, Mauss explains the foundation for a theoretical understanding of the nature of social relations through gift exchange. He identified that gift is never free. Afterward Levi-Strauss (1949) elaborately discussed the exchange of women in different societies, maintaining alliance among societies. Levi-Strauss's work established the obligations of the societies to take and receive women from certain clans. Thus, the rule of exogamy is maintained. Levi-Strauss explained with the purpose to establish the thought that exchange of women indicates gift exchange according to those simple societies. Women were valuables intended for them.

Later, Wilton S. Dillon (1968) paid attention to Mauss's understanding on the obligatory gift and tried to understand modern foreign exchange system. Dillon argued that the American foreign aid has made the recipient always a receiver. America, being world's most affluent country can lend a hand to many poor nations of the rest of the world. But, these poor nations are constantly receiving allowance for their survival. Their inability to repay does not allow them to fulfill the obligations of gift exchange (obligation to repay). Thus, a system of hierarchy was established and maintained by the means of modern gift exchange. Foreign aid policy takes the upper hand position to the unprivileged countries. As a consequence, the donor (giver of the gift) upheld his status position in society. <sup>3</sup>

American anthropologist Marshall Sahlins (1972) introduced three types of reciprocity, these are, general reciprocity, balanced reciprocity and negative reciprocity. Sahlins thought of gift economy influenced the political economists to do further study on economic exchange patterns around the world. In his scholarly work, Sahlins described the economic system of the simple technology based societies through a reciprocal relationship. He intended to assure the functions of reciprocal relation and examined how the simple societies maintain power status through reciprocity.

Although the above researches explain the nature and importance of gift exchange economy, but none of them showed interest in wedding gifts. Our online search provided us some

information on Japanese and Chinese wedding gift. In a Japanese wedding, the traditional gift giving custom is to give money to the couple. As wedding gift money should be given in an envelope and the amount of money should be an odd number as superstition suggests that the couple may split if the money can be evenly divided in two. Upon returning from their honeymoon, the newly married couples bring back souvenirs to give to their wedding guests.<sup>4</sup> There are a number of old superstitions to select gifts for the wedding in Chinese culture. For example, jade (green lucky stone) is lucky gift for the wedding couple, as it keeps the evil spirit away from the couple on the wedding day. Gold is always a precious gift in Chinese wedding. According to Chinese mythology phoenix and dragon are two significant creatures, hence, the symbols of these creatures are highly appreciated as a way of wishing couple good luck on their marriage. On the contrary, clocks, shoes, books, umbrella, fan, green hat, pears are considered unlucky in a wedding as gifts.<sup>5</sup>

In Bangladesh, we have a number of marriage transactions; which has been widely studied by sociologists, anthropologists and other social scientists. But, enough attention has not been given to the nature of gift in the wedding occasion; though it plays an important role to understand social structure and kinship system of a society.

### **Differences between Marriage Transaction and Gifts in Rural Bangladesh**

In Bangladesh the common muslim marriage transactions are dowry, *mohor* and *bharon-poshoun*. Another traditional marriage transaction is bridewealth (*pon*). In bridewealth money or property is given to the bride's family as a value for the bride's labour and fertility. Bridewealth was practiced earlier in muslim marriages of Bangladesh. Nowadays, Dowry is widely practiced in rural Bangladesh. It is a demand of the groom's family as a reimbursement of the groom's nourishment and well upbringing. Dowry is a get away from poverty of the family of groom. Hence, being parents of a groom is considered lucky in Bangladesh, as it brings dowry in marriage. *Mohor* is a muslim customary marriage law. A *mohor* is a must in muslim marriage. It is payment from groom to the bride on the occasion of wedding. *Mohor* resembles an economic security of the bride. The amount of *mohor* must be decided according to the groom's capability of earning. Although it is an essential of muslim marriage, many husbands of Bangladesh do not practice *mohor*. *Bharon-poshoun* is not directly associated with wedding occasion, because it is a payment after divorce. It the

marriage does not work then, divorce can take place, where the husband's duty is to give the wife *mohar* and *bharon-poshoun*. *Bharon-poshoun* is a financial support to the divorced wife's cloth and food. While it is also a rule after divorce, many husbands do not give *bharon-poshoun* in Bangladesh. There are a good number of researches conducted on these marriage transactions and their effects.<sup>6</sup>

Our research concern 'gift' is not connected with any of these marriage transactions. The marriage transactions, we have discussed above are actually the local customary rules of muslim marriages in Bangladesh. Here, by gift we meant the material and non-material presentations made by the relatives, neighbours and friends on the wedding ceremony, in order to wish the newly married couple a prosperous conjugal life. It should be clear that indirect dowry and gift are not considered same. Indirect dowry is equivalent to dowry, where excessive gifts and property is given to the groom or his family by the bride's parent as social security of their daughter. In this paper wedding gift is not any marriage transaction by the any of the couple's parents. At this juncture, wedding gift is explained as the social obligations of the couple's well wishers.

### **Profile of the Studied People**

The location of the study area is near Jessore District town. It is about 11 km from the town. The three we have studies are: *Ara para*, *Bel tola* and *Churulia* (pseudo names). The distance between the villages is not more than 2 km. As these rural areas are close to the town, it possesses a number of modern/urban facilities, such as, well constructed road, high school, hygienic toilets, deep-tubewell, electricity etc. Thus, the infra-structure of these rural areas is different than any other tradition village. A canal of the river *Bhairab* runs aside these villages. Most of the villagers (67%) live on agriculture .There are also fishermen community (23%) in these villages. Two of these villages have separate fishermen hamlet. There are also some businessmen (10%) in the village. Most of the businessmen are engaged in timber business and aquaculture. The fishermen communities of the village are of hindu religion. There are also some hindu families those are doing business, too. Hence, *Ara para*, *Bel tola* and *Churulia* have 25% hindu population and the rest 75% are muslims. We have observed secularism in the village.



In between the years 2007 to 2012 *Ara para*, *Bel tola* and *Churulia* experienced 26 marriages. Among them 22 marriages are from the muslim community. According to choosing of spouse the distribution on the types of marriage has viewed in the Table 1. Although parents prefer village exogamy, but among the 22 muslim marriages, only 8 marriage executed exogamy. So, 14 muslim marriage practiced endogamy. Exogamy marriage requires spouse outside the community or group or village. Here, we are discussing on village exogamy. So, we see only 8 muslim marriages are out of the village and 4 village exogamy, it must be kept in mind that the

Table 1: Types of marriage according to spouse choice

Type of marriage	muslim	hindu
Village exogamy	8	4*
Village endogamy	14	-
Total ( 26)	22	4

Source: field work 2013

traditional nature of hindu intra-caste marriage is strictly followed in this locality. Marriage outside caste is considered as sin. However, they are allowed to practice village exogamy. In village endogamy spouse must be chosen within the village. The percentage of endogamy is high nowadays because nature of spouse choosing has changed. Examples of love marriage are increasing as a result rate of endogamy rises. Interestingly, the 4 hindu marriages were settled by the parents, and were village exogamous but caste endogamous in nature. However, current research is conducted on these 22 rural muslim marriages of *Ara para*, *Bel tola* and *Churulia*.

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\* caste endogamy but village exogamy.

Table 2: Distribution of heterogamy in the village

Type of marriage	muslim	hindu
Hypergamy	19	3
Hypogamy	3	1
Total ( 26)	22	4

Source: field work 2013

The practice of heterogamy is observed in these villages (see Table 2). In social science heterogamy is of two types: hypergamy (women of lower economic class marry men from higher economic class) and hypogamy (men of lower economic class marry women of higher economic class). Among the 22 muslim marriages 19 were hypergamy, 3 were hypogamy, whereas 3 hindu marriages had hypergamy and only 1 had hypogamy marriage.

We did not get any information of child marriage, polygamy, levirate or sororate marriage while collecting our research data. Previously, there were child marriage and polygamy in the village. According to the villagers, people are conscious of the disadvantages of early marriage, thus there is no child marriage within 10 years (from oral interview) in these villages. In current days, monogamy marriage is a common feature of this locality, the villagers mentioned. In a monogamy marriage one male and one female gets married at a time. The villagers also said that polygamy was practiced earlier to get more dowries, “more women bring more dowries” but, they do not take dowry these days, therefore, number of polygamy has decreased. While cross-checking data, we investigated the presence of dowry in the village.

### **Rituals of Gift Transactions**

Before discussing gift transactions that take place in the villages, let us put light on the formal marriage transactions present in the villages. The familiar marriage transactions are observed among the respondents. Despite the fact that *mohor*, the muslim marriage regulation is not visible, it is acknowledged by these newly married husbands and wives. In the last paragraph, we mentioned on dowry. Though, the parents of the groom’s denied of taking dowry, we uncovered some evidence of receiving dowry. In our focus group

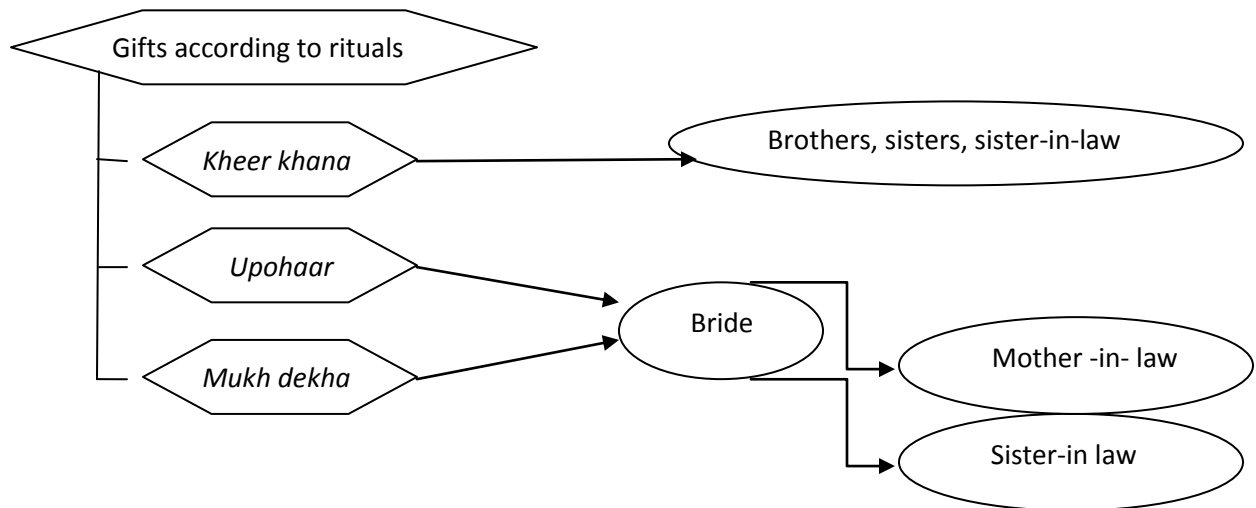
discussion, many male claimed that the village is free from dowry, which is not true, in reality. Among the 22 married women 9 claimed that their fathers were forced to give dowry and 3 women said that although their in-laws didn't ask for dowry directly, but there was expectation for dowry, thus their parents also gave dowry. So, 55% of these muslim marriages dealt with dowry. Dowry can be settled by land, gold, motor cycle, buying position of a shop, job security etc. Thus, dowry requires money from 10,000 taka to 60,000 taka. The parents of the brides assume that by satisfying the in-laws of their daughters they are completing their duties towards them. Usually dowry is given at the time of wedding or afterwards with a mutual agreement.

Gifts by the relatives and neighbours are well practiced in these villages. It is considered as a custom of wedding occasions. For the guests, there are obligations to bring gifts in certain ceremonies of wedding and there are rituals in the marriage to receive gifts. The obligation to receive these gifts of wedding is accomplished through three separate rituals.

The first ritual is locally named '*kheer khana*', where sweeten milk rice is prepared for the would be bride/groom. This ritual is performed in the evening of *gaye holud* (a pre-marital ritual to purify body-mind and beautify skin). After *gaye holud* shower (a part of *gaye holud* ritual) and lunch, *kheer* is prepared and served in front of the would be bride/groom. Here, they seat in room and are surrounded by brothers, sisters and sister-in-laws. This young group of people makes jokes, keep the bride/ groom cheerful and ask the relatives to visit the room and feed *kheer* to the bride/groom. The relatives who came to attend the wedding and neighbours have to feed would be bride/ groom *kheer* not by a spoon but by a coin. At the time of feeding one must give money to the bride/ groom. The amount of money could be from only 5 taka to 1000 taka. It is a symbolic gift to wish would be bride/ groom a wealthy life forward. Only money is given as a gift, in the time of *kheer khana*. The collected money is not for the bride/groom, though it is given for their prosperous life. Here, giving money is a considered as *dowa* (prayer). The collection of money from this ritual is either redistributed among the brothers, sisters and sister-in –laws or they spend the money for movie. The entire ritual takes place separately at groom's house and bride's house.

Traditionally, wedding occurs at bride's natal home, where the second ritual of receiving gifts takes place. Usually, before the muslim marriage agreement, the relatives, friends and

neighbours come with formal gifts to complete their social obligation to give at the wedding. These gifts are locally addressed *upohaar*. These guests of the brides attend the feast after gifting. Mostly, these gifts are gathered or collected by any senior married female relative of the bride. These villages practice virilocal post-marital residence pattern following marriage, that means, after marriage the bride leaves her natal home and moves with husband, either husband's parents house (patrilocal) or to a separate house (neo-local). Our respondents had chosen patrilocal residence pattern after marriage. When the bride leaves her natal house, she carries all her belongings given by her father, dowry (if demanded), and the gifts given by the relatives and neighbours.



**(The above flow chart indicates the rituals concerned with gift giving and the access to those gifts)**

The third phase of wedding gift takes place at the groom's place. It may happen after the very entry of the newly wedded bride or on the next day. This ritual is known as '*mukh dekha*', in this ritual the relatives and neighbours of the groom visits the bride and see the bride's face give gifts and make comments on bride's beauty and her belongings. Different types of local sweets, deserts and betel leaf will be served for these guests. These gifts sometimes go to either bride or her mother-in-laws or to the groom's hand. The gifts from the last two rituals are either used by the newly married couple or redistributed by the bride or bride's mother in

law. Thus, the primary right to these gifts goes to the bride, secondarily, to her mother-in-law and sister-in-law. In most cases the bride/groom cannot express his/her right to the gifts. It is expected that the newly married bride should remain silent and should not demand for any gift or comfort.

### **Class, Kinsmen and Types of Gift**

The amount of the money given in the *kheer khana* and the types of gifts flow as *upohaar* and *mukh dekha* depend on giver's economic condition, relationship with the receiver and receiver's socio-economic status. A special attention is given to remember whether this gift is an obligatory repayment. However, giving money at *kheer khana* is an obligation for all. So, even the poor relatives or neighbours arrange at least 5 taka (which is affordable for them) and participate at the ritual. We have mentioned earlier that it is a symbolic ritual. Thus, amount of money does not matter much at *kheer khana*. Hence, all the guests of wedding present gift at the first ritual, but it is not obligatory for the poor to gift at *upohaar* and *mukh dekha*. However, poor relatives always try to take some efforts at the wedding occasion, unless they feel themselves low and alien. So, they work to arrange the ceremony in shopping, managing cook and decorator. It is not that only poverty makes them to do these works, they do it willingly as it is wedding of their village. They take it as a responsibility to work for the parents of bride/groom. Usually, these are voluntary support from the commoners of the village.

It must be observed that the class relation can be understood through muslim marriage gift transactions. An affluent person transacts gift to another of his own class in a manner to show his socio-economic position. Thus, gifts speak a lot. So, giver's economic class and receiver's economic class play important role in choosing proper gift. In many cases the gift is chosen by remembering the previous gift one had received earlier. So, the obligation to repay depends on the gift one received. People of different class entity are quite serious about it. They try to do so. But, a poor man can never do so, but the middle class always struggle to maintain good relation with the affluent class, by transacting gift according to what these rich people gifted earlier.

Kin ties and neighbourhood bond is strong in rural Bangladesh. Even the neighbours are as like relatives according to their dealings. But, in terms of wedding gift, it turns an obligation for the consanguine kin to give gold as a gift. The amount of gold may vary according to the economic class of the giver, but, kinsmen like, maternal-paternal uncle and aunts, elder sister and her husband are expected to give gold at wedding. Gold is considered as a precious metal in Bangladesh. The rural marriage groom's family eagerly waits to see what the bride is wearing at the time of wedding. Though gold can be dowry, often rich relatives arrange gold ornaments. Whatsoever, the father of the bride along with the maternal, paternal uncle struggle to gift a complete gold set (necklace, a pair of ear ring, a pair of bangles). The consanguine kins of the groom also try to bring gold as a gift. The amount of gold is decreasing year to year, too. Because, the price of gold is increasing day by day. However, relatives give gold ornaments of about 2 gram to 11 gram (approximately).

Other, traditional gifts of a rural muslim marriage are bell metal made different sorts of utensils. Bell metal is locally known as *kansa*, made of bronze, copper, tin and other metals. The utensils made of *kansa* will not break, it is good for everyday use. *Kolosh* (a pot to fetch and store water) is a popular traditional gift in rural muslim wedding. It symbolizes the picture of a stereotype married woman fetching and bring water from river by the *kolosh*, placing it in a traditional way, in local term '*kankhe kolosh*'. Utensils of *kansa* are long established gifts, nowadays melamine utensils are also chosen by many. Some also gift glass made utensils and dinner sets. Electronics are also well admired these days. Among all electronic goods most of the rural people prefer, iron machine, rice cooker, rechargeable light etc. Some neighbours give *saree* and earthen banks. Giving cash is a very common feature in rural marriages. Many times the parents of the bride/groom arrange big feast and expect the cash will be refunded by the cash gift from the relatives and neighbours.

### **Functions of Gift Giving in the Wedding**

Komter and Vollegergh (1997) addressed gift functions as cement of social relationship.<sup>7</sup> Thus, gift in marriage occasion has some significant functions making it a universal phenomena. Rural Bangladesh practices this custom in their cultural value system. We have identified that the rural people remain anxious about giving or receiving the gift on wedding. In fact, when they talk about gift, they talk about relation.

In village conversation people expressed that the more gifts a newly married couple gets the more luck goes with them. Thus, people gather to watch how much gifts a couple is getting. In our study we observed that hypergamy marriages got more gifts than hypogamy. Whereas, exogamy marriages got more gifts than the endogamous. The muslim rural community prefer hypergamy than hypogamy. These hypogamy muslim marriages were settled by the couples themselves, all hypogamy marriage were love marriage. Hence, although having wealthy father of the bride, the wedded couple didn't get much gifts. Many of the relatives of the of the bride's side didn't participate in these hypogamy marriages. On the contrary, in hypergamy marriage brides family member along with the relatives tried to give as much as they can, as their daughter is going to a better economic settlement. One of the village headman's son got 1lac and 80 thousand taka in *mukh dekha*. It was a hypergamy. In case of village exogamy-endogamy, the villagers give more gifts as necessary goods to the bride who is going to leave the village. Thus, those who practice endogamy get less. In endogamy marriage, the bride and groom are well known to the relatives and villagers, thus, the essence of *mukh dekha* does not work like it was practiced earlier. In endogamy the bride often visits her natal house and relative, thus we don't feel like sending daughters to her in-laws as it was earlier, in exogamy. Exogamy marriage articulates a bride leaving her natal home forever.

Table 3 :Nature of traditinal wedding gift and the symbolic meaning

Some Traditional Gift	Symbolic Meaning
Coin / money	Prosperity
Gold	Wealth & Happiness
<i>Kansa kolosh</i>	Daily work to bring water , duty to all
Kansa thali (utensil)	Responsibility of cooking and serving
Earthen bank	Savings for future

Source: Fieldwork 2013

The above Table 3 represents some traditional muslim marriage gifts and their symbolic meanings according to the villagers of *Ara para*, *Bel tola* and *Churulia*. Rural societies are changing fast as a result types of gifts and the functions of gift giving are also in change. Instead of Kansa made utensils many are gifting ceramic good and melamine utensil, these are cheap and attractive in look. Because of power supply young villagers are choosing electric goods as gifts. However, the significance of gold and cash is still the same as it was.

The consanguine relatives always give effort to manage a least minimum amount of gold (a finger ring or ear top) to main their position in the family. For the blood relatives gold is not only a symbol of wealth and happiness but also a symbol of love and affection. Affluent consanguine kin can afford gold bangle or neck piece. Good relation is maintained by gifting proper gift to proper kinsmen. All villagers consider whether it is repaying gift situation or not. If so, they chose gifts accordingly to keep prestige and relation.

Gifts from affinal kins are given special attention to unwrap .Thus, these kinsmen are also very attentive while choosing gift for affinal relatives. It is a matter of prestige issue. Affinal relatives usually come well dressed, with sweets and special gift for the new couple.

The villagers admitted that, in early days rich people of the village took all financial responsibility of poor people's wedding. By doing so the rich man upholds his social status in front of others. Even a silent competition was there to help the poor among village heads. Now a days, this type of helping is rare. But, in many cases, we investigated, the poor man asks for financial help for marriage to the rich villagers. The rich villagers help them partly, which decreases some load from the poor man's shoulder.

Gift culture in marriage is a reciprocal relation among in the villagers, which reestablish their friendship and unity. There are no other social or religious or economic events in the villages where these sorts of transactions take place. Thus, the nature of gift in a muslim marriage over here illustrates the emotional and social bond among the people residing in the a locality.



## Conclusion

The muslim society of rural Bangladesh get pleasure from in their wedding occasions. Giving, receiving, redistributing and repaying gifts are some interesting part of the wedding ceremony. A wedding gift in a rural marriage indicates giver's and receiver's social status in that society. A good equality gift enriches relationship, attachment and association. In our social context, gift symbolizes affiliation, rapport and bond. There is always a hidden expectation of receiving the equivalent quality of gift in return. Thus, the obligation to give, obligation to receive and obligation to repay circulated in marriage customs of rural Bangladesh. Even though, giving gift in muslim marriages is a common cultural practice in rural Bangladesh, but we didn't find any academic resources on this particular issue. Thus, it is a primary attempt to focus on this interesting wedding custom. Like all other marriage transaction or payments we can also study wedding gifts as one of our reciprocal arrangements during wedding. By studying gift customs social researchers could put light on the patterns of kinship network and class relation of the rural society.

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## Global Trade and Local Women: A Field Study

Sumaiya Habib\*

**Abstract:** This paper examines the response of the third world gender equality issue towards global trade economy. Author has illustrated the possibilities and constraints to achieve gender equality through employment; though financial freedom is one of the vital get ways of subordination of females. Despite monetary achievement there are others social factors that are to be settled for equality. Export processing zone plays significant role, in terms of modern global business, it is also a good place for the unskilled, unemployed population of our country. The article executes the process of gender equality and a rapid shift of socio-cultural atmosphere in a rural society of Bangladesh as an outcome EPZ.

**Key Words:** globalization, local women, marital status, decision making, gender disparity, stereotype, social change

### Introduction

Globalization process has enhanced a number of prospective windows in front of the third world economy. Today's globalization is understood as the combination of economic integration, technological diffusion, and greater access to information. These new forces of globalization are working through markets, formal institutions and informal institutions to lift some of the constraints to greater gender equality.<sup>1</sup> Global trade system has a potential to contribute to the national economy of countries like Bangladesh. Countries with over population and unemployment problems blessed with global trade that made work opportunities for many, especially for the women. Just after the work of Ester Boserup (1970), feminist academicians started generating research on women and economy, gender issues and global transformations. Global economy is working as a mode of change in micro or macro economy, politics and social life. Through Export Processing Zone one country can reach the global market. In developing countries Export Processing Zone plays an important role, in

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terms of their national economy, international business and employment. EPZs can be defined as “industrial zones with special incentives to attract foreign investors, in which imported materials undergo some degree of processing before being (re)exported again”.<sup>2</sup> This definition is, in fact, a general one, EPZs vary in their nature and activities from one country to another. However, illustrating EPZ or globalization is not the goal of this paper. This current literature is associated with the village women’s indirect participation in world economy. This export oriented industries are changing the local social values and practices in the surrounding villages.

### **Objectives of the Study**

This article is attached with employed women and global trade through EPZs. In this context, the study aimed is to observe the impact of women employment (in EPZ) towards their family and find out whether this job is playing as a key to gender equality. The study has given special attention to uncover how the rural society counters this change of women employment.

### **Methodology**

This research has focused on the female workers of Iswardi EPZ, who are inhabitants of a nearby village. While conducting the research the study has taken structured questionnaire and interviews. The selection of the respondents followed snowball sampling procedure .The total sample size was 90, who are the inhabitants of different *paras* of the study area. Observing the social activities and social integration was also one of my techniques. The study considered the ethical issues of an anthropological research in this work.

### **Theoretical Backdrop**

Marxist-feminism observes Third world female workers as cheap labors with high productivity. They can be easily manipulated, controlled and ordered. Their own social structure has made them subordinated, under the notion of patriarchy. Male dominance is a common phenomena for these female both in house and industry.<sup>3</sup> Thus, global trade system

made female workers the bottom of the capitalistic social stratification, where they are subjugated by the western capitalistic world. Women's participation in the homestead and at industry keeps her socially and economically subordinate.<sup>4</sup> In *Origins of the Family, Private Property and the State*, Engels demonstrated that the family did not emerge in natural order but developed with the rise of private property, class society and an oppressive state. Woman was "the first slave of the slave".<sup>5</sup> Anne Foreman (1977) attempted to claim that men in the society always try to take relief from their alienation through their relationship with women.<sup>6</sup> However, women in capitalistic world do not have the space to think of relief from alienation. Although Marxist feminists were influenced by the works of Engels to foresee new dimensions in relationship; where heterosexual, homosexual can form social institution, where no traditional biological family and gender oppression subsist. But, in practice it didn't happen. Socialist feminist Alison Jaggar (1983) criticized Marxist feminism in many ways. Jaggar is concerned that Marxist feminists said little about the domination of male towards female. Thus, Socialist feminists highlight on sex role. In marriage or in prostitution the sexual relation seems to be exploitive like employer-employee relationship.<sup>7</sup> Socialist feminist observe the natural procedure of a woman's becoming a mother, changes her role in the society, thus motherhood excludes women from public sphere. Therefore, mothers in many cases depend on the males financially, thus the economic dependency arise. Socialist feminist argued to recognize the necessity and difficulty of domestic work. In addition to this, some Marxist feminist, like, Mariarosa Dalla Costa and Selma James advocated for waged domestic work from the state as women's work is productive, thus, creating surplus value. On the other side, many were against waged domestic work campaign. They observed wages for domestic works may make women isolated or excluded from their own home. Moreover, capitalistic world want women at work force. In fact, socialist feminist correctly identified Marxist feminist not giving importance to women oppression as given to worker's oppression. Radical feminism establishes women oppression as the elementary form of oppression. Radical feminism is against patriarchal domination. This theoretical discourse describes male's attempt to control women body. Thus, a female's right over her own body demolishes. Male have constructed female sexuality to cherish their demand and desire, so, we have a male controlled female sexuality. According to many radical feminist, the fundamental class division is between male and female –to which Marxist did not give enough explanation.

## Current Literatures

Pratima Paul-Majumdar and Anwara Begum<sup>8</sup> in their paper for World Bank Policy Research Report on Gender and Development (2000) discussed the gender disparities in the export oriented industries in Bangladesh. According to their study, 66% women are working in the export oriented industries despite discrimination and irregular wage, where as only 7% are working in non-export sectors in Bangladesh. The study examines the health issues, social and economical change of the working female. Ruchira T. Naved, Margaret Newby and Sajeda Amin (2001)<sup>9</sup> studied the effects of migration and employment of women to their conjugal relation. They pointed out the difficulties for a woman to keep ties with family when she is migrated due to employment. Although these women are earning for the betterment for the family they are failing to maintain the social network and turns socially alien. Fuzia Erfan Ahmed (2004)<sup>10</sup> in her award winning article 'The Rise of Bangladesh Garment Industry: Globalization, Women Worker and Voice' explained the overall picture of garments industry establishment of Bangladesh, its female worker's view to her work. Erfan deliberately clarified the socio-political constraints and economic policies of Bangladesh which hindered its capitalistic shift. She put her eye into multi-class factor of the working female and observed that as an obstacle to female trade union. According to her work some female workers consider themselves empowered. However, Erfan correctly investigated that this job is necessity for their living though it does not accomplish women's participation in decision making. Shelly Feldman (2009)<sup>11</sup> focused on the consequences of women's integration into export production are conflicting. The reason Feldman inspected is that they are emancipatory and highly exploitative at the same time. The researcher observed women as well as women's labor are viewed as disposable and redundant, though it is the central to ideas of family continuance and sustainability. Because of the women's growing entrance to markets and public resources offered new prospects for understanding their personal goals and interests. In these ways, gender relations and their legitimation are neither homogenous, nor they silently observe political economy. Rather gender relations are negotiated through actions with authorities of moral regulation to constitute the possible ways that export production and labor markets are

made. Feldman examined that theses negotiation and arguments will direct the economy and gender to a new socio-economic transformation.

### Physical Location and People of the Study Area

Iswardi Export Processing Zone is situated in Pakshi, Pabna. It is about 6 kilometers from Iswardi town. There are 13 factories in operation and 18 factories are under construction. Iswardi EPZ has chemical factories, textile manufacturing companies, plastic factories, woven, knitted fabric, denim factories etc. After the establishment of this EPZ in 2001, they hired employee and skilled labour from Dhaka EPZ. Now many are coming from different districts of North Bangal. The village *Saragopalpur* is 3 km west from Iswardi EPZ. It takes about 10 minutes to reach EPZ by a easy bike (*vutvuti*), the popular transport here. The village have several *para* (hamlet). These are *fakir para*, *school para*, *pukur para*, *notun para*. The number of the household depending on EPZ is given below:

Table: 1 Distribution of household depending on EPZ earning

Name of hamlet	Total household	Depending on EPZ
Fakir para	115	53 (46.08%)
School para	73	21 (28.76%)
Pukur para	32	21 (65.62%)
Notun para	40	27 (67.5%)
Total household	260	122 (46.92%)

Source: fieldwork in 2013

The above Table1 illustrates that about 47% (46.92%) of the total village household are depending on the income coming from Iswardi EPZ. The rest of the household (about 53%) do agriculture, business, small job at nearby town and some are working as agricultural labour. This EPZ has provides the young manpower of the surrounding villages a chance of job security. many of the workers are still trainee, all do not possess permanent job. But, the trainees are quite satisfied with their condition and they are optimistic to continue job over

here. As I mentioned at the front of this paragraph, that 122 (about 47%) of the total village household of the study area depend on EPZ; among them, women of 90 households are working as labour. So, we can state about 35% household of *Saragopalpur* depend on mother's or wife's or sister's or daughter's earning. These rural women's journey towards the world of employment was not effortless or easy.

### **Local People's View on Export Oriented Organization**

The widespread positive impacts of all EPZs, throughout the world are poverty reduction and employment generation. At the very beginning of the construction of the Ishwardi EPZ people (specially, the young male) of the study area became hopeful to get job over there. Even some of the young educated (completed HSC level) male has given up their dream to go abroad to earn; instead they wanted to join at EPZ. Though all of them didn't join EPZ, but many did. Primarily, the women of the village didn't give attention to go for work at EPZ. These women were not aware of earning from a formal sector, though they are poor. They didn't understand that this job will be beneficiary for their family. They thought that they can only do the household chores, working as a formal employee is the job of male. Moreover, rural society possesses a stigma on earning women. So, it was thorny for the women of this village to jump over their homestead. Despite all these hindrances, the male workers of the village made an effort to make women understand the advantages of working at EPZ. These women were much fascinated when they observed that many female workers are migrating to their nearby village (*Taltola*) to seek job at Ishwardi EPZ. They noticed unmarried women are coming at EPZ early in morning from various places. Gradually, the women of *Saragopalpur* realized the significance of earning from EPZ. After their realization, the task for them was to convince the other members of the family. Eventually, many of them did and took the courage to work as trainee in plastic and woven factories. And, now the village has 90 female employees working in categories of works at Ishwardi EPZ. It is to mention here, that this number is increasing day by day. Moreover, people (both male and female) from other districts (most are from North Bengal) are migrating to this village to work at EPZ. They are hiring homes for them from the affluent families of this village. These migrants do not consider themselves as the native of *Saragopalpur*, so as a researcher I didn't address them as the villagers. But, it shows how the nature of a village is changing drastically because of the EPZ intervention.



### Importance of Marital status in Employment for Local Women

Most of the female employees of the study area are married. Married women are trust worthy, according to the villagers. It is easier for married women to convince her family to work in a factory. One of my married respondent said, “ parents do not allow their unmarried girls to go to EPZ, husbands allow as they (husbands) get money of it and need not work.” To some extent, her statement is acceptable. But, all husbands are not lethargic and depend on wives salary only.

Table 2: marital and parental status of the female workers with their income sources

Marital status	Parent hood	Number of female employee	Other income Source	Only earner
Unmarried	Not applicable	9	2	7
Married	With kid (s)	40	29	11
	Without kid	38	35	3
Divorced	With kid (s)	2	0	2
	Without kid	1	0	1
Total		90	66	24

Source: Field work 2013

The Table2 shows the number of unmarried workers is comparatively fewer (divorced workers is the fewest in number as they are less in total). It happens because of the safety of the unmarried girls. Parents often get anxious for the social security of their virgin daughters. According to their socio-religious ideology, protection of virginity and purity of unmarried girls is the duty of parents. And, if any of the parents fail to protect their daughter's purity, they will be punished by the almighty as well as by the society. The data shows only 9 unmarried girls are working .All of them are from extreme poor family, 5 of them lost their father ( 2 of

the fathers expired and the rest 3 fathers went other place to earn and never came back). So, they had no other suitable option than to work at factories. There was a pair of sisters among them, they said, “nobody will call us ‘bad name’, because they are not going to feed us.” The life of these girls is miserable, there is no one who will provide them social protection, though if any violence occurs society is standing by to punish them. Other villager, especially their relatives are worried about these unmarried young girls. One of these relatives informed that few months earlier an unmarried young employee was harassed by her ‘sir’ (supervisor of a factory), the victim’s parents had to send her to her maternal parent’s village; in order to avoid further social violence. Hence, the security of female employees at workplace is vulnerable. The married female’s social condition is a bit better in this context, as I have mentioned, earlier. Marriage is considered as a social status and in many cases husbands and in-laws permit their wives to work out side. Before engaged in EPZ, many of the married female employees used to work as agricultural labour or maid in the houses of the affluent people of the same village. After joining this formal sector of employment they consider themselves privileged. They and their family believe working as employee at EPZ is respectable than to work as a maid or agricultural labour. Most of the married female employee those who still have no kids, have earning husbands. These husbands are mostly working as employee at EPZ, a few are day labour. Many factories in Iswardi EPZ encourage their employees to convince their spouses to work at the same place. According to the employees the reason behind this strategy is the safety of the wives; working at same place help these females their husband’s company during coming and leaving EPZ. The three husbands (with no kids ) those who are not earning yet, is actually waiting to get job at EPZ. In fact, they were also day labour, but when they observed their wives are earning more than them, they stopped working being day labour; and started looking job at Iswardi EPZ. Though nearly all of the mother employees have supporting earning member, only 11 (out of 40) mothers are the only earners for their family and kids. These single earning mothers informed that their husbands either sick or idle. Thus, sick or idle husband’s wives are running the family by all means. One of them (mother with sick husband) said, “I have sick husband and aged father-in –law. I earn rice for all....my kids go to school, now. Before, this job my kids were baggage carrier (*kulee*) at Iswardi railway station.” There are only three divorced women working at EPZ, two of them have kid, the rest one has no kid. This is their natal village. They also have aged parent to take care. One

of the divorced female employees said that she was forced by her ex-in-laws to come back to her parents. She had one brother, who was taking care of their aged parents. But, when she got divorced and came back to her natal home, the brother got separated from their parents and started living separately, in neolocal settings. Now, it is the divorced daughter's responsibility to earn food for parents and kid.

### **Social Awareness through Employment**

The prominent social impact of the EPZ is the awareness of the mothers, I find out. All the mother employees are now more conscious about their children's education. Each and every family is sending their children to school. The headmaster of the primary school, located at the village said that, "previously (before EPZ), poor people were not used to send their children to school; children were their source of earning. Child labour was a common practice. Now, nobody in village is left from education after EPZ." There are a number of children those were sent out of the village to work for their family. But, when their mothers got job at EPZ, they came back to their own family. It is assumed that after a decade, hundred percent of the villagers will be educated. Because, not only the children are going to school, the illiterate employees of the EPZ are also learning bangla alphabets. The employees observe that reading and writing is important for their job. The employed mothers are more conscious about health issues, too. They visit doctors, if needed. EPZ provides health care for their employees. As, their economic situation has improved they can afford good food to the family. Thus, health condition of the villagers is improving. According to them, protein intake was hard for them. They seldom had red meat. But, at present they have cash to buy good foods. Economic change can modify a number of sectors of life. Within the last six or seven years the village has observed massive development in their housing pattern. Recently, many of the EPZ employees of this area constructed brick built house with sanitation facility. Many of the acute poor villagers are not that poor anymore. EPZ has brought improvement in their life. The interesting part I investigated is to mention that it is the employed females of the family who took initiatives to send their kids to school, to manage a healthy meal and accommodation.

### **Story of the 'Caged Birds'**

Bangladesh is a patrilineal society. This male dominating society examines 'gender' in its boorish way. Hence, physical mobility is restricted for the females of rural Bangladesh. Women are meant for household a chore, so they need not go outside, that is the ideology of the society. A noble woman will not work in the formal sector and earn. I have discussed how the poor women of this village managed to work outside. Though, they are allowed to work outside, they are not free from the restriction over physical mobility. I have mentioned earlier that many companies offer the husband work in the EPZ, as their wives are also working at EPZ. It is meant due to safety as recorded from the villagers. The fact is; it's all about restriction on the movement of women. If the husband and wife are working at the same place, they will go and return together, thus the women will have a guardian. Women should not move alone. Now many of the couples are working going to EPZ. The distance to EPZ from the village requires transport. Now-a-days many of the couple bought bicycles to go to EPZ, in order to save transportation cost. These couples go by bicycle with their wives. In the early morning the pathways of the village goes colorful when all the employees (from the surrounding villages, too) take their journey to EPZ. This is a drastic change, indeed. The senior society of the village disheartens the couples in the same bicycle going for work. Nevertheless, these young couples are aware of the thinking of the society, they are ignoring that ideology. The wives enjoy their physical mobility in this way, with husband as 'guardian'. They also go to town market for eid shopping. Sometimes (if holiday) they go for cinemas at town. Thus, the employed women are enjoying physical mobility to some extent. Still, the women from the rich and respected descents seem to be jailbird. These 'noble' women are under eye of the habitual society.

### **Who Will Decide What!**

In this male governing society, decision making is usually generated by male. After joining at EPZ, the process of decision making in the household has changed a lot. Here, decision making is concerned with the issues of preferences and needs for the domestic ground. Family, though the smallest unit of the social structure operates every aspects of social life. The procedure to maintain and manage a family is complex. In many cases it requires a despotic authority to accomplish its decision. However, it differs family to family. In family decisions to carried out are usually of four types (Table 3) ; first one is everyday household chores, which includes

cooking, cleaning, washing and other duties associated with the living arrangements. These works are tasks for the female from historic period and considered as less priority. All everyday household chores are the responsibility of women of the house, so they maintain, manage and execute this task of the family, which is widely explained as odd jobs by the males. Most of the villagers understand the importance of family planning. Hence, they are aware of birth control method. Though, giving birth is much associated with female body, the

Table 3: Participation of female in family decision making before and after job at EPZ

<b>Issues of decision making</b>	<b>Before female employment</b>	<b>After female employment</b>
Everyday household chores	female	female
Family Planning procedure	male	male
Education & marriage of kids	male	mutual
Income & Property oriented decision	male	mutual

Source: Fieldwork 2013

choice of family planning procedure is always determined by the male authority. For the female employees getting pregnant is troublesome, the employers usually are not willing to give maternity leave or maternity allowance. But, unfortunately employment became unsuccessful to bring a change to take decision over their own body. The positive change in decision making I observed is the mutual decision making for kids education and marriage and also in property issues. Earning mothers are now deliberately taking decision for the welfare of the children; they often fight to stop child marriage. According to the interviews I have taken, that property oriented decisions are taken mutually after the employment of the females. Nowadays males usually talk with their wives and other family member while buying, selling or mortgage property. They consider women's participation in these sorts of discursion positively and often ask for money if needed to buy any property. Few of the women can control their income; most of them give their income to the head of the family, husband. However, there is no land registered to female employee who gave a portion of money while buying it. The land is registered to the husband. It must be mentioned that only two families

(both husband and wife are employee of EPZ) bought small amount of land. Many of the females invested their money to rebuilt house, having power connection, buying television etc.

### **A Change in Home Management**

The stereotype presentation of the village women is not observed in *Saragopalpur*, now. According to our stereotype gender role, women's task is to do household odd jobs, caring infants and olds of the house. Even though women are deciding what to do and what not to do in their household chores, they are not executing the works as like as earlier. The cases with unmarried employees are different as they belong with their mothers. Thus, the married women employees could not do the traditional jobs inside the homestead. So, they depend on their teenage child or mother-in-law or sister-in-law. Not only the working wives' role but also the mother-in-laws's role has changed. Instead of the traditional commanding mother-in-laws I found a number of active and supportive mother-in-laws in *Saragopalpur* village. They are supporting their son's family as they claimed. Many of them are reluctant to work for their daughter-in-laws (employed wives), but they understand the necessity. The cash will bring a better future for their son and grandchildren. Hence, they reluctantly allow their daughter-in-laws to work at EPZ. Sometimes the father-in-laws and the other senior males of the village address this social change as a harmful period. Time to time these senior males of the village wants to raise their voice against local women's employment at EPZ. But, could not get united .Moreover, the young and energetic new generation is taking over hand .Last but not the least ,these local senior males are nominal in number in front of the interest coming from global trade.

The daughter –in-law from the rich, respected family said that nowadays she don't get any one to help her in homestead chores. But, a few years back she had two women to work for her. All poor women are going to EPZ for work. These people are not pitiable any more. They are sending their children to school too. These days, she herself does all household chores, which she was not used to. She bought rice cooker and planning to buy an electric stove to help her cooking. The life style of the local women has changed in each and every class.

Though the frequency of wife beating has decreased a lot (according to the village *paramanik*), I experienced one incidence of wife beating. The husband who has beaten the wife is a shop keeper. When he came back from work at afternoon, saw his aged mother working with high fever. His daughter was also helping sick grandmother. He got angry and when his wife returned from EPZ, they started fighting and the crazy husband beat his wife.

## Conclusion

The local women of *Saragolpalpur* village are working in the export oriented industries of their own locality. So, the picture of other EPZ labours and them will not be similar. Most of the researches are on the female labours who have migrated to work at EPZ. I have done my research in a village which is close to EPZ. Thus, I investigated a social mobility in the village. *Saragolpalpur* rural society is in transformation. The life-ways, value-system, traditional formation of the village is changing day by day. The local women are not local anymore; they have started their journey towards a new era of global village. Many people are migrating in this village to work at EPZ. This migrated people will be assimilated with these local people soon. Hence, the possibility of acculturation is high in this rural area. The traditional picture of a village does not exist any longer. The global trade system and these local women of the village are carving the path way to a peripheral village.

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# Enactment of Right To Information Act in Bangladesh: Starting of a Stony Journey Towards Good Governance

Md. Raisul Islam Sourav\*

**Abstract:** The Government of Bangladesh with a vision has enacted the Right to Information Act (RTIA) in the legislature to ensure free flow of information as well as people's free access to information and recognize people's right to get information statutorily. Right to information is guaranteed impliedly as a fundamental right in Art. 39 of the Constitution. The law is also believed to enhance transparency, accountability, democracy, good governance, rule of law and diminish corruption. However, the key objectives of this study are to evaluate and analyze the strength of the enactment. Yet the Act has some loopholes. Nevertheless, from an optimistic point of view, it can be said that the Right to Information Act, 2009 could be a crucial weapon to promulgate war against every sort of secrecy. Without a strong political will it is not possible to develop an environment for free flow of information. Implementation will not be very effective unless RTI is not incorporated within all development schemes and agenda.

**Key words:** Information, Freedom, Rights, Bangladesh, Good Governance, Transparency, Rule of Law, Accountability, NGOs, Public Authority.

## Introduction

BY born human being is curious to explore the unknown. That is why a citizen wants to know the laws, policies, public documents, rules, regulations, news, declarations and concerned information by which he is governed and will be governed. At present right to information (RTI) alternatively known as freedom of information (FOI) is not only considered as a public concern but also all over the world it is a burning issue to ensure rule of law, democracy and obviously good governance. Hence getting information from public authorities is recognized as a fundamental human right by the World community, which is also approved by many International Institutions and International Treaties.<sup>1</sup>

“Democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and to hold governments and their instrumentalities accountable to the governed”.<sup>2</sup> However, an emergent country like Bangladesh, law guaranteeing right to information can uphold democracy, rule of law and good governance by disclosing all sorts of secrecy from the State activity.<sup>3</sup> When mass people acquire right to know as statutory right that will ultimately create pressure upon the State mechanism to implement these rights and act in accordance with law.

This research is going to explore the background and necessity of enactment of the RTI Act in Bangladesh as well as global concern about RTI. Then it will analyze different aspects of our existing Right to Information Act. However, the Act has some lacunas and reverse effects. This paper will try to address these loopholes. In addition, free flow of information is interrelated with

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empowerment, rule of law and good governance, which will also be addressed at the latter portion of this paper. Finally this study suggests to legislate a public records management law to achieve the goals of the RTI Act.

## **Methodology**

The research paper is designed to be analytical nature and critical appraisal of existing law on right to information. The major source of this study is secondary and for the purpose of this research relevant data has been collected from various sources, namely different articles, texts, booklets, handouts, seminar presentations, notes, newspapers, national & international research papers, web sites and so on. The collected data have been analyzed and interpreted by the author.

## **Objectives**

The objectives of this study are:

- To find out the loopholes in the Right to Information Act, 2009;
- To examine the strength of the RTI Act to ensure good governance;
- To evaluate existing arrangement of the RTI Act;
- To suggest what ought to be done to improve the situation.

## **Milieu of legislating Right To Information Act (RTIA)**

The journey to legislate this kind of legislation was started in early eighty decade. Firstly, press commission demanded this sort of law in 1983 for journalist. After late 1990s, NGOs began to demand for ensuring Freedom Of Information (FOI) through enacting law. Consequently, Law Commission of Bangladesh proposed a working paper on RTI law in 2002.<sup>4</sup>

In 2007, The Ministry of Information formed a three members committee, headed by a Joint Secretary to work on the said draft and finalize the draft. During the process, members of the committee consulted similar Acts practiced in different countries, focusing specially India. Before finalizing the draft, the committee disseminated the draft on the website and organized National level Roundtable meeting to seek opinion, suggestions and comments.<sup>5</sup>

Subsequently, the army backed Caretaker Government created an Ordinance called “*Right to Information Ordinance, 2008*” by giving right to information a legal status. Finally, the ninth parliament led by Awami League (AL) 14 parties’ grand alliance govt. legitimized this Ordinance on March 29 in 2009 at its opening session and then it became a law after the sanction of the President on April 5. This Act is in force since July 1 and the Information Commission (IC) has been constituted on July 2 in the same year.

However, the Act was approved through the efforts and effective lobbying and advocacy of many civil societies, academicians, mass media, researchers, legal experts etc. It was not preceded

by a bottom level awareness and mobilization as in India. Yet, leading donors played crucial role and pressurize stakeholders to enact the law.<sup>6</sup>

### **Global concern about Freedom Of Information**

At present, more than 90 countries have Freedom of Information (FOI) laws, of which over 40 had done so during the nineties and thereafter. The history of recognition of freedom of information is quite older. The first country to have the FOI law was Finland and Sweden in 1766. The combine Parliament of the then Finland and Sweden espoused the first FOI law of the earth titled '*Access to Public Records Act, 1766*'.

The Swedish example was later followed by the US, which enacted its first law in 1966 and then by Norway in 1970. The interest in Freedom of Information (FOI) laws took a jump forward when the US, reeling from the 1974 Watergate scandal, passed a strong FOI law in 1976, followed by several western democracies enacting their own laws. By 1990, the number of countries with FOI laws go up to 13. A giant step forward was the European Union (EU) Charter of Fundamental Rights in 2000, which included both freedom of expression and the right of access to documents.<sup>7</sup>

### **RTI in Asia**

In Asia so far almost 20 nations have adopted FOI laws including Kazakhstan (*FOI Act, 1993*), South Korea (*Act on Disclosure of Information by Public Agencies, 1996* adopted in 1998 and amended in 2004), Japan (*Law concerning Access to information, 1999* came into power in 2001 and amended in 2003), China (*Open Government Information Regulation, 2008* which came into effect in 2009) and Indonesia (*FOI Law, 2008* which came into force in 2010). In South Asia, countries such as Afghanistan, Bhutan, Maldives and Sri Lanka, have not adopted any related legislations. Only Nepal (2007), Bangladesh (2009), Pakistan (2002) and India (2005) have such laws. In Indian sub continent, Pakistan led the way by declaring the '*Freedom of Information Ordinance, 2002*' through a Presidential promulgation.

### **RTI in Bangladesh**

Other similar Acts of various territories, particularly India, have influenced the Right to Information Act, 2009 in Bangladesh. Bangladeshi RTI Act of 2009 is regarded to be a good law. A survey Conducted by the Canadian Centre for Law and Democracy (CCLD) has placed the Bangladesh's RTI Act 2009 at the 13th position among all RTI/FOI laws all over the earth, while the Indian Act is in the second position. Unlike India, the Bangladeshi Act has included NGOs expenditure public money as falling within the purview of the Act.<sup>8</sup> Comparison of RTI legislation among South Asian countries is shown in Table 1<sup>9</sup>:

**Table1: RTI Legislation: A comparison among South Asian countries:**

<b>Country</b>	<b>Bangladesh</b>	<b>Nepal</b>	<b>Pakistan</b>	<b>India</b>
<b>Constitutional Protection</b>	Protected (by interpretation)	Protected	Protected	Protected (by interpretation)
<b>Legislation</b>	RTI Act, 2009	RTI Act, 2007	FOI Ordinance, 2002	RTI Act, 2005
<b>Information about private bodies</b>	Private organization running on foreign or government funding/exchequer; organization undertaking public functions under contract with government or public organization	Body receiving grants from the government; NGO running on foreign or government funding or international organization	No provisions	Body owned, controlled or substantially financed and NGO funded directly or indirectly by the government; private bodies regulated by public authorities
<b>Proactive Disclosure</b>	Too limited. Allows only four kinds of information voluntarily	Provides for 12 kinds of information voluntarily	Too limited. Provides only five kinds of information voluntarily	Provides for 17 kinds of information voluntarily
<b>Exemptions</b>	20 exemptions	5 categories of exemption	4 categories of exemption + 9 exemptions related to the type of record. 5 additional grounds for refusal	10 exemptions + 1 additional ground for refusal (infringes copyright)
<b>Public Interest Disclosure</b>	No provision	No provision	No public interest Override. Government can refuse to disclose in public interest	Exempted information's can be disclosed if public interest outweighs harm to protected interests

## Core Aspects of RTIA in Bangladesh

Access to information has the potential to empower people to connect themselves significantly in the democratic process with a view to increasing transparency and accountability in the mechanisms of governance, reducing corruption and achieving development goals. The purpose of RTI Act is that it would ensure transparency and accountability of all public, autonomous, statutory organizations and private institutions. The justification of RTIA in Bangladesh is clearly stated in its preamble<sup>10</sup>:

*“The right to information shall ensure that transparency and accountability in all public, autonomous and statutory organizations and in private organizations run on government or foreign funding shall increase, corruption shall decrease and good governance shall be established. It is expedient and necessary to make provisions for ensuring transparency and accountability.”*

The Constitution of the People’s Republic of Bangladesh also recognizes people’s right to access in public documents under Art. 7, 11, 32 and 39. In accordance with Article 7(1) of the Constitution<sup>11</sup>, all powers in the Republic belong to the people, then why not all public information belongs to people?

The quintessence of the mentioned Act derives from the Constitution, which absolutely recognizes the right to access to information. Article 39 of the Constitution articulates freedom of thought, conscience, speech and freedom of press (However, it states that this is subject to any reasonable restrictions imposed by law in the interests of the security of the state, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence). This includes freedom to hold opinions and to receive and impart information and ideas without intervention of information holders and regardless of frontiers. The foremost spirit of this Act is to promote environment for free flow of information.

### What is Information?

Under S. 2(f) of this Act “*Information*” includes any memento, book, design, map, contract, data, log book, order, notification, deed, document, letter, report, account, illustration, project proposal, photograph, audio, video, sketch, film, instrument manufactured by electronic process, machine readable documents and anything containing information regardless of their structure and characteristics and their copy regarding composition, structure and official activity of any authority. This legislation also provides “*Right to information*” means right to get information from an authority [S. 2(g)].

However, the Act excludes official note sheet or a copy of it from information. The provision is entirely contradictory to the preamble’s claim that the law would help to reduce corruption, because it would rather block the way of identifying, as well as exposing before the public, the names of ministers and/or bureaucrats who tend to secure personal financial gains by way of recommending projects detrimental to public interests. The ‘noting’ on the official files is key to identifying, exposing and punishing the high-profile unholy nexus of the self-seeking sections of the politicians, corrupt sections of the bureaucrats and the unscrupulous sections of the

businessmen that often manages big projects worth hundreds crores of Taka in nontransparent ways, adversely affecting the country's public exchequer.

### **Who can apply to get information?**

Only Bangladeshi citizen can request for information and this Act is applicable to almost every administrative tiers except the lowest one e.g. the Union level. Non-applicability of this law to many other agencies at Union level is regarded as a major fault (S. 4).

### **Who is assigned to deliver information?**

Designated Officer (DO) is the key person to deliver required information. The Act framed "*Designated Officer*" means the person who is appointed under this Act to provide required information (S. 10). In 2010, 7887 number of DOs at both Government Office (GO) and Non Governmental Organizations (NGOs) level has been identified of which 6255 DOs are from government offices and it is irrelevant to consider the whole figure.

### **Person receives and resolves complaint if applicant not satisfied**

Information Commission (IC) constituted under the Act is the main body to regulate the operation of the said law. It is seen as protector of the provision of law. It has arbitrating/quasi judicial power. Apart from this, it provides guidance for capacity development, sensitization approaches, undertakes research and recommends law reforms. Along with sensitizing and guiding responsibilities Information Commission has received twenty three complains of which eighteen complaints were resolved. Salaries, allowances, facilities, ranks of the IC are to be determined by the Government. IC has not been given the exclusive authority to determine the appointment of officers and employees and IC needs prior approval of the government in this regard and hence it curtails independence of the IC.

### **Whether Judiciary included as authority or not**

Since Judiciary is constituted in accordance with the Constitution, it falls under the "Authority" as defined in the Act. In addition, present enactment further reinforce admission to information in all procedural laws provide for access to information to an aggrieved person to seek redress against the decision;<sup>12</sup> and impose obligation upon a public officer to supply a copy of the "public documents".

Albeit, it elevates several other questions such as how far Judges and related persons of judicial system are obligated to provide information, to what extent information of court cases are disclosed and is information open for public scrutiny in real sense? However, answers of these questions need to be addressed by the Act. Nonetheless, people can get information regarding their pending cases but that should not interfere with the judicial proceedings.

## **Complaint Mechanism under RTIA**

If the Designated Officer (DO) not provides required information within stipulated time limit or refuse to give information or if anybody aggrieved from any decision of DO; he can file an appeal to the appellate authority within 30 days from the date of such stipulated time or after receiving such unsatisfied decision (S. 24). However, if the applicant satisfies the concern appellate authority about his delay, the appellate authority has the power to condone the delay. The appellate authority will dispose off the matter within 15 days from the date of receiving of such application. If they order to provide the information then the DO will proceed it within as time limit as specified in Section 9(1), (2) & (4).

However, if anybody aggrieved against the decision of the appellate authority, he will file a further appeal directly to Information Commission. After receiving such an application, IC will finally determine the matter within 75 days.<sup>13</sup>

## **Reverse side of RTIA**

Even if a number of existing laws i.e. *The Official Secrets Act, 1923*; *The Evidence Act, 1872*; *The Special Powers Act, 1974*; *Rules of Business, 1996*; *The Government Services Conduct Act 1979*; the secrecy provision under the Oath (affirmation) of Appointment to public office have provision regarding non-disclosure of information. However Sec. 3 of the said Act provides that the present law will prevail over all existing laws. But the law itself contains a list over 20 public bodies from which people cannot claim information as of right.

The list is excessively extensive and the term “*national security*” is very vague and dark in nature. The justifications to claiming this immunity is also not specified. The national security of a state is directly proportionate to the implementation of the internationally recognized human rights of the citizens that particularly include the citizens’ unobstructed right to information and unhindered right to the freedom of expression. The more the rights enjoyed by the citizens the more secured and sovereign is their state. Experiences have shown, typically government hide information for the sake of these types of vague term. In addition, a mentionable figure of Govt. officials is still reluctant to deliver data due to their colonial mentality.<sup>14</sup>

Apart from this, National defense forces, law enforcing/security/spy agencies are not bound to supply information but if it relates with corruption or human rights violation then they are obligated to provide essential information within next 24 hrs by virtue of provision of the RTI Act. But what we actually see now-a-days, people are died by mob beating by direct instigation of police, so called terrorists are frequently extra judicially killed by elite forces, politicians & general citizens are victim of forced disappearance allegedly by law enforcing agencies, commentators/columnist/bloggers are often harassed by investigating agencies, students are naked victim of secret murder and so on.

The criminal record of the law enforcement agencies concerned, particularly as regards custodial tortures, deaths and extrajudicial killings, has reached a scandalous proportion. The reports of *Odhikar*<sup>15</sup> illustrates that 1,495 persons have been killed between 2001 to August 2013 either in the custody of these law enforcement agencies or in, what certain agencies, particularly RAB,



claim, crossfire. Of the victims, 487 people have been killed in police custody and 501 persons, as many as 17 persons have been killed on January 6, 2009 in the custody of Rapid Action Battalion (RAB), which repeats the same old story for public consumption after every extrajudicial murder is committed. Nobody believes in the cliché, but the so-called law enforcers continue to kill people unlawfully with unlimited impunity, which is absolutely inconsistent with the democratic concept of the rule of law.

### **Loopholes in RTIA and what ought to be done**

Journalists necessitate information instantly for everyday reporting except investigative reports. Hitherto RTI Act requires 20 days to deliver information after receiving an application. The mandated delay in delivering data makes this law worthless for newsmen. The provision can be made constructive for correspondents by declining the time limit. Press can ask for this privilege as they are doing a public service. It will not be arduous for the designated officials because under the law they are supposed to keep the information ready. Furthermore, it is the statutory duty of all the authorities to disclose their information to the natives of this territory by convenient manner and by their own initiative.<sup>16</sup>

However, the law shows that the government retains the financial authority over the Commission, which would help the former to do some arm-twisting of the latter. While financial autonomy is a key to any public institution meant for guarding against any legal departure by the executive branch of the state, the wording of the RTI law says that “*the salary, allowances and the status of the chief information commissioner and the commissioners will, time to time, be decided by the government*” and that “*the government will allocate the financial budget in every financial year for the Information Commission*”. How could an “independent” commission dependent exclusively on the leniency of a government for pecuniary resources, even for the remuneration and position of the members. Would IC function autonomously as a watchdog against the government’s repression of public information?

Apart from this; corporate houses, multinational/pharmaceuticals companies, foreign brands, private sectors are beyond the authority of this law. Are these places free from corruption? Executive bodies periodically furnish agreement with foreign companies concerning natural resources and other public interest related matters. In most of the preceding cases, these foreign companies did gross harm for us. Nevertheless, we never can know about the contents of the agreement even not after citizen agitation. This is the inherent nature of our executive organs. Yet each people of this territory has a documentary right to know how the government is functioning, which ministry/department of the government is performing what job, whether the money paid by them is spent accurately or not.

### **Appointment of Chief Information Commissioner (CIC) & other Commissioners**

The criteria for selecting Chief Information Commissioner (CIC) and other commissioners are indistinct because as per the provision, they will be:

“persons with “*broad knowledge*” and “*experience*” in law, justice, journalism, education, science, technology, information, social service, management, or public administration.”

It does not provide any specification about the qualification of the persons and this vagueness creates scope to the ruling party to choose the people of its own choice.

Another terrible aspect of this legislation is that the government intends to have control over the Information Commission, is evident in the composition of a five member '*selection panel*' planned to decide members of the Commission. Among the five panelists, the government will have express power over three. As one will be a member of parliament belonging to the treasury bench, another to be selected by the Govt. from among working journalists having the quality of being an editor or from among the renowned citizens associated with mass media and the rest one is the cabinet secretary *ex officio*.

### **Whether RTIA is pro people legislation**

RTI Act is not friendly for specially able (disable) person and indigenous peoples. The procedures are not practicable for a differently able person. On the opposite side, indigenous peoples belong to a separate language, culture, custom etc. Moreover, most of them are uneducated.<sup>17</sup>

### **Whether friendly for marginal people**

Another obscurity of this Act is, it covers up to "*Upozela*" (Sub District) level. That is why bottom level of local Govt. "*Union Parishad* (UP)" is not fall under the boundary of the said Act. However, UP is actual place for the marginal people to get information about their locality. Further, "*Upozela*" is generally far from remote area. Consequently, people are reluctant to take information from far area. This stipulation deprives cultivators from knowing about the allocation of fertilizer or other necessary ingredients of cultivation at their locality. At the end of the day, is not the ultimate aim of the law frustrated?

### **Rest of the lacunas**

According to Information Commission after first year of enactment of RTI Act, almost half of the total population is in dark about the law. Still half of total public bodies do not appoint information officer. The advancement of NGOs are also not courageous. Huge portions of Govt. officials are totally uninformed about their obligation to disseminate information. One more reason behind their disinclination is, the fine for non-delivery is only Tk. 5000(five thousand). It is the responsibility of the concern public and private authorities to build awareness on the RTI Act between both demand and supply side. Furthermore, the allocated budget for this sector is inadequate. The procedure to apply is also so complicated. It requires written application in a prescribed form, which an educated person may not be able to fill without aid or prior training. Oral prayer should be admitted for the convenience of illiterate community.

### **Empowerment of mass people through RTIA**

A large section of our national budget is allocated for social safety. However, if the target groups are not conscious of these programs, it will not be possible for them to profit from these and government poverty reduction programs will remain unutilized. On the opposite side, if the

government empowers underprivileged community by providing required information, it can help to mitigate social discrimination among the nation.

Free flow of information can ensure appropriate and translucent allocation of aged allowance, widow allowance, Vulnerable Group Feeding (VGF), Vulnerable Group Development (VGD) etc among those who really require them. If people are depressed of these services, they can seek information under the RTI Act and enjoy their entitled opportunities and services.<sup>18</sup>

By this approach, RTI can make sure the rights of the marginalized population e.g. women, children, disable, indigenous peoples. A day laborer can learn whether his contractor is paying him/her fair wages as per contract. A small entrepreneur can search for remedy if the tender of an influential individual is entertained instead of his/her tender with competitive quotation.

Members of the public can seek information from their elected representatives. Annual reporting requirements, committee reports, publication of information and administrative law requirements increase the flow of information from government to the citizen. Recent technological advances have the potential to reduce further the existing gap between the 'information rich' and the 'information poor'.

If there is free flow of information, the residents of any local area can examine the quality of an under-construction road in terms of its proposed design and materials as mentioned in the contract paper. If the government has information of the total number of migrant workers working overseas and the number of migrant workers going abroad, then it can address many problems of the migrant workers and their families.

### **RTI and Good Governance**

Good Governance has eight recognized major characteristics: it is participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows the rule of law. It assures that corruption is minimized, the views of minorities are taken into account and that the voices of the most vulnerable in society are heard in decision-making. It is also responsive to the present and future needs of society.

The precondition of basic democracy in a country is to ensure participation of the people in its development process. One of the core determinants of participatory democracy is that the government proactively recognizes its people's right to information and takes measures to implement this right.

To ensure good governance, it is also required to develop informed citizen. Only well-versed nation can bring development in the quality of life and therefore can bring constructive impact in the area of improvement. Conversant citizen knows how to access information or services and can understand how to use information in the process of realizing their political, civil, economical and legal rights, which in a way help citizens to become an asset and strength of the society.

If the Right to Information Act is appropriately implemented, people will easily come to know about the chances and services, which the government is accountable to provide to the people and, in turn, the people can utilize those for participating in the governance of the country and bringing about positive changes in their lives.

### **Need for a Public Records Management Law**

The right to freedom of information refers principally to the right to access to information held by a wide range of public bodies. It reflects the principle that public bodies do not hold information on their own behalf, but rather for the benefit of all members of the public. Individuals should thus be able to access this information, unless there is an superseding public interest reason for denying access. However, the right to freedom of information goes beyond the inert right to access documents upon request, and includes a second element, a positive obligation by States to publish and widely disseminate key categories of information of public interest.

A third feature of the right to freedom of information is starting to emerge, namely the right to truth. This refers to States' responsibility to guarantee that people know the truth about serious incidents of human rights abuse and other harrowing social events, such as share market scam or attack on minority in Bangladesh perspective. In such cases, it is not enough for public authorities simply to provide admission to their files, or even to actively publish key documents they hold. It is incumbent on the State to ensure that the matter is fully investigated and that the results of that inquiry are made public.

A law relating to the Public Records Management to regulate the management, administration and preservation of records of government, semi-government and non-government financed authorities is required to guarantee transparency through RTIA. This piece of legislation will provide methodology to originate, categorize, classify, circulate, destroy etc. the public records. Under this Act, government offices will authorize to take decisions on recruitment and budgetary provision for records and information management. Making any contravention to the Act will be punishable. The law also provides authority to form committee(s) to supervise and make recommendations about the implementation of the law and to improve the records and information management system in Bangladesh.<sup>19</sup>

Owing to the incompleteness and weaknesses of the *National Archives Ordinance 1983*, it has failed to become the Public Records Act in Bangladesh. The administrative and organizational limitation of the National Archives is another reason for the failure of this Ordinance to contribute to the information management system of the country. Within this Act, if the National Archives will make responsible, with sufficient authority, to execute the records and information management system in the public offices then it may help to implement RTIA fruitfully.

In the colonial epoch, “*Records Manual 1943*” was the only guideline for all the government offices for records and information management. It used to be considered as ordinary guidelines for records and information management in absence of Public Records Act. Afterward the Records Manual became outmoded for not updating it. After the independence of Bangladesh in

1971, in absence of any guideline from government, most of the public offices began their own records and information management system.

It is evident that without having an appropriate data management system, Right to Information (RTI) cannot be accomplished. Albeit Information Commission has published a regulation on data preservation and management system with very limited scope. Owing to poor legal basis, this regulation offers incomplete guideline for records or information management. Moreover, it fails to complement the Public Records Management Act. As the Public Records Management Act and the guidelines prepared in the light of the Act will help different organizations in smooth implementation of the Right to Information Act.<sup>20</sup>

## Conclusion

Finally, from an optimistic view, it can be said that the Right to Information Act could be a crucial weapon to promulgate war against every sort of secrecy. It is also well predicted that the utilization of RTI law to a greater extent will minimize corruption gradually, establish precedents of good practices and assist to explore effective reformation accountability. This situation calls for mobilizing demand for information, particularly at grassroots level and for sensitizing and building capacity of both demand and supply sides of information.<sup>21</sup>

Without a strong political will it is not possible to develop an environment for free flow of information. Implementation will not be very effective unless RTI is not incorporated within all development schemes and agenda.<sup>22</sup> Right to Information concept has to be mainstreamed into all government schemes. However, regrettably, the Act could not fulfill that anticipation due to some loopholes in it and indisposition of the Govt. Recognition of citizens' right to information can ensure democracy, rule of law, good governance more democratically.<sup>23</sup>

Julian Assange again proved this, who introduced a cyber battle against all kind of secrecy by his world famous WikiLeaks is also an instance for those rulers who orally cultivate social equality but mentally take oath to foster secrecy more furtively. The mass people of this soil expect that, our Govt. will not wait for such mass war, rather exercises democracy and rule of law by upholding peoples' right to know.

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# Equitable Reliefs under the Civil Justice System in Bangladesh: An Analytical Study

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**Abstract:** In Bangladesh equitable relief of civil litigation is conclusively framed in Specific Relief Act. Equitable Relief is that kind of relief which is used for ensuring justice. The research work entitled “Equitable Reliefs under the civil justice system in Bangladesh: An Analytical” deals with statutory civil law provisions under the common law system emphasizing on rules of equity giving rise to its maxims as applied in Bangladesh. It has mainly dealt with the rules of equity with a view to providing equitable reliefs under the civil justice system. Equitable remedies are provided where legal remedies are inadequate to mitigate cause of the parties. Equitable relief is one of the most important ways to ensure justice and establishing rule of law in the society.

**Key words:** Equitable relief, Specific relief, Civil Justice, Remedy, Victim, Right, Fairness, Instrument.

## Introduction

The word “equity” was derived from the Roman term ‘*aequitas*’ which means equalization or leveling down any denials of justice, or arbitrary or capricious dealings. Equity, in its elementary sense, is fairness, or that rule of conduct which should be followed by all persons.<sup>1</sup> Sir Henry Maine described it as a “fresh body of rules, by the side of the original law, founded on distinct principles and claiming to supersede the law by virtue of a superior sanctity inherent in those principles. ‘The numerous illustrations given in the Act may be identified with actual cases recorded in the English equity reports.’<sup>2</sup>

In the words of Aristotle, “The equitable is just and better than one kind of justice-not better than absolute justice, but better than the error that arises from the absoluteness of the statement...it is a correction of legal justice.

In the sense of fairness equity is frequently opposed to law and legality, because that which is fair does not always constitute a legal claim or defence. Hence when a legal rule or remedy is capable of two interpretations or applications, one literal or restrictive and the other liberal, the latter is called an equitable construction or application. It is in this sense that the right of stoppage in transit and the old section of ejectment are said to be equitable remedies,

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and the jurisdiction of Common Law courts to set aside judgments obtained by default and confession was called an equitable one. Inadequacy of the remedies at law and the elastic willingness of equity to use its discretion directly with reference to the conscience of the individual were the two main foundations of equitable relief. Common Law relief or legal relief was mainly compensatory while equitable relief was specific. The specific remedy is enforced by directing the party in default to do or forbear the very thing which he is bound to do or forbear, and in case of disobedience, by imprisonment or attachment of his property, or both. <sup>3</sup>

## **Methodology**

The research paper is designed to be analytical study. Only the secondary sources of data collected from law reports, text-books, decision of the apex courts, journals, national research papers, websites and case law and so on are issued. The collected data have been analyzed and interpreted by the author.

## **Objectives of the study**

This study covers the following objectives:

1. To provide fairness and fair treatment of parties.
2. To fill up the gape of legal remedies.
3. To complete the supplementary of legal remedies.
4. To protect confidence.
5. To prevent oppression.
6. To make the perfect legal remedies.

## **Who may apply for the relief?**

The Specific Relief Act is an exhaustive code, for it is an Act to define and amend the law relating to certain kinds of specific relief obtainable in civil suits, and, consequently, we must read this section 27 as defining every class of persons against whom specific performance may be enforced. <sup>4</sup>

## **Against whom relief can be granted**

A suit for specific performance is that in which the plaintiff claims relief under s.5 of the S.R.Act seeking a direction upon the defendant to do the very act which he is under an obligation to do. When the plaintiff as per terms of the agreement has performed his part, the defendant is also bound to perform his part; otherwise, the court will act on behalf of the plaintiff. In a suit for permanent injunction simplicities an issue whether the registered deed is forged or not cannot be decided.<sup>5</sup>

## **Attachment of properties**

Attachment is one of the modes of execution of decree. To all intents and purposes attachment of property as equitable relief to the victim has been critically analyzed. In so doing, care has been taken so that the suit property cannot be otherwise disposed of except the interest of victim. That is to say, the court has been suggested to take measures equitably applicable considering interests of the parties involved.

### **Attachment under a preliminary decree**

The primary object of attachment of property is to give notice to the judgment-debtor not to alienate the property to anyone as also to the general public not to purchase or in any other manner deal with the property of the judgment-debtor attached in execution proceedings.<sup>6</sup> At the same time, it protects a judgment-debtor by granting exemption to certain properties from attachment and sale.<sup>7</sup>

### **Movable property in possession of judgment-decree and salary of public officer, etc**

This rule deals with the mode of attachment of movable property, in possession of the judgment-debtor. An order directing that attachment is to be effected wherever the property may be found without specifying whether the property is in possession of the judgment-debtor or of a third person is illegal. Movable property cannot be attached merely by an order of the court, there must be actual seizure. Attachment by actual seizure involves a change of the possession from the judgment-debtor to the court.<sup>8</sup>

A share or interest in movable property is incapable of actual seizure and attachment by a prohibitory order restraining the judgment-debtor from transferring his share or interest in any way is the only course where such share or interest is to be proceeded against. A decree is not a movable property within the meaning of this rule. This rule does not apply to the attachment of moveable property held by a trustee on behalf of the cestui que trust.<sup>9</sup>

### **Attachment of agricultural produce, debt and mortgage-debt**

Agricultural produce, whether standing crop or severed from the soil, is moveable property, and unlike other movables agricultural produce of either description cannot be attached by actual seizure as provided in R.43. The custodial egis in the case of agricultural produce on attachment is only symbolical and is not validly created unless the rules of affixture herein provided are strictly complied with.<sup>10</sup>

A debt cannot be attached unless it is actually due from the garnishee to the judgment-debtor. It may be either payable at present or payable in future by reason of a present obligation.<sup>11</sup>

The Privy Council in *Syed Taffazzal v. Raghunath* held that an existing debt though payable at a future day, may be attached. A right to future rent is not a debt and cannot be attached under this

rule..A life policy payable on proof of death of the assured cannot be said to be a 'debt' due by the company before such proof is given.<sup>12</sup> Unpaid portion of a loan is not 'debt'.<sup>13</sup>

A mortgage debt due under a simple mortgage is a 'debt' within the meaning of this rule and can be attached by a prohibitory order. A usufructuary mortgage in which there is a covenant to pay is also a 'debt' and can be attached under this rule. Where part of the consideration for a mortgage is unpaid, the unpaid portion of the loan does not constitute a debt due by the mortgagee to the mortgagor.<sup>14</sup>

### **Where a decree has been passed against a firm, attachment of partnership property and minor partner, and negotiable instruments**

Rule-50 deals with the mode of execution of decrees against a firm in the firm's name. The object of this rule is to ensure that no partner shall be held personally liable unless he had individual notice or may be held to be aware of his liability. Such a decree may be executed without leave under sub-rule (1) against any property of the partnership, against a person who appeared in the suit individually in his own name under rule 6 or 7 of order-30.<sup>15</sup>

Attachment of a negotiable instrument, whether in the possession of the judgment-debtor or not, has to be made only by actual seizure, and not by issue of prohibitory order. Because unless this is done, there is always a danger that third parties may bona fide become possessed of it, and if a prohibitory order is held to be a valid attachment, they would be prejudiced by such an order of which they may know nothing. A prohibitory order is, however, sufficient attachment as against the debtor or the promisor.<sup>16</sup>

### **Injunctions: A preventive equitable relief**

Injunction attempts have been made to have a proper look on the outcome of the suit that amounts to apprehension of damage of the suit property against the interest of the applicant. It has evaluated, in the course of injunction proceedings before the court the interests of the parties involved equitably. The study here has drawn a suggestion in the sense that needs to hear both the parties to pass an injunction order is applauded.

Preventive relief is one of the modes of specific relief which is given in the form of injunctions. The object of this kind of relief is to secure against threatened invasion, in future, of plaintiff's rights by the defendant. Injunction is a judicial process by which the court requires a party to do certain thing according to the exigencies of the matter.

### **Injunctions are of two kinds**

#### **i) Temporary injunction**

A temporary or interim injunction, on the other hand, restrains a party temporarily from doing the specified act and can be granted only until the disposal of the suit or until the further orders

of the court. It is regulated by the provisions of Order 39 of the Code of Civil Procedure, 1908 and may be granted at any stage of the suit.

#### ii) Permanent injunction

A permanent injunction restrains a party forever from doing the specified act and can be granted only on merits at the conclusion of the trial after hearing both the parties to the suit. It is governed by sections 52 to 56 of the Specific Relief Act, 1877.<sup>17</sup>

Injunctions are also (i) preventive, prohibitive or restrictive, i.e. when they prevent, prohibit or restrain someone from doing something, or (ii) mandatory, i.e. when they compel, command or order some person to do something.

#### **Guiding principles for granting or not granting injunction**

Temporary injunction may be granted by a court in the following cases:

- a) Where any property in dispute in a suit is in danger of being wasted, damaged or alienated by any party to the suit, or wrongfully sold in execution of a decree, or
- b) Where a defendant threatens, or intends to remove or dispose of his property with a view to defrauding his creditors, or
- c) Where a defendant threatens to dispossess the plaintiff or otherwise cause injury to the plaintiff in relation to any property in dispute in the suit, or
- d) Where a defendant is about to commit a breach of contract, or other injury of any kind, or
- e) Where a court is of the opinion that the interest of justice so requires.<sup>18</sup>

Therefore the court will grant temporary injunction if the following conditions are satisfied

##### 1. Prima facie case:

The plaintiff must establish a prima facie case. He is not required to make out a clear title but he must establish that there is a substantial question to be investigated and that matters should be preserved in status quo until the injunction is finally disposed of.

##### 2. Irreparable injury:

An irreparable injury would result if the injunction were refused and that there is no other remedy open to the applicant by which he could protect himself from the consequences of the apprehended injury.

##### 3. Balance convenience:

The balance of convenience requires that the injunction should be granted.

##### 4. The conduct of the plaintiff has not been blameworthy.<sup>19</sup>

### **When injunction cannot be granted**

When the allegations made in the application are vague or indefinite, no injunction can be issued. Equally, no injunction should be issued in respect of a property description of which is vague and not specific.

**Injunction against a person in possession:** A person in possession of a property, as a general rule, cannot be restrained from use of the property even at the instance of the rightful owner. If the rightful owner threatens his peaceful possession, the person in possession can approach the court for the equitable relief of injunction.<sup>20</sup>

**Statutory bar against issuance of injunction:** where a statute prohibits entertainment of a suit, application or other legal proceeding for an order of injunction, no temporary injunction can be issued.

**Successive applications:** If an application for temporary injunction has been rejected, another application for injunction on the same grounds will not be entertained, though the principle of res judicata is not applicable in respect of applications for injunction, as it amounts to abuse of the process of the court.<sup>21</sup>

### **Against whom injunction can be granted**

An injunction can be granted only against a party to the suit and not against a stranger, or against a court. In an appropriate case injunction may be issued even against a person outside the jurisdiction of the court. No injunction will ordinarily be issued against government officer's bona fide exercising powers or alleged powers in the course of their duty, nor against public bodies under similar circumstances. Injunction will not be issued against a stranger unless he claims through or under a party on the basis of a title acquired subsequent to the suit or unless he represents a party.<sup>22</sup>

### **Injunction and specific performance**

Reliefs by decreeing specific performance, appointing Receiver and granting injunction belong to the same branch of law. In specific performance parties are directed to compel the performance of an active duty, while an injunction is generally directed to prevent the violation of a negative duty. The ground upon which a court of equity gives specific performance is generally the same as that upon which it grants injunction, namely, the inadequacy of the legal remedy. The remedy of injunction like that of specific performance proceeds upon the theory that there are duties the performance of which ought to be insisted upon, that is, duties in respect of which an election, as an equivalent, to violate the same upon the terms of making compensation cannot be permitted.<sup>23</sup>

### **Injunction and stay order**

If the object is likely to be defeated by delay, court may grant an ex parte injunction without notice to opposite party. Appellate Court can order stay of ad interim injunction ex parte provided it thinks that a fit case has been made out. Where the interim order, so far as the relief claimed in the suit is concerned, really decides the action, appellate Court is justified in ordering a stay so that as far as that issue is concerned it might remain open until it has heard the appeal. An order in appeal does not confirm the interlocutory order.<sup>24</sup>

So far as order to temporary injunction, as was granted was concerned, there were no proceedings under the order which could be stayed, nor was there any question of execution which could be stayed.

### **Appointment of receiver: A protective equitable relief**

Receiver has been presented to be an officer of the court who takes the possession of the suit property at the order of the court on application of the party or Suo Moto. Although it is the principle of the court as to the appointment of a receiver being a person of dignity and integrity, nevertheless, stress has been given to look into the matter as to appointment of the receiver to be in effect without objection and protest otherwise. Care must be taken to review if required, the appointment in order to have the receiver to be considered fair, balanced and equitable through whom the court's aims and objectives can be fulfilled.

### **Jurisdiction to grants reliefs by receiver**

The court has jurisdiction to appoint a receiver of properties situate outside the jurisdiction of the court in execution of a decree. The court has power to appoint a receiver in respect of the properties which are in the possession of the defendants. The extent to which the receiver may be authorized to do, or may exercise the power to take over physical possession of the properties by removing the persons in actual possession thereof will depend upon the facts and circumstances in each case.<sup>25</sup>

### **The grant of preventive or protective relief is pure discretionary**

The rule confers wide discretion to the court and appointment of receiver cannot be claimed as a matter of course. Such discretion must be exercised very sparingly as it takes away certain property out of the possession of parties litigating against each other. The discretion conferred by this rule must be exercised after consideration of the whole of the circumstances of the case. In exercise of this discretionary power, the court has to state the circumstances under which the appointment of a receiver was considered just and convenient.<sup>26</sup>

### **Effect of appointment**

In *Krishnawami v. Thangavelu*<sup>27</sup>, the following principles have been laid down for the courts to consider while deciding the question of appointment of receiver-

- a) The appointment of receiver is discretionary with the court.
- b) It is a protective relief. The object is preservation of the property in dispute pending judicial determination of the rights of the parties to it.
- c) A receiver should not be appointed unless the plaintiff prima facie proves that he has very excellent chance of succeeding in the suit.
- d) It is one of the harshest remedies which the law provides for the enforcement of the rights, and therefore, should not be lightly resorted to. Since it deprives the opposite party of possession of the property before a final judgment is pronounced, it should only be granted for the prevention of manifest wrong or injury.
- e) Generally, an order appointing a receiver will not be made where it has the effect of depriving the defendant of a de facto possession, since that might cause irreparable loss to him.
- f) The court should look at the conduct of the party who makes an application for appointment of a receiver. He must come with clean hands and should not have disentitled himself to this equitable relief by laches, delay or acquiescence.<sup>28</sup>

### **Rights and powers of a receiver**

A right to sue is not necessarily incidental to the general powers of a receiver and does not exist unless it has been conferred on him expressly or by necessary implication. A receiver cannot sue or be sued without the leave of the court, though only in exceptional cases the court refuses to grant leave suit instituted without leave of the court is liable to be dismissed and if a decree has been passed in such a suit, it may be set aside.<sup>29</sup>

A receiver is an officer of the court and he functions under the direction of the court.

The court may confer all or any of the following powers to the receiver-

- a) To institute and defend suits,
- b) To realize, manage, protect, preserve and improve the property,
- c) To collect, apply and dispose of the rents and profits,
- d) To execute documents, and

Such other powers as it thinks fit.<sup>30</sup>

The receiver has no power except that which is conferred upon him expressly or impliedly by the order of the court appointing him. His powers are conditioned by the terms of his appointment. It is open to the court not to confer all the powers to the receiver. A receiver who has been given the powers of realisation, management and protection of properties under clause (d) will have impliedly a discretionary power of sale.<sup>31</sup>

### **Removal and final discharge of the receiver**

If the receiver fails to submit accounts, or fails to pay the amount due or occasion's loss to the property by his willful default or negligence, the court may direct his property to be attached and sold and make good any amount found to be due from him. The receiver's property may be attached, even after the receiver's death, in the hands of his legal representatives.<sup>32</sup> Even after discharge the court has jurisdiction to require him to render accounts and allow parties to examine it. When a partner is appointed receiver, the right of the other partner to account must be enforced by an application to the court. Where a receiver fails to obtain direction of the court when he finds that he has no work to do and his services are no longer required, he should be made personally liable for costs.<sup>33</sup>

### **Specific performance of contracts**

In this research work observation has been made critically on specific performance of contract. Specific Performance of Contract is a deal with is considered inviolable. That means, where there can be no relief to the victim other than the contract itself, it is inevitable to promote the contract to be specifically performed with a view to rendering equitable relief save and except where damages to be concerned as alternative measure.

### **Principles governing the decree of specific performance of contract**

The general principles of specific performance may be outlined as follows:

1. Where compensation in money i.e. damages is adequate remedy, specific performance will not be granted.
2. Specific performance will not be granted where such performance would involve a general superintendence which is inconvenient to undertake by any Court of justice.
3. To grant specific performance is within the discretion of the court.<sup>34</sup> where the contract suffers from lack of mutuality at the time when it was entered into, specific performance would be refused.

### **Which can be specifically enforced: Cases in which specific performance of contract enforceable?**

Sec-12 of the Act has described cases in which specific performance of contract may, in the discretion of the court, be enforced-

- a) When the act agreed to be done is in the performance, wholly or partly, of a trust,
- b) When there exists no standard for ascertaining the actual damage caused by non-performance of the act agreed to be done,



- c) When the act agreed to be done in such that pecuniary compensation for its non-performance would not afford adequate relief, or
- d) When it is probable that pecuniary compensation cannot be got for the non-performance of the act agreed to be done.

The contract sought to be enforced must be a complete one. The explanation to this section is of utmost importance which attributes the legal presumption that the breach of a contract for the transfer of immovable property, i.e., sale, lease, mortgage, etc. cannot be adequately compensated for by damages, and as such deserves to be decreed for specific performance.<sup>35</sup>

### **Rectification of instruments**

‘Rectification of Instruments’ that cannot be effected through the principle of law. As a matter of fact, the instrument cannot be rectified by the provision of law and as such there is an opening of equity to come into fruition. It has been suggested that the instrument requires to be rectified by the court itself or by the Registration authority at the order of the court. It has also been emphasized to pay attention of the court to look into instruments to be fairly rectified to safeguard interest of the real owner.

### **When instrument may be rectified**

Contemplation of s-31 founded on the above principle is that when by the agency of fraud of one of the parties to the contract or other instrument, or where there is fraud and both parties are equally innocent, but due to a mistake of fact or law of both the parties the contract or any other instrument does not express the real intention of the parties, either party or his representative in interest may bring a suit for rectification or correction of the contract or the instrument. It must prove first that there was a prior or complete agreement between the parties.<sup>36</sup>

### **Fraud and mutual mistake**

A party to the instrument may acquiesce in an error being introduced into the writing, and then afterwards seek to take advantage of it. If a voluntary deed is incomplete, the court will not compel the completion of the imperfect instrument, but it will not help a person who has made a gift by a voluntary deed, to vary or repudiate it on any other or less distinct grounds than those on which it rectifies or rescinds other instruments<sup>37</sup>

If the voluntary settlement as executed is shown to be erroneous, the settler is entitled to have it rescinded, though he cannot be compelled to have it reformed. One could not repudiate a portion only of a lease on the ground of fraud, it could only be avoided in to.

Mistake in expression indicates that minds of the parties were not at one on that which is expressed. It does not necessarily follow that in every case of such mistake there is no contract. On equitable principles the court allows to prove common mistakes of the parties which made

the expression of the contract contrary to their common intention, and if such mistake is established, the court can grant relief of rectification.<sup>38</sup>

### **Rectification and limits of rectification**

Rectification means correction of an error in an instrument in order to give effect to the real intention of the parties. Where a contract has been reduced into writing pursuant to an earlier agreement, and the writing due to fraud or mutual mistake fails to express the real intention of the parties, the court will rectify the instrument in conformity with their true intent. There can be no rectification where there is not a prior actual contract according to which the written document is to be rectified.<sup>39</sup>

Two limits to the rectification of an instrument are there. (1) When third parties have acquired rights in good faith and for value, and (2), When a decree has been obtained upon an uncertified instrument and that decree has been executed and the money or property concerned has been recovered.<sup>40</sup>

### **Rectification can be made only to express the real intention**

In *Amanat v. Lachman* the Privy Council dealt with this question.

Firstly, relief under this section is not available unless a completed agreement was reached prior to the written instrument sought to be rectified. So, two distinct stages must be there.

- i) An agreement, verbal or written, which clearly expresses the final intention of the parties ,and,
- ii) An instrument which purports to embody that intention.

Secondly, both parties must have intended that the exact terms of the prior contract should be reduced to writing, and this intention must have continued unchanged up to the time when the instrument was executed.

Thirdly, clear evidence of common mistake of both parties must be adduced, and the burden of proving this is on the party who seeks rectification.

Fourthly, (1) error in the instrument on account of fraud of one party, (2) where there is no fraud, mistake common to both of them, and (3) the incorrect or imperfect expression of the true intention of the parties.<sup>41</sup>

### **Cancellation of instruments**

‘Cancellation of Documents’ as equitable relief has been analytically discussed. It addresses the court to be with the power to cancel the document performed fraudulently, erroneously or by undue influence and likely. This matter also cannot be considered to be effected through the principles of law. There is then the equity that needs to be applied with justice and good

conscience. In other words, the outcome of the measures to take by the court must be through equity that promotes equitable relief for the victim.

### **When cancellation may be ordered**

This part of s. 39 provides that after cancellation of a registered instrument the court shall send a copy of the decree to the officer in whose office the instrument has been registered, and such officer shall note the fact of cancellation on the copy of the instrument contained in his books. This sort of forwarding the decree is a consequential relief. A suit under this section can be filed by a person against whom the instrument void or voidable. In order to obtain decree in a suit under s.39 for cancellation of an instrument, the plaintiff must show:

- (1) That the written instrument is either void or voidable against him,
- (2) That he has reasonable apprehension that such instrument if left outstanding, may cause him serious injury, and
- (3) That the court ought, under the circumstances of the case, in the exercise of its discretion to adjudge the instrument void or voidable and order it to be delivered up and cancelled.<sup>42</sup>

### **Partial cancellation and compensation**

The plaintiff brought the suit for partial cancellation of the contract to the extent of the land he was evicted from on the ground of impossibility to perform a portion of the contract. It was held that sections 33-38 did not apply to the case, but the plaintiff was entitled to relief under s.40 of the Act. The court may, in its discretion allow partial cancellation of an instrument when necessary, and allow a part of it to stand.

Compensation includes return of the money received as part of the transaction either personally or through agent. It also includes interest. Since a minor is not bound by the contract, in the case of cancellation of loan agreement with a minor the lender is not entitled to recover interest for the reason the liability to pay interest arises ex-contractor whereas the liability to repay loan arises on equitable principle.<sup>43</sup>

### **Suit when not necessary**

A void document does not require cancellation. Whenever a person misled or deceived in executing a document or entering into a contract, that does not bind him. Where a person is induced to execute a document other than he had undertaken to execute, the document is void and need not be cancelled. This doctrine is equally applicable whether the grantor is literate or illiterate. A person can show that the admission made by him in a document is untrue and that it was obtained fraudulently. There is no necessity for him to have the deed cancelled by a suit under s.39 in order to plead that the admission is not true.<sup>44</sup>

### **Registered instrument**

A registered sale-deed being voidable and not void, cancellation thereof in terms of section-39, Specific Relief Act, 1877 was the only remedy and not suit of declaration in terms of section -42 of the Act. But where Trial Court on basis of evidence on record, decreed suit of cancellation of registered sale-deed allegedly executed by plaintiff/respondent in favor of defendant holding that defendant/alleged vendee had failed to prove execution of registered sale-deed in his favor the judgment was upheld.<sup>45</sup>

### **Declaratory decree**

Declaratory Decree as equitable relief has been dealt. It concerned with equitable reliefs for the victim through mere expression in the form of declaration. The declaration does not concern in depth of the parties rights already established and uncontested and along with that the other matters too. As the declaratory decree is non executable, the end of the concerned suit is to be effected finally at the order of the court. Hence it is the court which must be serious and attentive to pass the declaratory decree to provide equitable relief to the victim. It must not at all be to the contrary of equitable interest of the parties even to the interest of the opponent.

### **Condition of declaratory decree**

It is open to a Court to give a declaration subject to certain conditions. Thus where a Muslim co-heir sues for a declaration that a decree against another co-heir does not bind his share in the property, the declaration can be granted and it can be made contingent upon his paying proportionate share of the debt of the deceased.<sup>46</sup> where certain Muslims sued the representative Hindus of a locality for a declaration of their right to kill cows and for an injunction and it was proved that the plaintiffs had the legal right but there was a custom of abstention. It was held that the plaintiffs were entitled to a conditional decree.

### **Declaratory decree and discretion of courts, consequential relief**

The discretion has to be exercised on certain well recognized principles relating to sound and judicious exercise of discretion with reference to the varying circumstances of each case. The discretion should be exercised to put an end to a protracted dispute. A judge interfering with the discretion exercised by a lower court in granting declaratory decree should state his reasons for such interference. It is for the court in exercise of its discretion to decide whether the plaintiff is competent to sue.<sup>47</sup>

A relief is said to be a consequential relief only when the relief of declaration is essential to the grant of that relief. It means that no relief is consequential to a declaration unless it cannot be granted without the declaration. A relief is consequential if it follows from something on which it depends. Therefore consequential relief cannot be granted when the main relief is refused. Therefore, consequential relief could not be granted after dismissing main relief of declaration.<sup>48</sup>

### **Conclusion**

In a progressive society, the thoughts and ideas of the people go ahead of law calling for equity to provide justice in cases of rigidity, defects or deficiencies of the existing law. The highest form of relief which may be expected from the law is to see that no one encroaches upon the right of another, failing which the law should give the same thing which the suitor has been deprived of, or one which is nearly equivalent or similar to it as possible. Equitable relief mainly dealt with the rules of equity with a view to providing remedy to the victims as equitable relief under the civil justice system. Every person who is injured in the social process must have a social redress. A mere declaration of rights and duties is not sufficient to give protection to life and property. Enumeration of rights and duties must be supplemented by legal devices which can help the individual to enforce his rights. Equitable relief is confined to that class of remedies by which a suitor seeks to obtain and a court of justice seeks to give him the very relief to which he is entitled.

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# Assessment of the Impact of General Assembly Resolution in the making of International Law

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**Abstract:** The United Nations General Assembly which is one of the six organs of the United Nations is a forum for discussion, negotiation and co-ordination. According to Article 13 of the Charter of the United Nations the General Assembly has responsibility for encouraging the progressive development of International Law and its codification. Although not a legislative body in any sense, the ability of the General Assembly to adopt resolutions on any subject, convene law making conferences, adopt treaties and initiate codification projects has given it a central role in the development of International Law. This Article seeks to assess the impact of General Assembly resolutions in development and making of International Law.

**Key words:** General Assembly, Resolution, Source, Convention, Custom, General Principles.

## Introduction

In Contrast to the domestic systems the ascertainment of the Law in the International Legal system is complicated as there exists no single body able to create laws internationally binding upon every one. There also is the lacking of a proper system of courts which can interpret and extend the law. However, according to Malcom N. Shaw international law exists and is ascertainable and sources are available from which rules may be extracted and analyzed.

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The most authoritative statement regarding the sources of International Law is provided in Article 38 (1) of the Statute of International Court of Justice (**hereinafter referred to as the ‘Statute’**) as according to Article 93 of United Nations Charter all Member States of United Nations are also parties to the statute, there is enough evidence to rely that Article 38 of the Statute expresses the universal perception as to enumeration of sources of International law<sup>1</sup>. Article 38 (1) of the Statute reads thus; The Court, whose function is to decide in accordance with International law such disputes as are submitted to it, shall apply;

- (a) International Conventions, whether general or particular, establishing rules expressly recognized by the contesting states;
- (b) International custom as evidence of a general practice accepted as law;
- (c) The general principles of law recognized by civilized nations;
- (d) Subject to the provisions of Article 59, judicial decisions and the teaching of the most highly qualified publicists of the various nations, as subsidiary means for determination of rules of law<sup>2</sup>.

The most uniformly accepted source of international law is convention or treaty. A treaty is an agreement between two or more countries. Treaties come in numerous forms, from bilateral understandings between two friendly states, to those that end world wars or create international arrangements like the United Nations Organization. They cover the entire scope of human activities from politics, economics and the arts to the sciences, agriculture, youth exchanges and family relations. They vary in the level of formality and solemnity with which they are concluded.<sup>3</sup>

Another uniformly-accepted source of international law is customary international law. Customary International Law is created by the actual actions of states (called “state practice”) when they demonstrate that those states believe that acting otherwise would be illegal. Even if the rule of CIL is not written down, it still binds states, requiring them to follow it.<sup>4</sup>

The third broadly accepted source of international law is the general principles of law which is, in the phrasing of the Statute of the International Court of Justice, “recognized by civilized nations”. The primary difficulty lies in deciphering what this vague formulation actually means in specific cases. The function of ascertaining, sanctifying and legitimizing so-called general principles of law may depend on the existence of consensus among highly-qualified international law scholars and jurists as to whether a particular behavior or rule should be considered as mandated by international law, independently of what states may have accepted or done<sup>5</sup>

The last two sources of international law are considered “subsidiary means for the determination of rules of law.” While these sources are not by themselves international law, when coupled with evidence of

international custom or general principles of law, they may help to prove the existence of a particular rule of international law. Especially influential are judicial decisions, both of the International Court of Justice (ICJ) and of national courts. The ICJ, as the principal legal body of the United Nations, is considered an authoritative expounder of law, and when the national courts of many countries begin accepting a certain principle as legal justification; this may signal a developing acceptance of that principle on a wide basis such that it may be considered part of international law. Legal scholarship, on the other hand, is not really authoritative in it self, but may describe rules of law that are widely followed around the world. Thus, articles and books by law professors can be consulted to find out what international law is.<sup>6</sup>

### **Aims and Objectives of the study**

This paper tends to discuss about the role of United Nations General Assembly and analyses the impact the resolutions of General Assembly have in making international law.

Use of International legislations is increasing day-by-day as countries are having more and more issues to deal with each other, regionally and also internationally. It is very important to know about the sources of international law as they do not flow from a single spring. In this backdrop this study is important as it analyses different dimensions of General Assembly resolutions and their impacts on different international law sources.

**Methodology:** This Article is based on United Nations Charter and the Statute of the International Court of Justice, book and journals written by eminent jurists, teachers, lawyers and web-sites. Reliance has also been placed on United Nations General Assembly Resolutions, reports published by different authorities, newspaper articles, International treaties and conventions. Thus the Article is based on both primary sources and secondary sources.

### **The General Assembly**

The General Assembly is the parliamentary body of the United Nations organization and consists of representatives of all the member states.<sup>7</sup> Its powers are to oversee the budget of the United Nations, appoint the non-permanent members to the Security Council, receive reports from other parts of the United Nations and make recommendations in the form of General Assembly Resolutions.<sup>8</sup> With minor exceptions it has no power to take decisions binding on states.<sup>9</sup> The Assembly holds an executive position within the United Nations since it has deliberative, administrative, fiscal, and elective powers. Of most importance are the Assembly's deliberative activities, during which global conflicts may be addressed<sup>10</sup>.

### **General Assembly Resolutions**

A United Nations General Assembly Resolution is voted on by all member states of the United Nations in the General Assembly. General Assembly resolutions usually require a simple majority (50% of all votes plus one) to pass. However, if the General Assembly determines that the issue is an "important question" by a simple majority vote, then a two-thirds majority is required.<sup>11</sup>

### **Impact of General Assembly Resolutions in the making of International Law**

Certain resolutions of the Assembly are binding upon the organs and member states of the United Nations. Other resolutions, however, are not legally binding and are merely recommendatory. This is the classic position and reflects the intention that the Assembly was to be basically a parliamentary advisory body. Nowadays, the situation is somewhat more complex. The Assembly has produced a great number of highly important resolutions and declarations and it was inevitable that these should have some impact upon the direction adopted by modern international law.<sup>12</sup> Resolutions of the General Assembly can have an effect on international law either by serving as the basis for the development of customary law or through the subsequent incorporation of the principles contained in the resolution into a legally binding instrument.<sup>13</sup>

In the following discussion focus will be on the effects of General Assembly resolutions to international law through traditional sources of international law, on General Assembly resolution as a source of international law and on examples of law making resolutions of the General Assembly.

### **Impact of General Assembly Resolutions through Traditional Sources**

**A. Impact of Resolutions on Conventions:** There are numerous General Assembly resolutions that subsequently incorporated into international treaties. For example, the 1948 Universal Declaration of Human Rights adopted by resolution 217(III)<sup>14</sup> led to the two international human rights covenants. In relation to the environment, several General Assembly resolutions on legal principles have served as the catalyst for the development of international environmental law.<sup>15</sup> Thus, norms formulated in a resolution may be taken over in a convention. Resolution in tandem with conventions may also facilitate the transmission of treaty norms into customary law. The status of the norm in the resolution is still uncertain but of general applicability, while the status of the treaty norm is certain but only for the parties. The interplay between the two may assist in the generation of customary norms of both general application and certain effect.<sup>16</sup>

**B. Impact of Resolutions on Customs:** There are a number of ways in which General Assembly Resolutions may be related to custom. Consideration will be given here to methods through which

resolutions may contribute to custom, resolutions as elements of custom and other effects of resolutions on custom

### **Methods through which Resolutions may contribute to Custom**

According to Judge Jimenez de Arechaga there are three ways in which resolutions contribute to customary international law. They may declare existing law, crystallize emerging law or be a focal point for future development of a customary rule.<sup>17</sup>

**(i) Declare existing law:** In some instances, it may be possible to argue that the resolution is declaratory of existing customary international law.<sup>18</sup>

**(ii) Crystallizing emerging law:** General Assembly resolutions may crystallize state practice so that a new rule of custom is created, although this may be more obvious where the resolution is adopted unanimously, as with the resolutions on the law of outer space.<sup>19</sup>

**(iii) Focal point for future development:** General Assembly resolutions also contribute to the development of customary international law. By providing a focal point for concordant practice, the process of norm generation is greatly accelerated and may even be changed.<sup>20</sup>

Apart from the above another way has been suggested by which resolutions contribute to customary international law, and that is creation and development.

**(iv) Creation and Development:** Not content with developing law under the guise of declaring or crystallizing existing and emerging law, some resolutions might frankly declare new law. In particular this might occur in an entirely new field such as outer space or the deep sea-bed. Professor Sohn, referring to the General Assembly resolutions on friendly relations, outer space and sea-bed, states that there is a wider consensus that these declarations actually established new rules of international law binding upon all States. This is not treaty-making but a new method of creating customary international law.<sup>21</sup>

### **C. Resolutions as elements of Customary International Law**

General Assembly resolutions may also be related to customary international law as one of the elements required for the validation of a customary rule.<sup>22</sup> Where the vast majority of states consistently vote for resolutions and declarations on a topic, that amount to state practice and a binding rule may very well emerge provided that the requisite *opinion juris* can be proved.<sup>23</sup> The Court in the Nicaragua Case tentatively expressed the view that the *opinion juris* requirement could be derived from the circumstances surrounding the adoption and application of a resolution.<sup>24</sup>

#### **D. Effect of General Assembly Resolution to General Principles of Law**

The third source enumerated in Article 38 of the Statute of the International Court of Justice is the general principles of law recognized by civilized nations. A number of writers have related the effect of a wide selection of Assembly resolutions to general principles. For example, resolutions on the Nuremberg Principles, racial discrimination, genocide have been cited as declarations of general principles.<sup>25</sup> Resolutions might declare the existence of general principles, might crystallized general principles that are in the process of being recognized or they might be the bases from which the recognition of general principles develops.<sup>26</sup>

**E. Subsidiary sources:** General Assembly resolutions may be related in some ways to the subsidiary sources mentioned in Article 38(1) (d)- a sort of lending authority to judicial decisions and doctrine.<sup>27</sup>

#### **Resolutions as an Independent Source of International Law**

The General Assembly was not established as a law making body. The intention was to follow the example of the League of Nations.<sup>28</sup> Many resolutions of the General Assembly are convenient material sources of law, in as much as they state, with apparent authority, propositions of general law, and are often assented to by a large majority of the member states. It is therefore tempting to confer on them the authority of a formal source of law, to look no further than the resolution itself in order to assert the binding quality of the rules enunciated. When rules declared in resolutions have been relied on in international litigation, the resolutions have been judicially assessed as no more than declaratory of customary law or at most as evidence of the existence of the *opinion juris*.<sup>29</sup> There has been argument to treat the General Assembly Resolutions as an additional source of international law by treating Article 38(1) of the 1946 Statute of the International Court of Justice as dated.<sup>30</sup>

#### **Examples of Law Making Resolutions of General Assembly**

From the above discussion it appears that the General Assembly resolutions have played a role in the making of international law by influencing the traditional sources. To assess the impact of General Assembly resolutions in the making of international law it is important to have a look at the examples of law making resolutions of the General Assembly. The examples are, Universal Declaration of Human Rights, Resolution on the Charter of Economic Rights and Duties of States, Resolution on Apartheid as an International Crime, Resolution establishing the Third Conference on the Law of The Sea etc.<sup>31</sup>

#### **Conclusion**

According to Sands, one must be alive to the dangers in ascribing legal value to everything that emanates from the Assembly. General Assembly resolutions are able to speed up the process of the legalization of a state practice and thus enable a speedier adaptation of customary law to the conditions of modern life. The presence of representatives of virtually all of the states of the world in the General Assembly enormously enhances the value of the organ in general political terms and in terms of the generation of state practice that may or may not lead to binding custom. Resolutions are often the results of political compromise and arrangements and comprehended in that sense, never intended to constitute binding norms. Great care must be taken in moving from a plethora of practice to the identification of legal norms.<sup>32</sup>

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# Ecocriticism and Robert Frost's Poetry

Dr. Md. Abu Zafor\*

**Abstract:** Today's world is beset with serious ecological crisis caused by air pollution, global warming, deforestation, loss of biodiversity and so on. Against this backdrop of environmental degradation, literature can play a role creating awareness among people in preserving the natural world. Following feminism and post colonialism a newer approach termed as 'ecocriticism' has emerged to study a literary text. Since the late 1980s ecocriticism began to draw the attention of scholars within the humanities and beyond. Ecocriticism basically refers to the study of literature and environment. Although ecocritical analysis of any literary text is possible, some authors/texts have got special attention for their nature-focused writings, and Robert Frost is one of them. The present article attempts to briefly discuss the emergence of ecocriticism and its development till the present time and analyze some poems of Robert Frost on ecological viewpoints.

**Key words:** Ecocriticism, Robert Frost, Deep Ecology, Natural Environment.

## Introduction

The slogan for World Environment Day 2014 was "Raise your voice not the sea level." Sea level rise is the direct consequence of global warming mainly caused by increased amount of greenhouse gases in the air. The world's industrially developed countries are more responsible for the emission of greenhouse gases resulting in environmental pollution and ecological imbalance. The world's ecological balance is also under serious threat due to man's cruelty and callousness to the nonhuman world. Unplanned urbanization, indiscriminate killing of other animals, deforestation etc contribute to the ever increasing degradation of the natural world. In the twenty first century the biggest challenge for mankind should be to protect the nonhuman elements of the environment for the sake of their own existence on earth. The importance and significance of man's healthy relationship with nature has always been reflected in the literary works. In the face of environmental degradation this aspect of literature called the attention of many scholars, though it remains dormant until the late 1980s when a group of US based scholars began a movement and the word 'ecocriticism' began to be used in the critical vocabulary within the humanities. Today a huge number of scholars from many parts of the world are active in ecological studies of literature. An ecocritical approach to a literary text absorbs from it the ideas and thoughts that are helpful in dealing with the relationship between man and nature, and even contributes as much as possible to the cause of environmental preservation. Although most creative writers can be ecocritically approached, some authors have got special attention for their nature-focused writings, and Robert Frost (1874-1963) is one of them. An ecocritical approach to Frost's poems can yield ecological consciousness that **has** not been sufficiently focused by traditional reading approach. The present article, therefore, has been

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designed for such a reading approach to Frost's poems. But before discussing the poems I have tried to provide a background focus of ecocriticism which is an emergent area and a new movement in many parts of the world.

### **Ecocriticism—Its Background and Development**

The word 'ecocriticism' combines the two words 'eco' and criticism. 'Eco' is the short form of the word ecology. The *New Oxford Advanced Learner's Dictionary* defines ecology as "the relation of plants and living creatures to each other and to their environment." By analogy ecocriticism is concerned with the relationships between literature and environment or how man's relationships with his physical environment are reflected in literature. The ecologically minded scholars had published works of eco-theory and criticism since the explosion of environmentalism in the late 1960s and 1970s. William Rueckert may have been the first person to use the term ecocriticism. In 1978, Rueckert published an essay titled *Literature and Ecology: An Experiment in Ecocriticism*.<sup>1</sup> His intent was to focus on "the application of ecology and ecological concepts to the study of literature. However, there was no organized movement to study the ecological side of literature until the 1989 WLA (Western Literature Association) conference of the US based scholars. In this conference Cheryll Glotfelty revived the term ecocriticism to refer to the diffuse critical field that had previously been known as 'the study of nature writing'.<sup>2</sup> Glotfelty's role was instrumental in putting ecocriticism on an academic footing. In 1990 she was hired by the University of Nevada, Reno as Professor of Literature and Environment. In 1992 she was the cofounder of ASLE (Association for the Study of Literature and Environment) which is the most leading organization working in the area of Literature and Environment.<sup>3</sup> In 1996 with Harold Fromm she co-edited the book *The Ecocriticism Reader* which is the first collection of its kind, an anthology of classic and cutting-edge writings in the rapidly emerging field of literary ecology. However, ecocriticism as it exists today in the USA had its literary bearings from three major nineteenth-century American authors whose work celebrates nature, the life force and the wilderness as manifested in America. They include Ralph Waldo Emerson (1803-1882), Margaret Fuller (1810-1850) and Henry David Thoreau (1817-1862). Emerson's first short book, *Nature*, Fuller's *Summer on the Lakes*, and Thoreau's *Walden* are perhaps the classic accounts of man's love for nature and natural world. These three books can be seen as the foundational works of American eco-centred writing.

In UK, ecocriticism is often termed as green studies. The UK based ecocriticism or green studies had its bearings from the British Romanticism of the 1790s. The founding figure of ecocriticism on the British side is Jonathan Bate, author of the book *Romantic ecology: Wordsworth and the environmental Tradition* published in 1991 by Rutledge. Some British ecocritics make the point that many of their concerns are evident (before the term ecocriticism existed) in Raymond William's book *The Country and the City* first published in 1973 by Chatto and Windus. However, the definitive UK collection of essays (having equivalent status in UK to that of Glotfelty and Fromm in the USA) is Laurence Coupe's edited volume *The Green Studies Reader from Romanticism to Ecocriticism* published by Rutledge in 2000.

In China, many scholars have been active in the area of ecocriticism. Since 1990 a good number of books and articles on ecocriticism have been published by Chinese scholars. In 2006 Lu Shuyuan from Suzhou University published the book *The Space for Ecocriticism*. It explores the poetic and spiritual dimension of human nature and human culture in relation to the natural world. Lu has defined ecocriticism as ‘a discipline that studies the relationship between the subject as spiritual entity (human mainly) and its (natural, social and cultural) environment of existence.’<sup>4</sup> Zeng Yongcheng’s *Literary Green Thinking: An Introduction to Literary Ecology* (2000) is considered a foundational work in the recent work of ecocritical research in China. Zeng’s concept of ecocriticism is the “rhythmic interaction between living things and their environment” that can be a “theoretical approach which attempts to connect ecological literary study with the study of ecology and to try to patch up the missing link of the mechanics of ecology with literary art.”<sup>5</sup>

In India ecocriticism has got significant attention within the humanities. In 2011 Department of English of Central University of Tamil Nadu organized a national conference on “Towards Indian Ecocriticism.” On ecocriticism Professor Murali Sivaranakrishnan of the Dept of English, Pondichery University published *Nature and Human Nature*. His edited book *Ecological Criticism for the present: Literature, Nature and Critical Enquiry* published in 2011 contains 15 essays by various scholars on ecocriticism. ASLE India also regularly publishes its newsletters, organizes meetings of its members, calls for writings on ecocriticism etc. Over the past few years some English departments of Indian universities and colleges have included courses on ecocriticism.

In this global context, however, ecocriticism has touched Bangladesh, though slowly. In his book *Rabindranath Tagore and National Identity Formation in Bangladesh: Essays and Reviews* (2012) Professor Fakrul Alam of the Dept of English, Dhaka University, has written a chapter on Rabindranath Tagore’s eco consciousness under the title “Rabindranath Tagore and eco-consciousness”. In this essay Alam illustrates how Tagore showed his concern about the environmental degradation of his time and urged people to return to nature. As far as ecological consciousness is concerned Tagore can be compared to Thoreau, Emerson, Wordsworth, or any other writers writing about the importance of natural environment.

### **Ecocritical Principles to Study a Literary Text**

In comparison with other forms of criticism such as Marxist and/or Feminist criticism, there has been relatively little dispute about the moral and philosophical aims of ecocriticism, though its scope has broadened rapidly from nature writing, Romantic poetry, and canonical literature to take in film, television, theatre, animal stories, architectures, scientific narratives and an extraordinary range of literary texts. Ecocriticism has borrowed methodologies and theoretically informed approaches liberally from other fields of literary, social and scientific study.

Ecocriticism rejects the notion that everything is socially and/or linguistically constructed. For ecocritics nature “really exists, out there beyond ourselves, not needing to be ironised as a concept, but actually present as an entity which affects us, and which we can affect, perhaps fatally, if we mistreat it”<sup>6</sup>. Nature, then, isn’t reducible to a concept which we conceive as part of our cultural practice. In her book *What is Nature* (1995) Kate Soper says, “It isn’t language which has a hole in its ozone layer”<sup>7</sup>. Ecocriticism, then rejects the foundational belief in ‘constructedness.’ Glotfelty, most outstanding scholar of ecocriticism, Says:

What then is ecocriticism? Simply put, ecocriticism is the study of the relationship between literature and the physical environment. Just as the feminist criticism examines language and literature from a gender-conscious perspective, and Marxist criticism brings an awareness of modes of production and economic class to its reading of texts, ecocriticism takes an earth-centred approach to literary studies. Ecocritics and theorists ask questions like the following: How is nature represented in this sonnet? What role does the physical setting play in the plot of this novel? Are the values expressed in this play consistent with ecological wisdom? How do our metaphor of the land influence the way we treat it? How can we characterize nature writing as a genre? In addition to race, class, and gender, should *place* become a new critical category? Do men write about nature differently than women do? In what ways has literacy itself affected humankind’s relationship to the natural world? How has the concept of wilderness changed over time? In what ways and to what effect is the environmental crisis seeping into contemporary literature and popular culture? What view of nature informs US Government reports, corporate advertising, and televised nature documentaries, and to what rhetorical effect? What bearing might the science of ecology have on literary studies? How is science itself open to literary analysis?<sup>8</sup>

Another scholar of ecocriticism Lawrence Buell defines it as “a study of the relationship between literature and the environment conducted in a spirit of commitment to environmentalist praxis.”<sup>9</sup> Simon Estok says, “ecocriticism has distinguished itself, debates notwithstanding, firstly by the ethical stand it takes, its commitment to the natural world as an important thing rather than simply as an object of thematic study, and, secondly, by its commitment to making connections.”<sup>10</sup> More recently, in an article that extends ecocriticism to Shakespearean studies, Estok argues that ecocriticism is more than “simply the study of Nature or natural things in literature; rather, it is any theory that is committed to effecting change by analyzing the function—thematic, artistic, social, historical, ideological, theoretical, or otherwise—of the natural environment, or aspects of it, represented in documents (literary or other) that contribute to material practices in material worlds.”<sup>11</sup> This echoes the functional approach of the cultural ecology branch of ecocriticism, which analyzes the analogies between ecosystems and imaginative texts and posits that such texts potentially have an ecological (regenerative, revitalizing) function in the cultural system.

It is clear that ecocriticism is related to the better understanding of ecology as a concept. Some ecocritics consider the principles of deep ecology while approaching a literary text. Deep ecology is “contemporary ecological and environmental philosophy characterized by its advocacy of the inherent worth of living beings regardless of their instrumental utility to human needs, and advocacy for a radical restructuring of modern human societies in accordance with such ideas.”<sup>12</sup> In 1973 Arne Naess, a Norwegian philosopher, coined the term ‘deep ecology’ which, afterwards, turned into a movement in the USA and beyond. The following points of Deep ecology are summed up by Arne Naess and George Sessions:

- The well-being and flourishing of non-human life on earth have value in themselves, independent of the usefulness of the non-human world for human purposes.
- Richness and diversity of life-forms contribute to the realization of these values and are also values in themselves.
- Humans have no right to reduce this richness and diversity except to satisfy vital needs.
- The flourishing of human life and cultures is compatible with a substantial decrease of the human population. The flourishing of non-human life requires such a decrease.
- Present human interference with the non-human world is excessive, and the situation is rapidly worsening.
- Policies must therefore be changed. These policies affect basic economic, technological and ideological structures. The resulting state of affairs would be deeply different from the present.
- The ideological change is mainly that of appreciating life quality rather than adhering to an increasingly higher standard of living.
- Those who subscribe to the foregoing points have an obligation either directly or indirectly to try to implement the necessary changes.<sup>13</sup>

While analyzing Frost’s poems I have taken into consideration the eight-tiered principles of deep ecology above.

### **Deep Ecology in Frost’s Poems**

Frost’s poetry is characterized by its simple language, graceful conception and deep ecological wisdom. The settings of most of his poems are the rural landscape of New England where he lived with his family and did farming for several years. He was a lover of nature, but he was not a pantheist like William Wordsworth who believed that nature’s influence is always good upon human minds. In fact, Frost also had some philosophical belief that nature has a kind of influence

upon human mind if the mind is exposed to nature. In his poems, men and women gain wisdom coming in contact with nature. Frost noticed that environmental degradation was on the increase, and in many of his poems he expressed this concern. He was shocked to find the people of his time being ego-centric rather than eco centric. Frost regards that man and nature are equal, interacted and interrelated. In his poems man is placed amidst nature. He shows that both man and nature had their limitations; they have their joys and sorrows, but both must maintain a healthy relationship of co-existence for their mutual benefit. Therefore, ecocritical reading Frost's poetry can clarify our understanding of his ecological consciousness, and here I have attempted to analyze some poems.

### **Stopping by Woods on a Snowy Evening**

‘Stopping by Woods on a Snowy Evening’ is perhaps the best known poem of Robert Frost. The poem in general shows one’s love for nature and the natural world. The setting of the poem—the woods, the frozen lakes, snowfall and the silence of the evening provide a mysterious atmosphere. One can gain wisdom in such a natural environment. On his way the speaker stopped to watch the mysterious beauty of the wood in a snowfall evening. He is different from others of the industrialized society, and this can be guessed from the projection of his thought on the horse: “My Little horse must think it queer/ To stop without a farmhouse near.” The horse represents the nonsensical modern people who find no interest to the objects of nature. The speaker’s desire to drink the mysterious beauty of the wood ‘filled up with snow’ and a pull to be connected with the duties (promises) for his fellow beings make a beautiful bond between man and nature. Amidst nature, John F Lynene says, Frost “sees the basis of man’s power and indeed of his spiritual being.”<sup>14</sup> The poem is a critique of modern civilization. Being detached from nature the modern people are spiritually barren. The speaker is different. Amidst this mysterious natural background he gains self realization. He realizes the importance of ecological bondage between the human world and the nonhuman world. He realizes the importance of his duties towards his fellow beings. This ecologically balanced relationship has been expressed in such beautiful and rhythmic lines:

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.<sup>15</sup>

## **Tree at My Window**

‘Tree at My Window’ is a beautiful nature lyric. The poem shows an intimate relationship between a tree and a man. The tree represents the natural world, the role of which is very important in man’s life. Science tells us that trees give out oxygen without which humans and other animals cannot survive. Trees give us fruits and shade. They should be our friends. Humans must love trees for their survival and for spiritual development. The poet’s relationship with the tree at his window is very deep though the tree and the poet have their separate entity. The poet’s relationship with the tree is so deep that he can even understand its language as the poet says ‘Not all your light tongues talking aloud/ could be profound.’ The poet wants no separation from the tree. This is why he says, ‘let there never be curtain drawn/Between you and me.’ Amidst nature man learns life’s lessons and the poet’s realization comes, “Your head so much concerned with outer,/Mine with inner” that both of them are destined to suffer. In an age when unplanned urbanization and deforestation are on rampant, man’s love for trees can save the environment. Obviously, ‘Tree at My Window’ gives an insight that modern people should have a greater understanding and appreciation of the importance of trees to maintain an ecological balance.

## **Out, Out**

The poem “Out, Out” can be interpreted as Frost’s lament over the breakdown of ecological balance both in the human world and natural world. In this poem there is the presence of nature: “And from there those that lifted eyes could count / five mountains ranges one behind the other / Under the sunset far into Vermont.” In today’s world man’s cruelty to nature is sometimes avenged by the fury of nature in the form of natural disasters. In this poem nature does not save the boy who lost his hand working with the saw which “rattled” and “made dust and dropped stove-length sticks of wood.” The saw’s activity refers to deforestation that makes ecological imbalance affecting the human world. Dehumanization and child labour began to loom large in the society once industrialization started and had its mad rush. Frost was against modern people’s over materialistic attitude that neglects humanity. If humans continue damaging the natural environment and keep indifferent to this crucial issue, the days are not far away when

they will be “out, out” from the earth. In the money monger’s sawmill the boy does ‘a man’s work though child at heart’. The boy’s tragic death touched no one so much. So others ‘turned to their affair’ because ‘they were not the one dead.’ The poem is a warning against exploitation of child labour in the capitalist society that damages ecological balance both in the human society and in natural world. It advocates the necessity of a healthy relationship among humans and natural world.

### **Some Other Poems**

As illustration some more poems are referred to here to show the environmental issues in Frost. “Mending Wall” is a poem that deals with the contrary attitudes of the two villagers, one of whom is the supposed speaker of the poem. The wall in the poem metaphorically refers to the walls in human society as well as the walls in nature that slice things. The speaker’s neighbour is in favour of mending the wall. He says, ‘Good fences make good neighbours’. The speaker, on the other hand, finds no reason of keeping a wall between their lands because ‘He is all pine and I am apple orchard.’ Also, ‘something there is that doesn’t love a wall’ which means that nature does not like a wall. The ‘fence’ or ‘wall’ are also to be interpreted as the blocks, barrages, dams etc that prevent natural flow and damage biodiversity. Thus the spirit of the poem expresses the poet’s ecological consciousness.

Frost’s deep ecology can be felt in “West Running Brook”. Frost, like a true environmentalist, presents stream as an emblem in which a young couple recognize the running water as completing the triumvirate of their marriage. It becomes the stream of life for them:

“It is from that in water we were from  
Long, long before we were from any creature  
It flows between us, over us, and with us.  
And it is time, strength, tone light, life, and love.”<sup>16</sup>

In today’s world fresh water is going to be scarce more and more. The poem expresses the speaker’s concern for the preservation of water as he says, “We love the things we love for what, they are”. Here he refers to the brooks. Frost urges his readers to take care of water, the fount and elixir of life on earth.

The poem “At Woodward’s Gardens” gives the message that humans have no privilege over other creatures. Some poems such as “After Apple Picking” “Gum Gatherer” and “Mowing”

upholds the idea that humans have their own limitations and should exploit nature moderately to earn their living. “A Tuft of Flower”, “Rose” manifests the view of reciprocal relationship between man and nature. The poem “Riders” shows man’s failure in conquering nature. “Good-Bye and Keep Cold” suggests that the best way of living with nature is not to interfere it so much.

Frost points out the callous nature of man in disposing of a brook’s “immortal force” by running roughshod over it with his houses, curbs and street, throwing the brook, “Deep in a sewer dungeon.” Frost talks about man’s irresponsible playing with bonfires which is equally destructive, as with man’s perversity in toying with gunfire. In his “Range Finding” Frost conveys the ominous upheaval of the entire ecology caused by shells as its poison spreads over hill and pasture.

## **Conclusion**

Clearly, Robert Frost’s poetry conveys the message that nature and natural environment is the ultimate source of knowledge, power and shelter for the humans, and so any attempt to damage nature is bound to affect the lives of humans directly or indirectly. Obviously, human beings are the most intelligent beings on earth and it is they who have brought civilization. In many respects they have achieved power over nature, but they should be wise enough to show respect to the natural world for the sake of their own existence. Mother earth is already angry that she shows her human children through greenhouse effect, sea level rise, tsunami, and so on. It is high time humans realized their mistakes and took effective steps to recover a healthy relationship between man and nature through such noble acts like greening the earth by reducing all kinds of pollutions, stopping deforestation and preserving the wild life and wilderness. It is time humans should take the responsibility of mitigating the present environmental crisis of the world by innovating means however possible. In this regard Frost’s poetry can be read more and analyzed more to make people more aware of the necessity of preserving nature and natural environment in order to prevent the impending danger and disaster.



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- 1 Barry, Peter, 2010, *Beginning Theory: An introduction to literary and cultural theory*. Viva Books, India, p.240.
- 2 ibid, p.240.
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- 15 "Stopping by Woods on a Snowy Evening" in *Robert Frost: Selected Poems*, 1973, Penguin Books, London, p.130.
- 16 "West Running Brook" in *Robert Frost: Selected Poems*,ibid, pp.153–155.

## Transcendentalism: A Way to Achieve Oneness with the Divine

Tahmina Sultana<sup>\*</sup>

**Abstract:** Transcendentalism is a philosophical and literary movement centered in the Eastern region of the United States during the period from 1830 to 1860. The transcendentalists accept these ideas not as religious beliefs but as a way of understanding life relationships. This study is an approach with a view to clarify the term “Transcendentalism” and to show how this philosophy can aid man’s insight. In addition, this essay will open up a new horizon of optimistic attitude of an individual. Transcendentalism is an amalgam of various philosophies, both of the east and of west, both ancient and modern. Transcendentalists believed that man has ideas that come not through the five senses or the powers of reasoning, but are the result of direct revelation from God, his immediate inspiration or his immanent presence in the spiritual or divine world. It asserts that man possesses intuition or 6<sup>th</sup> sense which is connected to Divinity; through using this intuition with a close association with nature, man can perceive the basic unity or the oneness of the universe. Moreover, this philosophy helps man to perceive truth. Transcendentalism never depends on orthodox ideas; rather this philosophy claims that organized religions ultimately corrupt the purity of the individual. The exceptional philosophical insight offered by transcendental movement had an enlightening effect on whole of American literary activities as well as on the social activities. The religious implication of this philosophy is also worth mentioning.

**Key words:** transcendentalism, God, divine, intuition, nature, unity, spiritual, truth, oneness, individual.

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## **Introduction**

Transcendentalism means going beyond the usual limits of human knowledge, experience or reason, especially in a religious or spiritual way. A transcendentalist is one who believes in the existence of a divine world, beyond and above the senses<sup>1</sup>. Divine is something connected with God. So Transcendentalism is a spiritual and artistic Renaissance that took place in the United States from roughly 1835-1880. This philosophy was first propagated in Germany by philosophers such as Immanuel Kant, Hegel Fichte, and Schelling. Transcendentalism has its roots in Oriental, particularly Hindu philosophy. Emerson who is considered as the father of American Transcendentalism sings of Brahma, the Hindu God, and for Walt Whitman, too, mystic orient is fascinating.

Though the Transcendentalists borrowed and developed many ideas and concepts of the Enlighteners (optimism, the idea of people's sovereignty, equality, democratism), they rejected their rationalism and materialism. Transcendentalism was also a kind of religion-with its own prophets, scriptures, preachers, and followers. Among the members of the Transcendental Club, there were many New England preachers, writers, poets, and educationalists whose literary and spiritual legacy shaped American literature of the 19<sup>th</sup> century and left its mark on the cultural life of this period. The members of the Transcendental Club are: Ralph Waldo Emerson, Henry David Thoreau, George Ripley, Margaret Fuller, Orestes Brownson, William Henry Channing, Christopher Cranch, Frederick Hedge and others. Other prominent transcendentalists include John Muir, Walt Whitman, Amos Bronson Alcott, Elizabeth Palmer Peabody, Emily Dickinson and others<sup>2</sup>. From 1840, the group published frequently in their journal *The Dial*. Easily the most important contribution in this attempt was of Margaret Fuller. With some support from Emerson, Fuller was the main publisher behind *The Dial*, which ran from 1840 to 1844. A journal devoted to printing the work of prominent Transcendentalists, *The Dial* holds a place of high esteem in the history of American letters. More than any other collection of documents, the publication history of *The Dial* reveals the heart, soul, and mind of the transcendental movement.

## **Objectives**

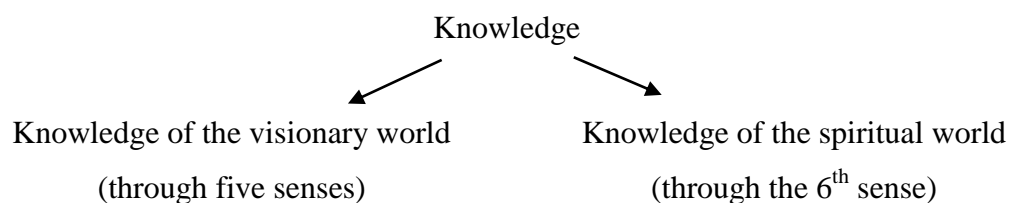
Firstly, to familiarize with the major tenets of the transcendentalist code of knowledge. Secondly, to open up a part of the history of an intellectual movement. Thirdly, to clarify the real purport of Transcendentalism. Fourthly, to explain the German and the American philosophical faith which constitute Transcendentalism . Fifthly, to expound that, seemingly

Transcendental belief matches with the core beliefs of different religions but it's not the same. Sixthly, to meet up the spiritual hunger, this paper endeavors to slake some key issues related to intuitive insights into the religious and philosophical thinking. Seventhly, to show significant effects of Transcendentalism on the society. Eighthly to ascertain that, the belief in the oneness of all the universal existence is the root of Transcendentalism. Finally and most importantly, to look for 'Truth'; the truth of God, the truth of the creation, and the truth of the universe. Materialistic post modern people are unaware of the original unit- that Divine whole (God), and they are getting minutely subdivided. In this regard this paper may help us to feel the existence of the celestial power and to become one with it through the agency of Nature.

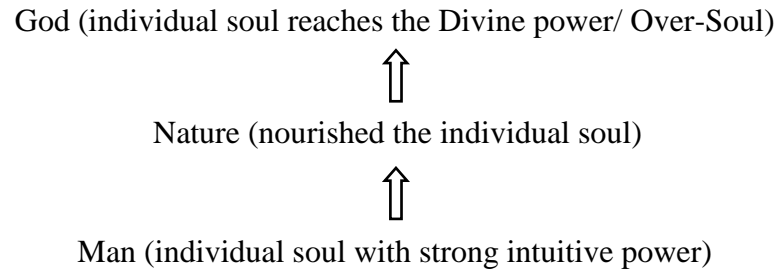
### **What is Transcendentalism?**

The term 'Transcendentalism' has been historically defined as "New England Renaissance" which was produced by the importing of German idealism into American Unitarianism<sup>3</sup>. An alternative meaning for Transcendentalism is the classical philosophy that 'God transcends the visionary world'. In fact, the 19<sup>th</sup> century American Transcendentalism is not a religion; it is a pragmatic philosophy, a state of mind and a form of spirituality. It arose among the Congregationalists who differed from orthodox Calvinism in two issues. They rejected predestination, and they emphasized the unity instead of the trinity of God<sup>4</sup>. But they also believed that the miracles described in the Bible provided proof of the religion. This philosophy is fundamentally a variety of diverse sources, such as: Greek philosophers especially Plato, the Mohammedan Sufis, the Hindu writers of the 'Upanishads' and 'Bhagavad-Gita', the Buddhists etc. Transcendentalism is Monist; it doesn't reject an afterlife, but its emphasis is on this life. Monism believes in the unity of all things; all existing things go back to a source which is their 'Original Unit'<sup>5</sup>.

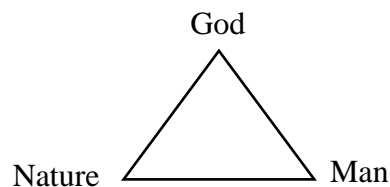
Transcendental philosophy can be understood more clearly from the figs 1-3:



**Fig 1- Primary divisions of knowledge.**



**Fig 2- The process to attain transcendental knowledge.**



**Fig 3- The oneness of all/ the basic unity/ the cosmic unity**

#### **Basic features of Transcendentalism**

- An individual is the spiritual center of the universe, and in an individual it is possible to find the clue to nature, history and the cosmos itself. All knowledge, therefore, begins with self knowledge. This is similar to Socrates' dictum 'know thyself'.
- Nature is a living mystery- it is symbolic.
- One has to rely on his own intuition, natural instinct and truth.
- The unity of the universe/the basic unity/ the cosmic unity must be realized.
- Individual virtue and happiness depend upon self-realization that is self-transcending tendency to know and become one with the Divine.
- A transcendental soul move from 'the self' to 'the whole'. This dualism has the aspects of Freudian 'super ego' and the Hindu movement from 'Atman' (egoistic existence) to 'Brahma' (the cosmic existence).
- One must have faith in his intuition, for no church or creed can communicate truth.
- One has to avoid dogmatic rules, superstition, external authority and absolute optimism.

## **Transcendentalism as a philosophy**

Transcendentalism was a philosophical and literary movement in the 1800s. Over time, the number of people influenced by transcendentalism increased, and many of the core values and beliefs of the movement still affect American culture and political views today. The guiding principle of transcendentalism is the belief that people are at their best when they are self-reliant and independent; organized people and political parties corrupt the purity of individuals.<sup>6</sup> Some other core transcendental beliefs are:

- 1) There was a higher law that guided the way society and its institutions worked. This idea of ‘natural law’ continues to influence much of jurisprudential philosophy in the 21<sup>st</sup> century.
- 2) A belief in a ‘cosmic unity’ and in the ultimate connection between all living things was at the center of transcendentalism. Emerson wrote in his ‘Nature’,<sup>7</sup>  
“The world, proceeds from the same spirit as the body of man. It is a remoter and inferior incarnation of God, a projection of God in the unconscious.”
- 3) Transcendentalists emphasized the idea of ‘Individualism’-that is freedom and worth of an individual soul. It is only possible for an independent soul to attain divine knowledge. It believes that the entire universe is a duplicate of the individual self; the knowledge of the universe could only be ascertained through ‘intimate self- examination’.
- 4) Nature’s benevolence is another important issue in Transcendentalism. Nature and Man are intertwined and designed to fit together like pieces of a larger ‘puzzle’ and that total consciousness could be achieved through observing Nature. Henry David Thoreau’s ‘Walden’ chronicles the more than two years he spent living in solitude in the woods.<sup>8</sup>

## **Transcendentalism- an American intellectual movement**

Transcendentalism was in many aspects first notable American intellectual movement. It certainly was their first to inspire succeeding generations of American intellectuals, as well as a number of literary monuments.<sup>9</sup>

The movement directly influences the growing movement of ‘Mental Sciences’ of the 19<sup>th</sup> century which would later become known as the ‘New thought movement’. New thought considers Emerson its intellectual father.<sup>10</sup> Emma Curtis Hopkins ‘the teacher of the teachers’, Ernest Holmes, founder of ‘Religious Science’, the Fillmores, founders of ‘Unity’ and Malinda Cramer Nona L. Books, the founders of ‘Divine Science’ were all greatly

influenced by Transcendentalism. Ralph Waldo Emerson is today the most readily recognized propagator and champion of the 19<sup>th</sup> century Transcendentalist thought. Emerson gave German philosopher Immanuel Kant the credit for making 'Transcendentalism' a familiar term. Kant said there were experiences that could be acquired through 'intuitions of the mind'. Emerson explains how every idea has its source in natural phenomena.

### **Emerson -the father of transcendentalism**

If the Transcendental movement had a founding father, then he was most certainly Ralph Waldo Emerson. Emerson was a Harvard-educated essayist and lecturer and is recognized as the first truly "American" thinker. Emerson deals almost entirely with metaphysical questions, the relation of the visible world to the soul of the individual. He left his imprint in some way upon such diverse men as- Gandhi and Nietzsche, Whitman and Tagore, Carlyle and Kagawa. He also influenced Thoreau and Mark Twain.<sup>3</sup> The publication of Ralph Waldo Emerson's 1836 essay 'Nature' is usually considered the watershed movement at which transcendentalism became a major cultural movement. It expresses the fundamental concepts of transcendentalism and anticipates later works such as 'Over-Soul'. His 'The American Scholar', 1837 and 'The Divinity School Address', 1838 expressed his utter concern for the individual. Emerson openly rejects church dominion over the spiritual life of the individual and advocates that man becomes his own church. For he says:

"Truth is attainable only through intuition; it cannot be received second-hand."

In "Nature" Emerson asserts that man and his world form a perfect harmony. His central message was self-reliance. In his essay "Self-Reliance" he wrote: "No law can be sacred to me but that of my own Nature." His attack on traditional Christianity symbolized his distrust of tradition in all forms. Against traditional religion he advocated intuition, against formal theology he recognized the authenticity of the individual relationship between man and God.

### **Literary value of Transcendentalism**

Transcendentalism took root in America and evolved into a predominantly literary expression. The long-lasting influence that the Transcendentalists had on American literature cannot be denied. The fact that the United States was still such a young nation; Emerson and his contemporaries saw a nation on the brink of discovering its own voice. In this regard the transcendentalists saw an opportunity to make a break with England and forge a new

literature for a new continent. That literature would be bold and expressive, and a bit wild, like the land itself.

Transcendentalism in its proper sense did not last much into the 1850s, but American literature as a whole saw a revival that may not have been possible without the inspiration of Emerson, Thoreau, and their ilk. The literary productions of Nathaniel Hawthorne, Herman Melville, and Walt Whitman shifted the balance of power in English literature away from the British Isles and towards the United States. The classics and masterpieces produced in these years include:

- Emerson's 'Nature',
- Nathaniel Hawthorne's 'The Scarlet Letter',
- Herman Melville's 'Moby –Dick,
- Thoreau's 'Walden' and
- Walt Whitman's 'Leaves of Grass'

A clear directness of connectivity between Transcendentalism and this phase of artistic creativity can be appreciated by quoting the opening and closing lines of Whitman's most celebrated poem, "Leaves of Grass",<sup>11</sup>

I celebrate myself, and sing myself,  
And what I assume you shall assume,  
For every atom belonging to me as good belongs to you,  
.....  
"You shall no longer take things at second or third hand,  
nor look through the eyes of the dead,  
.....  
You shall not look through my eyes either, nor take things from me,  
You shall listen to all sides and filter them from yourself.

The new American literature was bold, fresh, and young. They spoke in favor of women's rights and abolition, and encouraged protest against the government when its actions disagreed with the common good. In the realm of art, Transcendentalism was the intellectual fuel that stoked the fires of American literature for years to come.

### **Religious affiliation of Transcendentalism**



In looking at the beliefs of major religious systems and their views of God, we find tremendous diversity:

- Hindus acknowledge multitudes of gods and goddesses
- Buddhists say there is no deity
- New age followers are unaware of God
- Muslims believe in a powerful but unknowable God

Basically all these religions are similar in their idea of Divinity. In fact transcendentalism matches with the core beliefs of the major religions of the world. While some transcendentalists were Christian, many were not and a key value of the movement was a celebration of the body. The idealized view of the body was coupled with a sense of metaphysics. Despite their varied religious beliefs, transcendentalists generally view 'spirituality' as a necessity for the pure life. East Asian literature and sacred writings from Hinduism, Buddhism and Islam influenced this focus on spirituality.

The transcendentalists are the advocates of a 'natural religion' which did not recognize intermediaries between man and God, and challenged the necessity of church as an institution. Emerson, Thoreau, Ripley Parker, Alcott and Brownson could not but class with the established Unitarian orthodoxy. They followed the tradition of J.J Rousseau, Thomas Jefferson and Thomas Paine who had criticized dogmatic Christianity from the standpoint of 'natural religion'. Thomas Paine once said:

"My reason is my Religion"

Emerson and Thoreau could have said:

"My conscience is my Religion"

Transcendentalists rely on 'Intuition'- the highest means of cognition. Theodore Parker expressed: "The great truths of morality and religion, the deep sentiment of love to God, are perceived intuitively, and by instinct, as it were, though our theology be imperfect and miserable"<sup>12</sup>

According to the emerging viewpoint authentic religion is 'an intuition that cannot be received at second hand'. The importance Emerson placed upon a direct relationship with God and nature derived from the concept of the Over-Soul, described in his essay "The Over-Soul" (1838) as:

“that Unity, that Over-Soul, within which every man’s particular being is contained and made one with all other”

Here transcendentalism is identical with ‘Pantheism’ which believes that the ‘Universe’ is identical with ‘Divinity’ or that everything composes an all-encompassing, immanent God.<sup>13</sup>

### **Transcendentalism and Social Reform**

The social implications of transcendentalism begin with the idea of self-reliance and individualism and that ‘man is basically good’. A major social implication formed by Transcendentalist is the ‘constant and increasingly urgent critique of American slavery’. This abolitionist goals were often expressed through literature such as Thoreau’s ‘Slavery in Massachusetts (1854), as well as Emerson’s ‘Lecture on Slavery’.<sup>14</sup>

Transcendentalism celebrated the divine equality of each soul; thus it became the ideal philosophy for a nation dedicated to the proposition that ‘all men are created equal and have the same inalienable rights.’ The transcendentalists worked to form the communities aimed at dissolving the differences between classes and creating an ‘Utopian Society’. They left an indelible impression on American thought thereafter Henry David Thoreau’s essay “Civil Disobedience” was in many ways the first of its kind, and would ensure that the cannon of transcendentalist literature went beyond just a spiritual and philosophical movement and addressed public life.<sup>15</sup> Thoreau became a reluctant but impassioned spokesman for the abolition movement, and his life would later influence other social reformers such as Gandhi and Martin Luther King Jr.

### **Necessity of Transcendental knowledge in the post-modern world:**

The post modern people are getting indifferent to the idea of God, unaware of his/her soul maker. They are concerned with their own power to survive and hold a higher consciousness within themselves. They are not willing to keep faith on something invisible, unseen. Broadly speaking a post-modern man is creating a world made up of his own. In this tiny world there is a very little space for emotional bondage. This over-materialistic generation presents an alienated society. Gradually the people are getting minutely subdivided from each other; and eventually from their original unit. When this new-agers reach at the culmination of a disaster in life, they find nothing to take refuge, none to whom they can seek shelter. At this very phase of their life, being frustrated and extremely confused, either they kill themselves or start to be immoral.

Theories that attempt to establish the inner nature of the world will always be interesting and instructive. The transcendentalist never produced a complete theory; instead they theorized spontaneously in an attempt to shore up the practices that brought them closer to the good. They show us the extent to which human being is capable of loving all that is good in the world. Transcendental philosophy can be a beacon to the post modern confused world. People here are alone in a mass; losing faith, moral guard, religious belief and above all mental peace. In this very state transcendental teaching can bring a new hope for the frustrated mass of the post-modern world. Transcendentalism finds meaning in everything and all meaning is connected by divine plan. This philosophy calls man to rise above immediate need and the desire for sensory gratification. It leads to an optimistic emphasis on individualism, but it does not mean alienation. Rather it encourages unity of the individuals. Each and every individual is important. So everyone deserves worth, all have the divine 'spark' within and thus all are part of the 'whole'- the 'Divine whole'.

## **Conclusion**

Transcendentalism emanates from unsubstantiated belief which is beyond the grasp of human being. In the 18<sup>th</sup> century, American and European societies were covered with social inequality, injustice and all- pervasive degradation. People were looking for safe place in the care of God. In this regard, Transcendentalism was a vehement movement against the then prevailing Orthodox Church. Transcendentalism had no system; it was more poetry than thought. It was nothing but an idealism which is closely related to life's reality. Almost every transcendentalist especially Emerson believed in a true and judicious synthesis of mind and matter, intuition and intellect. The transcendental movement continued to expand, first as a revolt against the sterile Unitarian orthodoxy, then as a protest against the continuing cultural dependency of America on Europe, and finally as a profound exploration of the spiritual foundation and moral implication of the new democracy. Emerson, the pioneer of this philosophy deals almost entirely in metaphysical questions-the relation of visible world to the soul of the individual, the reality of the spiritual element in nature. Technically speaking transcendentalism started in practice and was formed as a theory afterwards.

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## Renaissance Spirit: A Critical Probe into Christopher Marlowe's *Doctor Faustus*

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**Abstract:** Christopher Marlowe was a renaissance playwright. Therefore it was usual for him that his play *Doctor Faustus* would contain Renaissance spirit. *Doctor Faustus* has a wonderful expression of renaissance elements and the character Dr. Faustus is a renaissance protagonist. Marlowe, in his *Dr. Faustus*, his master piece, draws an excellent character before us that can be regarded as a strong individual, an embodiment of Renaissance and a tragic hero. Indeed, each and every man possesses two forces going on in him. One is social that abides by the set up rules of his surroundings. Another is individual that reflects the belongings of his mind particularly from his own demand, dream and thought. Faustus has a firm individuality that is why he is called an individual hero.

**Key words:** Renaissance, Individuality, Scepticism, Sensual Pleasure, Audacity.

### Introduction

Doctor Faustus is the masterpiece of Christopher Marlowe. He belonged to the Elizabethan age and he was one of the top dramatists of his age. He did not write a lot of plays but all of his plays are of high quality and he can be easily compared with his contemporary William Shakespeare. If you read Doctor Faustus then you will understand that he was in no way a lesser dramatist than Shakespeare. In Doctor Faustus, we can find renaissance elements and Doctor Faustus is a renaissance man. I think that it has both renaissance and anti-renaissance elements. However, mostly it has renaissance elements and just one or two anti-renaissance elements.

The Renaissance authors were fascinated by new learning and knowledge. He took all knowledge to be his province. He regarded knowledge to be power. He developed an insatiable thirst for further curiosity, knowledge, power, beauty, riches, worldly pleasures and the like. The writer of this age represented their age in their work. Marlowe is the greatest and truest representative of his age. So the Renaissance influence is seen in every one of his plays. Dr. Faustus represents the Renaissance spirit in various ways.

Renaissance also praised individualism instead of society. Faustus was an individualistic type of hero. He did not care for what others thought or what the society said. Instead he wanted to have his own ideas and challenge others. It is not that he was always right but he had individualistic ideas all the way in the drama. Based on the criticism of Christopher Marlowe, critical analysis of different books, literary web sites and many literary journals remain very useful as the supporting materials for the study. English Elizabethan playwright Christopher Marlowe was versatile in using Renaissance elements. This work will find out the renaissance spirit of Marlowe while writing a play and the only cooperative method was 'Observation Method' for this research article.

### General Discussion on the Playwright

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Christopher Marlowe was an author of the Renaissance. Therefore it was usual for him that his play Doctor Faustus would contain Renaissance spirit. We see in Dr. Faustus a wonderful expression of renaissance elements and the character Dr. Faustus as a renaissance man.

Marlowe was an English dramatist, poet and translator of the Elizabethan era. Marlowe was the foremost Elizabethan tragedian of his day. He greatly influenced William Shakespeare, who was born in the same year as Marlowe and who rose to become the pre-eminent Elizabethan playwright after Marlowe's mysterious early death. Marlowe's plays are known for the use of blank verse, and their overreaching protagonists.

A warrant was issued for Marlowe's arrest on 18 May 1593. No reason was given for it, though it was thought to be connected to allegations of blasphemy—a manuscript believed to have been written by Marlowe was said to contain 'vile heretical conceits'. On 20 May he was brought to the court to attend upon the Privy Council for questioning. There is no record of their having met that day, however, and he was commanded to attend upon them each day thereafter until 'licensed to the contrary'. Ten days later, he was stabbed to death by Ingram Frizer. Whether the stabbing was connected to his arrest has never been resolved.

Marlowe's plays were enormously successful, thanks in part, no doubt, to the imposing stage presence of Edward Alleyn. Alleyn was unusually tall for the time, and the haughty roles of Tamburlaine, Faustus, and Barabas were probably written especially for him. Marlowe's plays were the foundation of the repertoire of Alleyn's company, the Admiral's Men, throughout the 1590s. Marlowe also wrote the poem *Hero and Leander* (published in 1598, and with a continuation by George Chapman the same year), the popular lyric "The Passionate Shepherd to His Love", and translations of Ovid's *Amores* and the first book of Lucan's *Pharsalia*. In 1599, his translation of Ovid was banned and copies publicly burned as part of Archbishop Whitgift's crackdown on offensive material.<sup>1</sup>

## **Etymology**

The word 'Renaissance' itself means 'rebirth' or 'reawakening'. It means the 'revival' of the classical knowledge. "The idea of rebirth originated in the belief that Europeans had discovered the superiority of Greek and Roman culture after many centuries of what they considered intellectual and culture decline." Thus the question what was the renaissance about is answered as the widespread cultural revival marking the division between the so called 'dark ages' and the modern world. The Renaissance was a period of fundamental change in human outlook once dominated by religious dogma and Christian theology. The age was marked by a great yearning for unlimited knowledge; by love for worldliness – supreme power, sensual pleasures of life; by love for beauty; respect for classicism; by skepticism, individualism and Machiavellian influence.<sup>2</sup>

## **The Tragic Protagonist**

In the Renaissance, the unique talents and potential of the individual became significant. The concept of personal fame was much more highly developed than during middle ages. Actually Faustus is an individualistic tragic hero. His tragedy is his own creation. He does not think like traditional heroes or men. He crosses his limit while common people do not generally cross that. He falls, not by the fickleness of fortune or the decree of fate, or because he has been corrupted by Mephistopheles, the agent of Lucifer, the devil, but all things happen to him because of his own will. He commits sin by wanting like God or to exceed God and by rejecting God and accepting Beelzebub, the devil. So he must suffer in fine.

Faustus is a tragic hero, individual in character. But through his death he proves the loftiness of God, Almighty. O.P. Broclbent says-

“Faustus’s passion for knowledge and power is in itself a virtue, but diverted from the service of God it threatens to become totally negative and self-destroying”.

However, if we go through the depth of Faustus’s tragedy, we observe that Faustus stands not for a character, not for a single man, but for man, for every man. His tragedy is not a personal tragedy, but a tragedy that overtakes all those who dare “practice more than heavenly power permits” In this way, Faustus’s individualistic tragedy turns to a universal too.

### **Marlowe’s Audacity**

Marlowe himself enjoyed a reputation as ‘Atheist and Epicure’ condemner and mocker of religions. Thomas Kyd and Richard Bains under pressure of authorities brought against him many charges of blasphemy, heresy and atheism. He was accused for instance, of saying that the first beginning of Religions was only to keep man in awe and that Moses as a juggler and Aaron a cosoner the one for his miracles to Pharaoh to prove there was a god, and the other for taking the earrings of the children of Israel to make a golden calf. It seems that Marlowe even delivered a lecture on atheism. We admit these charges against him as true because he had no serious reverence for Christianity.

### **Seduction of the Protagonist**

Marlowe was profoundly influenced by Machiavelli, the famous Italian writer, who disregarded all the conventional, moral principles to achieve the ends by any fair or foul means. The ambition of Marlowe led him to rebel against God and religion and to defy the laws of society and man. His refusal is bound to bring mental conflict which results in deep despair and defeat both Marlowe and Faustus. Dr. Faustus makes a bargain with the devil to achieve his goal. He is ready to pay any price for the attainment of his purpose.

Although, his conscience pricks him and there are Good and Evil angels who warn him against the danger of damnation, yet he cannot resist the temptation as Evil angel says:

“Be thou on earth as Jove in the sky,  
Lord and commander of these elements.”

And then, Dr. Faustus, as the true embodiment of Renaissance spirit, starts dreaming of gaining super-human powers and performing miraculous deeds with the help of the spirits raised by him,

“I’ll have them fly to India for gold,  
Ransack the ocean for orient pearl,  
I’ll have them read me strange philosophy,  
And tell the secrets of all foreign kings.”

All these proud assertions clearly show Marlowe’s Renaissance spirit of adventure and supreme craze for knowledge and power without any limit. In fact Faustus is seduced by Marlowe.

## **The Renaissance Spirits**

As an embodiment of Renaissance, Dr. Faustus, having attained knowledge, power and fame, wants more and more, unparalleled possession. He has achieved knowledge of all branches. Yet he wants to do whatever he pleases. So he would like to practice necromancy.<sup>3</sup>

“Shall I make spirits fetch me what I please”

## **Love for Knowledge and Power**

The most important thing in the Renaissance is craving for ‘knowledge infinite’. This characteristic has been injected in Faustus properly. He has achieved knowledge of all branches. Yet he feels unfulfilled. So he wants to practice black art and with this he would be able to know all things.

After selling his soul, he, at the very first, questions Mephistopheles to know the mystery of the universe, about the position of hell.

“First, will I question with thee about hell,  
Tell me where is the place that men call hell?”

Faustus also wants to reach his goal by any means, even by selling his soul to Devil –

“Faustus gives to thee his soul.”

Furthermore, Faustus earns money by selling a false horse to a Horse-course deceitfully.

The Renaissance has made Faustus fascinated by supreme power. Faustus says-

“A sound magician is a mighty God

Here, Faustus, tire thy brains to gain a deity.”

## **Intellectual Curiosity**

There was an intellectual curiosity during the Renaissance. The new discoveries in science and developments in technology went beyond mere material advances. It was a youthful age to which nothing seems impossible. Before the European, this period opened a new world of imagination. All these things stirred men’s imagination and led them to believe that the infinite was attainable. In Dr. Faustus, Marlowe has expressed such ideas, when Faustus says:

“O, what a world of profit and delight,  
Of power, of honour, of omnipotence,  
Is promised to the studious artisan!  
All things that move between the quiet poles  
Shall be at my command.”

## **Influence of Classical Literature**

Dominance of classical literature, art and culture is a prominent feature of the Renaissance. And it is frequently expressed by Marlowe in his allusions, examples, references. One of such examples is in the following couple of lines where Faustus says,

“Have I not made blind Homer sing to me  
Of Alexander’s love and Oenon’s death?”

## **Scepticism**

The Renaissance was marked by an intense interest in the visible world. It turned away from the abstract speculations and interest in life after death that characterized the middle Ages.



Marlowe raises question and gives answer to that question by his protagonist in the following lines-

“That, after this life, there is any pain?  
Thus, these are trifles and mere old wives tales.”<sup>4</sup>

Thus Renaissance allows Scepticism and secularism.

### **Love for Beauty and Sensual Pleasure**

Faustus's eagerness to get the most beautiful German maid to be his wife and Helen to be his paramour and to find heaven in her lips proves his love of beauty along with love for sensual pleasure which is also a Renaissance element. He says to Mephistophilis,

“For I am wanton and lascivious  
And cannot live without a wife.”

The Renaissance man desired wealth and worldly pleasures. After his agreement with the Devil he would have spirits at his command to do whatever he liked. He would like them to bring gold from India, pearls from oceans and delicacies from every part of the world. In this way he would have a lot of power and wealth to enjoy worldly pleasures. Like the Renaissance man Dr. Faustus wanted to travel across the world. So with the help of Mephistopheles he traveled to distant countries. And-

He views the clouds, the planets and the stars  
The tropes, zones, and quarters of the sky  
From east to west his dragons swiftly glide.

### **Keen Material Prosperity**

Faustus's longing for material prosperity, for money and wealth, which is also a Renaissance element, has been expressed in the following lines where he desires to gain the lordship of Embden a great commercial city-

“Of wealth!  
Why, the signiority of Embden shall be mine.”

### **Ignorance for the Clout of the Pope**

The Reformation was a companion movement of the Renaissance. The Protestants challenged the clout of the Pope and disregarded him. Marlowe not only disregarded the Pope and the Bishops, when he stayed in Pope's place, but gave him a box on the ear. He also made fun of bishops because he pointed that they were interested in only belly cheer.

### **Pivotal Issue of the Play**

*Doctor Faustus* is the only one of Marlowe's plays in which the pivotal issue is strictly religious and the whole design rests upon protestant doctrines. This issue, stated simply, is whether Doctor Faustus shall choose God or the evil delights of witchcraft and we witness his bargain with the witchcraft. Thus the drama is not primarily one of external action but of spiritual combat within the soul of man, waged according to the laws of Christian world order. Here Marlowe, through Faustus, utters strictures on prayer, hell and the Christian religion, but he never lets these iconoclastic sallies overthrow the Christian dogma.<sup>5</sup>

## Conclusion

Dr. Faustus should be considered as an embodiment of Renaissance, a tragic hero, individual and forceful. At the same time, he represents us too but the only difference is that we dare hardly avoid the established concepts of society, religion, but Faustus boldly went ahead to his individual demand. However in religious point of view, he committed a great sin and suffered a lot - that is, it is a morality play too. There is a terrible warning for humanity in the final chorus:

“Faustus is gone: regard his hellish fall,  
Whose friendly fortune may exhort the wise,  
Only to wonder at unlawful things”

To sum up it can be said that Marlowe creates a faithful embodiment of the Renaissance in his play with the protagonist. He bears all the characteristics of the age. Actually Marlowe has pictured Faustus with great care and interest of the age. George Satayana justly says in this regard –

“Marlowe is a martyr to everything, power, curious knowledge, enterprise, wealth and beauty.”

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## “Sexual Violence and Commodification of ‘Femininity’ in Ghetuputra Kamola”

### Deconstructing, read: queering, Gender and Sexual Identity

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**Abstract:** In the context of post-modern academia, gender and sexual identities are regarded potential, ‘problematic’ and paramount discursive sites. It is theorized that both Gender and sexual identities are socio-cultural construct, therefore these identities are not beyond patriarchal and gender politics. Since this identity is politicized and socio-cultural construct, it cannot be finally fixed. Moreover, gender and sexual identities are not time, place and *space* neutral. In our country, little academic and discursive effort has been given to this site. Interestingly, at that critical juncture, Humayun Ahmed’s 2012 film *Ghetuputra Kamola* or *Pleasure Boy Kamola* appeared on screen. Based on *ghetu*-culture, this film represents how a Bangladeshi feudal patriarchal society in the nineteenth century legitimized sexual violence in the name of *ghetu*-culture. Significantly, this lost practice of *ghetu*-culture arises some queries. What is the *ghetuboy*’s sexual and gender identity? Is a patriarchal society compulsorily heterosexual? Why does the *ghetuboy* have to perform in disguise of a girl? With an eye to finding out probable solutions to these queries we have discussed Simone de Beauvoir, Adrienne Rich and Judith Butler. It seems that the portrayal of *ghetuculture* in Humayun Ahmed’s *Ghetuputra Kamola* deconstructs both gender and sexual identity, and the process society sets to assign someone as woman/ man, while commodifying ‘femininity’. Since in gender studies, ‘to queer’ is preferred to ‘to deconstruct’, therefore in this paper we have frequently used this term to mean ‘advanced level of deconstruction’. As an analytical research, this paper has developed into the critical and discursive site of gender and sexual identity.

**Key words:** Deconstruction, *Ghetu* culture, Heterosexuality, Identity: Sexual and Gender, Queer, Queered, Performativity.

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## Introduction

Late Humayun Ahmed's latest film *Ghetuputra Kamola*<sup>1</sup>, released in 2012 by Impress Tele-film Ltd., portrays *ghetuculture* that was a cultural practice in the North-Eastern part of Bangladesh once upon a time. *Ghetu*-ballet was exposed at a *Boishnoba* - a religious cult - den of Jolshukha village in Habiganj district about 150 years ago where some pretty boys disguised as girls danced to music and song. These boys were popularly known as *ghetuputras* or 'pleasure-boys.' Jolshukha was and still is a marsh land; therefore it was a subject to be flooded during the rainy season for three months. In the then feudal society, people got no job during this season since the society was based on agriculture and agro-business. In the monsoon, people were used to passing their leisure time with the *ghetu*-ballet. Especially the aristocratic ritzy people took this entertaining form as pastime. Subsequently, the ritzy men became sexually attracted to the young lads who were the chief performers of the *ghetu*-ballet. With the passage of time, this celebration of *ghetu*-ballet turned into child-sex-abuse, which was gradually being considered as a 'usual' cultural praxis of the *upper class society*. The sexual manipulation of the young lad in the name of *ghetuculture* got social approval as well. The aristocratic men would hire a *ghetu* and keep 'him' in his house to have sex- it was acknowledged in that society.

Though *ghetu*-ballet was introduced as a 'healthy' form of entertainment, gradually it turned into same-sex violence on the *ghetu*-boys. Albeit of being same-sex abuse, it sells 'femininity' from the perspective of the *ghetu*-boys and also consumes 'femininity' from the perspective of the customer, and thus queers gender and sexual stereotypes, which are termed as socio-cultural construct. The portrayal of *ghetuculture* in Humayun Ahmed's *Ghetuputra Kamola* deconstructs, read: queers, both gender and sexual identity, and the process society sets to assign someone as woman/ man, while commodifying 'femininity'

## Rationale

This study is significant in the academia of Bangladeshi Gender Studies as well as Cultural Studies. In an advanced level, the application of queer reading of *ghetuculture* may contribute to this discipline. It may help us understand the complexity and mutability of identity – *gendered* and sexual - formation, how homoerotic desire is quenched under the *mask* of 'femininity', and the like.

## Objectives & Methodology

This paper aims: to know how Kamola's performance as a *ghetuboy* problematizes his gender and sexual identity; to understand how it queers gender, gendering, sex and sexuality; to understand the role of performativity in the construction of gender and sex ; to question how commodification of 'femininity' takes place. In doing so, Simone de Beauvoir's concept of gender, Judith Butler's theory of 'performativity' and, Adrienne Rich's theory of 'compulsory heterosexuality' will be discussed briefly. The methodology includes library work and watching the film.

## Defining the Key Term

It is queer to take an attempt to define queer since queer is queer. The very word 'queer' can be maximized as a noun, adjective and verb. Hence, it is possible to queer something as a queer and it is possible to queer something as queer. However, in contemporary Gender Studies, "[i]n general, 'to queer', is to destabilize heteropatriarchal (meta)narratives; in particular, to deconstruct or problematize notions of sex and gender, notions of normalcy and properness."<sup>2</sup> Queer Studies refers to a set of theories that "refrains from taking any monolithic or defining stance....and questions (read: queers) the identifying mechanism and destabilizes one – dimensionality."<sup>2</sup>

Mashrur Shahid Hossain views "queer as an inclusive name, comprising the gendered and sexual categories and activities – including asexual, BDSM, eunuch, gay, lesbian, pansexual, transgendered, transsexual, and transvestite – that have long been considered to be odd, queer, abnormal by/ in the normalized, normative heterosexual society."<sup>2</sup> He argues that it is less hegemonic – lexically and semantically – than LGBT studies. If queer is a category, then it will paradoxically transgress the notion and praxis of categorization. Queering, thus, can be seen as the *process of deconstruction* where any stereotypical and one-dimensional category and the process of categorization are questioned and subsequently deconstructed. This paper focuses on *what* and *how* of the queered gender and sexuality, portrayed in *Ghetuputra Kamola*.

## Discourse Analysis

It is Simone de Beauvoir<sup>3</sup> – a First Wave Feminism activist, who distinguishes gender from sexuality and labels the earlier one as a socio-cultural construct. It is a socio-cultural construct and not neutral to sexuality, time and place and action; therefore the concept as well as any gendered identity is never finally fixed rather sexuality, action, time and place display, displace, disrupt and above all problematize this construct. This construct – the concept and the imposed gendered identity – is problematic because of its paradoxical nature: though the concept is beyond any fixation it tries to fix primarily two categories and negates others as the ‘Other’. Our patriarchal and gender chauvinist society, keeping in mind the second half of the nineteenth century Habiganj, acknowledges only two gender categories - masculine and feminine- and stigmatizes anything in-between these two standards. These two work in an imbalanced binary system where one arm, here masculinity, is dominant than the other arm, here femininity. Judith Butler<sup>4</sup>, following Beauvoir, explores into the nature of the socio-cultural construct to find out how gender acts and problematizes. She argues that a person is not born with an inborn gender identity rather s/he has to maintain any one out of two previously sets rules of gender performance. Butler calls it *performativity*. A man has to perform what he is supposed to perform: masculinity; a woman has to perform what she is supposed to perform: femininity. She also argues that any attempt to transgress the border between man and woman may invoke tension. Later, she maintains that both sexual identity and sexual orientation are socio-cultural construct. One may born with a particular type of sex organ but it does not always define a person’s sexual identity and sexual orientations rather the way we *see* it and *use* it defines our sexual orientation and sexual identity.

Adrienne Rich<sup>5</sup>, a Second Wave Feminist of America, in her ‘Compulsory heterosexuality and Lesbian Existence’ introduces the term ‘compulsory heterosexuality’ to designate the gendered society we live in. She argues that heterosexuality – sexual relationship between opposite sex - is patriarchal and maintained as ‘compulsory’ and ‘natural’. She terms the position of patriarchy on sexuality as ‘compulsory heterosexuality’ and ‘heteronarmativity’/ normal. That means patriarchal society acknowledges only two sexes - female and male – and ‘productive’ sexuality between male and female but stigmatizes other sexual formations as transgressing and ‘queer’. In spite of this marginalization, non-heterosexuality remains pervasive in the history of sexuality.

On the one hand, heterosexuality considers any ‘transgressing’ sexuality – homosexuality, bisexuality: sexual relationship with both same and opposite sexes , pansexuality and the like – as queer; on the other hand, the presence and practice of these ‘deviant’ forms question the authenticity of ‘natural’ heterosexuality. Thus, the complete scenario of sexuality has become queer and been queered.

### **Gender and gendering-the process- are queered in *Ghetuculture***

A *ghetu* has to *perform* the role of a girl, though he is a boy in terms of biology. In the film, Kamola, the *ghetu* boy, is portrayed as a transvestite: who put on the clothe of the opposite sex, passive, soft, beautiful and penetrateable. It is better to say that he has to perform all of these ‘feminine’ qualities to entertain his master who has paid his father for his performance. In spite of being a ‘boy’ he has to perform ‘femininity’ that is not complimentary to rather contradictory with his ‘male’ identity. Consequently his gendered identity becomes queer. Humayun Ahmed foregrounds it through the device of contrast, changing of name, *conflicting* performativity.

His actual name is Zahir but at Chowdhury’s abode he performs as Kamola: the fantasized *luscious* femininity of a beautiful girl. In our country usually fruits’ names are chosen to name a female child. The most possible reason is that women are fantasized as much appealing and luscious as fruits are. Kamola, the pseudonym of the *ghetu* boy refers to orange.

Passivity and submissiveness are considered as *natural* feminine characteristics for women but ‘unusual’ and ‘effeminate’ features for men. Zahir’s performed effeminacy is foregrounded by the contrasting activeness and rebellious performativity of the little daughter of Chowdhury. Zahir is convinced, read: imposed, to play the role of a *ghetu* by his poor parents, though he abhors to be abused in this gendered activity.

The most apparent feature of a *ghetu* is his transvestism. In the film Zahir is represented as a drag queen, who has to dress up costume and make up in a way that is considered appropriate for women. Apart from some dissimilarity a *ghetu* is a closer version of a drag queen in terms of transvestism and entertaining performance. The major difference is that a *ghetu* is unlikely to derive pleasure from his performance where a drag queen takes pleasure from his entertaining performance.

The *ghetu* boy plays dual characteristics in the film: one as Zahir and another as Kamola. As he does not do so out of his self intention, therefore he finds it difficult to maintain this queer identity. He is entrapped between two monolithic social types: masculinity and femininity. In his leisure period Zahir or Kamola or both *is* found to walk on the rooftop edge. He plays it as a game of balancing his body. This action can metaphorically be explained as his attempt to perform at the liminal space between femininity and masculinity. But at last he fails to walk along the border of gender construction since our gendered society is reluctant to approve anything in-between femininity and masculinity. Zahir and Kamola *are* the same person that means biologically he is a male but he performs femininity, therefore he represents a queer identity and his gender role also questions the social process of gendering simultaneously. In the film the homemaker embodies society's agent, who plays the role of society by pushing Kamola/Zahir down while he was walking on the rooftop edge. Gendered society's stereotypical and cruel stance against queer identity becomes apparent by the murder of the *ghetu* boy Kamola/Zahir.

### **Sexuality is Queer and Queered:**

Chowdhury's sexual torture to Kamola is not a mutual homosexuality between them rather it is rape, severe form of sexual violence, of Kamola that continues repeatedly. This rape distorts, displays and displaces- thus queers- the sexual identity of Kamola. In the previous section, it is told that Zahir has to perform as Kamola or the feminine role. Likewise in the sexual violence he also has to perform the role of a female. A heterosexual relationship, male-female sexuality, works in a binary system. This binary system can be of active-passive or top-bottom or penetrator-penetrated binary opposite. In the heterosexual relationship, the male partner performs the active or top role or performs as the penetrator. On the contrary, the female counterpart performs the passive or bottom part or the role of being penetrated. For example, in the heterosexual interrelationship between Chowdhury and his wife, they perform the role of penetrator and being penetrated respectively. Likewise in the rape of Kamola, Chowdhury and Kamola perform the role of penetrator and being penetrated respectively. Kamola's passivity and scream during copulation make him a shadow of Chowdhury's submissive wife.



The sexuality of Kamola/ Zahir is vague in the film. It is not clear whether he is heterosexual, homosexual or bisexual but it is clear that he has to work as a paid 'sex worker'. Significantly, because of Kamola's infancy, his father is in the charge of the *sex-contract* from Kamola's side. From this discussion we can find out two important points. One is: patriarchy can also practice bisexuality, implicitly, without acknowledging it as 'normal'; another is: the homosexual orientation of Kamola/ Zahir with an apparent bisexual person is problematic.

According to Adrienne Rich's theory of compulsory heterosexuality, heterosexuality is patriarchal and patriarchy maintains heterosexuality strictly. But in this film, Chowdhury - the lord of a patriarchal feudal society - exercises bisexuality. The upper class ritzy people were more or less bisexual at that time. They had wives but during the leisure period of monsoon they enjoyed homosexuality with the *ghetu* boys, but at the end of monsoon the *ghetu* boy along with his team was let to go back. The practice of bisexuality was pervasive enough to make it as a part of that patriarchal society. With the passage of time, the society began considering this occasional man-to-man sexuality and overall bisexuality as 'normative'. This stance of the patriarchal society queers Rich's hypothesis of 'compulsory heterosexuality'.

### **Commodification of 'Femininity'**

A Marxist reading of the *Ghetuputra* Kamola is possible. The film represents class conflict between upper class and lower class. Where Chowdhury is a feudal lord, Kamola is of an insolvent family. Kamola's parents let Chowdhury *have* Kamola in exchange of money. Henceforth, Chowdhury *consumes* the commodified Zahir as Kamola and Zahir is sold as a commodity- Kamola. The question may arise that what is the prime feature of this *commodity* that sells and is consumed most? It seems that the prime feature of the commodity is the performed 'femininity.' Zahir actually plays the role of Kamola *Sundori*. In doing so, he has to put on a 'feminine' mask. His passivity, appearance, and sexual orientation have represented the 'femininity' that actually sells in a patriarchal society. If Chowdhury needs to enjoy homosexuality, he may enjoy it by some other means. Then why does he choose a *ghetu* and why only for the short period of monsoon? Is Chowdhury a bisexual or a desperate heterosexual? It can also be argued that Chowdhury represents 'compulsory heterosexuality' and in his sexual violence on the ghetuboy, he fantasizes Zahir as Kamola with the performed femininity. From

that perspective, the biological identity of the ghetuboy does not matter rather the gender and sexual performativity does matter. Since Zahir performs 'feminine' code of conducts, it is 'femininity' that is actually sold and consumed; therefore 'femininity' is commodified.

*Ghetuputra Kamola* in this way represents once celebrated *ghetuculture*. *Ghetuculture* has been lost but sexual violence, child-sex-abuse, and gender and sexual performativity are everywhere in our daily life. The important factor is that both gendering and sexuality are neither in-born qualities nor natural. These are complicated construct of our society and so are *ghetuculture*. It is society that stigmatizes non-heterosexualities but paradoxically approves homosexual violence on an infant. This paper discusses on the portrayal of *ghetuculture* in *Ghetuputra Kamola* that was a cultural praxis of Habiganj some 150 years ago. In doing so, references to performativity, compulsory heterosexuality, queer theory have been applied with an eye to finding out the status of gender and sexual identity of Zahir/ Kamola. Consequently, it is argued that Kamola's or Zahir's gender and sexual identity is deconstructed, read: queered, through his performativity and his identity is queer as well because it does not confirms the socio-cultural code of conducts of a male or a female. Moreover, the patriarchal society remains 'compulsory heterosexual' instead of this homoerotic violence as the boy, Zahir, is feminized as a girl, Kamola.

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# The Lost Generation and Post War Values: a Comparative Analysis of Ernest Hemingway's *The Sun Also Rises*

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## Abstract:

The main purpose of this paper is to provide an analysis of the lost generation of American literature. In the first place, the paper reveals what the lost generation actually was about, what they felt and why they tried to do something meaningful to make a difference. This article shows why Ernest Hemingway perfectly fit into that group of the expatriates and why the years immediately after World War-I brought a highly vocal rebellion against established social, sexual and aesthetic conventions and a vigorous attempt to establish new values. It also shows the writers of the lost generation how they rejected the values of American materialism and seek the bohemian life style. At the same time, this article is an attempt to show the term and movement of the lost generation responses to the expatriates and the experiences of post war violence in the context of textual dynamics in Ernest Hemingway's *The Sun Also Rises* as portrayed as an American lost generation novel.

**Key words:** Expatriates, lost generation, modernism, disillusionment, bohemian lifestyle, idealism.

## Introduction

The novel *The Sun Also Rises* is one of the most widely read books written by Ernest Hemingway. It was written and published in 1926. The release date of *The Sun Also Rises* and the author are very important, because it is a postwar novel written by an expatriate. However Ernest Hemingway and his expatriate generation were named the lost generation. His generation was shaped by their war experience. The main trends and events of the 19th century become quite clear that the advancement of science and industrial rise transformed man's outlook and affected every walk of life. During this century mankind enjoyed global peace and stability and almost for one hundred years there had been no large-scale continental war <sup>[1]</sup>. The scientific and industrial evolution made physical life more comfortable, complacent and social and it was thought that man had conquered the beast in himself and learnt to live with his fellowmen harmoniously. On the other hand, this century

Whatever steps were taken was undone by the unexpected development in the techniques of war because man had no experience of battle against machines. Daily newspapers were full of mass-rapes, child-slaughters and reports of poison gas. So, the men who had entered war with patriotic ideas to assert their honor, courage, glory and manhood were stunned at man's inherent barbarity. When they realized this horrible uncertainty, pettiness and meaninglessness of life, they were desperately disappointed and disillusioned. *The Sun Also Rises* was an immediate success and almost instantly became a bible for many disillusioned individuals after it was published because it was the first piece of fictional literature that had fully captured the feelings of moral decay and social alienation shared by the lost generation.

#### **Definition of the Lost Generation**

The term "Lost Generation" in literature refers to a group of American writers who lived and worked in Europe from the end of World War-I to the beginning of the great depression. Common to them was a rejection of the values of American materialism and an acceptance the bohemian lifestyle<sup>[3]</sup>. The centre of all this was Paris. The term was first used by Gertrude Stein and then popularized by Ernest Hemingway. The short description of the group, which includes names such as Ernest Hemingway , F. Scott Fitzgerald , Ezra Pound , Sherwood Anderson, Bruce Burton, Raymond Chandler, Waldo Peirce, Malcolm Cowley, Sinclair Lewis, John Dos Passos , Kay Boyle, Hart Crane , Erich Maria Remarque Ford Maddox, Zelda Fitzgerald and T. S. Eliot , would be a group disillusioned by the First World War, cynical, disdainful of the Victorian era morality and propriety of their elders, and ambivalent about Victorian gender ideals. The majority of the writers in the "Lost Generation" were veterans of World War I. They had seen and done terrible things which left them devastated after the war was over. They returned to a country that was ready to forget about the war and in many ways the soldiers who fought in it. They were unable to adjust to a changing world. This created the environment for a new form of literature. The literature during this time would be much different than the pre-war literature. The works created were not as optimistic as before, almost pessimistic in many cases. This was due to the fact that these writers had endured many hardships in their lives that were of no fault of their own<sup>[4]</sup>. According to Hemingway, Stein was at a mechanic shop where her car had been poorly repaired. The shop owner told the mechanic he was a lost generation. Stein then told Hemingway that he was also part of the "Lost Generation". The

generation was generally perceived to be careless and heavy drinkers. Gertrude Stein in turn used the phrase indicating Hemingway and his disillusioned contemporaries who had taken part in the War. The meaning of 'lost' as incompetent or lacking in a sense of duty to the job. Which was in fact the meaning of the garage-keeper does not apply to Hemingway and his group of writers. It was not a "lost generation" in the sense of loss of talent, for in the 1920s there was a rich crop of talent brilliance and achievement of which the Americans are still proud. The "Lost Generation" had a major role in the short story becoming a respected form of literature. Before this time short stories were not considered profitable, but the writers of this time were able to write stories that were not only good literature but could make money. The short story had become very popular and this was due to the American writers of the "Lost Generation".

### **Principle and Practice of the Lost Generation Writers**

Gertrude Stein is definitely the mother of the 'Lost Generation'. There are several young literary joining the movement of the 'Lost Generation'. They are called Ernest Hemingway, F.

Scott Fitzgerald and William C. Williams, for the most famous of them all and have been influenced by the work and 'avant-gardes' writings of Gertrude Stein <sup>[5]</sup>. Indeed, because of her 'avant-gardes' side, Stein has been founded by herself, this movement in the margins of society. Some critics say that she was always innovative and 'experimental' in her works. Due to her innovative writing, she greatly differs from the authors of her time, which is the primary characteristic of this movement. She was ahead of her own movement even before the authors she had chaperoned came in France. Indeed, Gertrude Stein's writing is the basis of this movement. Her representative work of this movement is *The Making of America*. She wrote this piece in the early 20th centuries. This book is about the history of three generations of two wealthy families. The Dehning and Hersland families' American history began with their immigrant grandparents' separate journeys to America. Both families settled in Bridge point. Years later, the two families came together when Julia Dehning, who was connected with the old world because she was named after her grandmother, wanted to marry Alfred Hersland. *The Making of Americans* is a philosophical and poetic meditation on identity, on what it means to be a human living an everyday, mundane life. And as shown earlier, the text tackles the theme of exile and there are autobiographic winks. For example: Gossols, the Western city that the Hersland family calls home, is said to be a stand-in for the Steins' hometown of Oakland. F. Scott Fitzgerald. Born in 1896, he is considered as the leader of this literary movement. F. Scott Fitzgerald published in 1920 *This Side of Paradise*. This book is written in divided into three parts and shows the young generation of the 1920's masking their general depression behind the

forced exuberance of the Jazz Age. This book is emblematic of the period of the 'Lost Generation'. The main character, Amory Blaine, evolves in an environment in which he feels safe, in which he trusts till all his projects and ambitions are thwarted by events. We feel the main character's ill-being of that time: "Life was a damned muddle . . . a football game with every one off-side and the referee gotten rid of--every one claiming the referee would have been on his side." The protagonist of the book is clearly the author. Both are from the Midwest, studied at Princeton, lived a short romance with a debutante and served in the army before going through one more disappointing relationship with another sentimental young debutante. This new piece of information allows us to clearly confirm that Fitzgerald was a complete writer of the 'Lost Generation'. Indeed, even in the texts written by the authors of 'Lost Generation', the darkest there is a specific theme which emerges and which is almost always closely autobiographical (individual identity, love, eroticism, daily life, Americanisms etc.), which is clearly demonstrated here. In 1925, he published his second book considered his masterpiece: *The Great Gatsby*, a book often seen as "an early exemplar of the modernist techniques of the Lost Generation". *Gatsby* is a rich man, he is important – socially speaking – but all this happiness is an illusion which hides a sad loneliness. The war is crucial for *Gatsby's* development. He was a soldier; nobody could tell if he was from upper-class or not, he made some money, built his social life. During the war, he had taken habits that he would not be able to keep when he would come back in America. *Gatsby* found him unable to break into the East Egg Society. This contrast between "during the war" and "after the war" is totally characteristic of the Lost Generation. After the war, "decay" is a very recurrent theme in the novel. It is logical as the central topic of *The Great Gatsby* is the death of the American Dream. William Carlos Williams crossed the path of Gertrude Stein when he began to study the construction of these works and the 'being and speaking Aboriginal'. William admired Stein's ability to play with the American language and words. Stein, like William, turned her gaze toward the object, not a particular American object, but an object that captures only components of colors and shapes, an object dismantled at the same time with the sound equipment and graphic the 'describes' is dissected and studied. On the assembly line followed one another the spares that beats fast and accurate as machines handle and assemble. Stein was this machine that would make American writing 'something' that would be like the modern American civilization. William said, speaking of *The Making of America*, that "Miss Stein makes Americans like Ford. She puts hair on the treadmill and out comes an American. She exposes each wheel, each nut of his life and his daily". According to Stein, being innovative and being American were to become synonymous. It is this relationship idea that inspired Paterson one of William C. Williams' poems. Among the Lost Generation writers, John Dos Passos stands out as a novelist who really attempted to assimilate European culture. American by birth, Dos Passos spent his formative years in Europe, returning to America for college before spending time in Spain. He eventually volunteered for the war effort, which influenced his work "Three Soldiers," the first major anti-war novel of this period. However, as time passed, Dos Passos became more conservative in his political views and was estranged from his contemporaries, who were very much disillusioned with the current ideology<sup>[6]</sup>.

### **The Phrase of Lost Generation in *The Sun Also Rises***

Ernest Hemingway's *The Sun Also Rises* (1926) has been considered the essential prose of the Lost Generation. Its theme of alienation and detachment reflected the attitudes of its time. *The Sun Also Rises*, a semi-autobiography based on his adventures in France and Spain in 1924-25. Despite having already received moderate critical acclaim for his prior works, it would be this novel that would gain him international success and make him the leader of the so-called Lost Generation. Focusing on the events that took place between a group of American and English expatriates traveling from Paris to Pamplona<sup>[7]</sup>. The phrase "The lost generation" got attention when Hemingway used Gertrude Stein's remark "You are all a lost generation" in the front piece of "*The Sun Also Rises*". After his exploits in the First World War Hemingway was unable, like Jake Barnes, to settle down and seek in activity some cure for the loss of faith and idealism<sup>[8]</sup>. Instead of returning to America, he became an expatriate and settled in Paris, like several other young writers, with thousands of other expatriates who had taken part in World War I. These rootless members of 'lost generation' had fought so well but now they had been found useless in peacetime world. They were naturally embittered at the treatment they had received for having risked their lives in combat. They went through heart-breaking anguish and relied upon each other for support because their agony was impenetrable to the comprehension of others. They were fully aware of the illusory nature of social ideals. Having nothing, no code, no belief, which would serve in place of those social ideals, this generation, found itself morally a flout and each member of this generation was trying to create his own ideal or rules of conduct. In Hemingway's work the meaning of the lost generation is not the generation that is lost in the sense that it is ruined and destroyed but the generation that is unable to find the way and which is in the quest of values. If we want to have a true understanding of *The Sun Also Rises*, we are to understand the nature of the 'looseness' of lost generation. Bill Gorton in *The Sun Also Rises* satirizes the wastrel kind of expatriates - "You're an expatriate. You've lost touch with the soil. Fake European standards have ruined you. You drink yourself to death. You become obsessed with sex. You spend all your time talking, not working. You're an expatriate, see? You hang around cafés."

The book *The Sun Also Rises*, by Ernest Hemingway is a perfect example of what life was like after the war. It was about unrealistic love of a young Lady Brett Ashley, and the post war adventures of Jake Barnes and his friends. "In an age of moral bankruptcy, spiritual dissolution, unrealized love, and vanishing illusion, this is the lost [generation](#)," and that is exactly what Hemmingway writes about in *The Sun Also Rises*<sup>[9]</sup>. Jake Barnes lived a real casual life style. He is a writer that goes out with his buddies almost every night, and drinks. "Oh Jake", Brett said, "We could have had such a damned good time together." His only true desire is a Lady [Brett Ashley](#), he is madly in love with her but all he can do is sit back and watch her toy with the other men. Many times he has purposed his love to Brett, she loves him as well, but will not have a romantic relationship with him because her sexual desire is too great and Jake cannot have a sexual relationship because he has no penis, it was castrated during the war. Jake was also an "aficionado" of bull fighting during one of his fiascos he and his friends and Lady Brett Ashley went to Pamplona. First Brett introduced her new fiancé named Mike, a war veteran and a bankrupt drunk. Mike would later get on Robert Cohn's case for bugging Brett and acting like a stalker. Cohn and Brett had a brief fling in San Sebastian, but Cohn could not except that Brett had no emotional feelings for him and that love affair meant anything. Cohn doesn't realize that Brett is a permission lady. During that week, Jake, Mike, and Bill (Jake's



Friend) realize how much they hate Cohn and they all start to antagonize him. While at the bullfights, Brett falls in love with a young "matador" named Pedro Romero, Jake helps her get involved with Romero, Cohn finds out and beats up Jake, and Romero, and then Cohn leave Spain and goes back. Brett realizes that she will only do Romero harm and asks Jake to take her away from him. It seems every time Brett would get in trouble Jake would always come to the rescue, because he is hopelessly in love with her. But Jake doesn't realize he is her scapegoat, and so he keeps running to her every time she is in need of help, hoping that someday she will return the favor with accepting his love for her. Jake goes through so many conflicts, and the primary reason is the aftershock of the war. In *The Sun Also Rises*, Hemmingway portrays a life style of dissolution due to the effects of the war<sup>[10]</sup>. Jake Barnes, Robert Cohn, Mike, Bill, and Lady Brett Ashley are all part of a generation of lost morals and vanishing illusions; they are all part of the lost generation.

### **Post War Expatriates and Disillusionment in *The Sun Also Rises***

*The Sun Also Rises* depicts the life of the dissolute expatriates living in Paris on the left Bank of the Seine. Here "everybody is sick" observes Georgette, the prostitute whom Jake Barnes had picked up for company's sake. Most of the characters have suffered some-how either in the war or as a result of the war. Drink, sex and sports like fishing and bull-fighting are opiates at best because they are a temporary means of escape from their inner turmoil. They "drifted drunk dissipated and disappeared". It was an irresponsible Bohemian life. There was a visible degradation in moral standards. Religion no longer was a soothing force and the emotional life of men was paralyzed. There was a peculiar tendency to scoff at the sanctities and traditions of the past'. The meaninglessness of life stared at their faces and it was but natural that they were desperately inclined to drain life away into receding blue notes of jazz music and alcohol. "It was life" says Melvin Backman, "without purpose of direction without intensity or passion without faith in themselves or their world<sup>[11]</sup>". Nor did they seem truly to believe in the hedonism by which they lived. It seemed that at the bottom of their hearts there lay such a cold dead despair that they drank in order not to think of in they drank to wind themselves up like a clock that must be wound every twenty-four hours. 'So they got through their days". This atmosphere of waste land resembled the atmosphere which Evelyn Waugh pictured to condemn in decline and fall, or the Cole Porter song which summed up the dissolute atmosphere in a couplet: "They have found that the fountain of youth. Is a mixture of gin and vermouth?" 'The lost generation' tag is applied to the disillusioned intellectuals of the 1920s who rebelled against traditional values and ideals, but could replace them only by despair or a cynical hedonism<sup>[12]</sup>. These frustrated and disenchanted youths who uprooted during the storm of war, now allowed themselves to be blown like chaff through the early years of peace; drowned their disillusion in alcohol slept away the days and shared their beds with a different partner each night. These American youngsters, who had a first-hand experience of war and of violence, were physically and morally wounded and it left a deep

psychic scar. It altered the entire pattern of their lives because they had a harrowing experience of suffering. The traditional values were all suspect to these disillusioned young men. Return to peace was a return to stagnation, resulting in due course into expatriation to Paris which was flight to irresponsibility, alcohol and sex<sup>[13]</sup>. They discovered that there was almost nothing for them to pin their faith on pre-war traditions conventional moral attitudes and political assumptions. They break away from the pre-war traditions and sought to discover their moorings in the changing pattern of life. For example: Jake Barnes in *The Sun Also Rises* wishes to break away from hollow and effeminate traditions too fragile to support the new generation of the twenties. "All I wanted to know", says Jake Barnes, was how to live in (the world). May be if you found out how to live in it you learned from that it was all about". In the sense that they were disillusioned with the traditions and had to discover new values, this post-war generation was lost<sup>[14]</sup>.

## Conclusion

In conclusion, the article makes an analysis of the movement and the writers of the Lost Generation that all gained prominence in 20<sup>th</sup> century literature; their innovations challenged assumptions about writing and expression, and paved the way for subsequent generations of writers. It also analyses the undercut traditional nations of morality faith and justice. No longer able to rely on the traditional beliefs that gave life meaning, the men and women who experienced the war became psychologically and morally lost, and they wounded aimlessly in a world that appeared meaningless. It discusses an analysis of the spirit of modernism and the subject of Ernest Hemingway's novel, *The Sun Also Rises* that the novel's characters, who themselves represent new ideas and motives, experience mental anguish and despair, and only worsen their state through the self defeating sins of addiction and vice. As the characters continue to trudge through life, they grow more confused and disillusioned about themselves, others and life as a whole. It is therefore, the study of great leaders of each movement of the Lost Generation; we can say that Gertrude Stein has indeed been a great source of inspiration for these young novices and Stein is much cited as one that has influenced the movement as that actually directly belongs to it.



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# Effects of Thermophoresis on Unsteady Two-Dimensional Forced Convective Flow along a Wedge in the Presence of Variable Thermal Conductivity

ATM. M. Rahman<sup>1</sup>, M. K. Chowdhury<sup>2</sup>

**Abstract:** In this paper we have studied the effects of thermophoresis on an unsteady two dimensional forced convective flow along a wedge in the presence of variable thermal conductivity. The governing time dependent partial differential equations are non-dimensionalized and transformed into a system of nonlinear ordinary differential equations which are solved numerically by applying shooting method. Comparisons with previously published work are performed, and the results are found to be in excellent agreement. Computations are performed for a wide range of the governing flow parameters, unsteadiness parameter, wedge angle parameter, thermal conductivity variation parameter, Schmidt number, thermophoretic coefficient, thermophoresis parameter and concentration ratio. The obtain numerical results show that the local rate of heat transfer in a fluid of constant Prandtl number is higher than in a fluid of variable Prandtl number.

**Key words:** Unsteady wedge flow, thermophoresis, temperature dependent thermal conductivity.

## Introduction

Thermophoresis plays a significant role of transporting particles from hot fluid region to the cold fluid region. This phenomenon is of practical importance in a variety of industrial and engineering applications including aerosol collection (thermal precipitators), nuclear reactor safety, gas cleaning and corrosion of heat exchangers, preparation of nano-sized particles, chemical or physical vapor deposition, control of particle contamination in the plasma processing of integrated circuits. Duwairi and Damesh<sup>1</sup> investigated the effects of thermophoresis particle deposition on mixed convection from vertical surfaces embedded in saturated porous medium. Rahman et al.<sup>2</sup> analyzed the local similarity solutions for unsteady two dimensional forced convective heat and mass transfer flow along a wedge with thermophoresis. Alam et al<sup>3</sup> studied the effects of variable suction and thermophoresis on steady

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MHD combined free-forced convective heat and mass transfer flow over a semi-infinite permeable inclined flat plate in the presence of thermal radiation. Recently, Adrian Postelnicu<sup>4</sup> studied the thermophoresis particle deposition in natural convection over inclined surfaces in porous media.

The objective of the present study is to investigate the thermophoresis particle deposition on an unsteady two dimensional forced convective flow along a wedge with variable thermal conductivity. Thus, the main focus of the analysis is that how the Prandtl number varies within the boundary layer when the thermal conductivities are linearly dependent on temperature. The governing non-linear partial differential equations have been reduced to locally similar ordinary differential equations, which are solved numerically using Nachtsheim-Swigert shooting iteration procedure. Graphs and table are presented to show the important features of the solution.

### Governing Equations of the Flow

Let us consider an unsteady two-dimensional forced convective heat and mass transfer flow of a viscous incompressible fluid along a heated impermeable wedge in the presence of thermophoresis. The angle of the wedge is given by  $\Omega = \beta\pi$ . The flow is assumed to be in the  $x$ -direction which is taken along direction of the wedge and the  $y$ -axis normal to it. The thermal conductivity of the fluid is assumed to be a function of temperature. Then under the usual Boussinesq's and boundary layer approximations, the governing equations describing the conservation of mass, momentum, energy and concentration, respectively can be written as follows:

$$\frac{\partial u}{\partial x} + \frac{\partial v}{\partial y} = 0, \quad (1)$$

$$\frac{\partial u}{\partial t} + u \frac{\partial u}{\partial x} + v \frac{\partial u}{\partial y} = \frac{\partial U}{\partial t} + U \frac{\partial U}{\partial x} + \nu_{\infty} \frac{\partial^2 u}{\partial y^2}, \quad (2)$$

$$\frac{\partial T}{\partial t} + u \frac{\partial T}{\partial x} + v \frac{\partial T}{\partial y} = \frac{1}{\rho_{\infty} c_p} \frac{\partial}{\partial y} \left( k_f \frac{\partial T}{\partial y} \right), \quad (3)$$

$$\frac{\partial C}{\partial t} + u \frac{\partial C}{\partial x} + v \frac{\partial C}{\partial y} = D \frac{\partial^2 C}{\partial y^2} - \frac{\partial}{\partial y} (V_T C), \quad (4)$$

where  $V_T$  is the thermophoretic velocity which is defined as follows

$$V_T = -\frac{\kappa \nu_{\infty}}{T} \frac{\partial T}{\partial y} \quad (5)$$

### Boundary conditions

The applicable boundary conditions for the present model are as follows:

$$u = 0, v = 0, T = T_w, C = C_w, \text{ at } y = 0, \quad (6a)$$

$$u = U(x, t), T = T_\infty, C = C_\infty \text{ as } y \rightarrow \infty, \quad (6b)$$

where  $U(x, t)$  is the potential flow velocity for the wedge flow which is taken as follows (see Rahman et al.<sup>2</sup>):

$$U(x, t) = v_\infty x^m / \delta^{m+1}, \quad (7)$$

where  $m$  is an arbitrary constant and is related to the wedge angle and  $\delta$  is the time dependent length scale which is taken to be as (see also Sattar<sup>5</sup>):  $\delta = \delta(t)$ . (8)

### Dimensionless governing equation

To proceed we introduce the following non-dimensional variables:

$$\eta = y((m+1)/2)^{1/2} (x^{m-1}/\delta^{m+1}), \psi = (2/(m+1))^{1/2} (v_\infty x^{(m+1)/2} / \delta^{(m+1)/2}) f(\eta), \theta(\eta) = (T - T_\infty)/(T_w - T_\infty), \phi(\eta) = (C - C_\infty)/(C_w - C_\infty) \quad (9)$$

where  $\eta$  is the similarity variable,  $\psi$  is the stream function that satisfies the continuity equation (1) and is defined by  $u = \partial\psi/\partial y$  and  $v = -\partial\psi/\partial x$ .

Chaim<sup>6</sup> considered a temperature dependent thermal conductivity as

$$k_f = k_\infty (1 + \gamma (T - T_\infty)/(T_w - T_\infty)), \quad (10)$$

where  $k_\infty$  is the thermal conductivity of the ambient fluid and  $\gamma$  is the thermal conductivity variation parameter. Now using equations (9) and (10) into equations (2)-(4) and (7) we obtain the following non linear ordinary differential equations:

$$f''' + ff'' + \beta(1 - f'^2) - \lambda(2 - 2f' - \eta f'') = 0, \quad (11)$$

$$\theta'' + \frac{\gamma}{1 + \gamma\theta} \theta'^2 + \frac{\text{Pr}_\infty}{1 + \gamma\theta} f\theta' + \frac{\text{Pr}_\infty}{1 + \gamma\theta} \lambda\eta\theta' = 0, \quad (12)$$

$$\phi'' + Scf\phi' + \lambda Sc\eta\phi' + (\kappa Sc/(N_t + \theta))[(N_c + \phi)\theta'' + \theta'\phi' - ((N_c + \phi)/(N_t + \theta))\theta'^2] = 0, \quad (13)$$

The corresponding boundary conditions (6) becomes

$$f = 0, f' = 0, \theta = 1, \phi = 1 \quad \text{at } \eta = 0, \quad (14a)$$

$$f' = 1, \theta = 0, \phi = 0 \quad \text{as } \eta \rightarrow \infty. \quad (14b)$$

where  $\beta = 2m/(m+1)$  is the wedge angle parameter that corresponds to  $\Omega = \beta\pi$  for a total angle  $\Omega$  of the wedge,  $\text{Pr}_\infty = v_\infty \rho_\infty c_p / \kappa_\infty$  is the ambient Prandtl number,  $Sc = v_\infty / D$  is the Schmidt number,  $N_t = T_\infty / (T_w - T_\infty)$  is the thermophoresis parameter,  $N_c = C_\infty / (C_w - C_\infty)$  is the concentration ratio

and  $\lambda = (\delta^m / \nu_\infty x^{m-1}) (d\delta/dt)$  is the unsteadiness parameter.

### Variable Prandtl number

From the definition of Prandtl number, we see that it is a function of thermal conductivity and specific heat. But since the thermal conductivity varies across the boundary layer, the Prandtl number also varies. The assumption of constant Prandtl number inside the boundary layer when thermal conductivities are temperature dependent leads to unrealistic results (see Rahman and Eltayeb<sup>7</sup>). Therefore, in the present work, the Prandtl number related to the variable thermal conductivity is defined as

$$Pr_v = \frac{\mu c_p}{k_f} = \frac{\mu c_p}{k_\infty (1 + \gamma\theta)} = \left( \frac{1}{1 + \gamma\theta} \right) Pr_\infty. \quad (15)$$

At the surface ( $\eta = 0$ ) of the wedge, this can be written as

$$Pr_w = Pr_\infty / (1 + \gamma).$$

From equation (15), it can be seen that for  $\gamma \rightarrow 0$ , the variable Prandtl number  $Pr_v$  is equal to the ambient Prandtl number  $Pr_\infty$ . It is mention that for  $\eta \rightarrow \infty$ , i.e. outside the boundary layer,  $\theta(\eta)$  becomes zero; therefore,  $Pr_v = Pr_\infty$  regardless of the values of  $\gamma$ .

Table-1 shows that the variation of the Prandtl number at the surface of the wedge for several values of  $\gamma$  for a fixed value of the ambient Prandtl number  $Pr_\infty = 0.71$ . From this table, it is observed that for a positive value of  $\gamma$ , Prandtl number at the surface of the wedge  $Pr_w$  decreases as  $\gamma$  increases.

In light of the above discussion and using equation (15), the non-dimensional temperature equation (12) can be expressed as

$$\theta'' + \gamma/(1 + \gamma\theta) \theta'^2 + Pr_v f\theta' + Pr_v \lambda \eta \theta' = 0 \quad (16)$$

Equation (16) is the corrected non- dimensional form of the energy equation in which Prandtl number is treated as a variable (see also Rahman et al.<sup>2</sup> and Rahman and Eltayeb<sup>7</sup>).

**Table-1:** Values of  $Pr_w$  versus  $\gamma$  for  $Pr_\infty = 0.71$  at  $\eta = 0$ .

$\gamma$	0.00	0.25	0.50	1.00	2.00	4.00
$Pr_w$	0.71	0.568	0.473	0.355	0.235	0.142



### Parameters of engineering interest

The parameters of engineering interest for the present problem are the local skin friction coefficient, local Nusselt number, the local Sherwood number, thermophoretic velocity and wall thermophoretic deposition velocity. These physical quantities can be obtained from the following expressions:

$$1/2 Cf \sqrt{2 - \beta} = \text{Re}^{-1/2} f''(0), \text{ where } \tau_w = \mu(\partial u / \partial y)_{y=0}. \quad (17)$$

$$Nu \sqrt{2 - \beta} = -\text{Re}^{1/2} \theta'(0), \text{ where } q_w = -\lambda_g (\partial T / \partial y)_{y=0}. \quad (18)$$

$$Sh \sqrt{2 - \beta} = -\text{Re}^{1/2} \phi'(0), \text{ where } M_w = -D(\partial C / \partial y)_{y=0}. \quad (19)$$

$$V_{Tw} = (V_T x / \nu_\infty)_{y=0} = -(1/2 - \beta)^{1/2} \text{Re}^{1/2} \kappa / (1 + N_t) \theta'(0). \quad (20)$$

$$V_d^* = (V_d x / \nu_\infty) = -(1/(2 - \beta))^{1/2} 1/Sc \text{Re}^{1/2} \phi'(0). \quad (21)$$

### Code validation

To check the validity of the present code, we have calculated the values of  $f(0)$ ,  $f'(0)$  and  $f''(0)$  for the Falkner-Skan boundary layer equation for the case  $\beta = 0$ ,  $\lambda = 0$  and  $\gamma = 0$  for different values of  $\eta$ . Table-2 shows the comparison of the data produced by the present code and those of White<sup>8</sup>. The results show a close agreement, hence justify the use of the present code.

**Table 2:** Comparison of the present numerical results of Falkner-Skan boundary layer equation for the case of  $\beta = \lambda = \gamma = 0$

$\eta$	$f(\eta)$		$f'(\eta)$		$f''(\eta)$	
	Present work	White <sup>8</sup>	Present work	White <sup>8</sup>	Present work	White <sup>8</sup>
0.0	0.00000000	0.00000	0.00000000	0.00000	0.47027089	0.46960
0.5	0.05872926	0.05864	0.23456114	0.23423	0.46568757	0.46503
1.0	0.23332581	0.23299	0.46127690	0.46063	0.43494906	0.43438
2.0	0.88800281	0.88680	0.81770859	0.81669	0.25581418	0.25567
3.0	1.79780496	1.79557	0.97006212	0.96905	0.06763291	0.06771
4.0	2.78709815	2.78388	0.99872084	0.99777	0.00684790	0.00687
5.0	3.78738993	3.78323	1.00087632	0.99994	0.00025589	0.00026

## Results and discussion

Numerical computations have been carried out for different values of  $\gamma$ ,  $Pr_v$ ,  $Sc$  and  $\kappa$ . When thermal conductivity does not depend on the temperature, then the values of the ambient Prandtl number,  $Pr_\infty = 0.71$ ,  $Pr_\infty = 1$  and  $Pr_\infty = 2.97$  correspond to air, electrolyte solution such as salt water and methylchloride. When thermal conductivity depends on the temperature, then these values at the surface of the wedge ( $\eta = 0$ ) and for  $\gamma = 0.5$  correspond to 0.47, 0.66 and 1.98, respectively. The values of Schmidt number  $Sc$  are taken for helium ( $Sc = 0.30$ ), water-vapour ( $Sc = 0.60$ ) and Carbon-Dioxide ( $Sc = 0.94$ ). In the simulations, the default values of the parameters are considered as  $Pr_v = 0.47$ ,  $\beta = 1/4$ ,  $\kappa = 0.50$ ,  $Nc = 3.0$ ,  $\lambda = 0.50$ ,  $N_t = 2.0$  and  $\gamma = 0.5$  unless otherwise specified.

### Effect of thermal conductivity variation parameter

The effects of the thermal conductivity variation parameter  $\gamma$  on the temperature profiles have been displayed in Fig. 1(a). From this figure, we observe that the non-dimensional temperature increases with the increase of the thermal conductivity parameter as expected. The value of  $\gamma = 0$  corresponds to the constant conductivity of the fluid. Thus for the constant conductivity of the fluid the surface temperature is found to be low compared that of the variable conductivity. This can be explained as; when  $\gamma$  increases i. e. thermal conductivity of the fluid increases, the value of the Prandtl number decreases (see equation (15)) which then increases the temperature of the fluid. That is temperature of the fluid increases, if the Prandtl number decreases. On the other hand, from Fig. 1(b) we see that the dimensionless concentration profiles decrease with the increase of the thermal conductivity parameter. Fig. 1(c) depicts the variable Prandtl number within the boundary layer for various values of the thermal conductivity variation parameter  $\gamma$  at an ambient Prandtl number  $Pr_\infty = 0.71$ . From this figure, we observe that  $Pr_v$  asymptotically converges to the value of  $Pr_\infty$  as  $\eta \rightarrow \infty$  which is expected. From Fig. 1(c), it is also found that  $Pr_v$  decreases with the increase of the thermal conductivity variation parameter  $\gamma$ .

### Effect of Schmidt number and thermophoretic coefficient

The variation of dimensionless concentration profiles for various values of Schmidt number  $Sc$  and thermophoretic coefficient  $\kappa$  are displayed in Figs. 2(a) and 2(b), respectively. From these figures, we observed that concentration profiles within the boundary-layer decreases with the increasing values of  $Sc$  whereas it increases with the increasing values of the thermophoretic coefficient  $\kappa$ .

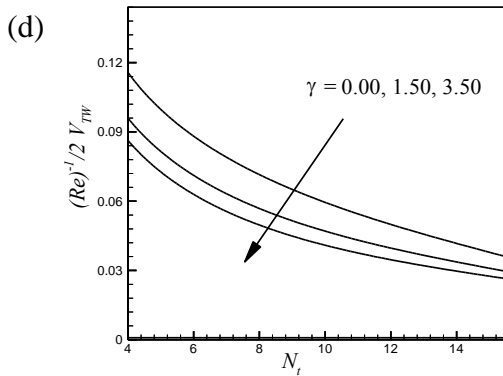
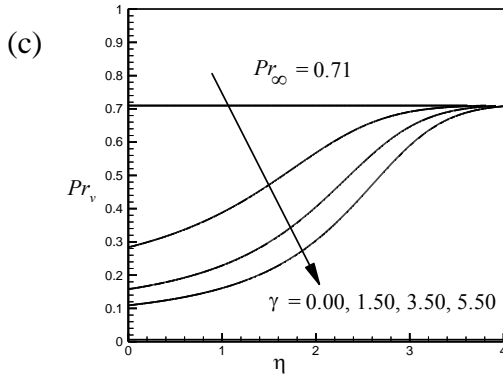
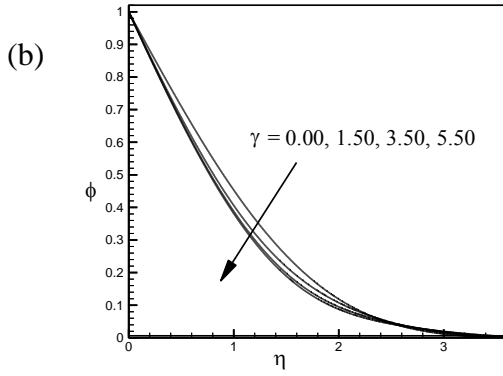
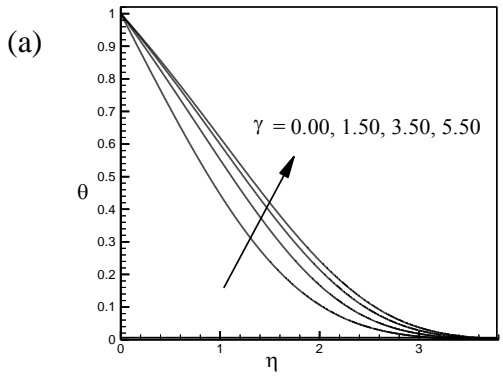
### Effect of thermophoretic velocity

The combined effects of  $\gamma$  and  $N_t$ ,  $\kappa$  and  $N_t$ ,  $Pr_v$  and  $N_t$ , on thermophoretic velocity ( $V_{Tw} Re^{-1/2}$ ) are shown in Fig. 1 (d) and in Figs. 2 (c) - (d), respectively. From these figures, we see that the thermophoretic velocity is increased with the increasing values of  $\kappa$  and  $Pr_v$  while it decrease with the increasing values of the thermal conductivity variation parameter  $\gamma$  and the thermophoresis parameter  $N_t$ .

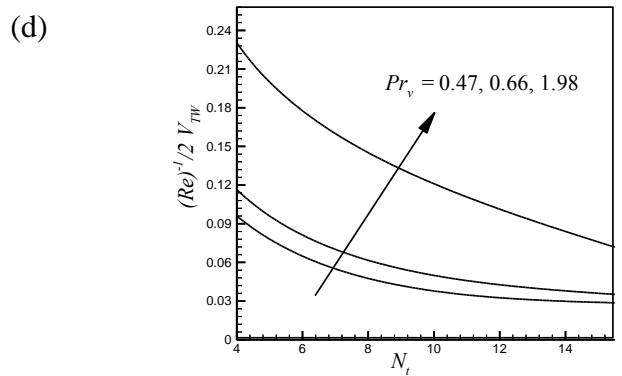
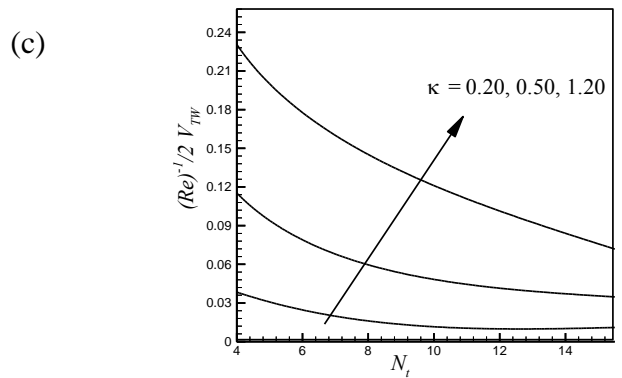
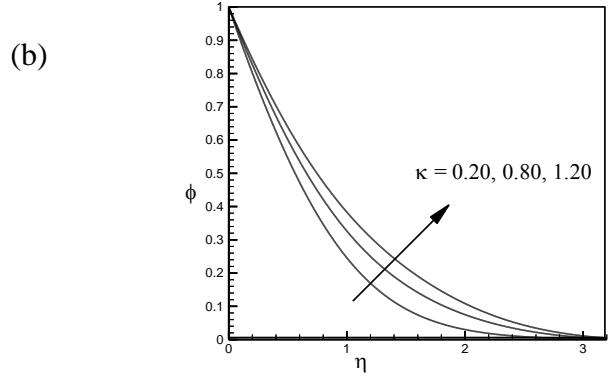
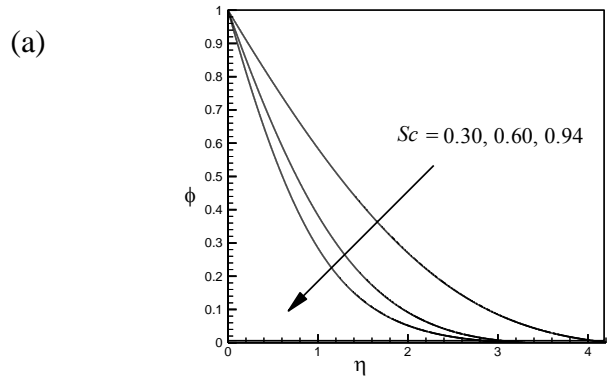
Table- 3 shows the variations of the thermophoretic particle deposition velocity ( $V_d^* Re^{-1/2}$ ) at the surface of the wedge for various values of unsteadiness parameter  $\lambda$ . From this table, we observe that the thermophoretic particle deposition velocity increases with the increase of the unsteadiness parameter  $\lambda$ .

**Table-3:** Variations of thermophoretic particle deposition velocity at the surface of the wedge for several values of  $\lambda$ .

$\lambda$	0.00	0.50	1.00	1.50
$V_d^* Re^{-1/2}$	1.20302	1.53701	1.80819	2.04401



**Fig. 1:** Variation of dimensionless (a) temperature, (b) concentration (c) variable Prandtl number and (d) thermophoretic velocity for several values of  $\gamma$ .



**Fig. 2:** Variation of dimensionless concentration for several values of (a)  $Sc$  (b)  $\kappa$  and thermophoretic velocity for several values of (c)  $\kappa$  and (d)  $Pr_v$ .

Finally, the significance of the thermal conductivity variation parameter  $\gamma$  on the rate of heat transfer for both variable Prandtl number ( $V_{Pr}$ ) and constant Prandtl number ( $C_{Pr}$ ) is displayed in table-4. From this table, it is found that in both cases, the rate of heat transfer ( $-\theta'(0)$ ) for the variable thermal conductivity case is lower than the constant thermal conductivity case, and the absolute error between them increases significantly with the increases of  $\gamma$ . Therefore, consideration of Prandtl number as constant within the boundary layer for variable thermal conductivity is unrealistic.

**Table-4.** Numerical values of  $-\theta'(0)$  for various values of  $\gamma$ .

$-\theta'(0)$			Error =
$\gamma$	Variable Pr ( $V$ $Pr$ )	Constant Pr ( $CPr$ )	$\left  \frac{VPr - CPr}{VPr} \right  \times 100$
0.0	0.9229882	0.9229882	0.00%
0.2	0.7604613	0.8070360	6.13%
0.5	0.6077001	0.6887799	13.34%
1.0	0.4709922	0.5655948	20.08%
2.0	0.3368797	0.4337618	28.75%
3.0	0.2700744	0.3632115	34.48%
5.0	0.2032122	0.2861869	40.83%

## Conclusion

In this paper we have discussed the effects of the thermophoresis particle deposition on an unsteady two dimensional forced convective flow along a wedge with variable thermal conductivity. The numerical results have been presented in the form of graphs and tables. From the present numerical investigations the following major conclusions may be drawn:

- (i) The local rate of heat transfer in a fluid of constant Prandtl number is higher than in a fluid of variable Prandtl number
- (ii) Thermophoretic velocity is decreased with the increasing values of the thermal conductivity parameter and the thermophoresis parameter.
- (iii) Thermophoretic particle deposition velocity at the surface of the wedge increases with the increase of the unsteadiness parameter.

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# Copyright Protection of Digital Data Using Watermarking Algorithm of Support Vector Machine

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**Abstract:** Today data has become available in digital format (text, image, audio, and video), which led to the emergence of many opportunities for creativity, innovation as well as the emergence of a new kind of challenges. In this paper, a digital watermarking algorithm for copyright protection is implemented using Support Vector Machine (SVM). In the embedding phase, a binary logo image is used as secret information which is extracted later from the host image using training data for ownership verification. Support Vector Machine has been produced better result than other methods because of its generalized property. We propose an algorithm to embed the secret information into the red channel rather than blue channel for preserving imperceptibility of the host image.

**Key words:** Watermark, DCT, SVM, Ownership verification, Copyright protection.

## Introduction

Computer networks susceptible to dispersion and thus steal or modify digital data. For this reason we need to ensure the security of digital data and the means to protect the property rights of these data led to more interest in the development of new methods for watermark signs.<sup>1</sup> Our goal in this research is to solve the problem of data security and protection of property rights of digital data by designing a new model of complex systems to mix digital data and watermark. Digital data is any data in digital form, which is storing and handling by modern digital devices such as computer or mobile phone. These data may represent the texts such as, books and magazines. Also they represent the voice data such as, songs. On occasion, Images or video data are also represent by them. The ease of copying and transmission of digital data leads to the need for ways to protect the property rights of these data are found. Now a days there are many ways to protect the property rights of the data and there are some commercial programs that do so. And protect the rights of ownership of digital data by hiding information about the original owner of the data (i.e. signing or company logo, for example). It can be used to obtain this hidden data to prove the ownership later.<sup>2</sup> One of these concealment methods called watermark. Our goal in this research is, to solve the problem of data security and protection of property rights of digital data by designing a new model of complex systems to mix digital data and work watermark. In this paper we have implemented Support Vector Machine (SVM) based

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watermarking technique in spatial domain. We have used Support Vector Machine (SVM) as a classifier to detect the watermark bit. By applying the embedded extra reference watermark, the support vector machine is trained, and then the watermark can be extracted by the trained support vector machine. Since SVM has the maximum generalization ability to separate data into two classes, thus it is naturally suitable for detecting a given bit to be zero or one (watermark bit).<sup>1</sup>

In the previous work most of the algorithm was to alter the least significant bits (*LSBs*) of image pixels;<sup>2</sup> however, such a technique still has comparatively low-bit capacity and can't defy the loss data compression and image processing. There are two components- phase and magnitude in DFT based approach. Experiments explain that attack such as geometric rotation; don't alter the phase information of the coefficient. Therefore DFT based algorithm is less sensitive to translation, rotation and scaling attacks<sup>3</sup>. Authors also reported that the DFT based watermarking are relatively robust to change in image contrast. Altering of DFT magnitude coefficient is much perceptible than phase modification, Anyone can expect that good image compressors would give much higher importance to preserving the DFT phase than the DFT magnitude, making the DFT magnitude based watermarking system susceptible to image compression. All major compression schemes such as JPEG, MPEG maintained the DFT magnitude coefficients as well as the DFT phase. In DCT based approach an algorithm that inserts watermark into the spectral components of image using techniques analogous to spread-spectrum communication. Watermarking in DCT is usually performed on the lower or mid frequencies. Very few numbers of algorithms have been used classification techniques in digital watermarking. In this research we have used Support Vector Machine (SVM) which increases the efficiency of the digital watermarking algorithm.<sup>3</sup>

### Overview on Support Vector Machine

Support vector machine (SVM) is a statistical classification method proposed by Vapnik in 1995.<sup>4</sup> The binary support vector classifier uses the discriminant function  $f : X \subseteq R^n \rightarrow R$  of the following form:

$$f(x) = \langle \alpha \cdot k_s(x) \rangle + b. \quad (1)$$

The  $k_s(x) = [k(x, s_1), \dots, k(x, s_d)]^T$  is the vector of evaluations of kernel functions centered at the support vectors  $S = \{s_1, \dots, s_d\}$ ,  $s_i \in R^n$  which are usually subset of the training data. The  $\alpha \in R^l$  is a weight vector and  $b \in R$  is a bias. The binary classification rule  $q : X \rightarrow Y = \{1, 2\}$  is defined as:

$$q(x) = \begin{cases} 1 & \text{for } f(x) \geq 0, \\ 2 & \text{for } f(x) < 0 \end{cases}. \quad (2)$$

The input is a set  $T_{XY} = \{(x_1, y_1), \dots, (x_l, y_l)\}$  of training vectors  $x_i \in R^n$  and the corresponding hidden state  $y_i \in Y = \{1, 2\}$ . The linear SVM aims to train the linear discriminant function  $f(x) = \langle w \cdot x \rangle + b$  of the binary classifier

$$q(x) = \begin{cases} 1 & \text{for } f(x) \geq 0, \\ 2 & \text{for } f(x) < 0 \end{cases} \quad (3)$$

Thus SVM can generate a separation hyperplane  $\mathbf{H}$  that separates the set of input vectors into two classes. The set of vectors is said to be optimally separated by the hyperplane if it is separated without error and the distance between the closest vectors to the hyperplane is maximal. If any point  $x$  which lies on the hyperplane must satisfy  $w \cdot x + b = 0$ , where  $w$  is normal to the hyperplane and  $b$  is the bias. Finally, the optimal hyperplane  $H: w_0 \cdot x + b_0 = 0$  can be determined by

$$w_0 = \sum_{i=1}^m \alpha_i y_i x_i ; \quad (4)$$

Where  $\alpha_i$  and  $b_0$  are Lagrange multipliers and bias that determined by SVM's training algorithm. After the training of SVM is completed,  $\mathbf{H}$  is thus determined, and then any data  $x$  will be classified according to the sign of the decision function. The decision function is defined as:

$$d(x) = \text{sgn} \left( \sum_{i=1}^m \alpha_i y_i k(x_i, x) + b_0 \right) ; \quad (5)$$

where  $k(x_i, x)$  is the kernel function.

### Analytical description

We have extended Yen et al.<sup>5</sup> algorithm for experimenting SVM in watermarking. In this implementation, to improve imperceptibility, the watermark is embedded by asymmetrically tuning blue channels of the central and surrounding pixels at the same time. We have extended the idea by adding watermark into the red channels of the center and surrounding pixels instead of blue channel.

The watermark  $W$  is binary and consists of two sequences  $T$  and  $S$  as:

$$W = TS = t_0, t_1, \dots, t_{N-1}, s_1, s_2, \dots, s_{M-1} . \quad (6)$$

The first binary sequence  $T = t_1, \dots, t_{N-1}$  denotes the training information of length  $N$  which is generated by pseudo- random number generator (PRNG) with seed1. The sequence  $S = s_1, \dots, s_{M-1}$  represents the owner's digital signature of length  $M$ .  $N$  positions  $P_i = (x_i, y_i)$  on the host image are generated by PRNG with seed2, and the embedding algorithm can be described as follows:

For  $i = 0$  to  $N - 1$

- a) Compute the luminance  $L_{P_i}$  at position  $P_i$  by the following equation:

$$L_{P_i} = 0.299R_{P_i} + 0.587G_{P_i} + 0.114B_{P_i} \quad (7)$$

Where  $R_{P_i}$ ,  $G_{P_i}$ , and  $B_{P_i}$  represent red, green, blue channel values of the pixel at  $P_i$  position.

- b) The training information bit  $t_i$  is embedded into the host image by modifying the red channels  $R_{P_i}$  and  $R'_{P_i}$ , at positions  $P_i$  and its 4-neighbors  $P'_i$ , according to the luminance  $L_{P_i}$ .

The formula is shown in equation (8).

$$\begin{cases} R_{P_i} = R_{P_i} + \alpha(2t_i - 1)L_{P_i} & \alpha = 0.15 \\ R'_{P_i} = R'_{P_i} - \alpha(2t_i - 1)L_{P_i} & \alpha = 0.05 \end{cases} \quad (8)$$

Where  $\alpha$  is a positive constant that determines the watermark strength, as indicated in Table-1

Observe that when position  $P_i$  is selected, its surrounding should not be selected again.

**Table-1:  $P_i$  (the center one), its 4- neighbors, and the corresponding surroundings(12 positions)**

		$\alpha = 0.05$		
	$\alpha = 0.05$	$\alpha = 0.15$	$\alpha = 0.05$	
		$\alpha = 0.05$		

Table-1 shows  $P_i$  (the center one), its 4-neighbors, and the corresponding surroundings (12 positions as indicated). After training information  $T$  is embedded, an SVM will be trained by the set of training features  $F$  which is defined in equation (9).

$$F = \{TF_i = (V_i, d_i), \quad i = 0, \dots, N - 1\}; \quad (9)$$

where  $TF_i$  is the training feature obtained from bit  $t_i$ , and  $d_i$  represents the class type of  $t_i$ , 0 or 1.

Inspired by <sup>6</sup>,  $V_i$  is defined as in equation (10)

$$V_i = (\delta_{P_i}^1, \delta_{P_i}^2, \delta_{P_i}^3) \quad (10)$$

The feature values  $\delta_{P_i}^k$  are the difference between the red channels of the central pixels and the average from its neighbors. The feature values are calculated by the following equations:

$$\delta_{P_i}^1 = R_{P_i} - \frac{1}{8} \left( \sum_{k=-1}^1 \sum_{j=-1}^1 R_{(x_{i+k}, y_{i+j})} - R_{(x_i, y_i)} \right) \quad (11)$$

$$\delta_{P_i}^2 = R_{P_i} - \frac{1}{8} \left( \sum_{k=-2}^2 R_{(x_{i+k}, y_i)} + \sum_{j=-2}^2 R_{(x_i, y_{i+j})} - 2R_{(x_i, y_i)} \right) \quad (12)$$

$$\delta_{P_i}^3 = R_{P_i} - \frac{1}{8} \left( \sum_{k=-2}^2 R_{(x_{i+k}, y_{i+k})} + \sum_{j=-2}^2 R_{(x_{i-j}, y_{i+j})} - 2R_{(x_i, y_i)} \right) \quad (13)$$

When training procedure for an SVM is completed, an optimal hyperplane with corresponding  $\alpha_i$  and  $b_0$  can be determined. The trained SVM will be used to embed the owner's signature.  $M$  positions are generated by PRNG with seed3. For each position  $P_i$ , the feature vector  $V_i$  is constructed according to equation (10). The signature embedding algorithm can be described as follows:

For  $i = 0$  to  $M-1$

- a) Classify the feature vector  $V_i$  by the trained SVM and let  $s_i' = d(V_i)$  be the retrieved sign from the decision function in equation (5) such that

$$s_i' = \begin{cases} 0, & \text{if } d(V_i) = 2 \\ 1, & \text{if } d(V_i) = 1 \end{cases} \quad (14)$$

Compare the signature bit  $s_i$  with  $s_i'$ :

- b)  $s_i = s_i'$ : change the red channel of the pixel at position  $P_i$  according to equation (15)

$$R_{P_i} = R_{P_i} + \alpha(2t_i - 1)L_{P_i}, \quad \alpha = 0.05. \quad (15)$$

- c)  $s_i \neq s_i'$ : modify the red channel of the pixel at position  $P_i$  and its 4-neighbors as in equation (16)

$$\begin{cases} R_{P_i} = R_{P_i} + \alpha(2t_i - 1)L_{P_i} & \alpha = 0.15 \\ R_{P_i}' = R_{P_i}' - \alpha(2t_i - 1)L_{P_i} & \alpha = 0.05 \end{cases} \quad (16)$$

after modification,  $V_i$  will be recalculated and classified again.

At first, training feature vectors are calculated with similar equation from the watermarked image. All training feature vectors are used to train the new SVM. Likewise, PRNG with seed3 is used to generate  $M$  positions and feature vectors  $V_{N+i}'$  are calculated from the watermarked image for  $i = 0 \dots M-1$ . The decision function,  $d(V_{N+i}')$ , define in equation (5), can be used to determine the signature bits  $s_i''$  as in equation (14) for  $i = 0, \dots, M-1$ .

We have tested this work on RGB Lena image of  $256 \times 256$ . There are several commonly used SVM kernels, including linear, RBF and polynomial, and we should select the best suitable one based on many trials on the watermarked image and the attacked ones. We have used RBF kernels here. We have also taken regularization constant value as 14 and kernel argument value as 80, which are suitable in this work.

A binary logo image with size  $64 \times 64$  is used as an owner's signature. The binary logo image is embedded into the red channel of the Lena image. The original Lena image, watermarked Lena image, and signature binary image are shown in the following Fig.1:



Fig.1: (a) Original Lena image, (b) Watermarked Lena image, and (c) Signature image with size  $64 \times 64$ .

From the Fig.1(b) we see that the watermark image is not distinguishable from the original image that is, the watermarked image generated by this scheme is imperceptible to human eyes. The difference

images of the red channel between watermarked image and original image (host image) are shown in Fig.2.

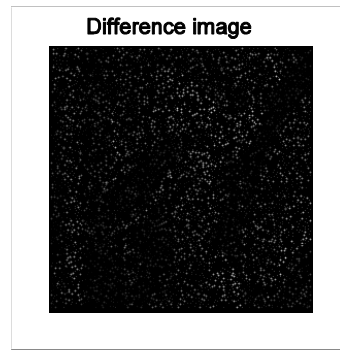


Fig.2: Difference image for red channel.

The difference image for red channel (Fig.2) represents watermark information in spatial domain.

After extracting signature from the watermarked image, the signature logo image is shown in the Fig.3(a) as shown below. We have also applied median filtering to the signature image for increasing smoothness to remove noise (black spot).

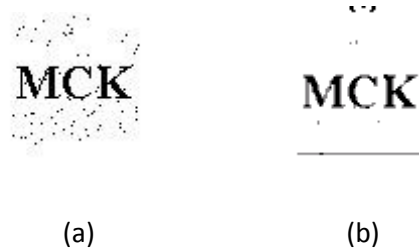


Fig.3: (a) Extracted signature image, (b) Extracted signature image after median filtering.

If we implement the previous idea by embedding the watermark into the blue channels of the host image using the similar algorithm for identifying signature image the output is shown in Fig.4.

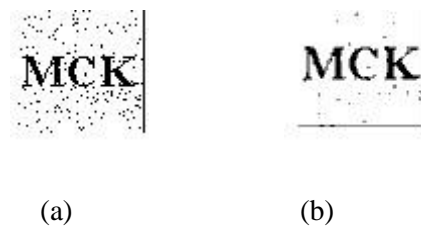


Fig.4: (a) Extracted signature image, (b) Extracted signature image after median filtering.

The Fig.3(red channel) depicts better signature image than the Fig.4(blue channel), because it contains less noise (black spot), which are almost removed after median filtering.

### **Conclusion**

This work performed in spatial domain. In the spatial domain, the watermark embedded into the host image by directly modifying the pixel value of the host image. We have analyzed that red channel is preferable to embed watermark than the blue channel. In this work, SVM played important role in watermark detection by outperforming correlation detector. The main advantage of the spatial domain watermarking schemes is that it requires less computational cost, but its robustness performance is not good. We will concentrate on DWT and SVM for increasing robustness of the proposed algorithm in the future research works.

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# **A Study on the Importance of Strategic Human Resource Management (SHRM) in Business Sector**

**Md. Rofiqul Islam\***

**Abstract:** World economy has been witnessing a growth in the contribution of business sector to the Gross Domestic Product (GDP). The business environment of the world has been continuously changing with the change of global business activities. In the high-tech competitive business age strategic human resource management (SHRM) focuses on how can organize and manage human resources in corporate business sector. This has led to the emergence and increase in the use of term strategic human resource management. There is a visible convergence and positive relationship between human resource management and strategy with practices in business sector. Strategic human resource management believes, the formulation of strategy is a rational and linear process for the corporate business sector in the world economy. This study has tried to give a direct and indirect overview on the importance of strategic human resource management in business sector. It has also discussed the factors and theoretical approaches that should consider in making strategic human resource management decisions for obtaining business objectives of the organizations.

**Key words:** SHRM, Business Sector, Importance, Strategy, Approaches

## **Introduction**

Strategic human resource management is relatively a new concept both in the field of human resource management and in the field of strategic management. It focuses on actions that differentiate the firm from its competitors. It is suggested by Hendry and Pettigrew that it has four meanings: the use of planning; a coherent approach to the design and management of personnel systems based on an employment policy and workforce strategy and often underpinned by a philosophy; matching HRM activities and policies to some explicit business strategy; seeing the people of the organization as a 'strategic resource' for the achievement of competitive advantage.<sup>1</sup> As we enter the new era of an advanced high-tech environment, the business world is also entering into an era of fierce competition noticed by takeovers and mergers. The rapid change in the environment reminds us that, for a business to survive, it has to focus on its core competencies and discover in order to keep ahead of the competitors. The field of Strategic Human Resource Management has evolved mainly in accordance with the fact that human resources need to be managed strategically for the firm to enjoy sustainable competitive advantage over competition.<sup>2</sup> Several scholars have noted that managing people is tedious than managing technology or capital. Firms that learn how to manage their human resources well would have an advantage over others in long run since acquiring and deploying human resources effectively and efficiently is difficult and takes longer time.<sup>3</sup>

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Strategic HRM addresses broad organizational issues relating to changes in structure and culture, organizational effectiveness and performance, matching resources to future requirements, the development of distinctive capabilities, knowledge management, and the management of change.<sup>4</sup> It is concerned with both human capital requirements and the development of process capabilities, that is, the ability to get things done effectively. Overall, it deals with any major people issues that affect or are affected by the strategic plans of the organization.<sup>5</sup> Boxall stated that the critical concerns of HRM, such as choice of executive leadership and formation of positive patterns of labor relations, are strategic in any firm.

### **Scope and Rationale of the Study**

Every country always tries to obtain its development through implementing its different programs and activities. But it is true; many countries have been suffering from their defective human resource planning and management. Human resource management as well as strategic human resource management can play a vital role in corporate business sector in an economy. Because, human resource is one of the most important assets for an economy and that may change into human capital in business organizations. Human capital provides sustainable competitive advantage in highly competitive environment. So, corporate business sector should manage this human capital through strategic human resource management and management process. This study is able to focus how SHRM can add value and contributes to the organizational success by eliminating political, social, economic and institutional obstacles. Rationale of this study is to integrate human resource management with the organization's strategy based on particular principles, policies and practices. According to this approach, human is a key resource and a critical element in a business organization.

### **Objectives**

The major objective of this study is to analyze the importance and benefits of strategic human resource management. Other objectives are to find out the challenges, opportunities and reality of SHRM in business sector.

### **Methodology**

This study is an analysis of the importance and benefits of strategic human resource management in business organization from theoretical perspective. This empirical analysis has slightly different from some independently published articles and extended human resource strategies and policies in business sector. Theoretical information has been collected from related journals, books, research papers, and websites etc. which helped to make this research effective.

### **Literature Review**

The origin of this concept of “strategy” can be traced in its military orientation, going back to the Greek word ‘strategos’, for a general who organizes, leads and directs his forces to the most advantageous position. In the world of business it mainly denotes how top management is leading the organization in a particular direction in order to achieve its specific goals, objectives, vision and overall purpose in the society in a given context / environment.<sup>6</sup> The main strategy is

thus to enable an organization to achieve competitive advantage with its unique capabilities by focusing on present and future direction of the organization. Over the past three decades or so a lot of books has been written under the field of strategic management about the nature, process, content and formation of organizational strategy.<sup>7</sup> A classical strategic management process consists of a series of steps, starting from establishing a mission statement and key objectives for the organization; analyzing the external environment (to identify possible opportunities and threats); conducting an internal organizational analysis (to examine its strengths and weaknesses and the nature of current management systems, competencies and capabilities); setting specific goals; examining possible strategic choices/alternatives to achieve organizational objectives and goals; adoption/implementation of chosen choices; and regular evaluation of all the above. The above mentioned first five steps form part of strategic planning and the last two steps deal with the implementation of an ideal strategic management process.<sup>8</sup> SHRM is about systematically linking people with the organization; more specifically, it is about the integration of HRM strategies into corporate strategies. Human resource strategies are essential to address and solve fundamental strategic issues related to the management of human resources in an organization. SHRM thus links corporate strategy and HRM, and emphasizes the integration of HR with the business and its environment.<sup>9</sup> It is believed that integration between HRM and business strategy contributes to effective management of human resources, improvement in organizational performance and finally the success of a particular business. Lengnick-Hall summarizes the variety of topics that have been the focus of strategic HRM writers over the past couple of decades. These include HR accounting (which attempts to assign value to human resources in an effort to quantify organizational capacity); HR planning; responses of HRM to strategic changes in the business environment; matching human resources to strategic or organizational conditions; and the broader scope of HR strategies.<sup>10</sup> Strategic HRM is a multidimensional process with multiple effects. Such writing also highlights the growing proactive nature of the HR function, its increased potential contribution to the success of organizations and the mutual relationships (integration) between business strategy and HRM.

### **Theoretical Perspectives of Strategic Human Resource Management**

A number of theoretical models have been developed to explain what exactly strategic human resource management requires in an organization and the processes by which strategic human resource management contributes to the bottom line success of a firm. The five theoretical perspectives formulated to define the concept of strategic human resource management are as follows:

- a. **Universalistic approach:** John Delery and Harlod Doty describe universalistic approach to strategic human resource management as the process of transforming traditional human resource practices into a limited set of “correct” human resource procedures and policies. There is no single best way to manage human resources and strategy. The set of HR practices include: High levels of employment security, selective hiring practices, a focus on

teams and decentralized decision making, high pay levels, extensive employee training and so on.

- b. **Strategic fit approach:** Contrary to the universalistic approach strategic HRM involves matching specific HR practices to the firm's overall business strategy. External fit refers to how well HR practices align with specific aspects of the external environment.
- c. **Internal Service Provider:** In this approach strategic HRM, involves the role of HR professionals in providing HR services to business units within the firm. The goal is to enhance the effectiveness and efficiency of the operations of the concerned business unit customers.
- d. **Configuration:** The configuration approach to SHRM suggests that there are various configurations of HR practices that go hand- in-hand and, collectively improving the business performance. The effectiveness of HRM in enhancing a firm's competitive advantage depends on a set, or bundle, of HR practices rather than on any single HR program or policy.
- e. **Resource based Model:** This model of SHRM is based on the idea that organizations gain competitive advantage with the resource (employees) that are valuable, rare, difficult with high competence levels for competitors to imitate or acquire success by enhancing the overall value of the firm.

### **Key Role and Benefits of Strategic Human Resource Management**

There are two core aspects of strategic human resource management as importance should be given to the integration of human resource management in business strategy, and the devolvment of human resource management to line managers instead of personnel specialists. Brewster and Larsen define integration as 'the degree to which the human resource management issues are considered as part of the formulation of the business strategy' and devolvment as 'the degree to which human resource management practices involve and give responsibility to line managers rather than personnel specialists'. They highlight a number of benefits of integration of human resource management into corporate strategy. These include: providing a broader range of solutions for solving complex organisational problems; assuring the successful implementation of corporate strategy; contributing a vital ingredient in achieving and maintaining effective organisational performance; ensuring that all human, technical and financial resources are given equal and due consideration in setting goals and assessing implementation capabilities; limiting the subordination and neglect of human resources issues to strategic considerations; providing long-term focus to human resource management; and helping a firm to achieve competitive advantage.<sup>11</sup>

This study has described the benefits of development of strategic human resource management which include: highlighting certain issues that are too complex for top management to comprehend alone; developing more motivated employees and more effective control; local

managers responding more quickly to local problems and conditions; resolving most routine problems at the 'grassroots level'; affording more time for personnel specialists to perform strategic functions; helping to systematically prescribe and monitor the styles of line managers; improving organisational effectiveness; preparing future managers by allowing them to practise decision-making skills; and assisting in reducing costs by redirecting traditionally central bureaucratic personnel functions.<sup>12</sup>

An important issue for top decision-makers is how to evaluate the extent to which both strategic integration and involvement are practised in their business organisations. The level of integration of strategic human resource management into corporate strategy can be evaluated by a number of criteria: these include representation of specialist people managers on the board; the presence of a written people management strategy (in the form of mission statement, guideline or rolling plans, emphasising the importance and priorities of human resources in all parts of the business); consultation with people management specialists from the outset in the development of corporate strategy; translation of the people management strategy into a clear set of work programmes; the growing proactive nature of people management departments through the creation of rolling strategic plans (emphasising the importance of human resources in all parts of the business); through mission statements; by aligning human resource policies with business needs through business planning processes; by use of participative management processes and committee meetings; and via human resource audits.

The level of devolvement of strategic human resource management to line managers in an organisation can be evaluated on the basis of measures as: the extent to which primary responsibility for decision-making regarding strategic human resource management (regarding pay and benefits, recruitment and selection, training and development, industrial relations, health and safety, and workforce expansion and reduction) lies with line managers; the change in the responsibility of line managers for strategic human resource management functions; the percentage of line managers trained in people management in an organisation; the feedback given to managers/line managers regarding strategic human resource related strategies; through consultations and discussions; the extent to which line managers are involved in decision-making; by giving the line managers ownership of strategic human resource management; and by ensuring that they have realised or accepted it by getting their acknowledgement.<sup>13</sup>

Strategic human resource management is a part of the business plan. It is used to gain competitive advantage and its practice is coupled with business strategy. It elevates human resources management from micro level (individual personal level) to the macro level (business strategy level). It includes analysis of business and socio-political environment. Human resource professionals must be aware of global business and social trends and should be able to perform environmental scanning. It also includes internal human resource analysis. Human resource professionals must analyze human resources against current and future business strategies and identify the gaps between them. Strategic human resource is also intended to assist management in the best use of internal labor market. Hence an absolute requirement for analysis would be

effective use of computer based human resource information systems. Human resource management includes organizational analysis and design<sup>14</sup>. So, human resource professionals had to provide management not only with analysis, but also organization-design recommendations. Benchmarking against successful internal and external organizations is useful tool that helps in this process.

### **Generic Human Resource Strategies and Reality of Strategic Management**

Budhwar and Sparrow have proposed four human resource strategies that can highlight the prevalence of generic HR strategies in a business organization. These are: a) 'Talent acquisition' HR strategy (emphasizes attracting the best human talent from external sources); b) 'Effective resource allocation' HR strategy (maximizes the use of existing human resources by always having the right person in the right place at the right time); c) 'Talent improvement' HR strategy (maximize the talents of existing employees by continuously training them and guiding them in their jobs and career); and d) 'Cost reduction' HR strategy (reduces personnel costs to the lowest possible level). Budhwar and Khatri examined the impact of these HR strategies on recruitment, compensation, training and development and employee communication practices in matched Indian and British firms. The impact of these four HR strategies varied significantly in the two samples, confirming the context specific nature of HRM.

The reality of strategic management is that managers attempt to behave strategically in conditions of uncertainty, change and turbulence, even chaos. The strategic management approach is as difficult as it is desirable, and this has to be borne in mind when consideration is given to the concept of strategic HRM. Tyson points out the followings: a) realistically strategy has always been emergent and flexible – it is always 'about to be' and it never exists at the present time; b) strategy not only is realized by formal statements but also comes about by actions and reactions; c) strategy is a description of a future-orientated action that is always directed towards change; and d) strategy is conditioned by the management process itself.<sup>15</sup>

### **Challenges and Opportunities**

The human resource fields in the process of dramatic change. Business sectors are facing three major challenges: i) alternative competitive forces are creating new challenges for business sectors to respond to service and product delivery in different ways. These competitive forces place tremendous demands on business organizations to embrace technology and alternative relationships, sometimes with competitors; ii) customer expectations and values are becoming demandable; they expect responsiveness, quality, and bundling of services, so that the services they receive are total solutions rather than just parts of the solution. This is creating significant challenges for business companies that see themselves as the delivery agents of only one service; iii) Business sectors are facing the pressure of the lack of available capital. For this reason, very significant mergers and acquisitions are being come forward.

These external pressures are creating a tremendous challenge for human resource professionals to enhance their business acumen, their understanding of the business issues and the needs of the external customer. Human resource is also being challenged to develop strategies to create an organizational culture that allows people to be more flexible during dramatic changes. Human

resource strategy is being driven by the need to create an overall business alignment of human resource practices with the initiatives of the business organization.

In most organizations, business strategy drives human resource strategy. A human resource leader is successful in guiding the business to include a core strategy to create a strong positive culture. The strategic initiative focuses on the development of core values and the associated behavior for employees. Human resources also designed the rewards and recognition to enable the strategic culture initiative to occur. In three ways human resources role can change the business environment. First, human resources must have the ability to understand what is driving the business and its customers. They can create organizational change in alignment with the customer drivers and the business challenges. Second, human resource professionals need to have a broad knowledge base to provide them with the information to be idea merchants. They need to continuously develop their unique database of solutions and willingly share it to bringing about change in the business. Third, human resource professionals need to find ways to have their 'other' required work done. Human Resource professionals need to be outstanding in the process of disciplined abandonment. A rigorous exercise of disciplined abandonment is essential to create the time to focus on bringing about organizational changes.

### **Findings and Suggestions**

1. Strategic human resource management is the proactive management of human resources in an organization. It requires thinking ahead, planning, organizing and directing ways for the business to better meet the needs of the employees and for the employees to better meet the needs of the business. Being able to plan for the needs of employees by thinking ahead can help to improve the rate of skilled employees who chose to remain working for business.
2. Technology problem (Y2K) became a blessing in disguise for human resources. A large number of human resource professionals used the Y2K problem as an opportunity for a business case to buy the new technology. The new technology gave them the capability to foster employee self-reliance and allow managers to become human resource leaders through the technological support. Human Resource professionals should need to know how to leverage and get maximum value from the technology in order to deliver on their promise to the business.
3. The administrative efficiency of human resource management should improve strategically by the use of modern technology. The operational functions of human resource management like recruitment, selection, training and development, wages and salaries etc. can effectively perform with the help of information technology. So, human resource functions should become a partner in formulation and implementation of business strategy.
4. The return on investment in human capital which will demonstrate the financial value of human capital investments. It suggests that this will be an important driver in the future. Business enterprises should retain the best employees to support a strong positive culture.

5. Vendor's management capabilities play a vital role in SHRM of any business organization. As they deploy work to external services, or, in some cases, to internal services, Business organizations should need to know how to manage some external and internal services and guarantee quality. Human resources should need to develop vendor management skills, through technology and through relationships with the supplier organizations.
6. A business organization needs to make a greater concentration on the financial requirement to balance income and expenditure while continuing to develop and improve service delivery and also clarify expectations but simultaneously gaining commitment to manage and carry out activities on the basis of increased self regulation and decision making from an operational level rather than pressures or instructions from authority.
7. Strategic human resource management should be an approach to the management of human resources that provides a strategic framework to support long-term business goals and outcomes. The approach should concern with longer term human resource issues and macro-concerns about structure, culture, quality, values, commitment and matching resources to future need.
8. Human resource management is a major force in driving organizational performance. So, the management development process, appraisal process, reward process should relate to the organizational long-term and short-term goals and appraisal should evaluate by the executive talents at the strategic level. So, every business organization must develop its own strategic position in terms of human resources.

## **Conclusion**

Human Resource management has a major impact on individual, productivity and organizational performance. Strategic management requires effective human resource management. Strategic human resource management helps organization to become effectiveness. Organizations need to carefully design strategies and relate to human resources for effective utilization in achieving greater competitive performance. The human resource policies, practices should follow the system of strategic human resource management.

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# HRM Practices in Private Sector Financial Organizations of Bangladesh: An Analysis on Employee Satisfaction, Emotional Intelligence and Job Performance

Md. Azmir Hossain\*

**Abstract:** In the recent period of time Human Resource Management (HRM), Organizational Behaviour and Industrial Psychology practices became so familiar and important in every business sector of Bangladesh. The success of every organization is coming through the performance of the HRs of that organization. The effectiveness of the employees performance is largely depends upon the HR policy and practices. The focus of this study is to gain an insight into the current HRM practices and its impact on employee's satisfaction in the private sector financial organizations of Bangladesh. The field of the study is based on the relationship between emotional intelligence, job performance and job satisfaction of the employees. For conducting this research, 55 respondents of different private sector financial organizations have been selected, from which 50 responds properly and the questionnaire consisted of different questions on HRM dimensions which has found a positive relationship among employee satisfaction, emotional intelligence and job performance of the employees.

**Key words:** HRM, Satisfaction, Relationship, Organisational Behaviour, Job Performance, Industrial Psychology, Employee Perceptions, Emotional Intelligence.

**Abbreviations:** HRM=Human Resource Management, JP=Job Performance, EI= Emotional Intelligence, IQ= Intellectual quotient, OB= Organizational Behavior

## Introduction

Human Resource Management (HRM) is not just to hire people. Effective HRM practices support business goals and objectives. HRM is a distinctive approach to employment management which seeks to achieve competitive advantage through the strategic development of a highly committed and capable workforce using an integrated array of cultural, structural and personnel techniques. Every organization operates its activities with the support of human resource which includes top level managers, executives, supervisors and other employees.<sup>1</sup> Lack of efficient HRM practices reduces manager's satisfaction towards their organizations that affect their commitment to work. Emotional intelligence (EI) is widely discussed in Industrial Psychology and Organisational Behaviour (OB). It is a new concept. The concept is very old but in the last few years it has gained popularity among academics and researchers as well. The pioneer researchers argued that "EI is twice as important as IQ". EI is a critical element for an individual's effectiveness as well as for improving job performance.<sup>2</sup> It includes self-awareness, self-management, social skills, organizational growth and relationship management. The ingredients of excellent performance are technical skills, IQ and EI. EI is more significant than the others for jobs at all levels. EI is positively related to one's quality and effectiveness that is essential for effective leadership and facilitates individual adaptation and change.<sup>3</sup> Moreover, EI can contribute more to career advancement through job performance to enrich manager satisfaction. There is a little research examining the relationship among EI, employee satisfaction and job performance. Therefore, future research should be done to explore this area to fill the gap between knowledge and practice.<sup>4</sup> It is important to note that researches on EI and job performance have been conducted in the developed countries like USA, UK, Canada, and Australia and in some other parts of the world.

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The literature has revealed that in-depth research on EI and its relationship with job performance in a developing country, like Bangladesh is largely absent. This gap motivates the researcher to investigate and analyse the relationship between EI and job performance in the organisations of Bangladesh so that it can contribute in the field of HRM, Industrial Psychology and Organizational Behaviour.<sup>5</sup>

## **Scope of the Study**

This study covers the HRM, OB and Industrial Psychology policies and practices of 20 private financial service organizations such as private banks, insurance companies, financing companies, NGOs and money lending firms of Bangladesh, along with some recommendations to improve relationship, participations and job satisfaction of the employees.

## **Objectives of the Study**

The objectives of the research are to measure employee's satisfaction on the OB and Industrial psychology practices and to investigate the relationships between EI, employee satisfaction and job performance. While a large number of researches have been conducted on organizational behaviours but the amount of research on the relationship among Emotional Intelligence (EI), employee satisfaction (ES) and job performance (JP) is very few in Bangladesh context. In order to explore the relationships among them, the current study is an attempt for achievement of two major objectives of the private sector financial organizations in Bangladesh.

### **A. General Objective**

To analyze the importance and relationships among human resource management, emotional intelligence, employee satisfaction and job performance by perceptions of the employee of some selected private financial organizations in Bangladesh.

### **B. Specific Objectives**

The specific objectives are:

1. To find the relationship between EI and JP by perceptions of employee.
2. To find the relationship between EI and HRM measured by JP of employee.
3. To find the relationship between EI and industrial psychology by JP of employee.
4. To find the relationship between EI and organizational behaviour by JP of employee.
5. To find the relationships between perceptions and JP by EI of employee.
6. To find the relationship between JP and HRM measured by EI of employee.
7. To find the relationship between JP and industrial psychology by of EI employee.
8. To find the relationship between JP and organizational behaviour by EI of employee.

## **Literature Review**

Employee satisfaction is the terminology used to describe whether employees are happy and contented and fulfilling their desires and needs at work. Many measures purport that employee satisfaction is a factor in employee motivation, employee goal achievement, and positive employee morale in the workplace. Employee satisfaction, while generally a positive in your organization, can also be a downer if mediocre employees stay because they are satisfied with your work environment.<sup>6</sup> Factors contributing to employee satisfaction include treating employees with respect, providing regular employee recognition, empowering employees, offering above industry-average benefits and compensation, providing employee perks and company activities, and positive management within a success framework of goals, measurements, and expectations. Employee satisfaction is looked at in areas such as management, understanding of mission and vision, empowerment, teamwork, communication, and co-worker interaction. These elements depend on employee's emotional intelligence and performance in job.<sup>7</sup>

Emotional intelligence (EI) is the ability to identify, assess, and control the emotions of oneself, of others, and of groups. It can be divided into ability EI and trait EI. Criticisms have centered on whether EI is a real intelligence and whether it has incremental validity over IQ and the big five personality traits.<sup>8</sup> For most people, emotional intelligence (EI) is more important than one's intelligence (IQ) in attaining success in their lives and careers. As individuals our success and the success of the profession today depend on our ability to read other people's signals and react appropriately to them. Therefore, each one of us must develop the mature emotional intelligence skills required to better understand, empathize and negotiate with other people, particularly as the economy has become more global. Otherwise, success will elude us in our lives and careers.<sup>9</sup>

Job performance is whether a person performs their job well. Job performance is studied in industrial and organizational psychology, the branch of psychology that deals with the workplace. Job performance is also part of human resources management. Performance is an important criterion for organizational outcomes and success. The work related activities expected of an employee and how well those activities were executed. Many business personnel directors assess the job performance of each employee on an annual or quarterly basis in order to help them identify suggested areas for improvement.<sup>10</sup>

Accordingly, the researchers have demonstrated that effective manager should have EI because it is considered important in inspiring subordinates and building strong relationships. Charismatic leaders must possess strong emotional convictions regarding their values and beliefs in their communication with have claimed that effective managers are recognised as using emotion to communicate a vision and to elicit responses from their subordinates.<sup>11</sup> It has been found that leaders with high EI use positive emotions to improve their decision making leading to major improvements in organisational settings. Managers require managerial skills such as planning, organising, and controlling while leaders need to have EI and behavioural skills.<sup>12</sup> EI plays an important role in managerial and leadership effectiveness. EI is considered to be important for job performance. Some researchers have theorized that job performance is influenced by employees' ability to use emotions to facilitate performance. Employees could use both positive and negative emotions to their advantage to improve job performance. It has also been argued that emotionally intelligent individuals perform their jobs better than individuals with low EI.<sup>13</sup>

Developments in the field of HRM are now well documented in the management literature. The roots of HRM go back as far as the 1950s, when writers like Drucker and McGregor

stressed the need for visionary goal-directed leadership and management of business integration. This was succeeded by the 'behavioural science movement' in the 1960s, headed by Maslow and Herzberg. These scholars emphasised the 'value' aspect of human resources (HR) in organisations and argued for a better quality of working life for workers. This formed the basis of the 'organisational development movement' initiated by Bennis in the 1970s. The 'human resource accounting' (HRA) theory developed by Flamholtz was an outcome of these sequential developments in the field of HRM and is considered to be the origin of HRM as a defined school of thought.<sup>14</sup> HRA emphasised human resources as assets for any organisation. This 'asset' view began to gain support in the 1980s. The last twenty-five years or so have then witnessed rapid developments in the field of HRM, which are an outcome of a number of factors such as growing competition (mainly to US and UK firms by Japanese firms), slow economic growth in the Western developed nations, realisation about the prospects of HRM's contribution towards firms' performance, creation of HRM chairs in universities and HRM-specific positions in the industry, introduction of HRM into MBA curricula in the early 1980s, and a continuous emphasis on the involvement of HRM strategy in the business strategy.<sup>15</sup> The above developments in the field of HRM highlight the contribution it can make towards business success and an emphasis on HRM to become an integral part of business strategy. The emergence of the term 'strategic human resource management' (SHRM) is an outcome of such efforts.<sup>16</sup> It is largely concerned with 'integration' of HRM into the business strategy and 'adaptation' of HRM at all levels of the organisation.

## **Methodology of the Study**

This study has been conducted using a quantitative research design. A convenience sampling method is used for data collection. This paper is based on both primary and secondary data. Primary data were collected through a structured questionnaire which was administered personally to the employees of different financial service organizations. Data on EI, job performance, leadership styles and employee satisfaction has been collected from the employees working at different private sector financial organisations in Bangladesh. The target population of this study was employees in Dhaka and Narayanganj city Corporations who are serving as officers or executives of different private financial service organizations.

## **Data collection and analysis**

Among various private banks, insurance companies, financing companies, NGOs and money lending firms this study considered 20 private organizations. For conducting this research, 55 employees of officers, executives and managers are selected from the chosen organizations and out of this 50 employees responses properly, the response rate is 90 percent. The questionnaire consists of different questions on eight HRM dimensions such as self-regulation, social skills, job security, career growth, training and development, working environment, job empathy and reward and motivation. The questionnaire was developed by using a five point Likert scale, whereas- 1 = strongly dissatisfied, 2 = dissatisfied, 3 = neutral, 4 = satisfied and 5 = strongly satisfied.

But some secondary data have been used in the study. The secondary data used in the study have been collected from related journals, books, newspapers and internet, etc. In this study, some statistical measures such as Z-test mean and proportion analysis are used to examine employee's satisfaction.

## **Hypothesis Development**

On the basis of HRM practices and job performance of the employees, the following hypotheses were developed to understand the different categories of emotional intelligence:

H1: Employees' satisfaction on self-regulation.

H2: Employees' satisfaction on social skills.

H3: Employees' satisfaction on job security.

H4: Employees' satisfaction on career growth.

H5: Employees' satisfaction on training and development.

H6: Employees' satisfaction on working environment.

H7: Employees' satisfaction on job empathy.

H8: Employees' satisfaction on reward and motivation.

## **Analysis and Results**

The four components of EI (self-regulation, motivation, empathy and social skills) and four components of JP (job security, career growth, training and development, working environment) asked the employees to give their opinions concerning their own perception on a five-point Likert scale from 1 (strongly dissatisfied) to 5 (strongly satisfied). The higher score will indicate the higher EI of the employees. The Multifactor Leadership Questionnaire for the purpose of the study, only the items of transformational and transactional leadership has been used. Employee satisfaction scales used to measure the perceived job performance of the employee's participants have been asked to give their opinions regarding their own job performance. All data received from the survey have been entered into an Excel file for summarisation and then imported into the SPSS statistics database. Exploratory data analysis has been carried out first to determine the normality of the distributions of the variables. Descriptive statistics, such as, means (M), standard deviations (SD), standard error, mean rank and frequencies (N) have generated for relevant variables.

The following mentioned Tables 1 to 3 show the descriptive statistics of the respondents with their age and gender about minimum, maximum, mean and standard deviation. Table 4 to 11 show frequency, valid percent and cumulative percent of eight hypotheses. Those table shows strongly disagree to strongly agree statements of the selected respondents to find the maximum frequency of their comments.

**Table 1:** Descriptive statistics showing mean, frequency and standard deviation

<b>Descriptive Statistics</b>					
	N	Minimum	Maximum	Mean	Std. Deviation
Gender	50	1	2	1.90	.303
Age	50	1	4	2.22	.708
satisfaction on self-regulation	50	2	5	4.22	.708
satisfaction on social skills	50	2	5	4.24	.687
satisfaction on job security	50	1	5	3.98	.937
satisfaction on career growth	50	3	5	4.20	.639
satisfaction on training and development	50	1	5	3.90	.953
satisfaction on working environment	50	1	5	3.86	.969
satisfaction on job empathy	50	1	5	4.08	.804
satisfaction on reward and motivation	50	1	5	4.14	.833
Valid N	50				

Source: Statistical analysis using SPSS software

In Table-1 sample size is 50, where gender of participants are 1=male and 2= female; age started from 18 to 50 up ranked as 1 to 4. Eight hypotheses mean and standard deviation also give to find the relationship among HRM practices, Organizational Behaviour and Industrial Psychology.

**Table 2:** Gender percentage of male and female respondents

<b>Gender of Employees</b>				
	Frequency	Percent	Valid Percent	Cumulative Percent
Male	45	90.0	90.0	90.0
Female	5	10.0	10.0	100.0
Total	50	100.0	100.0	

Source: Statistical analysis using SPSS software

In Table-2 male is 45 and female respondents is 05, total is 50 respondents.

**Table 3:** Age percentage of male and female respondents

<b>Age of Employees</b>				
	Frequency	Percent	Valid Percent	Cumulative Percent
18-29	5	10.0	10.0	10.0
30-39	32	64.0	64.0	74.0
40-49	10	20.0	20.0	94.0
Above 50	3	6.0	6.0	100.0
Total	50	100.0	100.0	

Source: Statistical analysis using SPSS software

In Table-3 age between 18-29 was 05, age between 30-39 was 32, age between 40-49 was 10, age above 50 was 03.

**Table 4:** Employee satisfaction on self-regulation

<b>Employee satisfaction on self-regulation</b>					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Disagree	1	2.0	2.0	2.0
	Neutral	5	10.0	10.0	12.0
	Agree	26	52.0	52.0	64.0
	Strongly agree	18	36.0	36.0	100.0
	Total	50	100.0	100.0	

Source: Statistical analysis using SPSS software

In Table-4 maximum number of frequency found 26 (52%) with statement of “agree” from total of 50 frequency using 5 point Likert scale and minimum number of frequency found 01 (02%) with statement of “disagree”.

**Table 5:** Employee satisfaction on social skills

<b>Employee satisfaction on social skills</b>					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	disagree	1	2.0	2.0	2.0
	neutral	4	8.0	8.0	10.0
	agree	27	54.0	54.0	64.0
	strongly agree	18	36.0	36.0	100.0
	Total	50	100.0	100.0	

Source: Statistical analysis using SPSS software

In Table-5 maximum number of frequency found 27 (54%) with statement of “agree” from total of 50 frequency using 5 point Likert scale and minimum number of frequency found 01 (02%) with statement of “disagree”.

**Table 6:** Employee satisfaction on job security

<b>Employee satisfaction on job security</b>					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	strongly disagree	1	2.0	2.0	2.0
	disagree	5	10.0	10.0	12.0
	neutral	1	2.0	2.0	14.0
	agree	30	60.0	60.0	74.0
	strongly agree	13	26.0	26.0	100.0
	Total	50	100.0	100.0	

Source: Statistical analysis using SPSS software

In Table-6 maximum number of frequency found 30 (60%) with statement of “agree” from total of 50 frequency using 5 point Likert scale and minimum number of frequency found 01 (02%) with statement of “strongly disagree”.

**Table 7:** Employee satisfaction on training and development

<b>Employee satisfaction on training and development</b>					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	strongly disagree	1	2.0	2.0	2.0
	disagree	4	8.0	8.0	10.0
	neutral	7	14.0	14.0	24.0
	agree	25	50.0	50.0	74.0
	strongly agree	13	26.0	26.0	100.0
	Total	50	100.0	100.0	

Source: Statistical analysis using SPSS software

In Table-7 maximum number of frequency found 25 (50%) with statement of “agree” from total of 50 frequency using 5 point Likert scale and minimum number of frequency found 01 (02%) with statement of “strongly disagree”.

**Table 8:** Employee satisfaction on career growth

<b>Employee satisfaction on career growth</b>					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	neutral	6	12.0	12.0	12.0
	agree	28	56.0	56.0	68.0
	strongly agree	16	32.0	32.0	100.0
	Total	50	100.0	100.0	

Source: Statistical analysis using SPSS software

In table-8 maximum number of frequency found 28 (56%) with statement of “agree” from total of 50 frequency using 5 point Likert scale and minimum number of frequency found 06 (12%) with statement of “no comments”.

**Table 9:** Employee satisfaction on working environment

<b>Employee satisfaction on working environment</b>					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	strongly disagree	2	4.0	4.0	4.0
	disagree	3	6.0	6.0	10.0
	neutral	6	12.0	12.0	22.0
	agree	28	56.0	56.0	78.0
	strongly agree	11	22.0	22.0	100.0
	Total	50	100.0	100.0	

Source: Statistical analysis using SPSS software



In Table-9 maximum number of frequency found 28 (56%) with statement of “agree” from total of 50 frequency using 5 point Likert scale and minimum number of frequency found 02 (04%) with statement of “strongly disagree”.

**Table 10:** Employee satisfaction on job empathy

<b>Employee satisfaction on job empathy</b>					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	strongly disagree	1	2.0	2.0	2.0
	disagree	1	2.0	2.0	4.0
	neutral	5	10.0	10.0	14.0
	agree	29	58.0	58.0	72.0
	strongly agree	14	28.0	28.0	100.0
	Total	50	100.0	100.0	

Source: Statistical analysis using SPSS software

In Table-10 maximum number of frequency found 29 (58%) with statement of “agree” from total of 50 frequency using 5 point Likert scale and minimum number of frequency found 01 (02%) with statement of “strongly disagree”.

**Table 11:** Employee Satisfaction on reward and motivation

<b>Employee Satisfaction on reward and motivation</b>					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	strongly disagree	1	2.0	2.0	2.0
	disagree	1	2.0	2.0	4.0
	neutral	5	10.0	10.0	14.0
	agree	26	52.0	52.0	66.0
	strongly agree	17	34.0	34.0	100.0
	Total	50	100.0	100.0	

Source: Statistical analysis using SPSS software

In Table-11 maximum number of frequency found 26 (52%) with statement of “agree” from total of 50 frequency using 5 point Likert scale and minimum number of frequency found 01 (02%) with statement of “strongly disagree”.

Out of the Tables 11, from the Tables 4 to 11 show strongly dissatisfaction to strongly satisfaction frequency ranked from 1 to 5 to find the relationship among Employee Satisfaction, Emotional Intelligence, Employee Satisfaction and Job Performance. From the statistical analysis of the hypotheses and 5-point Likert scale this study found that there is a strong relationship among human resource management, emotional intelligence, employee satisfaction and job performance by perceptions of the employee. All the independent variables have importance to determine employee satisfaction through HRM and OB practices of the selected private financial organizations in Bangladesh.

### **Limitations of the Study**

Researcher was really unable to collect enough information due to official restrictions of the selected private sector financial organizations. Many things were so confidential that was not entitled to access there. To the best of knowledge of the researcher very little study was

conducted on this specific area, that's why there is lack of guidance. This study was based on HRM, OB and Industrial Psychology practices in the business. So information was designed on the basis of those dimensions only.

### **Findings of the Study**

The study has discovered the following findings from this study:

1. The study disclosed the relationship between employees' satisfaction and various dimensions of HRM, OB and Industrial psychology practices.<sup>17</sup>
2. In this study, we considered nine major factors which represented most of the human resources management practices followed by different private financial service organizations.
3. The study reveals that all HRM dimensions exercised in the private financial service organizations of Bangladesh does not satisfied to the employees equally. Most of the employees are dissatisfied with some of the dimensions.<sup>18</sup>
4. It is obvious that HRM practices in the private financial service organizations of Bangladesh have not been fully developed.
5. There is the urgent need to employ the services of HR professionals, consultants, psychologists and researchers to help shape and develop new directional focus that will ensure an efficient and effective human resource practices.<sup>19</sup>

### **Recommendations of the Study**

The study suggests the following recommendations for doing perfect HRM practices.

1. Organizations should give various financial and non-financial benefits to employees according to their performance. This will make them more devoted to the work and their satisfaction will be definitely high.<sup>20</sup>
2. The organizations should prepare the standard human resource planning. Because the success and failure of organizations is highly dependent on the proper human resource planning.
3. The employee training program of the organizations is a good way to groom a to-be-manager for the probable vacancy in the future.<sup>21</sup>
4. The organization should establish motivational and leadership program to build a positive work environment.
5. The organization should regularly follow performance appraisal procedure to build a productive and valuable workforce.<sup>22</sup>
6. The selection tools and procedures used in the program of self development have also provided to be very effective that shows in Table-4 maximum number of frequency found 26 (52%) with statement of "agree" of Likert scale from total of 50 frequency.
7. The company should follow both on-the-job and off-the-job method of training when they are training their employees. On-the-job training takes place in a normal working situation, using the actual tools, equipment, documents or materials that trainees will use when fully trained. Off-the-job training takes place away from normal work situations implying that the employee does not count as a directly productive worker while such training takes place.<sup>23</sup>
8. The financial organizations should be analyzed the organizational jobs properly to serves as the functions in order to evaluate the different positions of employees for well conceived pay-structure.

9. Before appraising the performance of employees in the organization properly, there should establish the standard performance of all employees in the organization without showing any discrimination.<sup>24</sup>
10. The HRD manager should prepare the standard promotion policy for the employees of the organization to increase the competitions and more employee satisfaction in the organizations.
11. The HRD manager should establish the standard pay structure for the employees of the organization in order to reduce the high turnover of employees. Because most of the employees are dissatisfied in present pay structure of their working organizations.<sup>25</sup>
12. The organizations should use suitable techniques for assessing the performance of employees to increase more satisfaction in their job and positions.

## Conclusion

This study shows that in the financial organizations employees are provided on EI, JP and EP. However this study found a positive relationship between EI and leadership and JP and motivation styles. Thus, a better understanding of the relationships can also enhance the body of knowledge from the academic perspective. The studies of EI, leadership styles, job performance, motivation and employee satisfaction are important in the field of OB, HRM and Psychology. Now a day's organisations are desperately looking for innovative ways to attain and retain their competitive advantage. A successful leadership practices and job performance is recognised as a high priority to practitioners as well as business leaders. Findings from the analysis may help employee and employer to identify emotionally intelligent employees to facilitate job performance in the private sector financial organisations in Bangladesh.

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## The role of “Smoking and Tobacco Product Usage Control Act-2005” to Stop Cultivation Tobacco and Shifting to Food Production

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**Abstract:** Bangladesh is an agriculture-based country. However, nowadays, tobacco cultivation has increased significantly (about 65 percent) in the last few years compared to other cereal crops. The environment is damaged due to the overuse of pesticides and fertilizers, tobacco processing; and occupational health is in a vulnerable state due to the dispersal of harmful substances emitted during tobacco processing. Tobacco cultivation leads to: “exacerbation of poverty in particular two issues related to social disruption like bonded labour and child labour; food security and malnutrition. Contractual arrangements trap farmers in a vicious cycle of debt, leaving them with few opportunities and little time for healthy practices. Tobacco growing entails a number of irreversible costs to farmers, which not only seriously damage their living standards but also erode their long-term prospects. Health risks, working conditions, contractual arrangements, the use of children in tobacco growing, and the environmental practices of tobacco growing have negative impacts on human capital and land, the two crucial assets in rural livelihoods.” Besides, the study consisted of an empirical investigation in three contrasting tobacco growing Zone in Bangladesh investigating whether tobacco cultivation poses a greater hazard to the welfare of poor people in comparison with the cultivation of other available crop alternatives

**Key words:** Tobacco, Enforcement, Anti-Tobacco Law

### Introduction

“Stop tobacco cultivation and grow food for creating a better living place for the next generation.” Bangladesh is a small, poor, densely populated country of roughly 153.2 million people, about 80 percent of who live in rural areas.<sup>1</sup> It has a well-deserved reputation as being disaster-prone, having been stricken with droughts, floods, and a range of health and environmental problems, from dengue and cholera to arsenic contamination of the water supply. It should come as no surprise, then, that tobacco control has not gained much attention or been considered a priority. With so many competing causes of disease, and with nearly half the population living below the poverty line and consuming less than 2,122 calories per day<sup>1</sup> (Bangladesh Bureau of Statistics 2012a), tobacco has generally seemed too remote and insignificant an issue to be on the country’s agenda of concerns.

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Yet tobacco use is widespread and increasing rapidly, and knowledge about the harm it causes to health is slight. Moreover, although other causes of death still dominate, tobacco use contributes a nontrivial amount to the overall burden of disease and death. And it has clear and significant immediate negative effects on the welfare of poor families, when scarce resources that could be used for food are instead spent on tobacco. Tobacco cultivation can be basically termed as ‘Contract farming’, because in majority of the cases the cultivation of tobacco is contracted with a large business organization or multinational company. The tobacco cultivation although earning a lot in addition in the form of government taxation and wage of the employees and laborers, majority of the impacts of this cultivation have negative or adverse effect on health, economic, social and environmental conditions. Bangladesh is predominantly an agricultural country with over 70% of its population dependent on farming as a livelihood and about 23% of the national GDP is derived from this sector.<sup>1</sup> Food production is of vital importance, and any threat is a national security concern. In the areas where researcher have worked, particularly in Kushtia, Meherpur, Chuadanga, Chittagong, Rangamati, Bandarban, and Rangpur farmers have experienced expansion of tobacco cultivation.

## Objectives

- 1) Broad objectives of this study are to find out the present condition of tobacco cultivation in Bangladesh.
- 2) The specific objectives are
  - a) To find out why farmers cultivate tobacco instead of other substitute crops.
  - b) To find out why the Govt. can't proper implemented Smoking and Tobacco Product Usage Control Act-2005.
  - c) To find out who influence the farmers to cultivate tobacco.
  - d) To show how Govt. can be stopped/ controlled tobacco cultivation. Or can implement Smoking and Tobacco Product Usage Control Act-2005 to stop tobacco cultivation.

## Research Methodology

It is an exploratory research. Both primary and secondary information have been used to prepare this research. Qualitative techniques have been used to conduct the research. Researchers have divided into three zone of tobacco cultivation in Bangladesh. 1. Kushtia

Zone, 2. Hill tracts Zone and 3. Rangpur Zone. Primary information has been collected by a structural questionnaire from three zone like- 1. Kushtia zone (Kushtia, Meherpur, Chuadanga, etc) 2. Hill tracts zone (Chittagong, Bandarban, Rangamati, Khagrachhari, & Cox's Bazar), 3. Rangpur zone ( Rangpur, Gaibandha, Nilphamari, Kurigram, & Lalmonirhat). Tobacco cultivation is highly concentrated in these three zones of Bangladesh. Secondary data were collected from Department of Agricultural Extension (DAE), Statistical Year Book-2010, Year Book of Agriculture Statistics-2011, National Tobacco Control Cell (NTCC), Unnaon Bikolper Nitinirdharoni Gobesona (UBINIG), and many national and international journals.

## **Historical Background of Tobacco**

The history of tobacco use goes back to 4000 years ago. It has been revealed by the scientists that the native Mexicans, central and South Americans chewed tobacco in those ages.<sup>2</sup> Tobacco was introduced to Europe Christopher Columbus. Then day by day it was introduce to the whole world. Now tobacco product is an important and daily uses product for maximum people in the recent world. But it's creates a great problem for the users especially for the young generation.<sup>2</sup> The reason is that, tobacco products are the main cause for all types of addictions. And tobacco cultivation is the causes of damaging the ecology of the area, environment, and health of the people and also because of sloping land.

At the beginning, tobacco was used as it had been learned from the natives of the new world. During the Crimean War between 1853- 1856, people learned from ottomans to wrap mined tobacco in a piece of paper and to smoke it as a cigarette.<sup>2</sup> The first cigarette factory was establishment in London wile and American took the patent of tobacco wrapping machine in 1880. After this, cigarettes were being manufactured by pouring tobacco in to continuous paper tapes and wrapping it automatically.

## **Tobacco Cultivation in Bangladesh**

The early history of tobacco cultivation in Bangladesh (when Bangladesh was under the rules of British Period), it was first came to Chittagong Hill Tracts. Chittagong Hill Tracts, parts of the Chin national territory, forms a record of constantly recurring raids on the part of the eastern hill tribes, and of the operations undertaken to repress them.<sup>3</sup> After liberation tobacco cultivation was the major economic crops in Bangladesh this time Bangladesh was earn more



than 23.67 core taka by exporting tobacco.<sup>3</sup> As a result in the year of 1973 the Government of Bangladesh was established **Tobacco Development Board** under the ministry of Agriculture and Forest.<sup>3</sup>

## Production of Tobacco

Tobacco has been cultivated in Bangladesh since the 1970s. Tobacco cultivation has significantly expanded in recent years, with one local study estimating the growth at 68 percent from 2007 to 2009, with the current trend pointing even higher.<sup>4</sup> Large groups of farmers in Bangladesh are switching from rice cultivation to tobacco farming, creating concerns about possible food shortages, according to the government and anti-tobacco lobbyists.

Table: 1: Areas, Yield Rates and Production of Tobacco- 2008-09 to 2010-11

	2008-09			2009-10			2010-11		
	Area “000” acres	Per acre yield (kg)	Production “000” Tons	Area “000” acres	Per acre yield (kg)	Production “000” Tons	Area “000” acres	Per acre yield (kg)	Production “000” Tons
Jati	16	562	9	18	555	10	21	565	12
Matihari	20	457	9	23	391	9	26	696	18
Verjinia	38	589	22	53	660	35	73	669	49
Others	.292	.455	.279	.47	808	.38	.18	511	.92
Total	74	540	40	94	574	54	121	656	79

Source: Year Book of Agriculture Statistics 2011, BBS

Table: 1 represents the area, yield rates and production of tobacco where 74000 acres land uses to cultivate tobacco in the year of 2008-09 and the total production was 40000 tons.<sup>4</sup> It was increasing 94000 acres to cultivate tobacco in the year of 2009-10 and also production was increase from past year. Land usages increase more than three times in the year of 2010-11 then the year of 2008-09 for cultivate tobacco.<sup>4</sup> If a large group of farmers switch to tobacco cultivation, it might affect food grain production in Bangladesh. The country will face a severe food crisis in the near future, if tobacco cultivation cannot be stopped immediately. It is a simple equation. When farmers cultivate tobacco [December to March] this is the time for paddy and winter crop cultivation.<sup>5</sup> So expanding tobacco cultivation will certainly cause food insecurity problem.

Tobacco cultivation is damaging the ecology of the area, with loss of indigenous trees, such as *Chukrasia velutina*, and soil fertility.<sup>5</sup> Many of the farmers of Kushtia, Chittagong, Rangamati, Bandarban, Cox's Bazar, Khagrachhari and Rangpur districts of Bangladesh have been losing their interests in cultivating indigenous crops like paddy, banana, maize, sesame, cotton, potato, pumpkin etc. as they became defaulters of loans provided by tobacco companies.

Falling profits have been blamed for farmers' conversion to tobacco cultivation, tobacco companies are recruiting farmers with free seeds, fertilizers, insecticides and "whatever we need for cultivation. Anti-tobacco activists said tobacco companies win over contractors with promises of profits which often do not materialize. Many farmers later understand that it is not profitable business but they cannot leave it as they cannot repay the loans they have taken from the companies. Tobacco companies buy the crop, guaranteeing a steady demand and prices.

### **The Role of Smoking and Tobacco Product Usage Control Act-2005 of Bangladesh**

The Government of Bangladesh has signed the 56<sup>th</sup> Convention of World Health Organization (WHO) in 16<sup>th</sup> June 2003, the name of convention was "**The WHO Framework Convention on Tobacco Control**" (FCTC).<sup>6</sup> For this reason in 15<sup>th</sup> March 2005, the Government of Bangladesh has created a Law of "**Smoking and Tobacco Product Usage Control Act-2005**". The main theme of this law is to prohibit the Usage of Tobacco product but the section 12 explains to produce substitute product rather than tobacco.

Smoking and tobacco product usages (control) ACT, 2005 (ACT No. XI; Section no 12) provide that: **Granting of loan for production of alternative crops to tobacco products.**<sup>7</sup>

- 4.1 To discourage tobacco farmers from producing tobacco products and to encourage them to produce alternative cash crops the Government shall provide loan on simple terms and the facility shall continue for the next five years from the coming into force of this Act.<sup>7</sup>
- 4.2 For motivating in gradually discouraging the production and use of tobacco products and for the purpose of discouraging the establishment tobacco products industry, the Government will formulate necessary policy.<sup>7</sup>

Beside this WHO Framework Convention on Tobacco Control - Article 17 provide that:  
**Provision of support for economically viable alternative activities.**<sup>7</sup>

Parties shall, in cooperation with each other and with competent international and regional intergovernmental organizations, promote, as appropriate, economically viable alternative for tobacco workers, growers and as the case may be , individual sellers.

And WHO Framework Convention on Tobacco Control - Article 18 provide that:-  
**Protection of the environment and the health of persons.**

In carrying out their obligation under this convention, the parties agree to have due regard to the protection of the environment and the health of persons in relation to the environment in respect of tobacco cultivation and manufacture within their respective territories.

### **Contract Growing of Tobacco**

In Bangladesh, several tobacco companies have been contracting directly with growers. Researcher found that most of the farmer of Kushtia and Hiltrack zone who were registered farmers of *British American Tobacco Bangladesh (BATB)*, *Dhaka Tobacco Company*, *Akiz Tobacco Company* and *Nasir Tobacco Company*. Most of the registered farmers are chosen at the companies' discretion and are mostly medium or large farmers.<sup>5</sup>

The companies provide the farmers with inputs such as seeds, fertilizers, pesticides, and also technical assistance. Seeds (which forms a small proportion of the total cost of production) are normally provided free of cost while the cost of fertilizers and pesticides are recovered during the purchase of the produce.<sup>5</sup> Depending on the consumers' preferences and market demand, the farmers are informed of the exact grade and quantity of the leaf desired by the companies which would be procured from them at a pre-determined price. The company extension workers then provide technical support to these growers to ensure the quality.

From the buyers' point of view, entering into contracts practically eliminates their transaction costs and risks involved in seeking out the desired quantity and exact grade. For the producer, such contracting arrangements reduce his price and production risks. Alternatively he would have to dispose of his output through middlemen and intermediaries at highly uncertain price. The buyers would choose from the available quality and quantity and the price would be determined by the forces of demand and supply. Given the nature of the commodity, the farmers would have to sell their produce at a price quoted by the intermediaries. In fact, this is a common occurrence with the non-contract growers, who are, often, faced with a situation of 'excess supply' and have to sell their product at very low rates.

Contract growing, however, brings with it a different kind of a risk. If the output does not meet the set grades and standards, the grower runs the risk of losing his 'secured' status of a contract grower, not to mention the rock-bottom prices at which he would have to sell his commodity. For a crop like tobacco, which involves considerable initial investment in the form of construction of curing barns and storehouses, such a situation can spell disaster for the farmers.

Another form of risk associated with contract growing is that the price in the spot market may be higher than the pre-determined contract price. In such case the contract growers have to undergo losses. During the survey we came across contract growers of some companies who accused their contractors of offering prices lower than the open market price. Some of the farmers even complained of a breach of contract by certain companies.

## Survey Results and Discussion

### Causes of Tobacco Cultivation in Bangladesh

**Table 2 (a): Opinion of Different Farmer why they cultivate Tobacco (Percentage)**

Zone	To earn money	Family Business	Tobacco Cultivation is more profitable	Get cash easily	Less chance of destroying product	Good production of tobacco	Less chance of risk	They only know to cultivate tobacco	Company advantage
Kushtia	20.45%	2.27%	27.27%	0%	6.82%	18.18%	2.27%	9.09%	13.64%
Rangpur	10%	33.33%	56.67%	0%	0%	0%	0%	0%	0%
Hill Tracts	2.17%	6.52%	69.57%	2.17%	0%	0%	0%	0%	19.57%
<b>Average</b>	<b>10.83%</b>	<b>11.67%</b>	<b>50.83%</b>	<b>0.83%</b>	<b>2.50%</b>	<b>6.67%</b>	<b>0.83%</b>	<b>3.33%</b>	<b>12.50%</b>

Sources: Field Survey 2012

**Table 2 (b): Opinion of Different Farmer why they cultivate Tobacco (Person)**

Zone	To earn money	Family Business	Tobacco Cultivation is more profitable	Get cash easily	Less chance of destroying product	Good production of tobacco	Less chance of risk	They only know to cultivate tobacco	Company advantage	Total Participants
Kushtia	27	4	35	-	10	23	3	4	17	123
Rangpur	8	31	51	-	-	-	-	-	-	90
Hill Tracts	3	10	93	5	-	-	-	-	27	138
<b>Total</b>	<b>38</b>	<b>45</b>	<b>179</b>	<b>5</b>	<b>10</b>	<b>23</b>	<b>3</b>	<b>4</b>	<b>44</b>	<b>351</b>

Sources: Field Survey 2012

In **Table 2:** shows that, the opinion of different farmer why they cultivate tobacco.<sup>8</sup> In the three zones 10.83% people says that they cultivate tobacco to earn money. Average 11.67% people opinions that they cultivate tobacco as a hereditary business. Tobacco cultivation is more profitable from the other substitute products say 50.83% people who are engaged in this business. Average 0.83% people says that by the tobacco cultivation they get cash easily and 6.67% farmer says that the outcome of tobacco cultivation is so good than the other substitute

products. On the other hand about 12.50% farmers within the three zone opinions that they get sufficient advantage like financial support, fertilizer and chemicals from the different company and tobacco related agency.

## Origin of Invest Money of Tobacco Cultivation in Bangladesh

**Table 3: Origin of Invest Money**

Zone	Owned		Shroff / Lender		Company		NGO/ Microcredit/ Loan		Total Participants
	Person	Percentage	Person	Percentage	Person	Percentage	Person	Percentage	Person
Kushtia	57	52.78%	0	0%	52	47.22%	0	0%	109
Rangpur	40	54.17%	32	45.83%	0	0%	0	0%	72
Hill Tracts	62	35%	7	3.33%	104	58.33%	6	3.33%	179
<b>Total (Person) &amp; Average (%)</b>	<b>159</b>	<b>44.17%</b>	<b>39</b>	<b>10.83%</b>	<b>156</b>	<b>43.33%</b>	<b>6</b>	<b>1.67%</b>	<b>360</b>

Sources: Field Survey 2012

**Table 3:** highlights that the origin of the investing money to cultivate tobacco.<sup>8</sup> In this table Kushtia zone 52.78% people invest their money as a owner and 47.22% people takes money from the company. In Rangpur zone 54.17% people use their own money while 45.83% people lend money for cultivating tobacco. On the other hand, In Chittagong hill tracks zone about 35% farmer use their own money and about 58.33% farmer get this money from the different companies for tobacco cultivation. So lastly we can see that within the three zone average 44.17% farmer use their own money and average 43.33% farmer get this money from the company for tobacco cultivation.

## Influencing Factors to Cultivate Tobacco in Bangladesh

**Table 4(a): Average Influencing Factors to Cultivate Tobacco (Percentage)**

Zone	Company	Agency	Nobody	Willingly	Family/ Father / To see other
FKushtia	100%	0%	0%	0%	0%
Rangpur	33.33%	0%	20.83%	16.67%	29.17%
Hill Tracts	75%	0%	0%	0%	25%
<b>Average</b>	<b>70%</b>	<b>0%</b>	<b>6.25%</b>	<b>5%</b>	<b>18.75%</b>

Sources: Field Survey 2012

**Table 4(b): Average Influencing Factors to Cultivate Tobacco (Person)**

Zone	Company	Agency	Nobody	Willingly	Family/ Father / To see	Total Participants
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					<b>other</b>	
FKushtia	55	0	0	0	0	55
Rangpur	23	0	16	13	21	73
Hill Tracts	71	0	0	0	25	96
<b>Total</b>	<b>149</b>	<b>0</b>	<b>16</b>	<b>13</b>	<b>46</b>	<b>224</b>

**Sources: Field Survey 2012**

**Table 4:** shows that, the factors which are influenced the farmers to tobacco cultivation. Within the three zones maximum 70% farmers are influenced by the company for tobacco cultivation. About 5% farmers are willingly to cultivate tobacco and another 18.75% farmers cultivate tobacco as a family business or to see the other farmers who are engaged in tobacco cultivation.<sup>8</sup>

## **Health Problem Faced by the Farmers to Produce Tobacco in Bangladesh**

**Table 5: Average Health Problem faced by the Farmers**

<b>Zone</b>	<b>Yes</b>		<b>No</b>		<b>Total Participants</b>
	<i>Person</i>	<i>Percentage</i>	<i>Person</i>	<i>Percentage</i>	<i>Person</i>
Kushtia	44	71.43%	19	28.57%	63
Rangpur	47	62.50%	26	37.50%	73
Hill Tracts	53	54.55%	46	45.45%	99
<b>Total (Person) &amp; Average (%)</b>	<b>144</b>	<b>48.72%</b>	<b>91</b>	<b>38.46%</b>	<b>235</b>

**Sources: Field Survey 2012**

**Table 5:** shows that, average 48.72% people are introduced and 38.46% people aren't introduced about the health problem which is occurred by the tobacco cultivation.<sup>8</sup> In kushtia zone represents that 71.43% people are conscious while in Rangpur zone 37.50% people aren't conscious about the health hazard by the cultivation of tobacco. On the other hand in Chittagong hill tracks 54.55% people who engage in tobacco cultivation are known about the health hazard. Also we say that in different zone of the country average 10.53% farmer are conscious, 85.53% farmer are not conscious about the health problem of the people who are live in tobacco cultivation area.

## Awareness of Bad Impact to the Farmer by the Company or Agency to Produce Tobacco in Bangladesh

**Table 6: Awareness about Bad Impact to the Farmer by the Company or Agency**

Zone	Yes		No		Total Participants
	<i>Person</i>	<i>Percentage</i>	<i>Person</i>	<i>Percentage</i>	<i>Person</i>
Kushtia	2	4.76%	60	95.24%	62
Rangpur	0	0%	55	100%	55
Hill Tracts	7	6.06%	92	93.94%	99
<b>Total (Person) &amp; Average (%)</b>	<b>9</b>	<b>3.85%</b>	<b>207</b>	<b>96.15%</b>	<b>216</b>

**Sources: Field Survey 2012**

**Table 6:** shows that, 4.76% farmers know about the bad impact of tobacco by the awareness of the company or agency, and 95.24% farmers don't know about that in Kushtia Zone.<sup>8</sup> In Rangpur Zone, no one knows about the bad impact of tobacco cultivation, because the company don't aware them. And in Hill Tracts Zone only 6.06% farmers knows the bad impact and other 93.94% farmers are don't know the bad impact of tobacco cultivation. In total, only 3.85% farmers aware by the company and a large number of farmers (96.15%) are don't aware by the company or agency.

## Awareness of Tobacco Control Act 2005 to Produce Tobacco in Bangladesh

**Table 7: Average Awareness of Tobacco Control Act 2005**

Zone	Yes		No		They don't believe this		Total Participants
	<i>Person</i>	<i>Percentage</i>	<i>Person</i>	<i>Percentage</i>	<i>Person</i>	<i>Percentage</i>	<i>Person</i>
Kushtia	2	4.76%	56	85.71%	6	9.52%	64
Rangpur	0	0%	71	100%	0	0%	71
Hill Tracts	45	45.45%	55	54.55%	0	0%	100
<b>Total (Person) &amp; Average (%)</b>	<b>47</b>	<b>20.05%</b>	<b>182</b>	<b>76.92%</b>	<b>6</b>	<b>2.56%</b>	<b>235</b>

**Sources: Field Survey 2012**

**Table 7:** shows that, in Kushtia Zone only 4.76% farmers know about the Tobacco Control Act 2005, and 85.71% farmers don't know about the Act. In Rangpur Zone 100% farmers don't aware about the Tobacco Control Act 2005 and in the Hill Tracts Zone there are 45.45% farmers knows the Act and 54.54% farmers don't know that Act. Beside this, in Kushtia Zone 9.52% farmers knows about the Act but they don't believe the act. In average 20.05% farmers knows the Tobacco Control Act 2005, 76.92% don't know that act and 2.56% are don't believe the Act.<sup>8</sup>

## Findings

Since tobacco cultivation is having negative effect on health, treatment cost of tobacco cultivation and tobacco use should be paid by the companies, and it should be fixed during meeting with government for fixing purchasing cost of tobacco. According to “*Smoking and tobacco product usages (control) ACT, 2005 (ACT No. XI; Section no 12)*” researcher found that Government totally failure to stop cultivation tobacco and shifting to growing food production.

Negative effect on health, the cost of their treatment and cost of their households labour should also be included in the cost of tobacco cultivation, and the amount should be duly adjusted from price of *bidi*, cigarette and other tobacco products.

## Why Farmers Cultivate Tobacco

1. Tobacco cultivation is more profitable rather than other substitute crops.<sup>7</sup>
2. Low risk but high profit is one of the important causes to cultivate tobacco.<sup>7</sup>
3. Market of tobacco ensuring by the agency is another causes to cultivate tobacco.
4. Farmer does not want to cultivate other crops instead of tobacco because the lack of market facility.
5. Agency/ Company provided to the advance payment, loan, fertilizer, seed, and other logistic support to the farmer as a result farmer cultivate tobacco.<sup>7</sup>
6. According to law, to stop cultivate tobacco, Government should play a vital role but there is no government agencies play such kinds of role.
7. Most of the farmer want to stop cultivate tobacco but they want to ensure the market facility to sell their substitute crops.
8. 99% farmer did not aware about the “Smoking and Tobacco Product Usage Control Act-2005” as a result they cultivate tobacco as a regular manner.<sup>8</sup>
9. Credit advance from tobacco companies.
10. Input supply from the company.
11. Commitment of the company to procure tobacco leaves from the farmers directly on cash payment.
12. Neglect of the Department of Agriculture Extension (DAE), local administration and forest department.
13. Insufficient supply of inputs for food crops production.



14. Unstable price and market of all other crops.
15. Lack of interest of the Ministry of agriculture for growing food and other most essential crops.
16. Farmer do not get remunerative price of crops including rice when there is a good harvest and production.

### **Bad effects of tobacco to producing food product**

Tobacco cultivation takes long times to cultivate tobacco (More than eight months from October-March).<sup>7</sup>

1. Farmer can produce vegetables and other crops (Instead of tobacco) more than three times in the eight months.<sup>7</sup>
2. Day by day diversified crops decreases for tobacco cultivation.
3. More than 80% vegetables are import from other area in the tobacco cultivated area.<sup>7</sup>
4. Tobacco cultivation has a great effect on water pollution. Sometimes farmer use pesticide and fertilizer on the tobacco crop as there are differing risks associated with the use of each on water pollution.
5. Tobacco cultivation is also responsible for soil degradation.

### **Recommendations**

1. Government should take initiative to give advertising by different media, specially- BTV, channel I, Bangladesh Radio for build up awareness among the farmers who cultivate Tobacco. Because 99% farmer have no information about “Smoking and Tobacco Product Usage Control Act-2005”
2. Government should take initiative to use the NGOS by MRA for influence the farmer to produce substitute product instead of Tobacco. Because of that already different NGOS do the work with the farmers to produce agriculture product.
3. Government can use the different NGOS and other government agencies to provide the facilities according to law. (Give loan, improvised fertilizer, highbred seed, and up grated agro bared technology)
4. Government should create agro based market in the different area, where farmer can sell their product directly to the local exporter.
5. Government should take initiative to use multi- production system under a single management where the single management operate the business from production to

sell the own outlet as a multi-storied because of that in Bangladesh agriculture production system is very poor, medium and small farming system, where different land owned and managed by different person. For a reason different person cannot work together.

6. As Bangladesh is a food-deficit country, considering the issue of food security of the country, the government should encourage cultivation of alternative crops and provide easy credit facilities and other supports to the farmers. For this purpose, area-wise research should be done for selection of specific crops.
7. Government should take initiative to ensure easy availability and accessibility of seeds, fertilizer, and other inputs to the farmers, so that they are encouraged to invest in food crops rather than tobacco.
8. The government agencies, NGOs and private organizations should be provided with all information of contract farming of food crops through advocacy and lobbying.
9. Government should take necessary measures to establish sufficient storage facilities in the rural areas so as to reduce the risk of damaging crops and ensure proper price to the farmers.
10. Although tobacco cultivation is affecting health through many direct and indirect ways, the farmers are not aware of it, and are taking it as a means of collection of fertilizer on loan and easy marketing of their agricultural product. Both government and NGO sectors should be involved in advocacy/lobbying against tobacco cultivation in field as well as office and hospital.
11. Sub-Assistant Agriculture Officers (SAAO) and other personnel appointed for the purpose should be properly oriented and trained up. Government should send messages through SAAO to raise awareness among grassroots level farmers about the health and environmental impacts of tobacco cultivation and processing.

## **Conclusion**

Bangladesh produces and exports and imports tobacco. Despite, that tobacco manufacturing sector has contributed to 11-12 percent of total indirect taxes in recent years; the country continues to lose huge sums of hard earned foreign exchange through its imports.

Prevalence was found to be the highest among the illiterate groups both in the urban and rural areas. Religion does not appear to be a factor in explaining tobacco prevalence among the respondents. Though prevalence was higher among the respondents in occupations requiring

physical efforts, no systematic relationship is observed between prevalence and monthly household income level.

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## $\overline{T(B)}$ is a Complete, Continuous and Convergent linear Operator

Rabeya Sarker\*

**Abstract:** Closed bounded linear operator is devoted to recent advances in electric engineering in the integral and differential equation, special aspects of functional analysis and topics in mathematical physics. In this paper, the completeness, continuousness and convergent of closure of a bounded linear operator on banach algebra  $\overline{T(B)}$  have been proved. To prove all, the logic that, in complete space any closed metric is complete and Closed Graph Theorem, Property of Cauchy sequences are used.

**Key words:** Banach Algebra, closure, boundedness, continuous, completeness, convergent, etc.

### Introduction

The concept of complete and continuous was introduced by Hilbert for numerically valued functions  $F(f, g, \dots, v)$  of variables  $f, g, \dots, v$  taking values in a Hilbert space. The function  $F$  was said to be completely continuous if  $F(f_n, g_n, \dots, v_n) \rightarrow F(f, g, \dots, v)$  whenever  $f_n \rightarrow f, g_n \rightarrow g, \dots, v_n \rightarrow v$  in the weak sense as  $n \rightarrow \infty$ . It is natural to extend this idea to linear operators from the Hilbert space  $L$  into itself by saying that the mapping  $T$  is continuous if  $Tf_n \rightarrow Tf$  strongly whenever  $f_n \rightarrow f$  weakly as  $n \rightarrow \infty$ .

$\langle x, y \rangle$  is called the inner product of  $x$  and  $y$ , such that for all vectors  $x, y, z$  and scalars  $\alpha$  we have  
(IP1)  $\langle x + y, z \rangle = \langle x, z \rangle + \langle y, z \rangle$

(IP2)  $\langle \alpha x, y \rangle = \alpha \langle x, y \rangle$

(IP3)  $\langle x, y \rangle = \overline{\langle y, x \rangle}$

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(IP4)  $\langle x, x \rangle \geq 0$

$$\langle x, x \rangle = 0 \leftrightarrow x = 0.$$

A complete inner product space is a Hilbert space. Historically Hilbert space are older than general normed spaces. If an inner product on  $X$  defines a norm on  $X$  given by

$$\|x\| = \sqrt{\langle x, x \rangle} \quad (\geq 0)$$

And a metric on  $X$  given by  $d(x, y) = \|x - y\| = \sqrt{\langle x - y, x - y \rangle}$ ,

Then inner product space are normed spaces, and Hilbert spaces are Banach spaces.

In here we shall consider Banach space and Linear operator  $T$  from  $X$  into  $Y$ .

A bounded linear operator is linear transformations between normed vector spaces  $X$  and  $Y$ . every continuous map is bounded, however the converse fails; a bounded operator need not be continuous.

$\overline{T(B)}$ :  $\overline{T(B)}$  is a closure of  $T(B)$ .

$T(B)$ :  $T$  is a linear operator on Banach algebra  $B(X, Y)$

**Closed:** In  $B(X, Y)$ ,  $X$  and  $Y$  are Banach algebra i.e. normed algebra and  $T: D(T) \rightarrow Y$  a linear operator with domain  $D(T) \subset X$ . Then  $T$  is a closed linear operator if its graph

$\zeta(T) = \{(x, y) | x \in D(T), y = Tx\}$  is closed in the normed space  $X \times Y$ ,

**Bounded:** In  $B(X, Y)$ ,  $X$  and  $Y$  are Banach algebra i.e. normed algebra and  $T: D(T) \rightarrow Y$  a linear operator with domain  $D(T) \subset X$ . Then  $T$  is a bounded linear operator since there is a real number  $c$  such that for all  $x \in D(T)$ ,  $\|Tx\| \leq c\|x\|$ . -----(1)

Since  $\|Tx\| \leq c\|x\| \Rightarrow \frac{\|Tx\|}{\|x\|} \leq c$ , and  $\|T\| = \sup_{x \in D(T), x \neq 0} \frac{\|Tx\|}{\|x\|}$  then we can write  $c = \|T\|$

From equation (1),  $\|Tx\| \leq \|T\|\|x\|$ .

**Closure:** The set consisting of the points of  $M$  and the accumulation points of  $M$  is called the closure of  $M$  and is denoted by  $\overline{M}$

It is the smallest closed set containing  $M$ .

**Continuous:** Let  $T : D(T) \rightarrow Y$  be a linear operator, where  $D(T) \subset X$  and  $X, Y$  are normed space. Then  $T$  is continuous if and only if  $T$  is bounded<sup>2</sup>.

**Convergence:**  $(x_n)$  in  $X = (X, d)$  is said to converge or to be convergent if there is an  $x \in X$  such that  $\lim_{n \rightarrow \infty} d(x_n, x) = 0$

$$\Rightarrow \lim_{n \rightarrow \infty} x_n = x$$

$$\Rightarrow x_n \rightarrow x$$

**Complete:** If  $M$  is closed in a complete space then  $M$  is complete.

**Boundedness of  $\overline{T(B)}$ :** If  $T$  is bounded on normed space then  $\overline{T}$  is also bounded on same normed space.<sup>3</sup>

**Completeness of  $\overline{T(B)}$ :**  $\overline{T(B)}$  is closed because  $\overline{T(B)}$  is a closure of  $T(B)$ .

#### Proof- 1

**Boundedness of  $\overline{T(B)}$ :**  $\overline{T(B)}$  is bounded, we can prove it by Closed Graph Theorem<sup>4</sup>.

(Closed Graph Theorem: Let  $X$  and  $Y$  be Banach space and  $T : D(T) \rightarrow Y$  a closed linear operator, where  $D(T) \subset X$ . Then if  $D(T)$  is closed in  $X$ , the operator  $T$  is bounded.)

Here,  $T(B)$  is a linear operator on Banach space  $B(X, X)$ , so,  $D(T)$  is closed in  $X$  and  $\overline{T(B)}$  is closure of  $T(B)$ , i.e.  $\overline{T(B)}$  is a closed linear operator on  $B(X, X)$  and  $D(\overline{T})$  is closed in  $X$ , Hence, by Closed Graph Theorem  $\overline{T(B)}$  is bounded.

#### Proof- 2

**Continuousness of  $\overline{T(B)}$ :** Let  $\overline{T} : D(\overline{T}) \rightarrow Y$  be a linear operator, where  $D(T) \subset X$  and  $X, Y$  be normed space. Then  $\overline{T(B)}$  is continuous if and only if  $\overline{T(B)}$  is bounded<sup>2</sup>.

Proof: For  $\overline{T} = 0$  the statement is trivial. Let  $\overline{T} \neq 0$ . Then  $\|\overline{T}\| \neq 0$ . We know  $\overline{T}$  is bounded (by proof-1) and consider any  $x_0 \in D(\|\overline{T}\|)$ . Let any  $\varepsilon < 0$  be given. Then, since  $\overline{T}$  is linear, for every  $x \in D(\overline{T})$  such that

$$\|x - x_0\| < \delta, \text{ where } \delta = \frac{\varepsilon}{\|\bar{T}\|},$$

$$\text{we obtain } \|\bar{T}x - \bar{T}x_0\| = \|\bar{T}(x - x_0)\| \leq \|\bar{T}\| \|x - x_0\| < \|\bar{T}\| \delta = \varepsilon$$

Since  $x_0 \in D(\bar{T})$  was arbitrary, this shows that  $\bar{T}$  is continuous<sup>8</sup>.

### Proof- 3

**Convergence of  $\overline{T(B)}$ :** We consider any Cauchy sequence  $(T_n)$  in  $B(X, Y)$ . For all  $x \in X$  and  $m, n > N$  we thus obtain<sup>5</sup>

$$\|T_n x - T_m x\| = \|(T_n - T_m)x\| \leq \|T_n - T_m\| \|x\| < \varepsilon \|x\| \quad \text{-----}(2)$$

Now for any fixed  $x$  and given  $\vec{\varepsilon}$  we may choose  $\vec{\varepsilon} = \varepsilon$ , so that  $\varepsilon_x \|x\| < \vec{\varepsilon}$ . Then from (2) we have  $\|T_n x - T_m x\| < \vec{\varepsilon}$  and see that  $(T_n x)$  is Cauchy in  $Y$ . Since  $Y$  is complete,  $(T_n x)$  converges, say,  $T_n x \rightarrow y$ . Clearly, the limit  $y \in Y$  depends on the choice of  $x \in X$ . This defines an operator  $T : X \rightarrow Y$ , where  $y = Tx$ .

So,  $T_n x \rightarrow Tx$ .

i.e.  $(T_n)$  converges to  $T$ . Since  $\overline{T(B)}$  is an expansion of  $T(B)$  and  $\overline{T(B)}$  also bounded and continuous operator in  $B(X, X)$ , hence  $(\overline{T_n})$  is convergent.

### Proof- 4

**Completeness of  $\overline{T(B)}$ :** To prove completeness of  $\overline{T(B)}$ , it is sufficient to prove  $\overline{T(B)}$  is bounded and  $(\overline{T_n})$  is convergent<sup>4</sup>.

Proof:  $\overline{T(B)}$  is bounded (by proof-1) and  $(\overline{T_n})$  is convergent (by proof-3). Hence  $\overline{T(B)}$  is complete<sup>7</sup>.

### Importance

This operator has a lot of use in the Laplace transform which is one kind of integral operator and is involved in simplifying the process of solving differential equations.

It is also used in the Fourier transform which is useful in applied mathematics, particularly physics and signal processing. Linear operators are also involved in probability theory, such as expectation, variance, covariance, factorials.

## Conclusion

We find a closure of any linear operator on Banach space is complete, continuous and convergent. We know, not all normed spaces are inner product space, so it is not sufficient to a space is normed to closure of any linear operator is complete, continuous and convergent. We can prove this for differential operator  $\frac{d}{dx}$ , and for the indefinite integral operator  $\int_0^T f(t) dt$ . It is also true in infinite dimension.

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## Global Financial Crisis and its Impact on Remittance of Bangladesh

Md. Ruhul Amin\*

**Abstract:** This paper evaluates the impact of worldwide recession and its effect on developed economics taking Bangladesh as an example. Due on global economical downturn, least developed economics have suffered a number of adverse effects of which one was the decline in inflow of foreign currency. This study, based on evaluations of secondary data, found that inflow of remittance has remained stable in Bangladesh. However if the recession of America, Spain, Greece, Ireland, France, Italy, Netherland continues, the crisis of the world economy would be discernable by the end of 2020. The paper ends exploring the steps to tackle the situation as well as providing guidelines for exporting skilled labor force.

**Key words:** Remittance, Hundi, Lay-off, Western-Union

### Introduction

The Global Financial Crisis, which has taken the world economy into stormy seas, took its roots in 2000, but the underlying causes could be traced back to the 1990's. In the mid 1990's, Americans lost their confidence in the stock market, and after the Tech Bubble, they invested in the more secure investment market- the housing sector. Hence, investments in the housing sector saw a steady increase in the price level of Housing. Anticipating greater profitability and security, investors around the world started to invest in US housing market, resulting in the Housing Bubble.

In the year 2000, a different scenario arose. The stock market declined that year and the Federal Reserve lowered interest rates. As interest rates fell, mortgage payments became cheaper and asset price rose higher and higher. Lower interest rates encouraged borrowing by banks and investors alike as credit was easily available and there existed inadequate regulations relating to lending standards. Wild lending practices in the US rose sharply despite a significant rise in default rates of mortgage debts. The sub prime lending practices (indiscriminate lending to borrowers with poor repayment habits and insufficient collateral and greater risk of default) carried out in the US was one of the major factors working behind the crisis blossoming in July 2007.

When banks and other financial institutions lent money to the borrowers, they disregarded and overlooked associated risk inherent with unregulated collateralized debt obligation and credit default swap markets. Financial analysts prepared erroneous forecasts regarding the risk and return associated with mortgage backed securities. Mortgage frauds also occurred, and there was an overall trend of making quick easy profit. Major financial institutions like Freddie Mac and Fannie Mae also encouraged sub-prime lending practices.

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In mid 2007, sub prime losses started to occur, default rates increased rapidly on low quality mortgages, and consequently investors lost their confidence in the value of mortgage backed securities in the US. Subsequently, a sharp decline in asset and housing prices incurred losses for those banks and institutions which had borrowed and lent and had invested in the mortgage based securities market. Mortgage based investments went bad and the losses began to mount throughout the year and the crisis dug its roots deeper in September 2008. Incidences of foreclosure increased at an alarming rate and the nation's largest banks and insurance companies were either bankrupt or seized by the Government. Stimulus packages and incentives were at once devised by the government in an effort to save and stabilize the economy. Losses in the housing and investment sector also rapidly spread to other parts of the US economy.

Thus began a period of economic slowdown in the US. As financial institutions in the US had forwarded their bad mortgages to foreign banks, the crisis also spread worldwide. The failure of the stock market in the US resulted in a sharp decline of the stock indices of markets throughout the world. The crisis spread to Europe and all other developing economies and finally hit the emerging economies and developing countries.

Ireland – February 2011 – After a high deficit in the government budget in 2010 and the uncertainty surrounding the proposed bailout from the International Monetary Fund, the 30th Dáil (parliament) collapsed the following year. Portugal – March 2011 – Following the failure of parliament to adopt the government austerity measures, PM José Sócrates and his government resigned, bringing about early elections in June 2011. Finland – April 2011 – The approach to the Portuguese bailout and the EFSF dominated the April 2011 election debate and formation of the subsequent government. Spain – July 2011 – Following the failure of the Spanish government to handle the economic situation, PM José Luis Rodríguez Zapatero announced early elections in November. " Slovenia – September 2011 – Following the failure of June referendums on measures to combat the economic crisis and the departure of coalition partners, the Borut Pahor government lost a motion of confidence and December 2011 early elections were set, following which Janez Janša became PM. After a year of rigorous saving measures, and also due to continuous opening of ideological questions, the centre-right government of Janez Janša was ousted on 27 February 2013 by nomination of Alenka Bratušek as the PM-designated of a new centre-left coalition government.<sup>[487]</sup> Slovakia – October 2011 – In return for the approval of the EFSF by her coalition partners, PM Ivetta Radičová had to concede early elections in March 2012, following which Robert Fico became PM. Italy – November 2011 – Following market pressure on government bond prices in response to concerns about levels of debt, the right-wing cabinet, of the long-time Prime Minister Silvio Berlusconi, lost its majority: Berlusconi resigned on 12 November and four days later was replaced by the technocratic government of Mario Monti. Greece – November 2011 – After intense criticism from within his own party, the opposition and other EU governments, for his proposal to hold a referendum on the austerity and bailout measures, PM George Papandreu of the PASOK party announced his resignation in favour of a national unity government between three parties, of which only two currently remain in the coalition over 40 years, collapsed in votes as a punishment for their support to the strict measures proposed. Netherlands – April 2012 – After talks between the VVD, CDA and PVV over a new austerity package of about 14 billion euros failed, the Rutte cabinet collapsed. Early elections were called for 12 September 2012. To prevent fines from the EU – a new budget was demanded by 30 April – five different parties called the *kunduz coalition* forged together an emergency budget for 2013 in just two days. France – May 2012 – The French

presidential election, 2012 became the first time since 1981 that an incumbent failed to gain a second term, when Nicolas Sarkozy lost to François Hollande.

The impacts of recession thus created were reflected in the:

- devaluation of currencies and assets (as seen in the fall of house prices in US)
- decline in international trade and production.
- Political instability in some places of the world.
- decrease in foreign aid and remittance.
- rise in inflation level.
- fall in stock indices worldwide.
- increased level of unemployment throughout the world.
- fall in investments and decline in commencement of new projects
- stringent credit conditions
- slowdown in GDP growth.

### **Objective of the Study**

On the basis of the discussion, this paper will explore the impact of the economical crisis on a specific sector of Bangladesh economy that is, the foreign currency remittance inflow.

### **Methodology of the study**

Based on the nature of the study the researcher in this study has used econdary secondary data. The information gathered helped to develop the findings, implication, and recommendation for tackling and improving the foreign currency remittance in Bangladesh.

### **Remittance; Bangladesh perspective**

Statistically it is seen that the amount of remittance earned by a country is inversely related to the strength of the economy of that country in consideration. For a developing country like Bangladesh, remittance plays a vital role in ensuring a healthy growth of GDP. Inward remittance is important for the economy of Bangladesh as it generates employment, facilitates accumulation of capital and promotes investment (Barua, Majumder, Akhtaruzzaman 2007). Remittance is also important for the people during times of crisis. Typical example can be shown as in the case of Bangladesh. Both in the case of cyclone “Sidr” and ‘Aila, it was the money sent from aboard by remittance earners that played a major role in helping their families to face the crisis boldly and get back up on their feet again<sup>1</sup>.

### **Remittance usage**

In a developing country like Bangladesh, remittance is mostly consumed by needy people. It is seen that a family member- a father or son has gone aboard to work and his earnings alone supports his entire family with food, healthcare and education not only for his wife and children, but also for his parents and any other person who may be dependent on him. He also uses part of the remittance funds to pay off his migration cost (De Bruyn, 2006). Some of it

goes for investment and some are saved to meet contingencies. Often remittance is also utilized for social development projects. In the rural areas, many Mosques and Madrasah are often built with the monetary aid sent by expatriate worker. Remittance hence not only contributes to the economy but also to the better livelihood of needy people<sup>2</sup>. Remittance has resolved foreign exchange constraints (Siddique, 2004), increased foreign currency reserves, decreased dependency on foreign aids, improved balance of payments increased dependence on the global economy, and also has helped increase supplied of national savings, boosted up GDP and acts as a stable form of external finance which increases during crisis.

### **Remittance Transfer**

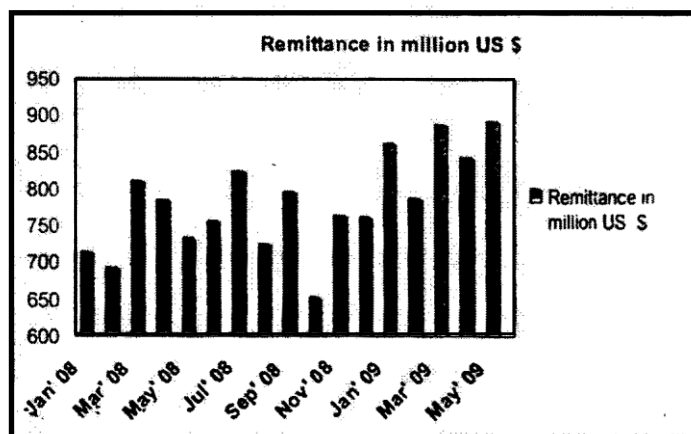
The major challenge lies in ensuring that remittance is sent and collected through the proper channels. There are two ways in which remittance is collected in Bangladesh: The Formal and the informal route. Formal routes of remittance transfer are postal services, credit unions, demand drafts issued by banks (Siddique, 2004) traveler's cheques, wire-transfer services etc. According to World Bank, the average cost of remittance transfer is about 13%. Remittance transfer may also take place through direct transfer of funds from a foreign account belonging to the expatriate worker to an account in his home country<sup>3</sup>. The informal routes include the widely practiced Hundi system (Rahman, yeoh, 2006) carrying money on person when the worker returns home or sending cash or cheques using the postal service. The brokers of the Hundi system act as private remittance service providers.

The dismal scenario of remittance transfer lies in the fact that about 44% of remittance comes through Hindi process. This means that the statistics presented by Bangladesh Bank, World Bank and other bodies only take into account about 66% of the actual amount of remittance earned by the country, Hundi is popular mode of remittance transfer as it incurs only around half of the actual cost of transfer associated with the formal process. Also, through the Hundi process, official exchange rates can be overlooked, taxes can be avoided and it also saves time as it also saves time as the recipient of remittance does not have to go through all the hassle of complying with the complex government regulations associated with the formal route.

Bulk of the remittance is received from migrant workers residing in Saudi Arabia, UAE, Kuwait and from South East Asia. At present, Bangladesh has over 6 million expatriate workers working in Saudi Arabia, UAE, Kuwait, U.S.A, Libya, Qatar, Oman, Singapore, Germany, Bahrain, Iran, Japan, Malaysia, and other countries. Over the last 30 Years the country has seen a steady in remittance due to better understanding and formulation of favorable treaties between governments and also due to the increased demand of cheap labor in the world market. 60% of the remittance of Bangladesh is generated from Middle Eastern countries while less than one-third of remittance comes from USA and UK. UAE is the largest employer of the labor force from Bangladesh<sup>4</sup>.

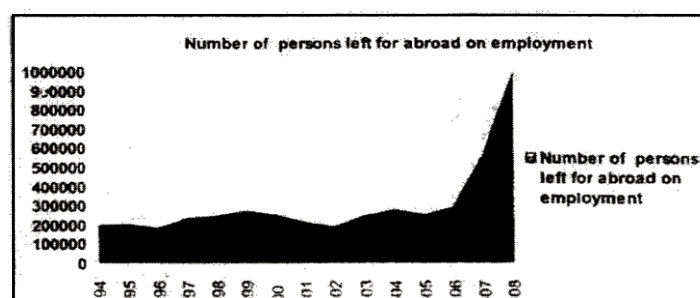
### **Remittance inflow in Bangladesh**

Since 2007 and onwards Bangladesh has retained its position as one of the top ten remittance receiving countries in the world. This year, despite the financial crisis squeezing up economies all over the world, the flow of remittance have not declined and was at a record all time high in May 9, earning 890.99 million US dollars (as shown Figure 1). Also remittance in April was 840.99 million US dollars in May. More than 800.000 Bangladeshi workers entered the job market worldwide in 2008 (as shown in figure 2).



**Figure 1: Remittance earned during period Jan'08 and May' 09**

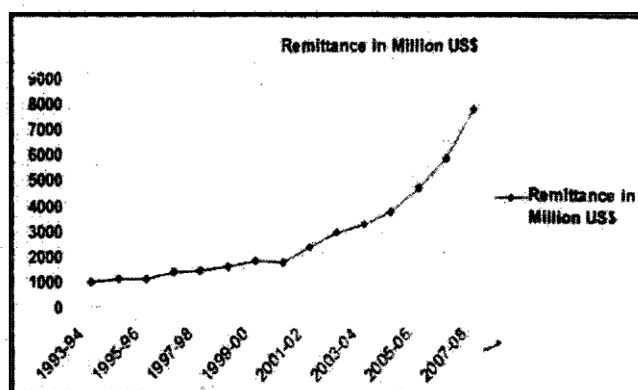
Source: Constructed by the authors on the basis of data from Bureau of Manpower, Employment and training and foreign exchange policy department, Bangladesh Bank.



**Figure 2: Number of persons left for abroad on employment during the period 1993-2008**

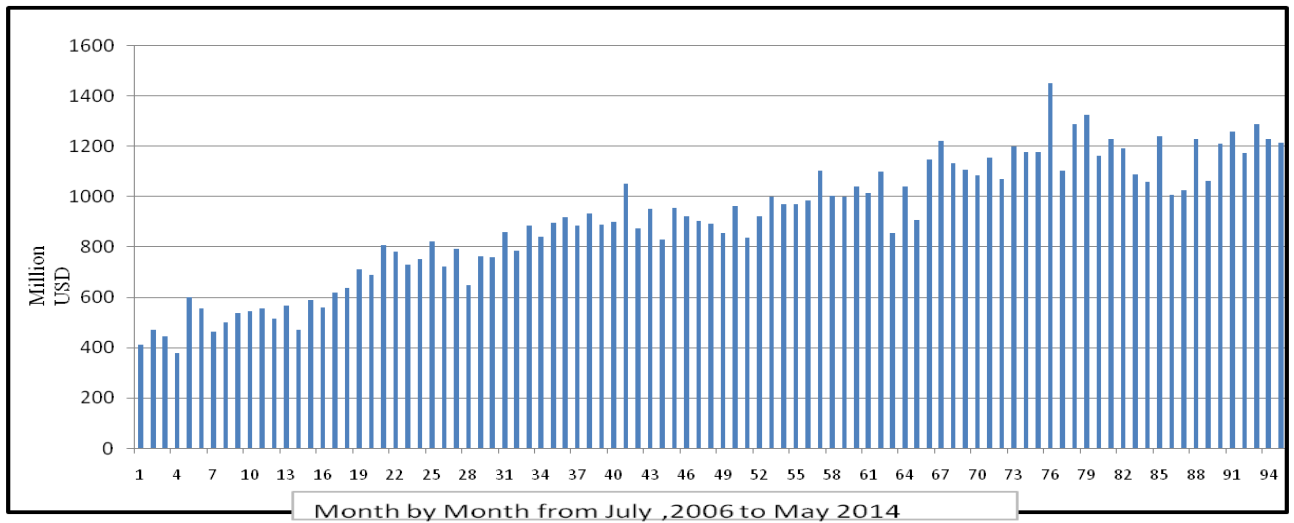
Source: Constructed by the authors on the basis of data from Bureau of Manpower, Employment and training and foreign exchange policy department, Bangladesh Bank.

Remittance is about 9.5% of GDP in Bangladesh today. The estimated market size of remittance of Bangladesh was about 8.9 billion US dollars in 2008 (as shown in figure 3). This amount is expected to rise to 10 billion in 2009 if the present trend prevails. In the previous fiscal year, i.e from July-May' 07, Bangladesh earned 8764.91 million US dollars showing a remittance growth of about 22.39% from 2007 to 2008. (Source: Monetary Policy Department and Foreign Exchange Policy Department, Bangladesh Bank).



**Figure 3: Remittance earned during the period 1993-2008**

Source: Constructed by the authors on the basis of data from Bureau of Manpower, Employment and Training and Foreign Exchange Policy department, Bangladesh Bank.

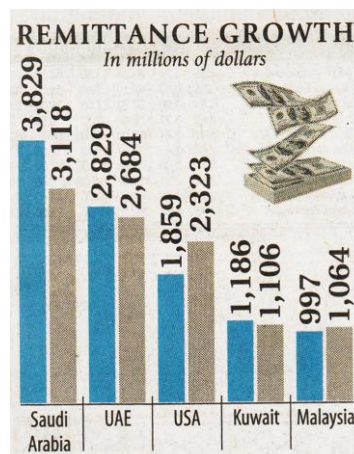


**Figure 4 Trends of Remittance Inflow from July 2006 to May 2014**

Source: Various Economic Trends, Bangladesh Bank

#### Trends of Remittance inflow in Bangladesh:

Figure 4 represents remittance inflow of Bangladesh, where 95 months from July 2006 to May 2014 shows a slight fluctuation trend in the entire period. However there is marked rise from the middle in graph, which continues to grow until May 2014 excepting a sharp fall happened in 2013. But the last period trend is downward.



Source: 17 July, 2014 The Daily Star  
FY 2012-13 FY 2013-14

**Figure 5 Remittance hit by poor outflow of Bangladeshi workers**

### **Remittances hit by poor outflow of Bangladeshi workers**

Remittances from the US rose 25 percent year-on-year to \$2.32 billion in fiscal 2013-14, but it could not offset the declining flow of overall remittances mainly due to a fall in earnings from traditional Middle East countries.

For the first time in 13 years, Bangladesh experienced a decline in remittances in the just-concluded fiscal year, when the country received \$ 14.23 billion, a fall by 1.6 percent from \$14.46 billion a year ago, according to central bank data.

Remittances from Saudi Arabia, which has been the biggest market for Bangladeshi workers for years, fell 18.55 percent year-on-year to \$3.12 billion in 2013-14.

Inward remittances were \$2.86 billion from the United Arab Emirates, down by more than \$ 144 million or 5.1 percent than a year ago. Remittances also declined by \$80 million from Kuwait, another major destination for Bangladeshi workers.

Of the top-performing markets except the US, earnings from Malaysia grew 6.74 percent year-on-year to \$1.06 billion.

“The poor outflow of manpower to the traditional destinations, such as Saudi Arabia, the UAE and Kuwait, is the main reason behind the decline in remittances,” said Khondaker Golam Moazzem, additional research director of Centre for Policy Dialogue.

The additional spending by seven lakh Bangladesh is to legalise their stay in Saudi Arabia might have led to the fall in remittance inflow from the country, he said.

Only 450,000 Bangladesh is managed overseas jobs in 2013, down by more than 33 percent from 680,000 in 2012, government data shows.

The situation has not improved so far as Saudi Arabia and the UAE have not been recruiting new Bangladeshi workers for more than two years. Kuwait almost stopped employing workers from Bangladesh long ago.

Overall remittances from eight Middle East countries stood at \$8.4 billion in 2013-14, down from \$9.16 billion in the previous year, while the combined inflow from other countries increased to \$5.82 billion from \$5.29 billion a year ago.

“The fall in remittances could affect the economy in future,” Moazzem said. “But the good thing is that inward remittances have been rising significantly from the US,” he said.

### **Finding: Recession and Remittance inflow**

Despite bleak forecasts made by World Bank, International Monetary Fund, and Asian Development Bank, remittance inflow has remained at an all time high for the last few months. Remittance inflow has been high from Arab countries as they are much less affected by the global financial crisis compared with Europe and North America. It is true that since September 2008, the incidence of job lay offs have increased as work has dried up in the Middle Eastern Countries and southeast Asia, and many migrant workers are being forced to return home. Lack of funds and economic uncertainty has forced the developed countries to postpone or straightway abandon many existing investment projects, and as a result, expatriate workers all over the world are finding themselves jobless all on a sudden.

Luckily for Bangladesh, most migrant workers hold low skilled jobs coupled with a minimum wage earning, and for that reason, the number of workers being forced back home due to job lay-offs are not yet a great number. All in all, over the last few months since the emergence of the financial crisis, Bangladesh has earned stable remittance from Saudi Arabia, UK, USA, Kuwait, Libya, Qatar, Oman, Singapore and Germany. An increase in inflow of remittance has been seen from UAE and Malaysia, but a drop in remittance has been seen in the case of

Bahrain where in April 09 the amount of remittance earned was Tk 71.92 crore compared to that of April 08, when it was Tk. 108.91 crore. A decline in remittance inflow from Japan has also been noticed (Source: Foreign Exchange Policy Department, Bangladesh Bank<sup>5</sup>).

### **Implications and Recommendations**

It is anticipated that the actual effects of the Global Financial Crisis on remittance inflow may be seen somewhere around November 2009 in Bangladesh. Based on the findings, it might not be possible to keep remittance growth at the current level if world economy goes into further depression at the end of the year. Middle-Eastern economies are also likely to be affected adversely if recession continues in the USA and European Union countries. Further drop in oil prices in the long run shall close down ongoing projects there and investment will become narrower resulting in greater lay-offs. Also labor laws in some Middle East countries have changed to the detriment nature of foreign workers. Some countries have already decreased the issuance of visas for Bangladeshi workers. This has resulted in declination of skilled and semi-skilled worker export from Bangladesh. Therefore, based on the evaluation of the findings, to earn more remittance through the formal routes, some steps and policies have to be implemented, which are stated as below.

- Ensuring effectiveness and efficiency of remittance transfer process.
- Fostering patriotism in people through social awareness training and make them aware about the benefits of remittance transfer to the country through proper channels.
- Exempting/lowering tax related to remittance transfer.
- Facilitating transfer of remittance by opening branches of remittance transfer agencies in distant rural areas.
- Revising and lowering remittance transfer charges if necessary transfer agencies.

Recent initiatives like the Western Union joining the postal service to deliver money will also play a major role in the facilitation of money transfer through the legal process.

In Budget 2009, the following were proposed

- Rehabilitation and skill development program for the returnee expatriate workers who have lost their jobs.
- Diplomatic initiative to prevent entrenchment works and to explore new labor markets abroad
- Making National skill Development Council more effective to build skilled workforce. (Source: The daily Star, 12<sup>th</sup> June, 2009)

However, the efficient and effective implementation of the policies shall tell more of the story. Future job markets need to be explored for Bangladeshi workers in different countries. Not only that, jobs at home need to be created with Government patronization<sup>6</sup>.



**On the basis of the current scenario, it is proposed that**

- Bangladesh should target specific countries like Western Europe. In recent times, workers of that country have migrated in large numbers to the US and UK. They are now lacking in workforce. We can use it to our advantage and send our workers there. We can also target Libya, Syria, and Iraq etc.
- Expatriate workers face communication problems as most of the workers come from very poor class families and has knowledge of little or no English. It is hence recommended that before workers are sent aboard, they are to be trained properly and taught both English and to some extent, the language of the country they are being sent to. It has been noted that workers aboard often has to face harassments or frauds due to miscommunication of lack of understanding of the native language.
- It is recommended that the Government creates a commission to protect the rights of the workers aboard. They are to be made aware of the basic rights they entitled to and the embassies aboard has to take initiatives to ensure that the basic rights of the workers are being protected and that they receive the wages that they are entitled to.
- The safety and security of the expatriate workers also have to be ensued. Death due to mishaps at workplace is not uncommon and it has been noted that the number of deaths of migrant worker has increased at an alarming rate over the past one year. Although causes of death cannot yet be strongly correlated to working conditions. (Source: Ministry of Labor, Government of Bangladesh).

**Conclusion**

Recommendations, based on the findings, if implemented will enable the government of Bangladesh to deal with adverse economical conditions when remittance inflow will decrease. Policies will need to be implemented and proper formulation of the activities should be done to achieve the target as laid down in this paper. Hence, decrease in remittance will not have a major importance in least developed countries like Bangladesh.

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## Appendix

Year and Month	Million in USD	Year and Month	Million in USD	Year and Month	Million in USD
6-Jul	412.8	9-Jun	919.1	12-May	1156.82
6-Aug	471.22	9-Jul	885.38	12-Jun	1070.86
6-Sep	446	9-Aug	935.15	12-Jul	1201.15
6-Oct	377.34	9-Sep	887.57	12-Aug	1178.65
6-Nov	598.73	9-Oct	900.7	12-Sep	1178.83
6-Dec	555.08	9-Nov	1050.54	12-Oct	1453.69
7-Jan	462.55	9-Dec	873.86	12-Nov	1102.15
7-Feb	500.32	10-Jan	952.39	12-Dec	1287.31
7-Mar	537.29	10-Feb	827.96	13-Jan	1326.99
7-Apr	543.74	10-Mar	956.49	13-Feb	1163.18
7-May	557.02	10-Apr	922.16	13-Mar	1229.36
7-Jun	516.38	10-May	903.05	13-Apr	1194.4
7-Jul	567.11	10-Jun	892.15	13-May	1087.19
7-Aug	470.95	10-Jul	857.31	13-Jun	1058.25
7-Sep	590.67	10-Aug	963.92	13-Jul	1238.96
7-Oct	559.05	10-Sep	837.71	13-Aug	1005.77
7-Nov	617.39	10-Oct	923.85	13-Sep	1025.7
7-Dec	635.34	10-Nov	998.64	13-Oct	1230.68
8-Jan	710.74	10-Dec	969.1	13-Nov	1061.45
8-Feb	689.26	11-Jan	970.54	13-Dec	1210.21
8-Mar	808.72	11-Feb	986.97	14-Jan	1260.66
8-Apr	781.71	11-Mar	1102.98	14-Feb	1173.16
8-May	730.26	11-Apr	1001.97	14-Mar	1288.62
8-Jun	753.58	11-May	998.42	14-Apr	1230.57
8-Jul	820.71	11-Jun	1038.91	14-May	1215.83
8-Aug	721.92	11-Jul	1015.58		
8-Sep	794.18	11-Aug	1101.79		
8-Oct	648.51	11-Sep	855.44		
8-Nov	761.38	11-Oct	1039.48		
8-Dec	758.03	11-Nov	908.79		
9-Jan	859	11-Dec	1147.22		
9-Feb	784.47	12-Jan	1221.41		
9-Mar	885.67	12-Feb	1133.01		
9-Apr	840.99	12-Mar	1109.14		
9-May	895.3	12-Apr	1083.89		