

ISSN : 1997-938X

SOCIAL CHANGE

A Journal for Social Development

Volume 8, No. 1, 2018



YPSA

Young Power in Social Action

An Organization for Sustainable Development

ISSN 1997 - 938X

SOCIAL CHANGE

A Journal for Social Development

Volume 8, No. 1, 2018



YPSA (Young Power in Social Action)

[Organization in Special Consultative Status with the United Nations Economic and Social Council (UN ECOSOC)]

House # F 10 (P), Road # 13, Block-B, Chandgaon R/A
Chittagong-4212, Bangladesh. Tel: +88-031-671690

Email: info@ypsa.org, socialchange.ypsa@gmail.com

www.ypsa.org

SOCIAL CHANGE

A Journal for Social Development

Social Change is a journal for social development published once a year. The Journal welcomes original contributions from all view points on various aspects of social development. It is designed to promote understanding of the society at its depth touching upon both theoretical and empirical dimensions of research. This journal is a major forum for those wishing to deal directly with the methodology and practice of social and environmental perspectives and future. Social Change is a podium for the exchange of ideas among scholars, policy makers and development practitioners, their intellectual and constructive ideas would smooth the way to social transformation in a de-sired manner. Appreciating their consecrated commitment to people and society we earnestly believe that they will make vital contribution through projection of ideas and views embellished with their sagacious policy recommendations. Readability and good writing style are important criteria for publication.

The topics include, and not limit to:

SOCIAL DEVELOPMENT
SUSTAINABLE DEVELOPMENT
HEALTH
EDUCATION
HUMAN RIGHTS AND GOOD GOVERNANCE
ECONOMIC EMPOWERMENT
WOMEN EMPOWERMENT
ENVIRONMENTAL MANAGEMENT
CLIMATE CHANGE AND DISASTER MANAGEMENT
MIGRATION AND DISPLACEMENT

The Journal is published once a year. All the submitted manuscripts will be reviewed by a panel of reviewers. Social Change is an open access and Printed journal where the accepted articles being published online and Hard copy and also access is Free-of-Charge for both the abstract and full text of the article.

SOCIAL CHANGE

A Journal for Social Development

Volume 8, No. 1, 2018

ADVISORY BOARD

Dr. Md. Shairul Mashreque

Professor
Department of Public Administration
University of Chittagong
Chittagong, Bangladesh

Dr. Hasanuzzaman Choudhury

Professor and Chairman
Department of Political Science
University of Dhaka
Dhaka, Bangladesh

Dr. Hafiz T.A. Khan, FRSPH

Professor in Public Health
The University of West London
London, United Kingdom

Dr. Massaki Ohashi

Professor
Faculty of Literature (NGO Studies
and South Asian Studies)
University of the Sacred Heart Tokyo, Japan

Dr. Niaz Ahmed Khan

Professor
Department of Development Studies
University of Dhaka, Dhaka, Bangladesh

Dr. A.Q.M. Serajul Islam

Professor & Head (Ex)
Department of Skin and Dermatology
Chittagong Medical College & Hospital
President
South Asian Regional Association of
Dermatologists (SARAD)

Dr. Nazmul Ahsan Kalimullah

Vice Chancellor
Begum Rokeya University Rangpur
Bangladesh

Dr. M. Abul Kashem Mozumder

Pro Vice-Chancellor
Bangladesh University of Professionals
Mirpur Cantonment
Dhaka, Bangladesh.

Dr. Shahnaj Khan

Professor
Department of Public Administration,
University of Dhaka, Dhaka, Bangladesh

Dr. Rashida Khanam

Professor
Department of Political Science
University of Chittagong
Chittagong, Bangladesh

Dr. Shafiqur Rahman

Professor
Department of Operations Management and
Business Statistics,
College of Economics & Political Science,
Sultan Qaboos University, Oman

Sujit Chowdhury

Senior Advisor, Bangladesh Bandhu
Foundation, ENDEV/GIZ, German International
Cooperation. Ex-Senior Climate Change
Advisor of German Embassy, Dhaka

ISSN 1997 - 938X

SOCIAL CHANGE

A Journal for Social Development

Volume 8, No. 1, 2018

EDITORIAL BOARD

Editor-in-Chief

Md. Arifur Rahman

Editorial Member

Dr. Shamsun Nahar Chowdhury

Prabal Barua

Morshed Hossan Molla

Md. Abdus Sabur

Editorial Policy

Social Change is a peer reviewed Journal devoted to the advancement of the research and social studies. The Journal entertains articles from the grassroots activists and researchers and appreciates learning from the field situation. The content and quality of papers should be in accordance with scope and nature of the Journal. All research articles are to review by at least one expert. Also they are subject to an in-house examination in editorial / Advisory board. This is in the pursuit of excellence and strict adherence to professional standards. We look forward to getting feedback from our valued readers and contributors on how this publication can be further improved and expanded to better serve the cause of social reform in the country. Given the importance of the journal, we would also like to invite analysis/study on further add to the dimension of the journal and this will be possible only with the thoughtful support of our valuable readers and contributors.

From the Editor

YPSA annually published Social Change journal that is a platform for the exchange of ideas among scholars, policy makers, academicians, researchers and development practitioners, their intellectual and constructive ideas would smooth the way to social transformation in a desired manner. The advisory board of Social Change decided to publish upcoming issues of the journal on different social development issues. This will give the readers concentrated information on a specific issue. However, presently the board decided to publish this current issue on the different aspects of development issue as it became a very much talked subject in the development field.

As an Editor-in-Chief of the Social Change, I would like to take the opportunity to thank again all contributors, particularly scholars, policy makers, academicians, researchers and development practitioners those who are working in this issue.

I also would like to thank all the writers who contributed to publish this issue by submitting their study based research manuscript and practical experiences which will definitely enrich the quality and archive of intellectual write-ups on contemporary development issues related issue for all the interested scholars, researchers, activists, students and also the GO-NGO-CSO practitioners. Finally, I express my kind gratitude to all the board members for their valuable consent, comments and encouragement for the timely publication of the issues of Social Change so far.

Md. Arifur Rahman

Editor -in-Chief

SOCIAL CHANGE

A Journal for Social Development

Volume 8, No 1, 2018

ARTICLES CONTENT

1. Dalits Struggle to Change Livelihood Strategies against Caste-Based Discrimination: A Study in Urban Bangladesh 01 -21
- Dr. Ayesha Siddequa Daize
 2. Climate Change Induced Disasters and Displacement Pattern in Coastal Area of Bangladesh 22-42
- Mohammed Arifur Rahman
 3. Inheritance of Hermaphrodite (Hijra) under the Muslim, Hindu and Christian Law: A Case of Bangladesh 43-61
- Dr. Mohammad Shoeb Mahmud , Abdus Shakur and Motasim Billah
 4. The Enforcement of Intellectual Property Rights in Bangladesh 62-85
- Esrat Jahan and Md. Rajib Hasnat Shakil
 5. Rohingya Influx and Environmental Catastrophes in South-Eastern Bangladesh 86-100
- Prabal Barua, Morshed Hossan Molla and Syed Hafizur Rahman
 6. Untimely Visitation of Calamity: Flash Flood in Haor Areas of Bangladesh and its Devastating Impacts on Economy 101- 104
- Nushrat Tashmin and A T M Jakaria Khan
 7. Child Labor in Bangladesh and its Social Impact 105-114
- Md. Nizam Uddin
 8. Human Rights of Children: Developed versus Developing World 115-124
- Md. Rafiqul Islam Hossaini
 9. Impacts of Child Development Through Sponsorship Program (CDSP) on the Holistic Development of the Children: Study of Birisiri CDSP 125-149
- Jishu Barua and Mostafa Azad Kamal
 10. Challenges and Prospects of Bangladeshi Workers in Overseas Employment: A Case Study of Bangladeshi Migrant Workers in Singapore 150-164
- Md. Abdus Sabur
 11. Studies on the Causes and Impacts of Landslide: A Comparative study of Rangamati and Bandarban hilly district, Bangladesh 165-174
- Imam Hossain and Md Faysal Hossain
- Authors guidelines for Social Change 175-178**

Dalits Struggle to Change Livelihood Strategies against Caste-Based Discrimination: A Study in Urban Bangladesh

Dr. Ayesha Siddequa Daize*

Abstract

The aim of this study is to bring forth the Dalits' voice against the caste-based discrimination to change their livelihood strategies. It analyses the ongoing efforts of Dalit movement and its impact on achieving equality, freedom and social justice. To meet these goals, the study draws observation and in-depth interviews with the members of the Dalit community. Previous study findings show that caste-based discrimination is the core cause of Dalits struggle. Dalits are still facing social problems owing to the stigma of untouchability and low-caste, despite the constitutional provisions against caste-based discrimination. Despite the continuous struggles of the Dalit, they have played a vital role in making them aware of their access to opportunities and social rights, but it has not brought fundamental changes in their socio-political status. So, some ready and effective measure are necessary to show this discrimination or human right issues and implement affirmative action programs to make sure equal access to opportunities for them.

Keywords: *Dalit, Struggle, Subtle, Caste, Empowerment, Exclusion.*

Introduction

The human rights issue of the Dalit community wasn't widely discussed and recognised in Bangladesh since independence. However, it drew the attention of some of the national civil society organizations when Dalits in Bangladesh began mobilizing and raising their voices (Uddyog, 2017).

* Associate professor, Department of Sociology, Jagannath University, Dhaka-1000, Bangladesh.

Historically, oppression has been and continues to be a serious issue of concern worldwide in both developed and underdeveloped countries (Kamen, 2004). Built on an anti-caste plank, the Dalit have moved beyond the framework of caste and, now, represents a symbol of change. It is a struggle for challenging the hegemony of the upper castes. It is not a caste, but an identity of the oppressed people. Dalit identity not merely expresses who Dalits are, but also conveys their aspirations, struggle for change and revolution (NCDHR, 2013). As a South Asian country, the structure of Bangladeshi society, with its hierarchies and power structures, is an ideal place to better understand the experience of caste-based discrimination and oppression.

Dalits are a very distinct social group in the caste-ridden Hindu society. They are the victims of social disabilities and oppression. Economically, most of them are still the poorest of the poor (Mandal, 2014). Although the Constitution of Bangladesh promises equal rights for all of its citizens, thousands of members of the Dalit community are treated as 'untouchables' and are ostracised by the society. The equal rights for all citizens and prohibition of discrimination by the State on the grounds of religion, race, caste, sex, or place of birth is guaranteed in article 28(1) of our Constitution. The principle of non-discrimination is also enshrined in other constitutional provisions. Despite these Constitutional guarantees, political-economic-and-social-exclusion on the basis of caste is practiced across the country. As such, social exclusion is manifested in the physical structure of both rural and urban areas throughout the country (Khan, 2016). Due to some affirmative actions, Dalits have made a significant progress on almost all parameters in the 45 years of independence. However, they are not empowered enough to face the challenges of competing equality. In a study, it was revealed that reveals that the backwardness of the Dalits will be evident from their illiteracy, unemployment, dependence on agriculture, and social segregation (Karade, 2008). In terms of residence, housing, poverty and health conditions, the conditions of the Dalits is precarious. All these issues have historically been

related to Dalit deprivation and marginal status in society. So, more than two decades of implementations of these struggles have severely affected the welfare and development of Dalits. In this paper, the researcher attempts to examine the magnitude and direction of the impact of these Dalits' voices against caste-based discrimination on their livelihood, which seriously affected the socio-economic conditions of Dalits in terms of education, occupation, political rights, social justice and other welfare programmes.

Objectives of the Study

The specific objectives are as follows:

- To explore the Dalit experience in terms of economic, personal, and social struggle.
- To find out whether the social and economic statuses among the Dalit people in Bangladesh are changing.
- To investigate the challenges and the responsible factors for the improvement of the status of the Dalit.
- To provide practical recommendations to enhance social inclusion of Dalits into the mainstream society.

Methodology

The study conducted from January to May 2018 in three greater thanas (sub-districts) namely Hazaribag, Sutrapur and Demra in Dhaka city. These places have been inhabited by the majority of Dalit population. The study have been applied multiple methods like field observation and semi-structural interviews. The selections of the methods based on the context of the research are age, gender, social and cultural background of the participants. To meet these goals of study, the study goes through twenty-two qualitative interviews with the members of the Dalit community. The informants selected through a purposive sampling method where the researcher deliberately chose the informants who were socially and politically conscious. The reason behind choosing the informants from this background was to bring forth the voice of the conscious Dalit

population against a long-standing practice of caste-based discrimination in the Bangladeshi society. To complete an interview, the researcher met at least two or three times with carefully selected household members. Besides, the in-depth interview, personal observations were noted during the fieldwork. Sometimes the researcher spent hours chatting with the Dalits and collected in-depth information about them. In addition to the primary research data, interviewers have also used secondary data from different government, scholars and non-government research and reports on the issue.

Theoretical Framework

In this article, the researcher attempts to make a conceptual framework to the study of the Dalit's struggle against the caste-based discrimination and changing their livelihood strategies in Bangladesh. In order to understand and explain the struggles and adaptation process of Dalit in Bangladesh, here the researcher used the theory of empowerment and subalternity.

Theory of Empowerment

Empowerment is a value-oriented process that enables the targeted group to be aware of social realities and enhances their understanding the consequences of social realities (Sadan, 2004). It is also a major agent of social change with its inherent principle of uplifting people from previous status to a better position. It carries the pervasive social values to strengthen individuals and make people aware about social influence, political power and legal rights. It is a "multilevel construct applicable to individual citizens as well as the organizations and neighbourhoods"; it suggests the study of people in context" (Rappaport, 1987). So it has discussed the concept of empowerment to enable understanding of motivations and experiences of Dalit struggle against inequality. Here, empowerment is understood as a peoples' desire for gaining control over their lives' issues.

Theory of Subaltern

The notion of subalternity is often used to indicate relations of class, lack of political organization and representation or the historical positions of those of "the inferior rank" especially in the post-colonial context (Arnold, 1984; Brennan, 2001; 2006). The term subaltern suggests a group of people who are in lower rank in a society and they become a subject to the hegemony of ruling class people and cannot build up their own history (Gramsci, 1971). The subaltern theorists "stand together again to secure a better future for subaltern peoples, learning to hear them, allowing them to speak, talking back to powers that marginalise them, documenting their past" (Ludden, 2002). Subalternity brings awareness to the marginalized and makes them able to subvert unequal socio-political hierarchy. Hence, both issues, empowerment and subalternity, are worthy to deal with the Dalits as member of lower caste to bring social changes in Bangladesh.

Forms of Changing Livelihood Strategies

The major subject of Dalit struggle is directed towards gaining caste-based equality and socio-political empowerment. Almost all the informants meant that they were oppressed by state policies and were excluded from mainstream national development agendas due to their lower caste. Similarly, they were suffering from the vicious circle of poverty over many generations and equally facing inhuman behaviour from so-called high caste people. Now a researcher tries to give a picture the rise of Dalits voice against caste based inequality which impacts their livelihood strategies in Bangladesh in the following discussion.

Gaining Education

Education is the most important pre-requisite for achieving the goals of personal, social, political, economic and cultural development. In other words, education is the most effective instrument for meeting the challenges that Dalits are facing. Historical evidences in this

regard indicate that Dalit community has been excluded from the whole process of education since centuries (Mandal, 2014). Although Article 15 & 17 of the Bangladesh Constitution stipulates that the State will provide free and compulsory primary education to all children. However, owing to reservation and affirmative action in the arena of education, substantial progress has been made in the field of education of Dalits during the last few decades. They also mentioned that the acceptance of their children in schools is gradually increasing. At present, most of the parents want to send their children to school. Similarly, Dalits have been more aware in gaining education and they want to send their children to school as one respondent said:

"A significant progress has been made in our community within a few decades. Vast inequalities were existed within the education system in the past. Education is not available for lower caste people. Our older generation has expressed their dissatisfaction and frustration how in the past, it had been difficult for them to get admission for their children in nearby mainstream schools, be it private or public. Now, I am proud that I am a student in a government college."

Dalit community is facing caste-based discrimination in educational institutions. In schools, Dalit children face the discrimination by teachers and peers directly and indirectly (Bishwakarma, 2011). In this context, Dalit children also face discrimination and discouragement from mainstream ethnic group members who perceive education for Dalit as both a waste and a threat. As a result of their discriminatory treatment, large numbers of Dalit children drop out of school, especially in the early elementary stages. Notwithstanding, Dalit children faced caste discrimination from their fellow students and teachers. One of my informants captured this in the following terms:

"When I admitted in a school, my teachers did not teach me properly and the classmates' behaviour towards me was also horrible. Mainstream children were not being seated with me or

did not share their food with me because 'I was untouchable'. However, I know that some of my community children are very intelligent, but sometimes they don't get the opportunity to go to school for these discriminatory actions. In the past, when they tried to go to school, the school doors were closed to them. This is now better in urban areas, but sometimes still the case in rural areas. Now some of them go to school, college, even university, but they don't honestly say: 'I am Dalit.' They say: 'We are Hindu'."

Dalit children do not have access or the opportunity to attend high-cost and presumably 'good-quality' private schools. These schools are primarily located in urban areas and are therefore, not accessible to the larger part of Dalit children. In addition to that, the tuition fees are so high that they are not affordable to the vast majority of the Dalits. For Dalits, the question is not whether the Dalits can afford to send their children to private schools, but whether they can afford to send their children to school at all (Jameela Pedecini, 2011). Similarly, one of my respondents told this in the following terms:

"It is not possible to send our children into good quality private school. One of the causes is good quality schools are located in exclusive areas and they have not allowed us in these areas and the other cause is tuition fees are high in these schools. So, our children are generally enrolled in Arts and humanities, it becomes difficult for them to meet the job requirements of the multinational corporations or others."

The Government has taken initiatives to protect various disadvantaged groups from discrimination and stigmatization. Some of them have been provided with reserved quotas for their employment in the public sector and in educational institutions. Public universities have introduced quotas for Dalits to gain access to higher education. In 2013-14 academic year, Dhaka University introduced quota for Dalits for the first time. In the academic year 2016-17, 8 more universities followed suit and introduced quotas for Dalit students (Hussain, 2017). It also reveals that there has been

substantial increase in the enrolment of children belonging to the Dalits at all stages. So reservation in the educational institutions and the financial assistance in the form of scholarships constitute perhaps the most important factor in the development scheme for Dalits (George, 2013). As opportunities for education increase and aspirations rise, Dalits should become a strong and positive force for change in Bangladesh in the coming decades.

Gaining Political Position

Political power was rightly seen as the key to all the problems. The Dalit movement linked the concept of State power with its claim of equality. The gamut of reservations basically sprang from this. There is no denying the fact that following the strategy of sharing State power in the prevailing circumstances certainly brought significant gains to Dalits. Through the mechanism of reservations in education, employment and politics, many Dalits are catapulted to positions which otherwise would have been unthinkable to them (Hans, 2016). However, nowadays, like in India or in other countries, Dalits in Bangladesh have begun participating in public debates on social issues and politics. According to the study informants, Dalits have heightened social and political consciousness, which has given them courage not to be submissive to the high caste. In this study, researcher finds that two types of views are observed on political participation of Dalit community. The first view characterizes Dalits as politically apathetic. They are believed to have little interest in politics, have little awareness of political events, and lack internal political organization. Such apathy or non-participation is so deeply entrenched that they alienate themselves from the social, cultural, economic and political life of the country. However, it could be noted that the second view does not consider community dwellers as politically apathetic. They believe that they should have active role in politics as the citizens of the country. In fact, they want to be integrated within the mainstream world through politics. One of the respondents said:

"In the past, our community members were not conscious about

their social and political rights, but now they have created a small space in politics. In the past elections, Dalits were only used as vote banks for many politicians or political parties through bribing leaders of the Dalit communities; since we were illiterate and unaware about the dynamics of politics. Then, we have paid attention to the voices of our 'sardars' (leaders). Mainstream society also thinks that Dalits have no right to participate in politics and decision making structures in Bangladesh."

Dalits have become more conscious about their social rights and self-esteem. This view of the respondent suggests that Dalits feel empowered through involvement in political activities against the caste-based inequality. In this connection, it can be noted that Dalit struggle and the impact of modernisation has brought significant changes in terms of social, political and legal representation that can assist in bringing about social justice in Bangladesh.

Changing Traditional Profession

Occupation is a very complex variable having several sociological elements such as, culture, structure, career, mobility, education, recruitment, remuneration, status, prestige and control including others (Taylor, 1968). Recently, many Dalit peoples are changing their traditional occupations for different causes. In a study it is said that for different reasons, such as, higher income, higher status, hardship of the jobs, death of father, and psychological dissatisfaction, people change their occupations (Ali, 1992). In some cases, there are changes in occupations where people partly or sometimes as a whole change their traditional occupations. On the other hand, in a study it is found that globalisation process has directly hit the traditional occupations of Dalits (Sunar, 2012). It is a well-known fact that the Dalits have historically specialised in the production of all kinds of artistic tools and equipment for household and agricultural production. But globalisation is adversely impacting their traditional occupations now. Their livelihood and specialized

occupation is now being replaced by global capitalistic productions. Easy availability of mass production goods from latest technology based industries at cheap prices has proved to be a big challenge for their traditional occupation.

In this present study, one *Jaat* Sweeper narrates his hope about his child

"My dream is quite small and simple that my child will grow up independent. I also hope that one day they will be able to break free of the cycle of discrimination and poverty that for so long have trapped the people of my community."

In this connection Dalit respondent said:

"The trend of changing traditional occupations has been rapidly occurred in our community. My father was a sweeper, but my father did not want his sons to continue the same occupation as he or his forefathers did. He admitted me to a community school. Now I am a teacher in a non-Dalit pre-school. Here, I somehow feel free from caste-based discrimination and do my job independently."

Finally, due to lack of adequate education and employment the livelihood of the majority of Dalits is dependent on their traditional occupation. Under the changing situation, the government needs to urgently take adequate steps to promote and preserve the unique role of these artisans and for realising their full potential.

Internal and External Migration

People choose migration to find better jobs and other life opportunities. For globalisation and modernisation, a large number of Dalit population has migrated internally and externally in Bangladesh. The reason for this migration is to take hold of the better opportunities in their life. One of my informants said,

"I was a good student from the beginning. I got talent pool stipend from my village school. I did hard labour, but I got less payment which could not fulfil my daily needs and educational

expenditure. In many cases, I faced many obstacles in my study period, but I continued my study. Now I am a student of a public university in the capital city and part-time data operator in an organization. I maintain my study and family expenditure through my income. I feel that in a city, the effect of caste-based discrimination is comparatively lower."

This means that migration empowers the Dalit youths socially and financially. The Dalit youth want to empower their community to "exert and improve competence, as well as develop critical awareness to collaborate for the betterment of organisations and communities" (Ledford *et. al*, 2013). It shows that the level of education also affected the migration issue. When Dalit people become educated, they begin to search better opportunities through migration. In this regard, another respondent also said:

"When I completed my higher education from a public university in Bangladesh, I joined in a multinational company and served there three years. After that, I managed a scholarship for my higher education. During my studies, I faced many inequalities and challenges, but I endured them to empower myself for the dignity of life. Still today I am struggling against the caste-based discrimination and trying to improve conditions in my community."

Cultural Changes

Modernisation, globalisation and urbanisation are major agents of socio-cultural changes (Gurung, 2008). Due to the effect of modernisation and globalisation, Bangladeshi society has been more open in comparison to the past. Development programmes such as improved transportation, communication and modern technology have led to socio-cultural changes. These modern facilities have changed the traditional mind-set of the people, including in untouchable communities. According to a respondent:

"Globalisation and revelation of information technology have

made our life easier to get any news which has made our awareness. Now, we get news easily about social, political and economic matters including Dalit issues. Sometimes, we hear that still now Dalits are not given equal access in public places; even they cannot enjoy constitutional rights like non-Dalits. However, in comparison to the past, we have got more space in urban areas due to our continuous struggle against the caste discrimination."

In the past, restrictions were imposed on the mode of construction of their houses, types of dresses and patterns of their ornaments. Dalit women have a traditional style of wearing their saris and different ornaments, which are different from other women in Bangladesh and this distinction immediately identifies them as Dalit and means they are often treated with contempt. Present day Dalit women feel that they might need to change their style in an effort to escape their identity. A Jaat Sweeper woman gave her account:

"From the ancient time these rules are applicable for the lower caste people that we will follow the traditional style of wearing a sari and ornaments. Our ornaments will make different design with silver, which are totally different from mainstream society so that anyone can easily identify us as a Dalit. We were not allowed to carry umbrellas, to wear shoes or golden ornaments, and to drink cow's milk. In many areas, our males are also prohibited from covering the upper part of their body. Now we realize that it is not right rules for us and these traditional systems should be changed for our next generation."

Relatively older Dalits want to preserve their own traditions such as language, jobs, marriage and kinship systems. For them all they need is to have a guarantee of their jobs and a salary they can make a living with. Younger generation expects a change, and they want that change to happen fast. They want work, education and health care. If they can get work or training in different sectors, they can work and can change their lives by their own (Rahman, 2016). The young generation of mainstream society is also against caste-based system.

One respondent put these changes in the following terms:

"Our younger generation is familiar with the internet technology through mobile phones, they watch television at home, listen to music, and many of them also have friends in mainstream society. Though some upper caste people are still biased against Dalits, but the younger generations are not so much concerned about untouchability. They also share food in hotels and restaurants, but not in their private homes because the parents of youngsters do not allow us to enter into their houses."

This narrative shows that the socio-cultural behaviour towards Dalits has been changing with a new consciousness of young generations. A sixty-five year old Jaat Sweeper said:

"Before 1971, the outsider has generally known what kinds of people live in these quarters and they often try to avoid these places for obvious reasons. That time no outsider would even dare to enter such ghetto due to obnoxious smells of human excreta stemming from the working tools such as big buckets, oxcarts etc. though the introduction of tractors has replaced some of those traditional tools or devices. This time every family has pigs. They and their pigs were living together in this congested area. However, some years ago, mainly the younger generation has taken a difficult task in hand. This task was an attempt to make our community pig free. They have realized the unclean pig is one of the causes of many diseases. Some of the traditional pig owners' point of view, it was an evil work. However, the young generation does it properly."

Changing Women Status

Dalit women are the most marginalized social groups among the marginalized. They face triple marginality first being a Dalit second being economically less fortunate and third as women. High rates of illiteracy, child marriages and early motherhood characterise today's Dalit women. Families are run by strong patriarchal values that often

limit the freedom of choices and expressions of Dalit women in household decision-making (Rahman, 2016). It is notable that in the last three decades, various Dalit organisations, along with Dalit women activists are working for the Dalit employment. The most significant change so far seen is in the field of awareness raising.

As a Dalit leader, Moni Rani Das reflects:

"We are excluded and discriminated through generation to generation. Lack of female education, rigid caste system, attitudes toward women, the rights of the woman are the main reasons for not attending politics. Now we have to realise that change will happen if we get involved in politics. If we ensure a significant level of participation in politics, then we can be quite capable of demanding and protecting our rights and obligation. The empowerment of Dalit women is the only way out of their poverty and oppression."

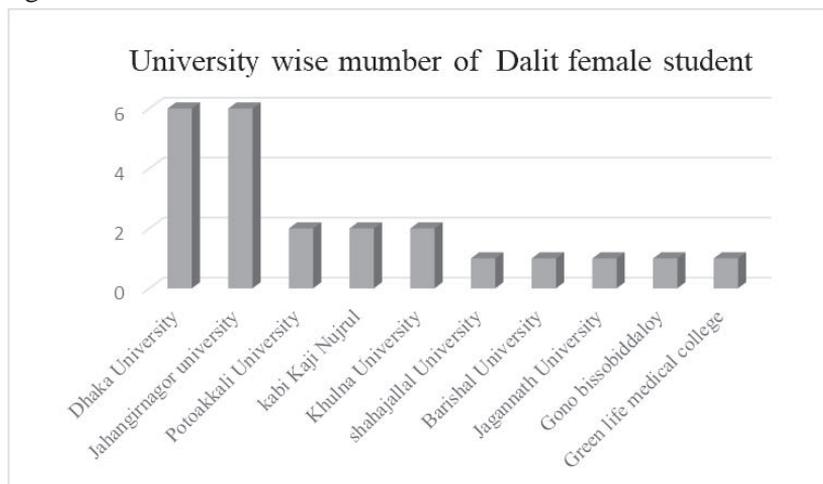
A sharp difference in opinion was found in young and older Dalit members, while exploring the issues of their social change. Young Dalits seem to challenge the gender norms for men and women's household and livelihood roles. Many young male and female Dalits mentioned that Dalit women can or should work outside their homes to bring additional incomes to the family. However, some girls also mentioned that they want to do both (Rhaman, 2016).

One-woman respondent said about this matter:

"I think it cannot be possible to change status of women within the family or community without economic solvency. So most of our young women want to work for extra income for their family. They also think that children rearing and taking care of the family is also very important for them. However, they want to balance out both work and family."

The Dalit women hardly get the opportunity to enjoy freedom of expression. Different schemes and quota systems for Dalits have

been recently introduced in Bangladesh. These measures brought some positive changes for wider Dalit community keeping Dalit women aside. Furthermore, there is no mention of special provision for Dalit women in the policies adopted by Bangladesh government (Nagorik Uddyog, 2017). Within this four years, total 22 female students have got admission in different public universities. This figure is shown below:



Source: Nagorik Uddyog, 2017

Figure1: University Wise Number of Dalit Female Student

Bangladesh government has provision for different skills development trainings for marginalised, disadvantaged and Dalit community under the department of social services and department of women affairs. But very few Dalit women in the rural areas have this information. (Nagorik Uddyog, 2017). Moreover, those who know about these training don't get much scope to attend due to their full-time involvement in the family affairs and restriction by the family members.

Forming National and International Organisations

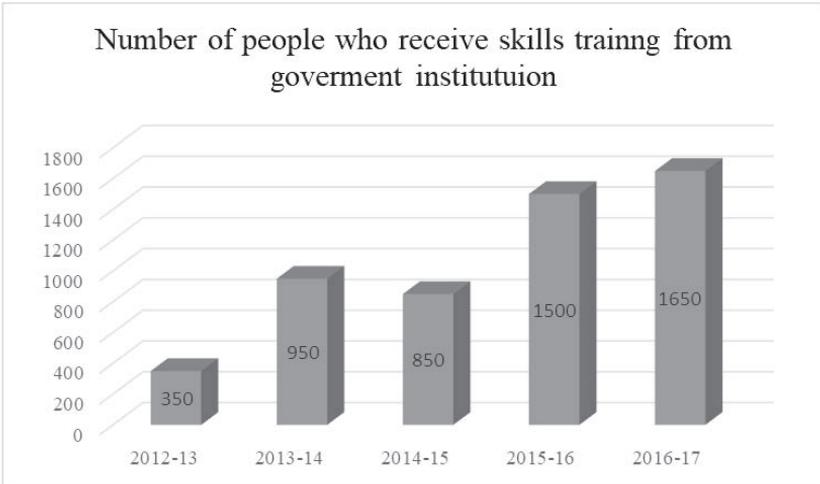
With the goal of eradicating caste-based discrimination and untouchability, Dalits have formed different organisations in

collaboration with international donor organisations. "The organisations place emphasis on equal rights and living with dignity and freedom" (Kharel, 2007). There are a number of NGOs and Dalit led organisation working towards addressing the issues that Dalit communities face and there have been positive changes as a result of their work. NGOs have identified numerous ways to further address the issues including a change in the constitution to include a reference to untouchability, more awareness raising activities, further research and the inclusion of Dalit communities in the government census (Hussain, 2017). NGOs are doing a noble work, as they feel excluded and neglected by powerful authorities from the state and its institutions. They cannot articulate how they can organise themselves to take active role in the society and be included as citizens of Bangladesh. But they believe that NGO initiatives can make a positive impact on their lives and livelihood. (Rhaman, 2016). The major efforts of these organizations remain at integrating development agendas along with their objective of establishing an equitable society. According to my respondents,

"By and large, NGO initiatives have been very positive to help organize and aware Dalits of their rights and entitlements. These initiatives are a good way to help us organise ourselves to uphold our constitutional rights. These organisations try to empower us through Radio, TV, Telefilm, Street drama, training, seminar, interaction, discussion and co-picnics, cultural programs, legal literacy networking, and mobilization. Nowadays, Dalits, specifically the urban Dalits, are more aware of their rights compared to their previous generations."

Government initiatives for the betterment of urban Dalits are near zero. In recent years, to respond to the pressure from various national and international organisations, associations, networks, and civil society activism, the government has allocated an increased budget for the betterment of Dalit lives and livelihood (Rahman, 2016). For providing employable skills for livelihood for Dalits, Department of Social Welfare is covering 25 districts in 2016-17 (under the social

safety net program). The provision of skills training for Dalit, Bedey and Horijon community started in 2012-13. Total 5300 people from these communities so far received skills training. But there is no mention of how many Dalit so far received skills training, let alone mentioning the number of Dalit women (Nagorik Uddyog, 2017).



Source: Nagorik Uddyog, 2017

Figure 2: Number of People who Receive Skills Training from Government Institution Under Dalit, Bedey and Horijon life Standard Development Programme.

So, nowadays, Dalits have been more conscious regarding their socio-cultural rights, education, property rights and constitutional rights that have reduced the level of caste discrimination vis-à-vis past. Similarly, the development activities and motivational campaigning with them through awareness programs are playing a vital role to change their attitudes and concepts, which have gradually increased their social status.

Conclusion

Social change through the empowerment of marginalised groups is a complex process. Education should provide not only the tools for employment for marginalised groups but also opportunities to raise

their critical awareness of social hierarchies (Freire, 1970). They should be able to resist and contest essentialised representations of social differences (Freire, 1970 and Fuss, 1989). Similarly, the dominant group members need to develop a critical consciousness to understand the historical exigencies in creating, perpetuating, and sustaining various essentialised representations of social groups, such as caste, class, and gender (Fuss, 1988 and Grosz, 1994). Dalit movement in Bangladesh basically started at the beginning of the 21st century, which, though helped bring positive changes in the lives of Dalits. Dalit struggle refers to a socio-political movement of Dalit people to demolish caste-based discrimination in Bangladesh. Dalits are still facing social problems owing to the stigma of untouchability, low caste, despite the empowerment attempts through constitutional provisions. It is also a struggle for equality, freedom and social justice in human society. Recently Bangladesh had brought some improvements in the lives of Dalits, making these special provisions to provide them education, employment, access to land, health, housing and other resources. They have been much overlooked in the development and rights discourse and have only recently been able to raise their voices. Having started to engage with government and international donors, they have now managed to place the issue of caste discrimination on the agenda. However, in a study Hans, (2008) suggested that the modern and growing society recognises that social justice cannot be delivered only through reservations, subsidies and grants. This realisation takes countries away from utopian ideologies to innovation, employment creation, innovation and inclusion. There is now a clear vision for how countries can tackle social exclusion, a scope for synthesising growth and change through equity. In another study, he also suggested that the vision will get sharper with a critique of globalisation, with all its crises of identity and assimilation of stakeholders. Social capital formation necessitates social integration, not exclusion. The real test of our ability to address effectively the manifold challenges to social integration and harmony will be seen in our struggle/journey to uphold peace, justice and equality in the arena of balanced and sustainable economic development and there is no alternative (Hans, 2007).

References

Ali, AFI 1992. *Changing Social Stratification in rural Bangladesh*, New Delhi: Commonwealth Publishers.

Arnold, D 1984. Gramsci and Peasant Subalternity in India. *The Journal of Peasant Studies*, 11(4), 155-177.

Bishwakarma, MB 2011. Comparative Study of Dalit education in Nepal. *Social Science Research*, Retrieved from <http://dx.doi.org/10.2139/ssrn.1822163> (accessed 10-11-2015).

Brennan, T 2001. Antonio Gramsci and Postcolonial Theory: Southernism. *Diaspora: A Journal of Transnational Studies*, Vol.10(2), pp.143-187.

Brennan, T 2006. *The Southern Intellectual*. Peripheral Centers, Central peripheries: India and Its Diaspora (s), 1, 47.

Freire, P 1970. *Pedagogy of the Oppressed*. New York: Herder and Herder.

Fuss, D 1989. *Essentially Speaking: Feminism, Nature and Difference*. New York: Routledge.

George, GM 2013. Human Rights, Dalits and the Politics of Exclusion, *Afro Asian Journal of Social Sciences*, Vol. 4, (4.1 Quarter 1), pp.1-24.

Gramsci, A 1971. *Selections from the Prison Notebooks*, trans. and ed. Q. Hoare and G. Nowell Smith. New York: International Publishers.

Grosz, E 1994. Sexual Difference and the Problem of Essentialism. *In N. Schor, & E. Weed (Eds.)*.

Gurung, YB 2008. *Migration from Rural Nepal: A Social Exclusion Framework*. Central Department of Population Studies. Tribhuvan University, Kathmandu.

Hans, VB 2007. Communalism and Economic Development - *Some Reflections*, *Deeksha*, Vol. 5(1), pp. 28-38. 14.

Hans, VB 2008a. *Marginalisation in the Midst of Modernisation Women's Health Empowerment*. In Rathakrishnan, L. (Ed.), *Empowerment of Women through Entrepreneurship*, New Delhi: Gyan Publishing House. pp. 61-75.

Hans, VB 2016. Dalits in India- From Marginalisation to Inclusion, *Jai Maa Saraswati Gyandayeni an International Multidisciplinary e-Journal*. Vol. 1(IV), p. 448.

http://www.mpow.org/elisheva_sadan_empowerment.pdf (accessed 10-11-2015).

Hussain, A 2017. Dalits in Bangladesh and Safeguarding Their Rights. *The Daily Sun* Retrieved from <http://daily-sun.com/printversion/details/226876/Dalits-in-Bangladesh-and-Safeguarding-their-Rights->.

Jameela, P 2011. The Two Indian Welfare Systems: State & Corporate Responses, *Barnett Papers in Social Research*, 5(3) 14. www.spi.ox.ac.Uk/fileadmin/document/pdf/peidicini.pdf.

Kakde, S 2008. *Globalisation and Scheduled Castes*, Cambridge Scholars Publishing, U.K., pp.10 -18.

Kamen, GE 2004. The Status, Survival, and Current Dilemma of a Female Dalit Cobbler of India. Retrieved from <https://vtechworks.lib.vt.edu/handle/10919/26590>.

Khan, FR 2016. *Rights Advocacy*, The Dalits in Bangladesh, Retrieved from <https://www.thedailystar.net/law-our-rights/rights-advocacy/the-dalits-bangladesh-203845>.

Kharel, S 2007. The Struggle for full Citizenship for Dalits in Nepal: Approaches and Strategies of Dalit Activists. *Himalaya, the Journal of the Association for Nepal and Himalayan Studies*, Vol. 27(1): pp. 55-69.

Ledford 2013. *Youth Empowerment: The Theory and Its Implications*. Retrieved from http://www.youthempowered solutions.org/wpcontent/uploads/2013/05/Youth_Empowerment_White_Paper_Preview.pdf.

Ludden, D 2002. Reading Subaltern Studies, ed. David Ludden, Delhi: Permanent Black. Mandal, CB 2014. Globalization and Its Impact on Dalits. *Afro Asian Journal of Social Sciences*, Vol. 5 (2), pp. 1-18.

NDCHR 2013. *Impact of Climate Change on Life & Livelihood of Dalits, an Exploratory Study from Disaster Risk Reduction Lens*, Retrieved from <http://www.ncdhr.org.in/daaa-1/daaa-publication/NCDHR%20Climate%20Change%20%281%29.pdf>.

Rahman, S 2016. *An Ethnographic Journey through the Lives of Urban Dalits in Bangladesh*, Retrieved from, <http://bdplatform4sdgs.net/wp-content/uploads/2016/08/An-Ethnographic-Journey-Through-the-Lives-of-Urban-Dalits-in-Bangladesh.pdf>.

Rapport, J 1987. Terms of Empowerment/Exemplars of Prevention: Toward a Theory of Community Psychology. *American Journal of Community Psychology*, Vol.15(2): pp. 121-148.

Sadan, E 2004. *Empowerment and Community Planning* in Richard Flantz. Retrieved from Sunar, GB 2012. *Dalits and Globalisation*. Retrieved from: http://www.Myrepublica.Com/portal/index.php?Action=news_details&news_id=38813.

Taylor, L 1968. *Occupational Sociology*. New York: Oxford University Press.

Uddyog 2017. *Dalit Women in Bangladesh: Access to Economic Rights Focus On Land, Higher Education and Employable Skills for Livelihood*, Bangladesh Country Report, p- 31& 38.

Climate Change Induced Disasters and Displacement Pattern in Coastal Area of Bangladesh

Mohammed Arifur Rahman*

Abstract

The main goal of the study is to explore the climate change induced disasters and displacement pattern in the coastal areas of Bangladesh. The study mainly based on primary data based. Primary data have been obtained through the quantitative along with qualitative sources. Qualitative data are attained through Participant Observation, Key Informant Interview (KII) and Focus Group Discussion (FGD) methods. Quantitative data have been acquired through the field study consisting of a questionnaire survey. The data have been interpreted by the Statistical Package for the Social Science (SPSS-20). For statistical interpretation, the null hypotheses (H_0) have been adopted and Chi square (X^2) test has been performed after cross tabulation. The study outcomes show that the relationship between climate induced disaster and the coastal people displacement is significant (the null hypothesis - H_0 is rejected). The hypothesis is also referred that cyclone or storm surge and bank erosion are the leading triggers for the displacement of coastal people from their places of origin. Moreover, five types of drivers have been identified, which are: loss of life, homes, housing, stored resources and land respectively. As a result, displaced people changed their inhabitants many times during their lifetime, eventually they are displaced. Most of the times, the cities of Cox's Bazar and Khulna are the final destination of displaced people. Although sudden onset events appeared in Kutubdia area and slow onset events was seen in Dacope area. The study findings strongly recommended that trying to build afforestation cum coastal embankment/polder; to setup local raw materials based small scale industry; to ensure civilian rights and

* Chief Executive, YPSA (Young Power in Social Action), Chittagong-4212, Bangladesh

humanitarian assistances; to distribute khas lands; and to establish community based rehabilitation programme for displaced people; are to be included to every ongoing safety net programme. This will prevent the displacement stigma in the coastal areas of Bangladesh.

Keywords: *Climate Change, Coastal Area, Climate Induced disaster, Drivers, Pattern of Displacement and Resilience.*

Introduction

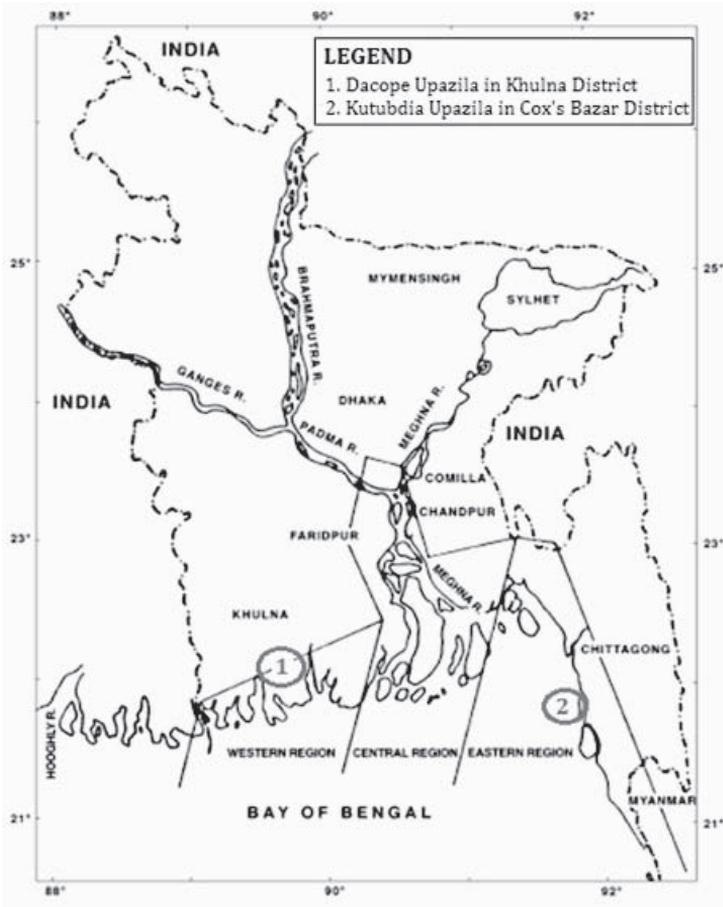
Bangladesh is widely recognized to be the worst victim of climate change and affected by salinity intrusion, destabilization of rivers, increase in extreme weather events, submergence of a large part of the country and spread of diseases and epidemics (Islam, 2009). It has been ranked as one of the world's most disaster-prone countries, with 97.1% of its land area and 97.7% of its population at risk from multiple hazards (UNICEF, 2011). However, climate induced changes such as extreme cyclone, devastating tidal surges, severe floods, treacherous river erosion, excessive rainfall, thunderstorm and overwhelming salinity intrusions occurring more frequently and unpredictably in the coastal regions of Bangladesh (Salequzzaman, et al., 2009; Ahmed, *et al.*, 2007). Besides, climate induced disasters like cyclone, tidal surge, flash flood, coastal erosion and trans-regression, heavy rainfall, salinity, and thunderstorms are frequent, recurrent and much familiar disasters for coastal people in the Southern coastal belt of Bangladesh (Ali *et al.*, 2015). As a result, firstly, the effects of warming and drying in some regions will reduce agricultural potential and undermine 'ecosystem services' such as the availability of clean water and fertile soil. Secondly, heavy precipitation will cause flash or river floods in tropical regions. And finally, sea-level rise will permanently destroy extensive and highly productive low-lying coastal areas that are home to millions of people who will have to relocate permanently (Morton *et al.* 2008). In the present situation, the coastal zone of Bangladesh hosts over 35 million of people who are exposed to cyclones, storm surges, rough seas, salinity intrusion, and permanent inundation due to rising sea level. It was also found that almost 60 Lakh people were displaced

from their home and land due to climate change in Bangladesh (Displacement Solutions, 2012). Although no specific study has been found to relate between climatic induced disasters and displacement pattern in the coastal area of Bangladesh, the present study has been investigating the climate induced disasters and displacement pattern in the coastal area of Bangladesh.

Coastal Geography and Environment of Bangladesh

The coastal belt of Bangladesh is unique in this monotonous topography, shoreline geometry, coastal dynamics and biodiversity. Geomorphologically which is characterized by funnel shaped, vast networks of rivers, strong tidal and wind action, and enormous river discharge laden with bed and suspended sediment (Islam, 2001). The coast of Bangladesh is approximately 710 km long, (Snead, 1985) as estimated by measuring the distance around the Bay of Bengal between the Indian and Myanmar borders. If the length of the tidal estuarine coast is considered, the total shoreline of Bangladesh may be thousands of kilometers long. However, Nazem and Mahboob, (1992), Citing from Pramanik (1983), Anwar (1993), Shamunnay (1997) and Ali (1999) describes that the coastal areas of Bangladesh is broadly divided into three regions; (1) The Eastern Region (2) The Central Region (3) The Western Region, (Map-1). The western part, also known as the Ganges tidal plain, comprises the semi-active delta and is crisscrossed by numerous channels and creeks. The topography is very low and flat. The Southwestern part of the region is covered by the largest mangrove forest of the world, called the Sundarban. The central region is the most active one, and continuous processes of accretion and erosion are going on here. The very active Meghna River estuary lies in the region. The combined flow of three mighty rivers-the Ganges, the Brahmaputra, and the Meghna (commonly known as the GBM river system and ranking as one of the largest river systems in the world) discharges under the name of Meghna into the Northeastern corner of the Bay of Bengal. This estuarial region has seen the most disastrous effects of tropical cyclones and storm surges in the world and is very vulnerable to such

calamities. The Eastern region, being covered by hilly areas, is more stable, and it has one of the longest beaches in the world (Ali, 1999 and Islam, 2001).The present study has been conducted in two different coastal regions in Bangladesh, namely Western and Eastern coastal region respectively.



Source: Ali, 1999

Materials and Methods

Research Hypothesis

The research mainly focuses on the exploring about the climate

from their home and land due to climate change in Bangladesh (Displacement Solutions, 2012). Although no specific study has been found to relate between climatic induced disasters and displacement pattern in the coastal area of Bangladesh, the present study has been investigating the climate induced disasters and displacement pattern in the coastal area of Bangladesh.

Coastal Geography and Environment of Bangladesh

The coastal belt of Bangladesh is unique in this monotonous topography, shoreline geometry, coastal dynamics and biodiversity. Geomorphologically which is characterized by funnel shaped, vast networks of rivers, strong tidal and wind action, and enormous river discharge laden with bed and suspended sediment (Islam, 2001). The coast of Bangladesh is approximately 710 km long, (Snead, 1985) as estimated by measuring the distance around the Bay of Bengal between the Indian and Myanmar borders. If the length of the tidal estuarine coast is considered, the total shoreline of Bangladesh may be thousands of kilometers long. However, Nazem and Mahboob, (1992), Citing from Pramanik (1983), Anwar (1993), Shamunnay (1997) and Ali (1999) describes that the coastal areas of Bangladesh is broadly divided into three regions; (1) The Eastern Region (2) The Central Region (3) The Western Region, (Map-1). The western part, also known as the Ganges tidal plain, comprises the semi-active delta and is crisscrossed by numerous channels and creeks. The topography is very low and flat. The Southwestern part of the region is covered by the largest mangrove forest of the world, called the Sundarban. The central region is the most active one, and continuous processes of accretion and erosion are going on here. The very active Meghna River estuary lies in the region. The combined flow of three mighty rivers-the Ganges, the Brahmaputra, and the Meghna (commonly known as the GBM river system and ranking as one of the largest river systems in the world) discharges under the name of Meghna into the Northeastern corner of the Bay of Bengal. This estuarial region has seen the most disastrous effects of tropical cyclones and storm surges in the world and is very vulnerable to such

- p** = assumes proportion in the target population estimated to have a particular characteristic (0.50);
- q** = proportion of the estimation of population (1-p = 0.50);
- d** = allowable maximum error in estimating a population proportion (0.05) respectively.

Besides, the simple random sampling technique has been adapted for successfully operating 410 questionnaires at a household's level of the displaced people. The representative sample size has been distributed on the statistical way with the help of following formula;

$$\text{Random sampling, } N_j = \left(\frac{n}{N}\right) N_i$$

Where, N_j = represents the sample size; N = total population size, ($N = n_i + n_{ii} + n_{iii} + \dots + n_n$); N_i = population size of the study area and n = desired sample size separately.

Table 1: Distribution of population in the Two Selected Study Areas

Upazila	Household	Representative sample size	Study locations	Number of sample size
Kutubdia	22587	149	Origin (In area)	100
			Destination (Out of origin)	90
Dacope	36597	242	Origin (In area)	200
			Destination (Out of origin)	20
Total	59184	390		410

Source: District Statistics, 2011 (Cox's Bazar & Khulna); Population Census, 2011

Meaningful data were edited, coded, classified and tabulated in the sequential manner. Qualitative data have been examined with the help of two theories such as 'Grounded theory' and 'Narrative Analysis', besides quantitative data are interpreted with the help of two analyses such as 'Statistical analysis' and 'Analytical analysis' respectively. Moreover, statistical and analytical analysis of the study

are done with the help of statistical techniques, especially Statistical Package for The Social Science (SPSS: version-20) and various statistical tools such as tables, charts, graphs, diagrams, figures, and photographs etc.

Chi Square (X^2) Test

For statistical analysis of probability sampling or justification of hypothesis, the research has carefully applied chi-square test. The following equation has been used for determination of the chi-square test.

$$X^2 = \frac{\sum (O - E)^2}{E}$$

Where, O denotes the total number of observation or sample size or observation value and E denotes the expected value.

For statistical interpretation, the null hypothesis (H_0) were adopted for determining the relationship between 'climate change induced disasters and displacement of coastal people in the coastal areas of Bangladesh. In addition to that, the age structure of the respondents is an essential variable for articulation and explanations of the problem, particularly climate change related issues, because the 30 to 40 years' average weather conditions are representing the climate state in any area. So, the study strictly considered respondents from people who are 30-year old.

Results and Discussion

Climate Induced Disaster in the Coastal Area of Bangladesh

Flood, cyclone or storm surge, tornado, drought, coastal erosion or trans-regression, rainfall anomalies (heavy shower or shortage of rainfall), salinity intrusion, thunderstorm and diseases are some common climate change induced disasters in Bangladesh. In the coastal areas, people are familiar with flood (tidal and flash) cyclone or storm surges, coastal erosion or trans-regression, heavy rainfall, salinity intrusion, thunderstorm and diseases.

² Representative sample size has been selected by Islam, 2014

The study found that total seven types of climate change induced disasters have been recurrent in the coastal area of Bangladesh which depends on the coastal regions (table 2). Most of the coastal people argued that cyclone and storm surge and bank erosion are the main climate change induced disasters in Coastal Bangladesh. These disasters are familiar, recurrent and more destructive than the other five disasters. Moreover, the coastal people believe that cyclone, storm surges, and bank erosion are the main triggering force behind displacement.

Table 2: Causes of Displacement

Causes of Displacement	Study Area-I (Kutubdia)		Study Area-II (Dacope)	
	<i>Frequency</i>	<i>Percentage</i>	<i>Frequency</i>	<i>Percentage</i>
Flood	72	15.82	63	12.52
Cyclone and Storm surge	131	28.79	165	32.80
Bank Erosion	115	25.27	201	39.96
Salinity	34	7.47	62	12.32
Tidal Fluctuation	53	11.64	7	1.39
Sea Level Rise	48	10.54	5	1.0
Changing Precipitation behavior	2	0.42	--	--
Total	455	100.0	503	100.0

N.B: Multiple Answer Considered

Correlation between Climate Change and Displacement in Coastal Areas

Kutubdia Upazila (also an island) was severely affected by floods in 1988 and cyclone in 1991. During those disasters, every person was temporarily displaced and significant portion went to other places permanently.

Besides, every year, coastal erosion is reducing the size of this island and displacing people on a frequent basis. On the other hand, Dacope area was affected by cyclone Sidr in November 2007 and cyclone Aila in 2009, which displaced almost all the people of Suterkhali and Kamerkhola Union and regular salinity intrusion and coastal erosion squeezing livelihood options of Dacope people; as a result, they are

moving frequently. The following table tried to explore the relation between climate change and coastal people displacement in both study areas. In order to analyze the data more strictly, an attempt has been made to statistically interpret the relationship between climate change and coastal people displacement in both areas of study. Regarding this aspect, a null hypothesis is, *H₀: there is no association between climate change and people displacement.*

Table 3: Relationship between Climate Change and Displacement in the Areas of Study

1st Variable	Study Area- I (Kutubdia)						Study Area-II (Dacope)						
	Chi-square (X ²)			Chi-square (X ²)			Chi-square (X ²)			Chi-square (X ²)			
	Cal value	Tab value	Result	df	Sig.*		Cal value	Tab value	Result	df	Sig.*		
Displacement of Local People	Flood	1.6252	9.488	-7.862	4	NS	1.8342	9.488	-7.653	4	NS		
	Cyclone or Storm surge	77.1562	9.488	67.668	4	S	79.1562	9.488	66.69	4	S		
	Bank Erosion (river and sea)	97.805	9.488	88.317	4	S	93.805	9.488	84.317	4	S		
	Salinization	1.6252	9.488	-7.862	4	NS	1.5222	9.488	-7.965	4	NS		
	Governmental development Activities	Required response didn't detect											
Displacement of Coastal People	Tidal Fluctuation	1.6252	9.488	-7.862	4	NS	1.5222	9.488	-7.965	4	NS		
	Sea Level Rise (SLR)	1.6252	9.488	-7.862	4	NS	1.5222	9.488	-7.965	4	NS		
	Increase Temperature	Required response didn't detect											
Displacement of Coastal People	Changing pattern of Temperature	Required response didn't detect											
	Land captured by local powerful man	Required response didn't detect											

*S= Significant, *NS = Not Significant, df = degree of freedom, significance at the level of 0.05

Chi square (X^2) test has been performed after cross tabulation. Table 3 shows the results with the levels of significance for the chi-square (X^2) test. It utterly rejecting the null hypothesis: "there is no association between climate change and displacement in both study areas". The chi-square (X^2) test results indicate that there is a significant difference between climate change and people's displacement in both areas of study. Table 3 illustrates that cyclone or storm surge and bank erosion (river and sea) are significant [Hypothesis (H_o) = Cal value Tab value = Significant] in both study areas. As a result, the null hypothesis (H_o) is rejected and the alternative hypothesis (H_1) are accepted. Besides, flood, tidal fluctuation and Sea Level Rise (SLR) disasters are non-significant [Hypothesis (H_o) = Cal value Tab value = Non-significant] in both study areas. As a result, the null hypothesis (H_o) is accepted and the alternative hypothesis (H_1) is rejected. Besides, governmental development activities, increasing temperature, changing pattern of temperature, and lands captured by local influential persons are failed to be interpreted for not being detected by the respondents.

The null hypothesis is rejected and the alternative hypotheses are accepted and significant in both study areas. Climate change induced disasters have accelerated the displacement of villagers from their home. Besides, geographical location, absence of climate resilient housing, livelihood, improper rehabilitation, and inadequate relief program has also accelerated the severity of these disasters in study areas. As a result, respondents considered and responded on the recurrent nature of disasters, which are more devastating among disasters in their locality. Focusing hypothesis is significant because people are displaced from their home due to climate change induced disasters, particularly cyclone/storm surge and bank erosion.

From FGD and KII, it has been found that most houses are broken by cyclone and, each year, coastal erosion along the coast line in Kutubdia is reducing the size of this island; for example, Kudiear Tak Ward of Ali Akbar Dail Union in Kutubdia Island is already disappearing by the erosion of Bay of Bengal and Tabaler Chara is

totally visible. However, western side of Kawer bill, South and North Durong in Kutubdia island areas are also vulnerable to bank erosion. In Dacope area, in Khulna, the entire upazila is vulnerable to climate induced disasters, especially Bank erosion and salinity intrusion. Two unions in particular - Kamerkhola and Suterkhali among nine unions are very much vulnerable. Nolian, Kalabogi, Kalabogi Kawer Para, Jullanto Para, Bari Badd and Kali Nagor at Suterkhali Union and Bitabanga and Choto Jallia Khali at Kamerkhola Union are the most vulnerable areas in Dacope Upazila. There is no permanent coastal embankment or Polder, so saline water enters through broken polder even during the low tide. But, villagers have been displaced since Cyclone Sidr in November 2007 and further in cyclone Aila in 2009.

Climate Change Induced Drivers in Coastal Area of Bangladesh

From literature review, it has been found that climate change may create two types of vulnerability for human beings: one is climate induced disaster and the other is climate induced losses in entire coastal areas of Bangladesh. Table 4 illustrates the climate change induced drivers in the coastal areas of Bangladesh.

Table 4: Climate Induced Drivers

	Study Area-I (Kutubdia)		Study Area-II (Dacope)	
	<i>Frequency</i>	<i>Percentage</i>	<i>Frequency</i>	<i>Percentage</i>
Loss life (family member)	71	10.8	--	--
Loss of houses	180	27.4	211	34.8
Loss of plinth land	139	21.1	184	30.3
Loss of stored resources	121	18.5	105	17.4
Loss of land	145	22.2	106	17.5
Total	656	100.0	606	100.0

N.B: Multiple Answer Considered

Displaced people lost their houses, stored resources and land in both study areas, even in Kutubdia Island 10.8% displaced people lost their family members (Table 4). Cyclone/storm surge and bank erosion were significant in both study areas. However, every disaster

hampered the life and livelihood, but the cyclone/ storm surge and bank erosion are most devastating among them. Furthermore, the Kutubdia Island area is more susceptible to climate change induced disasters because the Kutubdia Island has been gradually eroding.

For this reason, villagers are losing their livelihood. Alternatively, Dacope area is better than Kutubdia area because Dacope area is situated behind the Sundarban Forest. This forest is the natural protection for the inhabitants of Dacope with Khulna Division. Climate change induced victims not only lose their life, but their house, land properties, and stored resources as well.

Times of Losing Household

Bangladesh is widely recognized to be the worst victim of climate change and affected by salinity intrusion, destabilization of rivers, increasing extreme weather events, submergence of a large part of the country, and spread of diseases and epidemics (Islam, 2009. According to the Guardian, UK (29 January, 2013). The existing situation is very much susceptible, because the present study area is too much vulnerable to recurrent climate change induced disasters in Bangladesh. Table 4 illustrates that the main driver of climate change induced disasters is loss of house and household. It is the prime driver for displacement. Figure 1 interprets that the time of losses of the household of the displacement people in the coastal areas of Bangladesh.

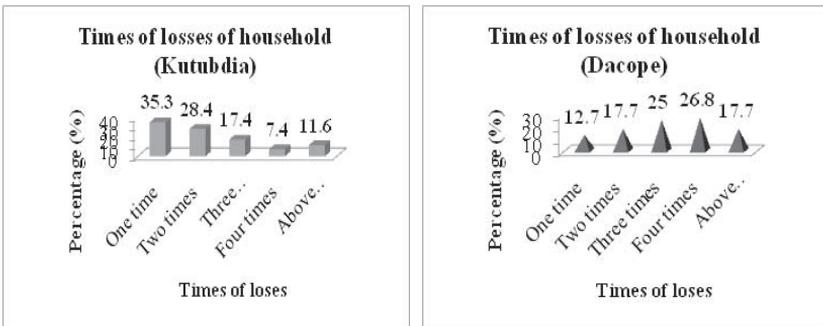


Figure 1: Times Loss of Households

In Kutubdia Upazila, nearly 35.3% villagers have lost their household for one time, besides 11.6% villagers lost their household more than five times. Conversely, in Dacope areas, displacement stigma is occurring frequently than Kutubdia Upazila because villagers have lost their household time to time. Maximum villagers have lost their households like 25% at three times, 27% four times, and 18% five times respectively. The qualitative survey prescribed that Tabaler char under Ali Akbar Dail union and Western side of North Dhurang lost their homestead above five times and these areas are more vulnerable to coastal bank erosion and cyclone. Besides, villagers of Suterkhali union were displaced more than five times from their homestead particularly, Nolian, Kalabogi, Kalabogi Kaver Para, Jullanto Para, Bari Badd and Kali Nagor and Choto Jallia Khali at Kamerkhola union of Dacope Upazila.

Patterns of Displacement of Displaced People

After displacement from their original place, displaced people tried to remain in their own village in their own Upazila of their own district, particularly as long as they have alternative land and livelihood options to survive or no scope to move to other places. Table 5 explores that pattern of displacement of displaced people from their livelihood.

Table 5: Pattern of Displacement of Displaced People

	Study Area-I (Kutubdia)		Study Area-II (Dacope)	
	<i>Frequency</i>	<i>Percentage</i>	<i>Frequency</i>	<i>Percentage</i>
Own village	124	51.02	197	87.94
Own Upazila	80	32.92	18	8.03
Own District	23	9.46	2	1.0
Total	243	100.0	224	100.0

N.B: Multiple Answer Considered

The study shows that most of the villagers were displaced from their own villages in both areas (51% in Kutubdia Upazila and 87% in Dacope Upazila). Besides, most of them were displaced from their own Upazila and finally from their own district.

Current Destination of Displaced People after Displacement

Three types of destination have been identified, such as own district, outer district and out of the country (table 6). Table 6 demonstrates that most of the displaced people found their destination in their own district (89% in Kutubdia Upazila and 57% in Dacope Upazila) in both study areas. In Kutubdia Upazila, nearly 10% displaced people found their destination in outer districts, which is 40% in case of Dacope Upazila. It is significant that 2.59% displaced people going to India were those who were displaced from Dacope Upazila.

Table 6: Destination of Displaced People after Displacement

	Study Area-I (Kutubdia)		Study Area-II (Dacope)	
	<i>Frequency</i>	<i>Percentage</i>	<i>Frequency</i>	<i>Percentage</i>
Own district	170	89.47	154	57.03
Outer district	20	10.52	109	40.37
Out of country			7	2.59
Total	190	100.0	270	100.0

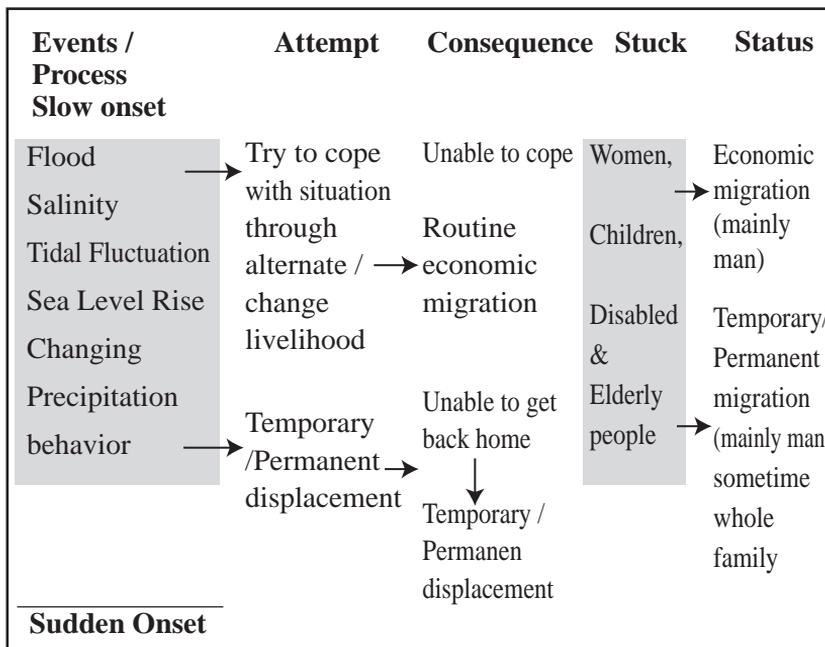
Table 6 demonstrates that most of the displaced persons find their destination in their own district (89% in Kutubdia Upazila and 57% in Dacope Upazila) in both areas of study. In Kutubdia Upazila, nearly 10% displaced people found their destination in outer district and 40% was in Dacope Upazila. It is significant that 2.59% displaced people going to India were those who were displaced from Dacope Upazila. In the study area-1 (Kutubdia Upazila), choice of majority of the displaced people is Cox's Bazar and its adjacent Upazilas like Cox's Bazar Sadar Upazila (Including Char Para, Kutubdia Para, Shometi Para, Kolatoli Moor, Muhuari Para), Chakaria Upazila (Including Rong Mohol, Cha Bagan, Haider Nashi, Reserve Bazar and Hasinapara at Dulhazara) and Pekua Upazila (Including Malumgat, Mognamaghat) as their destination point. The outer district including Chittagong city corporation area containing Bondor Tilla, Beri Badh, Near Shah Amanat Bridge, Oxygen and Halishahar and nearby Upazilas of Chittagong district as Banskhali, Anowara and Patiya Upazila. But most of the displaced people remained in their own union/villages after displacement in Dacope

area. However, a number of displaced people from Dacope area already moved to different parts of Bangladesh, particularly to nearby districts, and to Dhaka and Chittagong Hill Tracts (CHTs) areas. Even a few people already migrated to a neighboring country (India). During the survey in the destination point (Khulna Metropolitan city), displaced people stated that as NGO's relief programs are continuing in Dacope Upazila, especially in Kamerkhola and Suterkhali areas, so displaced people did not go to other places from these areas to avail these services even though they are residing on Polders (embankments) on temporary basis.

Displacement Processes

As Islam and Shamsuddoha, 2017, shows that people are displaced from their root in two events such as slow onset and sudden onset. The current study also explores the same condition: two types of events those are imposed to displacement of villagers from their localities. The current study has explored that flood, cyclone or storm surge, bank erosion, salinity, tidal fluctuation, sea level rise, and precipitation anomalies are the common and familiar disaster in the coastal belt of Bangladesh. In addition to that, cyclone or storm surge and bank erosion are more susceptible, recurrent, destructive and are the main drivers of displacement of coastal people from their origin. Slow onset events have executed the displacement of coastal people. After displacement, displaced people try to cope with the situation through alternative to change their livelihood. This situation is similar at non-susceptible zones in Kutubdia and Dacope Upazila. As a result, displaced people are unable to cope or routine economic migration. At that time displaced people, particularly women, children, people with disability and elderly people were stuck due to the uneven or unexpected situation in coastal areas. Finally, displaced people, especially man or young people are migrated to the adjacent Upazilas or districts for economic purposes. On the other hand, sudden onset events have accelerated temporary or permanent displacement of villagers from their origin. In this situation, they have no options to receive any alternative to change their livelihood.

This condition is visualized and existent in nearby coastal habitats in every study area. As a result, displaced people being unable to get back home become displaced. At that time displaced people, mainly men or sometimes whole family rehabilitated at neighboring Upazilas or districts as a legal or an illegal slum or squatter dwellers.



(Source: The framework has been adopted after Islam and Shamsuddoha, 2017)

Figure 2: Processes of Displacement

Conclusion and Recommendations

Environmental and climate factors have a long impact on migration flows, as people have historically left places with harsh or deteriorating conditions (IOM, 2016). Over the last two decades, the number of recorded natural disasters has doubled from some 200 to over 400 per year. As a result, climate induced displacement has been accelerated and triggered by sudden onset of disasters; but economic and social factors like resource availability, social networks and

livelihood opportunities are factors determining whether migration occurs (Martin *et al.*, 2013). Besides, one of the most dramatic impacts is forced movement of people throughout Bangladesh as a result of losing their homes, lands, property, and livelihoods due to the impact of climate change. Seventy percent (70%) of land of Barisal and Khulna divisions is affected by different degree of salinity, which reduces agricultural productivity (Rahman and Ahsan, 2001). In this circumstance, the following recommendations have been proposed based on the above study findings and discussions through KIIs and FGDs outcomes along with considering the opinions of different stakeholders, especially experts, researchers, academicians, planners, local government representatives, related government high level officials and relevant agencies, journalists, local public representatives and so on. These recommendations would help to properly manage displacement issues in the coastal areas of Bangladesh.

Long Term

Coastal embankment/Polder should be built or repaired by triangular concrete with stone block, and initiatives should be taken against coastal deforestation by mangrove or saline resistance tree planting along the embankment. A local joint monitoring team should also be created for monitoring deforestation and embankment.

Local raw material based small industry should be established. It may ensure the alternate livelihood and reduce the displacement pattern of the displaced from their original areas. For example, In the Kutubdia Island, building salt industry or salt refinery factory, cold storage for preserving fish resources, because salt production fields and fishing are available. Besides, 'Sundorban Mangrove forest' is adjacent to Dacope area, where various types of raw materials like honey, wood, fish, bamboo are available for building candle industry, wood business, cold store for fish preservation, paper industry and so on.

Government should ensure eight rights of displaced people - mainly humanitarian assistance (emergency period), adequate housing and shelter, land, food, water and adequate sanitation, education for school children, health care facilities, freedom of movement, and right to choose their residential location and relocate.

A policy on the protection of climate induced displaced people should be developed and implemented by the government complying with the international rights, convention, and national rights based laws and policies that ensure the effective protection of climate displaced communities in Bangladesh.

The Government should ensure that suitable Khas land is made available for the relocation of climate displaced communities, with the provision of non-agriculture khas land, including through reviewing and improving the existing khas land distribution policies and programs for the distribution of Khas land to landless displaced persons in Bangladesh.

The local level rehabilitation program can control the migration of displaced people to the slum in the urban areas, where people live without basic needs and rights. So government should take Initiative at the local level by ensuring alternative livelihood scopes. NGOs can also supplement this process through developing innovative projects.

Short Term

Governmental personnel's should give psychological assistance to displaced people with good behaviors.

Local governmental authority should include displaced people in every ongoing safety net program, particularly Old Age Allowance (OAA), Vulnerable Group Feeding (VGF), legal aid, Test Relief (TR), Gratuitous Relief (GR), Food for Work (FFW), Food for Money (FFM), Welfare trust for physical disabilities and so on.

Basic needs or necessary goods, such as dry food, drinking water, warm cloth, mosquito nets, and medicines like oral saline, halogen tablet, should be provided during emergency period.

Providing house building materials in an emergency period, or tent and temporary camp on highland areas.

Giving allowances, tube well, cattle, good seeds and fishing net and so on during the post-disaster period.

Acknowledgements

The author is grateful to Professor Dr. Hasanuzzaman Choudhury, Chairman and Dr. Sabbir Ahmed, Associate Professor at the Department of Political Science, University of Dhaka for providing the required academic guidance and supports to carry out this research work. This empirical study is a part of my *Master in Governance Studies* (MGS) research work under the department of Political Science, University of Dhaka, Bangladesh.

References

Ahmed, M., Khan, MH and Islam, S 2007. Health Impacts of Climate Change in Bangladesh, *Paper delivered in the Regional Workshop on Climate Change and Human Health in Asia: From Evidence to Action*, Bali. Indonesia, pp. 10-12.

Ali, A 1999. Climate change impacts and adaptation assessment in Bangladesh, Space Research and Remote Sensing Organization (SPARRSO), Agargaon, Sher-e- Bangla Nagar, Dhaka 1207, Bangladesh, *Climate Research*, Vol. 12, pp. 109-116.

Ali, KMB., Molla, MH., Hossain, N., Hoshen, A., Rahman, M and Billah, MM 2015. Climate Change Induced Disasters in the Southeastern Coastal Belt of Bangladesh, *Asian Journal of Water Environment*, Vol.2 No. 1, pp. 1-15.

Anwar, J 1993. Bangladesh: *The state of the Environment: CARDMA*. Dhaka, Bangladesh.

Bangladesh Climate Change Strategy and Action Plan 2009. Ministry of Environment and Forests, Government of the People's Republic of Bangladesh, Dhaka, Bangladesh.

Displacement Solutions 2012. *Climate Displacement in Bangladesh: The Urgent Need of Housing, Land and Property Rights*, 32p.

IOM 2016. Migration and climate change, IOM (International Organization for Migration) Available at: www.iom.int/migration-and-climate-change.

Islam, MR and Shamsuddoha, M 2017. Socioeconomic consequences of climate induced human displacement and migration in Bangladesh, *International Sociology*, pp. 1-22.

Islam, N 2009. *Climate change and the Tasks for Bangladesh, Bhattacharya*. Climate Change and the Tasks for Bangladesh: Proceeding of the special Conference on Climate Change and Bangladesh Development Strategy: Domestic Policies and International Cooperation, Held in Dhaka on January 2, 2009, Published by Bangladesh PoribeshAndolon (BAPA) and Bangladesh Environment Network (BEN).

Islam, N 2014. *An Introduction to Research Methodology*, University Press Limited, Third edition, Dhaka, Bangladesh, Pp162-165.

Islam, S 2001. *Sea Level Change in Bangladesh: The Last Ten Thousand Years*, Asiatic society of Bangladesh, Dhaka, Bangladesh.

Martin, M., Billah M and Siddiqui T 2013. *Policy Analysis: Climate Change and irrigation in Bangladesh*. Working Paper 2. Dhaka: Refugee and Migratory Movements Research Unit (RMMRU).

Morton, A., P. Boncour and F. Laczko 2008. Human security policy challenges', *Forced Migration Review*, Issue 31, October 2008.

Nazem, NI and Mahboob, AQM 1992. Development of Coastal Region of Bangladesh, In Elahi,K.M, Sharif. A.H.M.R and Kalam, A.K.M.A (ed.), Bangladesh: Geography; Environment and

Development, *Bangladesh National Geographical Association (BNGA)*, Dhaka, Bangladesh.

Pramanik, MAH 1983. Remote Sensing Application to Coastal Morphological Investigation in Bangladesh. Unpublished PhD Thesis, Jahangirnagar University, Bangladesh.

Rahman, MM and M. Ahsan. 2001. *Salinity constraints and agricultural productivity in coastal saline area of Bangladesh*, Soil Resources in Bangladesh: Assessment and Utilization.

Salequzzaman, M., Rahman, M., Moniruzzaman, MM., Kashem, MA., Salam, MA., Jahan, S., Islam, MT. and Rokunzzaman, M 2009. Climate Change Induced Vulnerabilities and People's Precipitation in the Southwestern Region of Coastal Bangladesh. Bhattacharya, D et al., (eds.), in *Climate Change and the Tasks for Bangladesh: Proceeding of the special Conference on Climate Change and Bangladesh Development Strategy: Domestic Policies and International Cooperation*, Held in Dhaka on January 2, 2009, Published by *Bangladesh poribesh Andolon (BAPA) and Bangladesh Environment Network (BEN)*.

Shamunnay 1997. The State of the Coastal Environment a People's Report based on their knowledge and options. Unpublished M.Sc Thesis. Department of Geography and Environment, Dhaka University, Bangladesh.

Snead, RE 1985. Bangladesh, ECF Bird and ML Schwartz (eds.) *The World's Coastline*, Von Nostrand Reinhold, New York, pp. 761-765.

The Guardian 2013. *Sea change: the Bay of Bengal's vanishing islands*, available at <http://www.theguardian.com/global-development/2013/jan/29/sea-change-bay-bengal-vanishing-islands> (Accessed on 18th April, 2016).

UNICEF 2011. Bangladesh Country Programme Document 2012-2016.

Inheritance of Hermaphrodite (Hijra) under the Muslim, Hindu and Christian Law: A Case of Bangladesh

Dr. Mohammad Shoeb Mahmud*, Abdus Shakur **
and Motasim Billah ***

Abstract

The 'hermaphrodite' is commonly known as Hijra in Bangladesh who are mostly neglected far and beyond the realm of inheritance. Recently, they got a gender status and recognized as 'third gender', besides male and female. Although Bangladesh government has recognized this transgender people as third gender and given them right to vote, but till now most of the rights are not guaranteed to them specially accesses to right to inheritance. They are supposed to be totally marginalized and isolated people in our society though they are the fundamental part of our society from the ancient time. However, it is apparent that this group of people is always deprived of their rights including right to inheritance under different religious communities. But due to some confusion and lacking of gender identity, this third gender group is deprived of getting family property. Unfortunately the present state of their existence has been undergone to wretched poverty, illiteracy, hatred and mockery. They are still living in the shadow of rejection from their basic right of inheritance. The core object of this article is to focus on the issue regarding hermaphrodite's right of inheritance under the existing personal laws in Bangladesh. The society is set about to forget that they are also human beings and have equal rights like other people of the society. The people are possessing the negative attitude towards them with no respect and isolating them from the society with no mercy. This article took an effort to achieve or complete the steps which might be taken by the concerned authority for their better life based on right to inheritance.

* Assistant Professor, Department of Law, World University of Bangladesh.

** Lecturer, Department of Law, World University of Bangladesh.

*** Assistant Registrar (Senior Assistant Judge), High Court Division, Supreme Court of Bangladesh.

Consequently, to ensure the implementation of this basic right of inheritance along with other legal and human rights to the third gender; so that they can be a strong part of our society.

Keywords: *Hermaphrodite, inheritance, third gender, deprivation and personal law.*

Introduction

Human being is the supreme creation of the Almighty. Hermaphrodite are also treated as human being and they must have some rights, obligations and liabilities, etc., though they are mostly deprived. In Bangladesh, thousands of welfare schemes have been launched by the Government but these were for the male and female, as such hermaphrodite being a different sect categorized on the basis of sexual formation has not been the subject of the schemes. Their rights as human being are not being recognized, rather they have been excluded from the mainstream social, cultural, religious, professional and political life. They have no right of family and conjugal life so that they are largely deprived of their fundamental rights and needs especially they are deprived of the right of inheritance. The personal laws (Muslim, Christian and Hindu) do not clearly say about their rights of inheritance though Islamic jurists drive some rules regarding their rights of inheritance with the help of Hadith and Qiyas. So it is the duty of the State to ensure their rights of inheritance from their family property. A legal statutory framework must be established so that they can inherit their family property. This article shall try to give an overview on the inheritance of hermaphrodite under Muslim, Christian and Hindu laws, and also try to make some suggestions regarding their right to inheritance.

Definition and Legal Status of Hermaphrodite/Transgender/ Third Gender

Hermaphrodite or transgender communities have historical existence in many cultural contexts around the world. They are known as bakala in the Philippine, xaniths in Oman, serrers among the Pokot

people of Kenya and Hijra, jogappas, jogtas or shivshakti in South Asia (Khan and Hussain, 2009). In Bangladesh they are commonly known as Hijrathat has traditionally been translated into English as 'eunuch' or 'hermaphrodite'. The American Heritage Dictionary defines 'eunuch' as (1) 'A castrated man employed as a harem attendant or as a functionary in certain Asian courts' (2)' A man or boy whose testes are nonfunctioning or have been removed (Hauser, 2003). Etymologically the word "Hijra" is an Urdu or Hindi word that may alternately be used ashijira, hijda, hijada, hijara, hijrahand is pronounced "heejra" or "heejda (Chettiar, 2015). But it is originally derived from the Semitic Arabic root "hjr" in its sense of leaving one's tribe (Alhawary and Benmamoun, 2005). As far as third gender is concerned, it is a concept in which hermaphrodite are categorized, either by themselves or by society as neither man nor woman or having both male and female sexual organ or characteristics. Hermaphrodite can be classified into three sections such as true hermaphrodite, female pseudo and male pseudo. True hermaphrodite is a person who born with ovary (female sexual organ) and testicular tissue (male sexual organ). When a person born with xx chromosome having normal sexual organs but with "masculinized' genitalia (Internal female sexual organ but physical looks as a male because of having external male sexual organ) is to be treated as female pseudo hermaphrodite. But a male pseudo hermaphrodite is totally opposite of female pseudo hermaphrodite who born with xy chromosome with testes and having external genitalia as usually of female pseudo hermaphrodite (Mithani and Burfat, 2003). In biology, a hermaphrodite is an organism that has complete or partial reproductive organs and produces gametes normally associated with both male and female sexes.² Another Arabic word 'mukhannath' has distinct meaning similar to hermaphrodite or transgender. According to Islamic scholar and Hadith collector Al Nawawi, "A mukhannath (hermaphrodite/transgender) is the one ("male") who carries in his movements, in his appearance and in his language the characteristics of a woman.

² https://en.wikipedia.org/wiki/Hermaphrodite#cite_note-1, (Accessed on 9/03/2018)

There are two types; the first is the one in whom these characteristics are innate, he does not put them on by himself, and therein is no guilt, no blame and no shame, as long as he does not perform any (illicit) act or exploit it for money (prostitution etc.). The second type acts like a woman out of immoral purposes and he is the sinner and blameworthy (Rowson, 1991).

The term '*Hijra*' or 'third gender' describes the individuals who are categorized neither male nor female and this term is used sometimes in a very derogatory manner. *Hijras* live in the society in a marginal level having very low social and legal status. This group is one that is rejected primarily by their parents who give birth to them and after that by the whole society. In spite of having a huge number of national and international documents of human rights like UDHR, ICCPR and ICESCR etc. where their rights like right to education, health, shelter, food, property, employment etc. are recognized as a human being but in reality they are deprived of all of these rights specially the right to property or inheritance as a result of which this community remains socially excluded.

It is to be noted, the right to be free from discrimination on the basis of sexual orientation or gender identity has emerged as a prominent theme in the global human rights discourse. The Yogyakarta Principles, propagated in 2006 by a group that included human rights activists, judges, academics, NGO officials, and former UN High Commissioner for Human Rights, call on the international community to recognize that "human beings of all sexual orientations and gender identities are entitled to the full enjoyment of all human rights," and that "each person's self-defined sexual orientation and gender identity is integral to their responsibility and is one of the most basic aspects of self-determination, dignity and freedom" (Dickson and Sanders, 2014). In a land mark judgment in *Christine Goodwin vs. The United Kingdom*, the rights of transgender people is recognized. It said that a test of biological factors could no longer be used to deny recognition of transgender (Sindhe, 2012). Since the late 20th century, some Hijra activist and Non-Government Organization

(NGO) have lobbied for official recognition of the Hijra as a kind of 'third sex' or 'third gender' as neither man nor woman in the sub-continent (Agarwal, 1997). In the Indian subcontinent, Nepal was the first country to recognize the hermaphrodite as third gender and gave them the official recognition through a landmark decision in *Pant Vs Nepal* (Pant and Nepal, 2007) case. The decision of The Supreme Court of Nepal in 2007 creates a third legal category of gender, and declares that all sexual minorities deserve full protection of their human rights, and orders substantial governmental action to enforce the courts holdings (Dickson, and Sanders, 2014). Subsequently, the recognition of *hijras* rights in Pakistan began when Muhammad Aslam Khaki, an Islamic Legal Scholar filed a case in the year of 2009 alleging that hijras were suffering significant discrimination stigma and harassment at the hands of state actors. The court held that *hijras* had been neglected on the basis of gender disorder but they are entitled to enjoy all rights granted to them by the constitution. Moreover the court singled out inheritance and voting rights of *hijras* could not be denied on the basis of their gender identity and ordered the National Database and Registration Authority to issue national identity cards with a "third gender" category for non-binary citizens.³ Whereas, the Supreme Court of India in April 2014 finally recognized *hijras* as third gender in law after the third sex was granted the right to vote in the year of 1994 (The Guardian, 2014). In Bangladesh, the question of recognition of *hijras* as a separate gender came into discussion since they had got right to vote in 2009. Subsequently, they were recognized as a 'third gender' in a policy decision in 11th November, 2013 through a Cabinet meeting Presided over by the then Hon'ble Prime Minister of Bangladesh (Islam, 2016). Along with Bangladesh, Nepal, India and Pakistan, some other countries of the world namely Germany, New Zealand, Australia etc. also have recognized them as third gender. Though recognizing *hijras* 'third gender' in Bangladesh but in reality they are not getting remarkable change to secure their rights.

³ Ibid,341

Right of Inheritance under Muslim Law

Inheritance is the practice of passing of property, titles, debts, rights and obligation upon the death of an individual. The rules of inheritance differ between societies and have changed over time.⁴ It is the process of creating new classes, called derived classes, from existing classes or base class, but can add embellishment and refinements of its own. The precise meaning of inheritance is transferring an article from one to another; usually this transfer donates to wealth, knowledge, honor or dignity. According to Islamic law, it refers to the transfer of moveable, immovable tangible or intangible properties belonging to the deceased to his or her living legal heirs (Tanzil, 1958).

Basic Provision Regarding Inheritance under Muslim Law

Islamic law of inheritance is the most exact and scientific law and the Muslim jurists laid great importance on the law of inheritance and they would frequently repeat the saying of the prophet (peace be on him) - "Learn the laws of inheritance and teach them to the people; for they are one- half of useful knowledge" (Quoted in Al-Sirajiyah, 1890). Muslim jurists recognize only three sources of Islamic law of inheritance, namely i) The Holy Quran, ii) The Hadith, iii) Ijma or consensus of opinion and unlike the other branches of law, no reliance has been made on Qiyas or analogy with respect to laying down the law of inheritance (Faiz-ud-Din, 2008). There are some verses of the Holy Quran dealing with the law of inheritance. The translations of these verses are as follows:

"Allah (thus) directs you as regard to your children's inheritance: to the male, a portion equal to that of two females, if only daughters, two or more, their share is two-thirds of the inheritance; if only one, her share is a half. For parents, a sixth share of the inheritance to each, if the deceased left children; if no children and the parents are the only heirs, the mother has a third; if the deceased left brothers (or sisters) the mother has a sixth.

⁴ <https://en.wikipedia.org/wiki/Inheritance> (accessed on 03/03/2018)

(The distribution in all cases is) after the payment of legacies and debts. You know not whether your parents or your children are nearest to you in benefit. These are settled portions ordained by Allah; and Allah is All-Knowing, All-Wise.⁵

"In that which your wives leave, your share is a half, if they leave no child, but if they leave a child, you get a fourth of that which they leave after payment of legacies and they may be bequeathed or debts, in that which you leave, their (your wives) share a fourth if you leave no child; but if you leave a child, they get an eighth of that which you leave after payment of legacies that you may have bequeathed or debts. If the man or woman whose inheritance is in question has left neither ascendants nor descendants, but has left a brother or a sister, each one of the two gets a sixth; but if more than two, they share in third; after payment of legacies he (or she) may have bequeathed or debts, so that no loss is caused (to anyone). This is the commandment from Allah; and Allah is ever All-Knowing, Most Forbearing.⁶

"They ask thee for a legal decision. Say: Allah directs (them) about those who leave no descendants or ascendants as heirs. If it is man that dies, leaving a sister but no child, she shall have half of inheritance. If (such deceased was) a woman who left no child, her brother takes her inheritance. If there are two sisters, they shall have two thirds of the inheritance (between them). If there are brothers and sisters, (they share), the male having twice the share of female. Thus does Allah make clear to you (His Law) let you go astray? And Allah is the All-Knower of everything".⁷

Besides the above verses, verse seven, eight, thirty two and thirty three of sura An- Nisha (4:7, 4:8, 4:32 and 4:33 and verse seventy five of sura An- Anfal deal with the law of inheritance regarding the rights of distant kindred (Faiz-ud-Din, 2008. There are also some Hadith of the prophet (peace be on him) regarding the right of inheritance, which are as follows:

⁵ Al Quran, Sura An Nisa, (4:11)

⁶ Al Quran, Sura An Nisa,(4:12)

⁷ Al Quran, Sura An Nisa,(4:176)

It is reported from Umran-bin-Hushain (Allah is pleased with him). He said, "A man came to the prophet (peace be on him) and said, my son has died, what is for me out of the inheritance. He replied, 'For you is one-sixth', when he returned he called him back, and said, 'For you there is another one-sixth' and when he returned, he (peace be on him) called him back and said 'this second one-sixth is supplementary'".⁸ Again, Ibn-E-Bureda reported from his father that the prophet (peace be on him) gave one-sixth to grandmother when there was no mother.⁹ It is found from this Hadith that the mother's mother represents the mother. MiqdamIbnMaadiKurab(Allah is pleased with him) reported that the prophet of Allah(peace be on him) said, " Maternal uncle is the heir, when there is no other heir".¹⁰ This hadith has established the right of maternal uncle to inherit.

Islamic Attitude to Wards Third Gender in Terms of Inheritance

Islam is believed to be complete and comprehensive code of human life by its followers. It has not kept any human problem untouched. Where the holy Quran has not directly spoken about anything else, these are solved by mutual agreement by Muztahid. Like other creations of almighty Allah, the hermaphrodites are also the best creation like all other human beings. Though, the Holy Quran does not determine the specific way how to distribute the property among them. But like all other solutions given by Muztahid, it is also solved by the way of 'Izma'.¹¹ As the holy Quran says, "Allah is one who shapes you in wombs as He pleases",¹² that is, all physical traits including sexual characteristics and inclination of a human being, come with the pleasure and permission of Allah. Thus every child-male, female or even transgender has the equal right blessings of God and there is no justification for parents, courts or government to engage in gender-based ill treatment.

⁸. Ibid

⁹. Ibid

¹⁰. Ibid

¹¹. Ijm?? is an Arabic term referring to the consensus or agreement of the Muslim scholars basically on religious issues. <https://en.wikipedia.org/wiki/Ijma> (accessed on 03/03/2018).

¹². The Holy Quran (3:6)

So of course they are whatever by names, are entitled to inherit the property from the deceased.

The Process of Determining Third Gender (hijras) under Muslim Law

According to Fiqh or Islamic jurisprudence the one having both male and female multiplicative organs is called Khuntha or hermaphrodite or third gender (Uddin, 2017). All actions with regard to Islamic Law will be taken to determine the gender of hermaphrodite. One the gender is determined it will be considered as that gender for all legal rulings, including inheritance. Certain symptoms are essential to be analyzed to regulate the sex of hermaphrodite, the first of which is the organ it uses to urinate. If it uses the male organ, he will be classified as a male and if it uses as female organ, she will be categorized as female. If the hermaphrodite urinates from both male and female organs, then the first one to release urine will determine the gender. These symptoms should be analyzed at or immediately after birth to ascertain the sex of the hermaphrodite (Ali, 2016). Based on their sexuality, they have been categorized as male and female (Hirschfeld, 1923). If the Khuntha or hermaphrodite falls into the category of male or female, he or she will succeed to as a male or female accordingly in all cases (Uddin, 2000). But, if they are not classified as male or female who have both male or female genital features and cannot determine which sex is dominant in that child, then the Khuntha or hermaphrodite will not be assigned as a specific gender and treated as 'hermaphrodite difficulty'.

Inheritance of Hermaphrodite or Hermaphrodite Difficulties

It is clear that if the hermaphrodite is treated as male he will inherit the property like son, brother and paternal uncle and, in cases of female, they will inherit like daughter on the status of female. But in cases of hermaphrodite difficulty there is conflict between the jurists. According to Imam Abu Hanifa and Muhammad, the general rule is that hermaphrodite or Khuntha difficulties will take the share as female unless as male he will get lesser share. In short lesser share would be given to hermaphrodite difficulties (Ullah, 1940). So, it is

apparent that in Bangladesh there is no specific law regarding the inheritance of Hermaphrodite or Khuntha or third gender. Islamic principles of inheritance for hermaphrodite or Khuntha (hermaphrodite difficulty) are applicable in the country as per followers of different Imams.

Right of Inheritance under Hindu Law

Generally, succession or right of inheritance in Bangladesh is governed by one own personal laws. So, if any deceased person is the follower of Hinduism, then the property of the deceased will be distributed in accordance to Hindu Law. There are two schools of thought under Hindu Law, namely Dayabhaga and Mitaksara. The Dayabhga, is treaties written by Jimutavahana after eleventh or thirteen century which primarily focuses on inheritance procedure. On the other hand, the Mitaksara, written by Vajnanesvra (11th century), seems to be an elaborative commentary on the Yajnavalkya-smrtialso related with the inheritance matters. On matters relating to inheritance and succession in Bangladeshi Hindus, Dayabhaga School is mostly followed.

The General Rule of Inheritance under Dayabhaga School of Law

As far as the concerned of Bangladeshi personal law for the Hindus, the property of a deceased Hindu is governed by Dayabhaga School. Succession according to Dayabhaga School is governed by the capacity for conferring spiritual benefit. The foundation of this doctrine of spiritual benefit is the parvanasradhaceremony. It arises by panda offering i.e., rice ball offering to the deceased ancestors. However, the doctrine of efficacy is the guiding principle under Dayabhaga School (Mulla, 1946). Under Dayabhaga School, the son doesn't acquire any right by birth in the ancestral property. The son's right arises for the first time on father's death. All properties thus, devolve by inheritance and not by survivorship. Under this school of law, the coparcenaries are formed only on death of the father. Females can also be coparcener. Dayabhaga law thus recognizes only devolution by succession and it doesn't recognize the devolution by

survivorship as it recognizes in case of Mitakshara Law. On the other hand, according to Dayabhaga School, only five females are entitled to inherit the property. They can succeed as heirs to a male, namely: (1) the widow (2) daughter (3) mother (4) father's mother and (5) father's father's mother. Three more were added to this list by the Hindu Law of Inheritance (Amendment) Act 1929, namely son's daughter, daughter's daughter and sister. It is to be noted that males can succeed the property absolutely, whereby females can enjoy only life time interest.

The Attitude of Hindu Law towards the Hijras (Third Gender) in terms of Inheritance

The Hindu epics, Puranas and mythology mentioned in detail stories of the courageous activities of hermaphrodite who have been referred to as people of the 'third sex' within the scriptures. In the ancient text of Mahabharata it has been mentioned that, during the near end days of exile period of five sons of Pandu, their most talented warrior Arjun, took the name of Brihannala, transformed his identity as an eunuch to avoid being caught. Actually it is said that Brihannala was a teacher of fine arts such as dance to princes Uttara, daughter of the King Virat of Matsya kingdom (Bhattachariya, 2016). In fact these activities of Arjun have become the custom of hijras to be carried out by them in the present age. In Hindu culture as well, Hijras were socially recognized and held a special status, especially they were employed as trusted servants, informers or messengers of the king in the administrative part of the country (Chowdhury, 2016). They were also considered to hold religious authority and were sought out for blessings particularly during religious ceremonies. However, with the time, this elevated position of the Hijra community fell low, relegated to dust and incarceration. During the British regime, third gender people were likened to a deadly deceased and criminalized the Hijra community through various laws (Nambiar, 2017). According to Hindu Shastras, they (hermaphrodite/hijras) have been provided with social status, respect and dignity. But the question is how they have been treated in case of inheriting property from the

deceased person. Observing the rules of inheritance under Dayabhaga school of Hindu Law, It is seen that on the basis of gender, male and female are capable to inherit the deceased's property. As the hijras are not categorized either male or female, they are being excluded from receiving property. Again as per Orthodox Hindu Law of inheritance, an heir will be excluded from inheritance due to blindness, deafness, dumbness and for want of any limb or organ, provided the defect is both congenital and incurable (Haque, 2014). It includes the case of congenial impotence also which is inherent and congenial to hermaphrodite people. In Bangladesh it may be treated also as a ground of exclusion from the inheritance.

Right to Inheritance under Christian Law

Constitution of Bangladesh has recognized 'Bangladesh' as a secular and democratic country.¹³ Islam is the religion of the majority people in Bangladesh constitutes 89.1% of the population while Hindus constitutes 10% of the population. Christianity is a minority religion in Bangladesh (0.5%) and together with the other minority religion makes up of 0.9% of the population (includes Buddhism, Jainism etc.).¹⁴ In Bangladesh Christians like other religious communities are governed by their own personal laws in the family matters including succession. But personal laws for Christian in Bangladesh mean some civil laws that were adopted during the British ruling. Christian personal law in Bangladesh has a unique history. Under the British rule Christian communities in the subcontinent had intended to invoke on the laws of their own nationality because the Christian religion does not present clear, textual basis for personal matters. But the problem arose when the people of the sub-continent took conversion to Christianity. It had a unique dilemma for the converted people in respect of determining the applicability of laws in family matters. As a result some civil laws were passed including the Succession Act (XXXIX of 1925) which is now applied to determine the proprietary right of Christians in Bangladesh.

¹³. Article 12, The Constitution of the People's Republic of Bangladesh.

¹⁴. see for details www.cia.gov (Retrieved on 03.03.2018).

Under this Act, succession starts after the death of a Christian only if he had not executed a will or any document of gift or a settlement deed. In the absence of any will or gift or any settled deed, the rules regulating succession depicted in section 29 to 49 in Part V of the Succession Act, 1925 would come into play.

General Rules of Distribution of Properties under Christian Law in Bangladesh

The rules of inheritance applicable to Christian in Bangladesh under the Succession Act 1925 are not gender discriminated whereby both male and female can inherit equally. As per the rules of succession where a Christian dies intestate leaving behind a widow/husband and 'lineal descendant'¹⁵ then 1/3 of his or her property goes to the widow or husband and another 2/3 to the lineal descendants. On the other hand, when a Christian dies leaving behind husband or widow and kindred (such as father, mother, etc.) only, then ½ of the property goes to widow or husband and other ½ to the kindred and if no kindred are left either the whole of the estate shall belong to widow/husband. Again when a Christian dies leaving behind neither lineal descendant, nor parent, sibling, then property shall be divided equally among those of his relatives who are in the nearest degree of kin to him. If there are no heirs whatsoever to the intestate, it shall go to the Government.¹⁶

If any Christian dies leaving behind widow/husband and lineal descendants, then after deducting the widow/husband share the rest of the property will be inherited by the lineal descendants. Where a Christian dies leaving behind child or children, but no more remote lineal descendant through a deceased child, the property shall belong to his surviving child if there is only one or equally among all his surviving children.¹⁷ On the other hand where a deceased has not left any surviving child, but has left grandchild or grandchildren and

¹⁵. A person who is in direct line to an ancestor with blood such as child, grandchild, great grandchild and so on.

¹⁶. The Succession Act, 1925, section 34 & 35

¹⁷ Ibid section 37

has no more remote lineal descendant through a deceased grand-child, the property shall belong to his surviving grand-child if only one or equally among all his surviving grandchildren.¹⁸ Again where deceased has left only great grandchildren or remote lineal descendants, the property shall go to the surviving lineal descendants who are nearest in degree to the intestate.¹⁹ Moreover, where the deceased has left behind lineal descendants who do not all stand in the same degree of remoteness, then the number of branches becomes important and each branch of lineal descendants takes equal shares in the property.²⁰

Father of the deceased has the superior position among all the kindred. When a Christian dies leaving behind no lineal descendant but only a father and other kindred (such as mother, brother, sister etc.), then the father succeeds to the entire property (subject of course to the share of the widow/husband if any).²¹ On the other hand if the deceased has no lineal descendants or a father, then, the deceased's mother, brothers, and sisters share equally.²² Again if the intestate father is dead but the mother is living and if any brother or sister and the child or children of any brother or sister who may have died in the intestate's lifetime are also living, then the mother and each living brother or sister and the living child or children of deceased brother or sister, shall be entitled to the property in equal shares - only the shares which their respective parents would have taken if living at the time of the intestate's death.²³ Moreover, when the deceased father is dead, but the intestate mother is living and there is neither brother nor sister, nor child of any brother and sisters of the intestate, the property shall belong to the mother.²⁴ And lastly the deceased property shall be divided equally among those of his relative who are the nearest kindred in the absence of lineal descendants, parent, brother and sister.²⁵

¹⁸ Ibid section 38

¹⁹ Ibid section 39

²⁰ Ibid section 40

²¹ Ibid section 42

²² Ibid Section 43

²³ Ibid section 44

²⁴ Ibid section 46

²⁵ Ibid section 48

Attitude of Christianity Towards Eunuch or Hermaphrodite in terms of Inheritance

In the Christian world, natural eunuchs by birth are not entitled to get ancestral property. But such denial of inheritance is not true of these who made themselves eunuch for Christ (Karavites, P).²⁶ Bible verses regarding that is 'for there are some eunuchs, which were so born from [their] mothers' womb: and there are some eunuchs, which were made eunuchs of men: and there be eunuchs, which have made themselves eunuchs for the kingdom of heaven's sake. He that is able to receive [it], let him receive [it]'.²⁷ There have some rules of inheritance laid out in the old testament of the Bible. Deuteronomy states that eldest son was to inherit father's estate with a double portion as first born.²⁸ If there are no sons, daughters were allowed to inherit their fathers' land.²⁹ Genesis states that no inheritance is allowed to illegitimate son.³⁰ Genesis also states that in the absence of the direct heirs, a favored servant or more distant kinsman could inherit the land.³¹ Now the Christians of Bangladesh are governed by civil law in terms of inheritance and take ancestral property under the Succession Act 1925. Husband, wife, father, mother, child or children, lineal descendants and kindred are entitled to get property of the deceased Christian. To gain the right of inheritance it is essential for a Christian to be related with the deceased either by marriage or by a blood relationship, as well as categorized as male and female. The eunuchs in Bangladesh are not categorized as male or female and do not have any right to marry, so they are deprived of getting the property of deceased.

Conclusion and Recommendations

Right to property is universally recognized as human rights all over the world irrespective of color, sex, religion, caste etc.

²⁶. Karavites,P 'Evil, Freedom and The Road to Perfection in Clement of Alexandria' page.89, see <https://books.google.com.bd>

²⁷. Matthew 19:12

²⁸. See Deuteronomy: 21:15-17

²⁹. See Numbers 27:8

³⁰. See Genesis : 21-9-12

³¹. Ibid 15:2

UDHR declares, "Everyone has the rights to own property alone as well as in association with others. No one shall be arbitrarily deprived of his property" (article 17) .On the other hand, the Constitution of Bangladesh ensures the equitable distribution of wealth among the citizens. In this regard article 19(2) says, "The state shall adopt effective measures to remove social and economic inequality and to ensure the equitable distribution of wealth among the citizens and of opportunities in order to attain a uniform level of economic development throughout the Republic. So all the citizens of the country according to the constitution as well as the Universal Declaration of Human Rights are entitled to inherit, acquire, and enjoy the property and it is the responsibility of the state to restore this human right as a fundamental right.As far the hermaphrodite is concerned, they have been recognized as the citizens of the countrythrough passing the resolution on January 26, and 2014.The Government of Bangladesh recognizing the Hijra as third genderkeeps alive all the hopes to be executed especially in terms of right to property in the future.This article has tried to find some recommendations on the basis of above loopholes and lacuna of the law of inheritance under different personal laws:

- (1) As Bangladesh being Muslim majority country, Muslim personal law is applicable in case of the matter of inheritance. The rights of inheritance have been ensured for the hermaphrodite by Qiyas. But the application of it seems to be very far, because of having gap between the society and the hermaphrodite community, and they are not let to know the fact of inheritance they are entitled to. So the state should adopt very specific laws on the basis of the existing provisions of Qiyas along with Quranic verse.
- (2) Under Hindu Personal Law, they (hermaphrodite) have been given a lot of respect and honor because of getting blessings from God. But they are not provided with any religious provision by which they can claim inheritance under their personal law. So legislation may be made ensuring a specific

portion for the hermaphrodite in the property of the propositus.

- (3) In Christian Law, they are totally deprived of getting property from the ancestors according to the verse of the religious scriptures as well as the existing civil laws of inheritance. So for the Christian hermaphrodite people, legislation may be amended ensuring a specific portion for them in the property of the deceased.

References

- Agarwal, A 1997. Gendered Bodies: The case of the 'Third Gender' in India, *Contributions to Indian Sociology*, p. 31 & 273.
- Alhawary, MT and Benmamoun, E 2005. Perspectives on Arabic Linguistics XVII-XVIII: Papers from the Seventeenth and Eighteenth Annual Symposia on Arabic Linguistics, Vol. 267. *John Benjamins Publishing*, p 97.
- Ali 2016. Simplify inheritance rights in Islamic law Hermaphrodite right to inheritance and Married (khuntha)" *Australian Journal of Basic and Applied Science*, Vol.10(7), pp.104-110.
- Bhattachariya, D 2016. What was the status of the third gender or say hijras in ancient Indian society? <https://www.quora.com> (accessed on 16/03/2018).
- Chettiar, A 2015. Problems faced by Hijras (male to female transgender) in Mumbai with reference to their health and harassment by the police. *International Journal of Social Science and Humanity*, Vol. 5(9), pp.752.
- Chowdhury D 2016. Recognizing the Right of the Third Gender to Marriage and Inheritance under Hindu Personal Law in India. *BRICS Law Journal*, Vol.3(3) pp.43-60.
- Dickson, S and Sanders, S 2014. India, Nepal, and Pakistan: A

unique South Asian constitutional discourse on sexual orientation and gender identity. *Social difference and constitutionalism in Pan-Asia: Comparative constitutional law and policy*.

Faiz-ud-Din, M 2008. *A Text Book on Islamic Law*, Dhaka, Shams Publications, 8th Edition, p. 231.

Haque, MA 2014. *Hindu Law in Bangladesh: Theory and Practice*, University Publications. "First Edition, p.200.

Hauser, BR 2003. Born a Eunuch-Harmful Inheritance Practices and Human Rights. *Law & Ineq.*, Vol. 21(1).

Hirschfeld, M 1923. Die intersexuelle Konstitution". *JarhbuchfuersexuelleZwischenstufen*, pp. 3-27.

Islam, M 2016. Right to Education of the Third Gender of Bangladesh: An overview, *IOSR Journal of Humanities and Social Science*, Vol.21 (9), pp. 29-34.

Khan,SI and Hussain, MI 2009. Living on the Extreme Margin: Social Exclusion of the Transgender Population, *Journal of Health, population and Nutrition*, Vol.27(4), pp.441-451.

Mithani, A and Burfat, FM 2003. Hijra-the sex in between. *J Independ Stud Res*, 1.

Mulla, DF 1946. Principles of Hindu Law, *Eastern Law House*, pp.101-109.

Nambiar, S 2017. A brief history of Hijra, India's Third Gender <https://theculturetrip.com> (accessed on 16/03/2018).

Pant and Nepal 2007. Translated in National Judicial Academy Law Journal (Nepal), 2008, p. 262.

Quoted in Al-Sirajyyah, tr.A. Rumsey, P. 11(Introduction), 1890.

Rowson, EK 1991. The effeminate of early Medina. *Journal of the American Oriental Society*, pp. 671-693.

Sindhe, U 2012. Gender Justice and Status of Eunuch, *International Journal of Humanities and Social Science invention*, Vol. 1(1), pp. 1-6.

Tanzil, R 1958. Mujmuah Quanini Islam, *Islamic Research Institute, IIUI*, 2nd Edition, Vol. 5, p.1585.

The Guardian 2014. India recognizes transgender people as third gender.

Uddin, M 2000. *Muslim Law of Inheritance and Practice*", Dhaka, Kitabmohol,p.100.

Uddin, M 2017. Inheritance of Hermaphrodite (Khuntha) under the Muslim Law: An overview. *Beijing Law Review*,Vol. 8, pp. 226-237.

Ullah, M 1940. *The Muslim Law to Inheritance*", University of Allahabad, Law publishing (company) pp. 206-208.

The Enforcement of Intellectual Property Rights in Bangladesh

Esrat Jahan* and Md. Rajib Hasnat Shakil **

Abstract

In this era of globalization and rapid expansion of world economy, intellectual property and the corresponding rights over intellectual property are crucial to the economic, social and technological development of any country beyond doubt. Globalization also has made the intellectual property rights a subject matter of international concern. All nations who want to promote and protect their development in all aspects must protect the rights over intellectual property by granting legal veil through exclusive enactments. In today's world, intellectual property surrounds us in nearly everything we do. No matter what we do, we are surrounded by the fruits of human creativity and invention. In the knowledge based new economy, the intellectual property (hereinafter, IP) community has entered a new era characterized by the rapid expansion of demand for new forms of intellectual property protection, greater global coverage. As a result, IP is no longer to be perceived as a distinct or self-contained domain, rather as an important and efficient policy investment that is relevant to a wide range of socio-economic, technological and political environmental concern. Realizing this fact, all industrialized countries of the world have enacted laws for the protection of 'works of mind'. To comply with the international obligations Bangladesh also has introduced intellectual property rights protection system. This study is an overview of the enforcement mechanism of intellectual property rights in Bangladesh and the development of intellectual property law in Bangladesh. The main objective of this study is to seek how enforcement mechanisms

* Senior Lecturer, Department of Law, Northern University Bangladesh.

** Assistant Professor, Department of Law, Northern University Bangladesh.

in Bangladesh are intrinsically precious, effective and thenceforth, worth in protecting the rights of IP holders. As an obvious flow of discussion the paper reiterates to look beyond the constraint and formulation of a comprehensive legal framework for IP protection.

Keywords: *Intellectual, Invention, protection, imagination & infringement.*

Introduction

Albert Einstein, the father of the modern science said that "Imagination is more important than knowledge". Einstein's preference for imagination over knowledge is a starting point of Intellectual property (IP) which is based on the power of imagination. Einstein understood that it is the ability to stand on an existing foundation of accepted knowledge and see beyond to the next frontier of discovery that is the source of personal, cultural and economic advancement. The world economy, trade and Rapid technological obsolescence and fierce competition in the world trade have made it imperative to protect the innovations using the tool of Intellectual Property Rights (IPR) system. An innovator does not feel encouraged to develop new products without having any rewards or interest on the basis of new products according to Intellectual Property system and an investor will not invest capital into new ideals without the same interest. As a result, innovative initiatives will be obstructed, thus IP protection becomes an indispensable instrument for commercialization of new creation worldwide. Different countries are adopting National Intellectual Property laws with different procedures and time limit of protection. This heterogeneity in the world Intellectual Property Right system creates bars and problems in smooth operation of free world trade. To remove these trade barriers TRIPS (Trade Related Aspects of Intellectual Property Rights) agreement was brought in screen by WTO in 1995. It expressed necessity of new multinational companies/organizations a minimum standard for protection of IPR as well as procedures and process for their enforcement. It also announced out in elaborately the responsibilities of the member countries to set standard in their national laws for the protection of IP

rights as well as procedures for executing rights against infringement. Modernization of national IP laws for Bangladesh is very difficult as it requires expertise, infrastructure, adaptations and enforcement of new rules which is not in place now. Yet the Government of Bangladesh has taken necessary steps to modernize and update its legislations on IPR through new laws on Copyright, Patents, Trademarks and Designs and Plant breeder's right in compliance with the provisions of the TRIPS Agreement.

Objectives of the Study

The ultimate objectives of this paper are as follows;

- To define the intellectual property and its development in Bangladesh;
- To describe the nature and basis of intellectual property;
- To identify the factors contributing to the infringement of intellectual property rights;
- To observe the measures taken by the govt. of Bangladesh and the international institutions for the protection of intellectual property rights;
- To analyze the coverage and strength of international and domestic instruments regarding intellectual property for the protection of intellectual property rights; and
- To develop an explanatory theory that will help to raise voice for the protection of rights of IP holders and this study will also try to recommend some policies for protecting the rights of IP holders.

Intellectual Property Rights

The World Intellectual Property Organization (WIPO) provides that 'intellectual property' shall include rights relating to:

- a. Literary, artistic and scientific works
- b. Performances of performing artists, phonograms and broadcasts
- c. Inventions in all fields of human endeavor
- d. Scientific discoveries
- e. Industrial designs
- f. Trademarks, service marks and commercial names and designations

- g. Protection against unfair competition and all other rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields. According to the list of TRIPS agreement intellectual property rights cover the following areas: - (a) Copyrights and related rights (i.e., rights of performers, producer of sound recordings and broadcasting organizations) (b) Trademarks including service marks (c) Geographical Indications including appellation of origins (d) Industrial designs. (e) Patents including protection of new varieties of plants (f) Layout designs (Topographies) of integrated circuits (g) Protection of undisclosed information including trade secret and test data.

Kinds of Intellectual Property

There are different kinds of Intellectual property rights i.e. patents, copyright, industrial design rights, trademarks, trade dress, and in some jurisdictions trade secrets. There are also more specialized varieties of sui generis. Exclusive rights, such as topographies of semiconductor products, plant breeders' rights, plant variety rights, industrial design rights, supplementary protection certificates for pharmaceutical products and database rights.³

a. Patents

A patent grants an inventor the right of making, using, selling, offering to sell, and importing an invention for a limited period of time, in exchange for the public disclosure of the invention. Patent is a document issued upon application by the government office describing an invention and creates a legal situation in which patented invention can normally be exploited with the authorization of the owner of the patent.

b. Copyright

A copyright gives the author of an original work exclusive right to it, usually for a limited time. Copyright approves a wide range of creative, intellectual, or artistic forms, or "works".

³ http://en.wikipedia.org/wiki/Intellectual_property (Accessed on 20th November, 2014)

Copyrights include artistic creations such as poems, novels, music, paintings, cinematographic works etc.⁴ The expression 'copyright' refers to the main act of literary and artistic creations, made only by the author or with his authorization. That the making of copy of the literary or artistic work, such as a book, a painting, a sculpture, a photograph, a motion picture.

c. Industrial Design

Industrial Design belongs to the aesthetic field to serve as the patterns for the manufacture of products of industry or handicraft. An industrial design right protects the visual design of subjects that are not purely utilitarian. An industrial design includes of the creation of a shape, configuration or composition of pattern or color, or combination of pattern and color in three-dimensional form containing aesthetic value.

d. Trademark

A trademark is a recognizable sign, design or expression which showing distinguishes between products or services of a particular trader from the similar products or services of other traders. A trademark is a symbol which is indicates the responsible for the goods placed before the public. Different makers or sellers of the same goods use (different) trademarks. The public use trademarks in order to choose whose goods they will purchase. If they are satisfied with the goods they purchased they can then repeat their order simply by using the trademark. It is not necessary to know who actually owns the trademark.

e. Trade Dress

Trade dress is a legal term of art that generally refers to characteristics of the visual appearance of a product or its packaging or even the design of a building that signify the source of the product to consumers.

f. Trade Secrets

A trade secret is a formula, practice, process, design, instrument, pattern,

⁴ ibid

or compilation of information which is not generally ascertainable, by which a business can obtain an economic advantage over competitors or customers. Trade secret law varies from country to country.⁵

Infringement of Intellectual Property Rights

"Infringement" is the violation of intellectual property rights in relation to patents, copyright, and trademarks, and "misappropriation" in relation to trade secrets, may be a breach of civil law or criminal law depends on the type of intellectual property involved, jurisdiction, and the nature of the action.

a. Patent Infringement

Patent infringement means using or selling a patented invention without permission from the patent holder. The scope of the patented invention or the extent of protection is defined in the claims of the granted patent (Firth and Philips, 1995).

b. Copyright Infringement

If any person or body is reproducing, distributing, displaying or performing a work, or to make derivative works, without permission from the copyright holder, which is typically a publisher or other business representing or assigned by the work's creator is called copyright infringement which is commonly known as "piracy". If the owner registers the copyright he can claim damages. Enforcement of copyright is generally the responsibility of the copyright holder.

c. Trademark Infringement

Trademark infringement occurs when one party uses a trademark which is identical or confusingly similar to a trademark owned by another party, in relation to products or services which are identical or similar to the products or services of the other party. In case of copyright common law rights protecting a trademark, but registering a trademark provides legal advantages for enforcement. Infringement can be addressed by civil suit and, in several jurisdictions, under criminal law.

⁵ Ibid

d. Trade Secret Misappropriation

Patents and registered copyrights and trademarks are publicly available but by definition trade secrets are secret and trade secret misappropriation is different from violations of other intellectual property laws. Confidentiality and trade secrets are regarded as an equitable right rather than a property right but penalties for theft are roughly in the Commonwealth common law jurisdictions.⁶

World Intellectual Property Organization (WIPO)

World Intellectual Property Organization (WIPO) is the world organization to work for the development and protection of IP rights. It assists governments and organizations to develop the policies, structures and skills needed to harness the potential of IP for economic development. It coordinates international treaties regarding intellectual property rights. Its 184 member states comprise over 90% of the countries of the world, who participate in WIPO to negotiate on intellectual property matters such as patents, copyrights and trademarks.⁷ The agreement between the UN and WIPO work for appropriate action in accordance with its basic instrument, treaties and agreements administered by it. It is promoting creative intellectual activity and facilitating the transfer of technology related to industrial property to the developing countries in order to accelerate economic, social and cultural development.⁸

a. Structure

General Assembly elects an executive committee consisting of one-fourth of the member states who meets annually. WIPO itself has four organs: the General Assembly, the Conference, the Coordination Committee, and a secretariat called the International Bureau.

b. Functions

The WIPO main functions are :⁹

⁶ Supra Note 2

⁷ http://www.encyclopedia.com/topic/World_Intellectual_Property_Organization.aspx (Accessed on 5th December, 2014)

⁸ Background Reading Material on Intellectual Property, WIPO publication no. 659E, ISBN 92-805-0184-4, pg. 37-38

⁹ <http://www.simplydecoded.com/2013/04/10/introduction-to-wipo-its-functions/> (Accessed

assisting campaigns development to improve IP protection all over the world and to harmonize national legislations in this field;

signing international agreements on IP protection;

applying the administrative functions of the Paris and Berne Unions;

rendering technical and legal assistance in the field of IP;

collecting and disseminating the information, conducting researches and publishing their results;

ensuring the work of the services facilitating the international IP protection; and

applying any other appropriate actions.

The prime and most important WIPO function is administering multilateral international conventions, i.e. depositing treaties, states' instruments of accession, of conflicts settlement, ensuring treaties review, applying the registration functions for treaties reviewing the international registration of IP objects.¹⁰ Today, the WIPO administers the treaties in the fields of industrial property, copyright and related rights.

Paris Convention for the Protection of Industrial Property

The first intellectual property treaties is the Paris Convention for the Protection of Industrial Property which was signed in Paris, France, on 20 March 1883. It established a Union for protecting the industrial property.¹¹ The substantive provisions are divided into three main categories: national treatment, priority right and common rules. Notably, Taiwan and Burma are not parties to the Convention. However, according to Article 27 of its Patent Act, Taiwan recognizes priority claims from contracting members.¹²

1. Berne Convention for the Protection of Literary and Artistic Works

The Berne Convention for the Protection of Literary and Artistic Works is an international agreement governing copyright, which was

^{10.} *ibid*

^{11.} http://en.wikipedia.org/wiki/Paris_Convention_for_the_Protection_of_Industrial_Property (Accessed on 6th December, 2014)

^{12.} http://en.wikipedia.org/wiki/Paris_Convention_for_the_Protection_of_Industrial_Property (Accessed on 6th December, 2014)

first accepted in Berne, Switzerland, in 1886.¹³ The Berne Convention allows every signatories to recognize the copyright of works of authors from other signatory countries (known as members of the Berne Union) in the same way as it recognizes the copyright of its own nationals.

2. Laws on Intellectual Property in Bangladesh

Bangladesh inherited the legal framework on intellectual property (IP) dating back to the British-India. The Patents, Designs and Trademarks Act of 1883 is the earliest legislation found to protect IP. Subsequently it was repealed and the new Patents and Designs Act was enacted in 1911 and the Trademarks Act in 1940. In 2003, both the Patents and Designs Act, 1911 and the Trademarks Act, 1940 were amended and the Department of Patents, Designs and Trademarks (DPDT) was formed under the Ministry of Industries merging two independently operational offices - the Patent Office and the Trademark Registry Office. In 2008, the Trademarks Ordinance was promulgated and in 2009, the Trademarks Act was enacted. Copyright system in Bangladesh was originated from the British copyright system and later the copyright ordinance, 1962, an amalgamation of existing different copyright laws was promulgated. This ordinance was administered up to 1999. After that, the Copyright Act, 2000 was enacted in 2000 and was amended in 2005. In addition, "The Penal Code of Bangladesh" comprises several penal laws against the violations of various intellectual property rights (IPR). Bangladesh participated in the convention establishing the World Intellectual Property Organization (WIPO) on May 11, 1985. Bangladesh became a member of the Paris Convention for the Protection of Industrial Property in 1991 and of the Berne Convention for the Protection of Literary and Artistic Works in 1999 (Atia, 2011). Bangladesh is a signatory of the Trade-Related Aspects of Intellectual Property Rights (TRIPS) agreement of the World Trade Organization (WTO), which came into force on January 1, 1995.

¹³. http://en.wikipedia.org/wiki/Berne_Convention (Accessed on 10th December, 2014) Wikipedia source should not be used in the research article because Wikipedia is not an authentic source.

The TRIPS Agreement sets detailed, compulsory and common standards for all countries following the dispute settlement system of the WTO. Being a member of LDCs Bangladesh is enjoying the extended transition period to bring herself into compliance with its rules .¹⁴

To comply with the international obligations Bangladesh has introduced intellectual property rights protection system in protecting the rights of IP holders. Innovation is the key driver of economic growth and development in the short & medium to long term (Atia, 2011). A well-balanced, affordable and reliable system of intellectual property rights has an important role to play in this process.¹⁵ To protect the rights of intellectual property Bangladesh has enacted laws regarding Trademark, Copyright, Patents and designs. The existing laws regarding intellectual property in Bangladesh are as follows:

1. The Patents and Designs Act, 1911.
2. The Trademark Act, 2009.
3. The Copyright Act, 2000.

We will discuss the basic features and protection measures for IP under those instruments.

The Trademark Act, 2009

A trademark is a visual symbol in the form of a word, a device or a label applied to articles of commerce with a view to indicate to the purchasing public that they are the goods manufactured or otherwise dealt in by a particular person as distinguished from similar goods manufactured or dealt in by other persons.

a. Trademark Defined

The Trademark Act, 2009 (hereinafter referred as the Act, 2009) regulates trademarks in Bangladesh. As per section 2(23) of the Act, "mark" includes a device, brand, heading, label, ticket, name, signature, word, letter, or numeral or any combination thereof. The Act, 2009 defined trademark as-

¹⁴. <http://www.markscan.co.in/SiteImg/BRPJ.pdf> (Accessed on 20th December, 2014)

¹⁵. *ibid*

- (a) any registered trademark or any mark which is used in relation to any goods for the purpose of indicating rights of the user/proprietor of the mark on that goods in the course of trade.
- (b) any mark which is used in relation to any service for the purpose of indicating rights of the user/proprietor of the mark on that service in the course of trade.¹⁶

b. Functions of a Trademark

Under modern business conditions a trademark performs four functions (Atia, 2011)-

- (a) It identifies the product and its origin; that is, it represents the manufacturing company. For example, Radhuni of Square.
- (b) It guarantees its unchanged quality.
- (c) It advertises the product.
- (d) It creates an image for the product.

c. Which Marks are Register able

It must be distinctive. (Section # 6¹⁷) Distinctiveness is one of the prime criteria for the registration of a trademark. How distinctiveness can be determined:

- (a) Common sense.
- (b) Discretionary reaction.

Section 6 of the Act, 2009 imposes some preconditions for registration. Section 6 mentions a trademark shall not be registered unless it contains or consists of at least one of the following particulars, namely-

- (a) The name of a company, individual or firm represented in special or particular manner.
- (b) The signature of the applicant for registration or some predecessor in his business.
- (c) One or more invented words.
- (d) One or more words having no direct reference to the character or quality of goods and not being according to its ordinary

¹⁶. Section 2(8) of the Trademark Act, 2009, Bangladesh.

¹⁷. Section 6, Ibid.

signification, a geographical name or surname or the name of the sect, caste or tribe in Bangladesh.

(e) Any other distinctive mark.

d. Deceptive Similarities are not Acceptable

Section: 10¹⁸ As per section 2(20) of the Act, 2009 "deceptively similar mark" means any mark which is likely to deceive or cause confusion and which is similar to any mark, registered under the Act. Section 10 of the Act, 2009 imposes prohibitions on registering trademarks with similarity or deceptive similarity, which are as follows: Section 10(1): a trademark shall not be registered if it is identical with or deceptively similar to an earlier trademark and goods and services covered by the trademark, registered in the name of another owner. Section 10(2): joint/concurrent uses of a trademark can be approved by the Registrar under suitable terms and conditions for any honest purposes or reasonable causes. Section 10(4): trademark of any goods or service shall not be registered if it is formed by translation of any identical mark or trade description of other business firm which is well-known in the country. Section 10 (5): in case of similarity to any well-known trademark, trademark of that goods or service shall not be registered, if - (a) it may create wrong conception that said goods or service has relation with the registered owner.(b) said uses may cause violation of rights or ruin interest of the registered owner. Section 10 (7): prohibitions under the provisions of deceptive similarity shall not make any obstacle to register a trademark if there is consent of the owner of the earlier registered trademark.

Deceptive similarity includes not only confusion but also deception. Factors to be taken into consideration in determining deceptive similarities:

- (a) the nature of the marks;
- (b) the degree of resemblance;
- (c) the nature of the goods or services;

¹⁸. Section 10, of the Trademark Act, 2009, Bangladesh..

- (d) the class of the consumers (their level of education and intelligence);
- (e) any other surrounding circumstances.

e. Characteristics of Good Trademarks

- (a) it must be easy to pronounce and remember, if the mark is a word;
- (b) it must be easy to spell correctly and write legibly;
- (c) it should not be descriptive but may be suggestive of the quality of the goods;
- (d) it should be short;
- (e) it should appeal to the eye as well as to the ear;
- (f) it should satisfy the requirements of registration;
- (g) it should not belong to the class of marks prohibited for registration.

f. Which Marks are not Register able

As per section 8 of the Act, 2009, no trademark nor part of a trademark shall be registered if -

- (a) it comprises or contains scandalous obscene matter;
- (b) be contrary to any existing law;
- (c) it is of such nature as to deceive the public or to cause confusion;
- (d) be likely to hurt the religious susceptibilities of any class of the citizens of Bangladesh;
- (e) it uses name, first letter of a name, hallmark, monogram, map, flag, symbol, sign, of a country or international organization or any organization formed through international treaty or convention without approval of the competent authority or person; or it contains identical, partially identical or part of it.
- (f) is not fit for obtaining the protection of Court for any other reasons;
- (g) any application is made for ill-motives or by adopting unfair means.

g. Registration Procedure

Who can Apply and how

Section 15(1)¹⁹ :if the proprietor of a trademark used or proposed to be used desires to register it shall apply in the prescribed manner to the Registrar. As per section 15(2)²⁰ separate applications must be made for each class of goods or services.²¹

Where to Apply

Section 15(3)²² in case of single applicant, application shall be filed in the office of the Trademarks Registry within whose territorial limits the head office of business of the applicant is situated. In case of joint applicants, application shall be filed in the office of Trademark registry under whose territorial limits the head office of business of the applicant whose name is first mentioned in the application is situated. As per section 15(4) of the Act, if the applicant does not carry on business in Bangladesh, application is to be submitted in the office of the Trademarks Registry where the correspondence office of the applicant is situated.

h. Registration

As per section 20 of the Act, 2009 the Registrar shall register an applied trademark giving effectiveness from the date of application on the following situations:

- (a) an application for registration of a trademark has been accepted;
- (b) the application has not been opposed and the time for notice of opposition has expired;
- (c) the application has been opposed, and the related decisions has been taken in favor of the applicant.

As per section 20(2), on registration of a trademark, the Registrar shall issue to the applicant a certificate in the prescribed form, sealed with the seal of the Trademarks Registry.

^{19.} The Trademark Act, 2009, Bangladesh.

^{20.} *ibid*

^{21.} Section 15 of the Act 2009.

^{22.} The Trademark Act, 2009, Bangladesh.

i. Duration, Renewal and Restoration of Registration

As per section 22(1)²³ duration/tenure of the registration of a trademark shall be for a period of seven years, but may be renewed. As per section 22(2)²⁴ upon application made by the proprietor in the prescribed manner and subject to payment of prescribed fee, the Registrar shall renew the registration of a trademark for a period of ten years from the date of expiration of the original or renewed registration. Unless renewed, the trademark will be public property.

j. Infringement of Trademark

Infringement of trademark means using a registered trademark without the consent of its registered proprietor. Section 26(1)²⁵ defines infringement as "if a person, not being registered proprietor or user, uses any distinctive or deceptively similar trademark in relation to goods or service in his own trade, it will be considered that he has infringed a registered trademark.

k. Which Categories of Trademark will be Treated as Infringement

As per section 26(2)²⁶ using such trademarks that falls under the following categories will be treated as infringement:

- (a) marks identical and goods or service similar;
- (b) marks similar and goods or service identical;
- (c) marks identical and goods or service identical;

Using following marks will also be considered as infringement as per section 26(3):

- (a) marks identical or similar and goods or service not similar.
For example, an application to register "Gluvita" as a trademark for biscuit was refused, because similar trademark "Glucovita" is being used for glucose powder by another registered use.
- (b) using a mark without due causes takes unfair advantage of or is detrimental to the distinctive character or repute of a well-reputed registered trademark in Bangladesh.

²³. The Trademark Act, 2009, Bangladesh.

²⁴. ibid

²⁵. ibid

²⁶. ibid

I. Defenses of the Defendant

In a case of infringement of a trademark, the defendant may plead one or more of the following defenses as may be applicable to his case:

- (a) the plaintiff has no title to the suit;
- (b) registration of the mark is not valid and is liable to be expunged;
- (c) the use of the mark complained of is not an infringement of the registered trademark;
- (d) the defendant's use is prior to the registration and use of the plaintiff.
- (e) the defendant has a right to use by virtue of honest concurrent use;
- (f) the plaintiff's trade is fraudulent, or his trademark is deceptive.

As per section 26(8)²⁷ (reference), if the defendant in a case of infringement of a trademark can satisfy the Court of the followings:

- (a) the use complained is not likely to deceive or cause confusion to the people;
- (b) it does not indicate a business relationship between the proprietor/user of a registered trademark and any goods or service under such mark complained of;

In such case, the Court will not impose any sanction or grant any other relief in favor of the plaintiff.

The Copyright Act, 2000

The basic legal instrument governing copyright law in Bangladesh is the Copyright Act, 2000 (hereinafter referred as the Act, 2000).

a. Objects of Copyright

According to section 15²⁸ copyright subsists in

- literary works
- dramatic works
- musical works
- artistic works (i.e. painting, sculpture, drawing, engraving or a

^{27.} ibid

^{28.} Section 15 of the Act, 2000, Bangladesh.

photograph, a work of architecture and any other work of artistic craftsmanship)
 cinematographic films
 sound recordings

and includes computer programmes (s. 14 sub-s. 2²⁹) as well as addresses and speeches (s. 17 cl. d³⁰). Foreign works are covered by section 69 read with the International Copyright Order, 2005.

b. Owner of Copyright

The first owner of copyright in general is the author (exceptions: works for hire, Government works; s. 17³¹). The owner of copyright may assign the copyright (s. 18³²) or grant any interest in the copyright by license (s. 48³³). Licenses may also be granted by the Copyright Board (ss. 50-54³⁴). Registration of copyright with the Copyright Office is not obligatory, but if registration has taken place the Register of Copyrights gives prima facie evidence of the particulars entered therein (s. 60³⁵).

c. Term of Copyright

Copyright in a literary, dramatic, musical or artistic work published within the life time of the author subsists until 60 years from the beginning of the calendar year next following the year in which the author dies (s. 24³⁶). Copyright in a cinematographic film (s. 26³⁷), a sound recording (s. 27³⁸), a photograph (s. 28³⁹), a computer programme (s. 28A⁴⁰) or a work of the Government, a local authority or an international organization (ss. 30-32⁴¹) subsists until 60 years from the beginning of the calendar year next following the publication of the work.

29. The Copyright Act, 2000, Bangladesh

30. *ibid*

31. *ibid*

32. *ibid*

33. *ibid*

34. *ibid*

35. *ibid*

36. *ibid*

37. *ibid*

38. *ibid*

39. *ibid*

40. *ibid*

41. *ibid*

d. Meaning of Copy right

Copyright means inter alia the exclusive right

to reproduce the work

to issue copies of the work to the public

to perform or broadcast the work

to make any translation or adaption of the work (for details see s. 14).

In addition, special moral rights lie with the author (s. 78⁴²) as well as a droit de suite (s. 23⁴³).

e. Copyright Infringement

When copyright is infringed (s. 71⁴⁴), the owner of copyright (as well as the exclusive licensee) is entitled to certain civil remedies (injunction, damages, accounts; s. 76). Jurisdiction lies with the court of District Judge of the place where the person instituting the proceeding resides or carries on business (s. 81). Infringing copies are deemed to be the property of the owner of the copyright, who accordingly may take proceedings for the recovery of possession thereof or in respect of the conversion thereof (s. 79). Infringing copies may be seized by the police (s. 93) and can be forbidden to be imported (s. 74). Copyright infringement may also lead to criminal charges (ss. 82 to 91) to be tried by no court inferior to that of a Court of Sessions (s. 92⁴⁵).

The Patents and Designs Act, 1911

Patent is a right of an inventor upon his new invented thing. It is a document issued by the Registrar of the Department of Patents, Designs and Trademarks to the inventor as regards his invented thing by which he can exclude others from unauthorized use. In order to make, use or sell anything, the owner of a patented invention must seek authorization from the Department. The Patentee may use his rights himself or assign them or grant licenses. An invention must meet several conditions if it is to be eligible for patent protection.

^{42.} ibid

^{43.} ibid

^{44.} ibid

^{45.} ibid

These, most significantly, that the invention must consist of patentable subject matter, the invention must be industrially applicable (useful), it must be new (novel), it must exhibit a sufficient "inventive step" (be non-obvious), and the disclosure of the invention in the patent application must meet certain standards.⁴⁶ Any person, whether he or she is a citizen of Bangladesh or not, and either alone or jointly with any other person, may apply for a patent. The protection conferred by the patent is limited in time (generally 20 years); but in Bangladesh it is 16 years. Any person who is interested to get patent letter or patent protection he must make an application to the Patent Office by fulfilling the conditions of the Act, that is, an invention must have industrial applicability, novelty and non-obviousness (inventive step); it should not be contrary to law or morality.⁴⁷

If any person makes sells or uses an invention without the license of patentee, or counterfeits it, or imitates it is an infringement of a patent. If there is an infringement of a patent by any person, the patentee may institute a suit against the person in a District Court having jurisdiction to try the suit. The legislation provides remedies for any infringement of a patent. The remedy is civil in nature, and includes both interim and final remedies. The interim or preliminary remedies include an order for an injunction, inspection or account while final remedies include financial compensation.⁴⁸

Legal Action and Remedies

1. Civil remedies- Civil suits offer remedy for claiming compensation for infringement of copyright and loss of profits as well. The owner of the copyright can file civil action in which reliefs such as Anton Pillar Order injunction, accounts and damages can be sought. A suit or other civil proceedings involving to infringement of copyright is to be filed in the Court of District Judge, within whose

^{46.} The Patents and Designs Act, 1911

^{47.} *ibid*

^{48.} *ibid*

jurisdiction the plaintiff resides or carries on business or where the cause of action arose irrespective of the place of residence or place of business of the defendant.⁴⁹

2. Criminal remedies - Criminal remedies grant for the imprisonment of the accused or imposition of fine or both, seizure of infringing copies etc. Normally a person can claim under Penal Code of Bangladesh for criminal misappropriation. But criminal proceedings are available in order to punish the persons who have violated the copyright law under Copyright Act as special law. The infringement of copyright is a cognizable offence and is punishable with imprisonment for a period extending from six months to four years and a fine ranging from Tk. 50,000/- to Tk. 2,00,000/⁵⁰. The Act also provides for seizure of infringing copies and confiscation of all duplicating equipment used for manufacturing counterfeit copies. However, if the court is satisfied that infringement is committed without having an intention for profit or noncommercial purpose, the court may give lesser punishment, which may be imprisonment for less than six months and fine for less than 50, 000 taka⁵¹. However, in case of piracy of computer programs, the amount of fine is extended by an amendment⁵², which is now minimum Tk. 1, 00000 and maximum Tk. 4, 00000⁵³, if it is committed for commercial purpose. However, in case of mere use of infringing copy or if the court is satisfied that it is committed for non-commercial purpose; the court may impose lesser punishment and lesser fine as well.

3. Administrative remedies -The owner can move to the Registrar of copyrights to ban the import of infringing copies into Bangladesh, when the infringement is by way of such importation and the delivery of the confiscated infringing copies to the owner of the copyright.

49. Code of Civil Procedure 1908

50. The Copyright Act, 2000, Bangladesh

51. *ibid*

52. The Copyright Amendment Act on May 18, 2005

53. *ibid*

4. Patents- under the Patents and Designs Act, 1911 the remedy is available in form of injunction, delivering up of infringed patented product, damages for an account of the profits. Besides, certain acts of infringement have been made liable to be punished by offences to be judged by criminal courts.

5. Designs- the Patents and Designs Act, 1911 provides civil remedies for the infringement of the copyright of a registered design.⁵⁴ Last but not the least, level of skill and awareness of public in general, government officials and profession regarding IP rights is at a marginal stand (Atia, 2011).

Department of Patents, Design and Trademarks (DPDT)

Initially, the Patent Office and the Trademarks Registry Office worked separately under the Controller of Patents & Designs and Registrar of Trade Marks respectively. Both offices were merged into the Department of Patents, Design & Trademarks in 1989. The MoI was entrusted with the responsibilities of administering the activities of DPDT.⁵⁵ The patents and design wings of the DPDT deals with the matters related to patents and designs, while the trademark registry wing grants registration for trademarks. The DPDT is also expected to administer GIs and utility models, after the respective laws, which are in the process of formulation, are enacted. The DPDT is located in Dhaka and has one regional office at the port city of Chittagong. It does not have any institutional arrangements with any district level organization or department to provide regional services on behalf of them.⁵⁶ The DPDT operates in an inadequate office space and does not have a separate establishment for preserving records. As a consequence, the records are maintained manually within the office premises and there are chances of loss and misplacement of credentials. There are several other limitations including a shortage of adequate economic resources and manpower.

^{54.} Supra Note 27

^{55.} http://dpdt.portal.gov.bd/sites/default/files/files/dpdt.portal.gov.bd/notices/5c4a8a90_d825_46f9_8cc8_3505e47e0053/IP%20Policy.KS.pdf (Accessed on 22nd December, 2014)

^{56.} *ibid*

Moreover, DPDT staffs do not bear adequate technical and legal knowledge on IP issues. It is rare for the technical personnel and managers of the DPDT to avail opportunity to avail in country or foreign trainings on IP issues and acquire specialized knowledge on the subject. With support of an EU-funded project, a very basic level of automation was accomplished in the DPDT, which covers nearly 5% of the total activities of the organization.⁵⁷

Findings of the Study

The study examined the historical evolution and the development of intellectual property law in Bangladesh. I also tried to identify the factors contributing to the infringement of intellectual property rights. The motive of this study was also to find out the enforcement procedure of national IP laws for the protection of intellectual property rights. On the basis of all this discussions, this paper has some findings as are given below:-

1. Intellectual properties laws in Bangladesh are not adequate. Some of them are not compatible with international treaties and conventions. Some of them are not advanced with the digital based society.
2. In Bangladesh there are no laws on trade secrets, unfair competition, and geographical indication and lay out design (topographies) of integrated circuits still today.
3. Institutional capacity of DPDT (Department of Patents, Designs and Trademarks) and Copyright Office are very poor due to manual system, shortage of number of officers and staff, expert on intellectual property.
4. Besides, peoples are not aware about these rights.
5. Copyright piracy is very frequent and the rate is highest amongst the world.

Recommendations

1. Introducing basic concept on IP laws to the undergraduates and post graduates courses in colleges and universities with specific courses;

⁵⁷. Ibid

2. Creating alertness through seminar, symposiums and national workshops among the all classes' educated people of the country;
3. Establishing IP Protection courts, at least, in the divisional level and training the judges and advocates and thus making the skilled;
4. Developing mechanism to ensure prompt and cheap resolution of disputes and litigation by infringement;
5. Employing special branch of the members of law forces for the implementation of the IP laws and training them.
6. Introducing new laws on trade secrets, unfair competition, geographical indication and lay out design of integrated circuits;
7. modernizing or introducing a new Patents and Designs Act; as the 1911 Act is not compatible with international treaties and convention;
8. Updating Trademark Rules; because Trademark Rules 1963 are unable to meet the IP requirement of 2020. Besides, under the 2009 Act, new provision of collective mark has been inserted but the procedure of registration of it has not been point out in the Act, 2009. The procedure of publication of trademark journal is not specified in the current law; it should be determined by the new rules. Different forms of trademark, service mark, certification mark or collective mark should be updated to maintain the uniformity of the digital based society. So, the replacement of 1963 Rules with a new one is a necessity; and
9. Appointing necessary officers and staff for the DPDT and Copyright office and training them on IP laws at home and abroad.

Conclusion

The development and protection of intellectual property rights largely depends on the useful enforcement mechanism. Strong enforcement mechanisms for the protection of intellectual property rights promote an environment in which creative and innovation

industries can thrive and contribute to economic expansion. Though the government has modernized laws on the point but it is evident from the above discussion that the present legal framework as well as administrative set up is insufficient to provide expected protection of intellectual property for entrepreneurs who seek to protect their invention, trademark and other intangible business property. In any initiative for better protection and promotion of the rights of IP holders the significance of enhancing public consciousness and skills of concerned officials of the authorized departments can hardly be inflated. An equitable, modernized and protected IP rights regime provides recognition and material benefits to the originator, constitutes motivations to the inventors and innovative activities. In order to maximize utilization of intellectual property rights there is no alternative amending legislation in this area. But the most significant thing is the awareness of people in general that can only stop the rampant violation of intellectual property rights. Thereby, the government should not only formulate and reform the law on this context rather, should take all crucial steps to make people conscious. Every people should know that they have right for everything both inside and outside.

References

Firth and Philips 1995. *Introduction to Intellectual Property Law*, Third Edition, Butterworths-London.

Atia 2011. Protecting Intellectual Property Rights in Bangladesh: An Overview, *Bangladesh Research Publications Journal*, Volume: 6, Issue: 1.

The Trademark Act, 2009, Bangladesh.

The Copyright Act, 2000, Bangladesh.

The Patents and Designs Act, 1911.

The Copyright Amendment Act on May 18, 2005.

Rohingya Influx and Environmental Catastrophes in South-Eastern Bangladesh

Prabal Barua*, Morshed Hossan Molla** and
Syed Hafizur Rahmar***

Abstract

Rohingya influx is now becoming a great threat for the environment of Cox's Bazar district. The study has been conducted through qualitative data based such as reports of different local and international newspapers, research reports, Key Informant Interview (KIIs) and observation (overt and covert) methods. These data have been analysed by 'Narrative Analysis' techniques. The study exposes that mainly the Rohingya camps are established on the Ukhia and Teknaf upazilas under Cox's Bazar district and few camps have mushroomed at Naikhongchhari upazila under Bandarban district respectively. Physiography of the both areas is hilly and valley and also, these areas are covered by dense vegetation, particularly topographical rain forest and few deciduous forest. In these areas, nearly 6000 acres of forest land have been destroyed due to building camps for the rehabilitation of 1.3 million Rohingyas who fled to Bangladesh. Therefore, this significantly decreased the vegetation covered areas and extinct the depending community, especially animal diversity is now on the verge of extinction. Alongside, local and regional socioeconomic tension is increasing between local community and Rohingyas day by day. Besides, different types of organizations are illegally cutting the hills to establish their operational activities and office for working in the camp. So, the study suggested that conserving vegetation through plantation of little plants (Vertiver grass) for soil stability, stopping further forest degradation and destruction as a priority, emphasizing restoration

* PhD Fellow, Department of Environmental Sciences, Jahangirnagar University, Savar, Dhaka.

** Research & Documentation Officer, YPSA (Young Power in Social Action), Chittagong - 4212, Bangladesh

*** Professor, Department of Environmental Sciences, Jahangirnagar University, Savar, Dhaka.

and rehabilitation of degraded forest landscapes within the areas of interest (which is where the refugees live) and shade-bearing and fruit trees can be planted on an urgent basis along the hilltops, contours, valleys and roadsides.

Keywords: *Rohingya influx, Geographical Importance, Environmental Calamity and Remedies.*

Introduction

Rohingya influx has now become a great threat from an environmental point of view in Cox's Bazar district as well as for the biodiversity of Bangladesh. More than 1.3 million Rohingya refugees have fled Myanmar and sought safety in the Cox's Bazar area of neighbouring Bangladesh (IOM, 2018). Before the August attacks, an estimated 328,500 Rohingya have already been living in Bangladesh, of which 28,500 are documented as refugees living in official registered refugee camps. The undocumented refugees - of which estimations vary between 200,000 and 300,000-- live in scattered settlements among the host community in Cox's Bazar. Due to lack of registration and the fact that they live scattered throughout the region, other sources estimate that already about 500,000 Rohingya were living in Bangladesh. An unprecedented influx of Rohingya refugees into southeastern Bangladesh is putting the ecologically fragile region on the brink of an environmental disaster, officials and analysts warn. As many as seven reserve forests, totaling about 6,500 acres, have been wiped out in just over two months in Cox's Bazar district as incoming Rohingya refugees cut down trees for firewood and to construct makeshift shelters. According to the forest department of Cox's Bazar it was found that Rohingya people have established illegal settlements in 1,625 acres of forestland in Ukhiya and 875 acres of forestland in Teknaf and have chopped down more than one million trees to make way for their huts, adding that the refugees were cutting hundreds of trees a day to use as firewood for cooking.

The study is based on reviews of different articles published on different media platforms, research reports and field based

observations. So, the authors and researchers identified 11 environmental impacts have been or could potentially be exacerbated by the Rohingya influx in Cox's Bazar forest division. Six of these were physical environmental impacts on: ground water; surface water; acoustic levels; indoor air quality; solid waste management; and soils and terrain; and the remaining five have impacts on ecosystems: natural forests; protected areas and critical habitats; vegetation; wildlife; and marine and freshwater ecosystems. Key risks were pinpointed and assessed based on the rating of their impact. The following risks associated with the physical environmental impacts were assessed as high: ground water depletion; ground water contamination; poor indoor air quality; poor management of sewer sludge; removal of soils and terrain; and changes in terrain. Impacts on ecosystems with high associated risks were: deforestation and forest degradation; encroachment onto and resource extraction from protected areas; changes in land cover; rapid biomass reduction; loss of species; loss of wildlife habitat and shrinkage of wildlife corridor; and higher mortality risks for wildlife. Most of the physical environmental impacts appear to be reversible, although those on soils and terrain may require considerable time to return to their baseline levels. The denuded landscape will have reduced water retention capacity which may impact ground and surface water in the area. Paramount to any reversal will be the implementation of closure of the Rohingya camps and the initiation of land reclamation plans.

Methodology

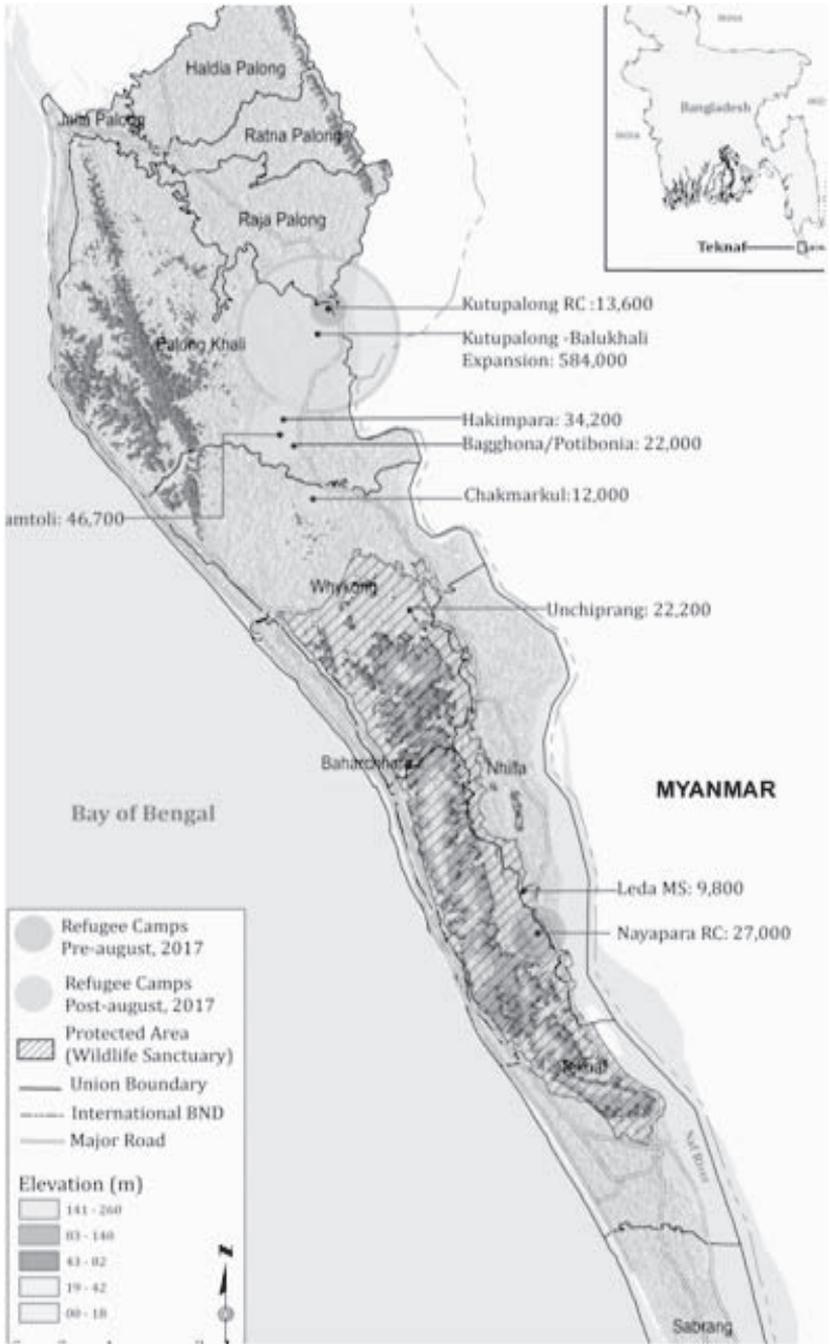
The study has been conducted through qualitative data sources. These data have been obtained through Key Informant Interview (KIIs), Focus Group Discussion (FGDs) and observation (overt and covert) methods. Along with quarterly monthly narrative reports of 'YPSA'-Young Power in Social Action, emergency responses projects. The data have been verified on the published and unpublished reports of different national and international organizations those giving financial support to 'YPSA', such as

International Organization for Migration (IOM), UNICEF, Save the Children, Care Bangladesh, Help Age International, Department for International Development (DFID), Action Aid, UN-Women, World Food Program, PKSF and so on. Meaningful data have been arranged on sequential manner. These data have been analysed by 'Narrative Analysis' techniques.

However, project managers and project coordinators of YPSA and representative of donor agencies have been considered for the respondents of KIIs checklist survey. Moreover, midlevel project staffs have been considered as the respondents of FGDs checklist survey. Each FGD group has been formed by ten officials or staffs. Also representative of local newspaper journalists, environmentalist, civil society, CSO, local community and Rohingya displaced people respectively.

Study Area

Cox's Bazar Forest Division was divided into Cox's Bazar North and South Forest Divisions as per reorganization by the Directorate on 1st July, 2001. The study was conducted at Ukhia and Inani forest range under the jurisdiction of Cox's Bazaar South Forest Division (Fig. 1). The total forest area lying within the jurisdiction of Cox's Bazar South Forest Division is 43,410 ha of which 36,574 ha is a Reserved Forest while the remaining 6,836 ha is Protected Forest. These forests are situated within Teknaf, Ukhia and partially in Ramu and Sadar Upazila. Total area of Ukhia Forest Range is 21280 acres and Inani forest range is 20157 acres. The total vacant areas in Ukhia and Inani Forest Ranges are 14121 acres and 3800 acres, respectively. The topography of Ukhia and Inani Forest range is diverse with almost flat land to medium hillocks. This area has low hills of less than 100-meter elevation from the mean sea level.



Results and Discussion

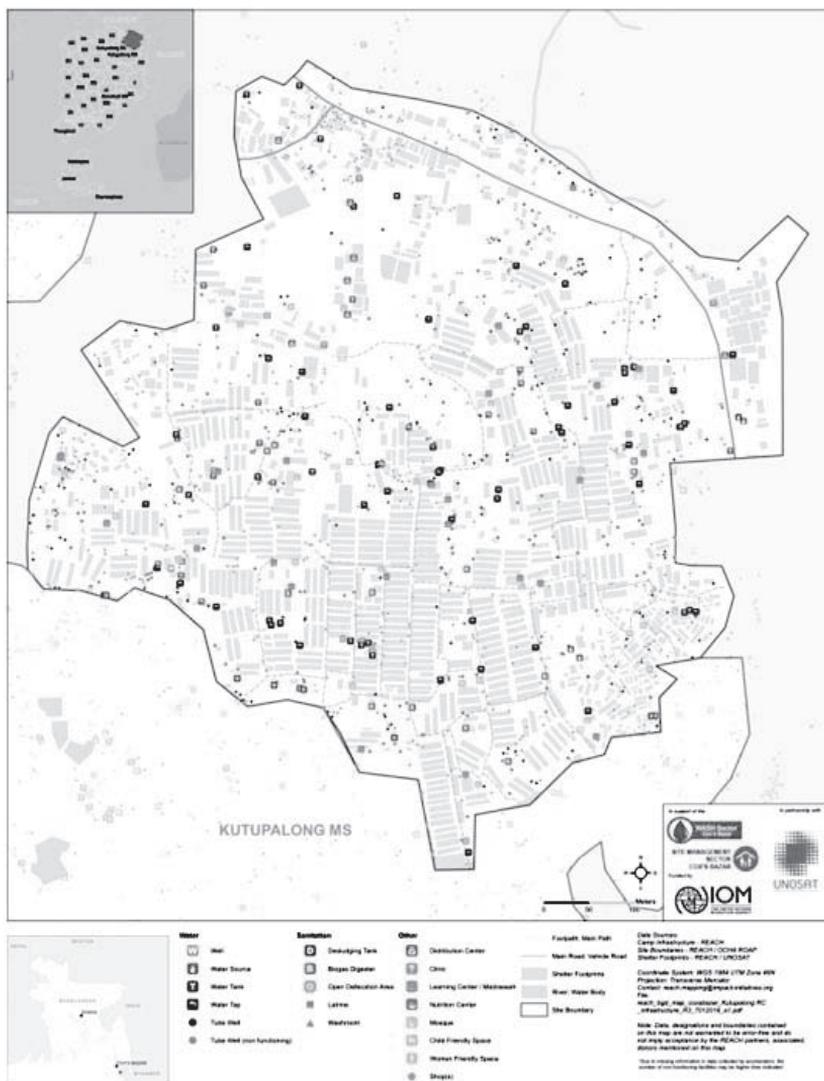
Challenges

The refugee influx in the Cox's Bazar district has caused a significant impact on local forests and amplified human-wildlife conflict. It is estimated that the equivalent of 3-5 football fields of forest are felled every day in the area. Important national and community forestry areas, which were already under significant pressure before the influx, have been further degraded, limiting opportunities for local communities depending on forestry projects to supplement their livelihoods. Critical biodiversity areas, like the Teknaf Wildlife Sanctuary, Himchari National Park and the Inani Protected areas are likely to be degraded, and their timber and other forest products will likely be over exploited. Teknaf Sanctuary is home to a significant population of Bangladesh's Asian elephants, as well as several other threatened species, which now regularly come into contact with refugee communities.

Firewood collection is the most immediate threat to the health of these areas, but other factors will reduce the quality of the forests over time. For example, the extensive loss of groundcover vegetation in the camp has led to significant erosion, which will become especially evident in the upcoming rainy seasons, including the much-dreaded monsoon that usually starts in late May or in early June. This loss is due to site clearance and the use of low-growing plants as firewood. Low-growing shrubs and grasses - which previously served to protect waterways, reduce surface heat, slow the runoff of rainwater, and bind loose soils - are no longer present in many parts of the camps.

The erosion will contribute to landslides and higher temperatures within the camp. It will also have a major impact on downstream communities as waterways and agricultural fields become increasingly polluted by sediments carried by runoff from the camp. Since the Rohingya refugee influx started, encounters with elephants have caused 11 deaths and numerous injuries among the refugees in the Kutupalong camp. The area designated for the camp is the habitat

for the endangered Bangladeshi Asian elephants, and has historically been the site of a migration path for the mammals. Information on elephant movement is needed to safeguard humans and elephants in this area.



From the field visit, it was found that Rohingya people have so far burnt forest resources worth an estimated Tk 230 crore. They use

woods worth Tk 5 crore every day as firewood. Only 40% of the newly-arrived refugees are staying at camps. The others are cutting hills and clearing forests to build shelters. The others started staying on about 3,500 acres forestland of Ukhia-Teknaf range. A Local environmentalist said "We must ensure alternative fuel for the Rohingya to save the forest." He said he feared that the region's forest would be gone if the current situation persisted. A resident of the Balukhali camp, Jamaltold that he had maintained an acre of forestland and planted about 500 trees as a part of social forestation project. "The Rohingya refugees cut off all the trees within two days; they even wiped out bushes from the hills. The cutting of trees has been a huge financial loss for many." Sholapur ward member Md Yunus said that more than 1,000 trees from the Sholapur beach had been cut. Bunches of wood were seen piled up near most of the makeshift Rohingya sheds in Kutupalong and Balukhali. Some of the refugees were carrying bundles of tree branches to their sheds. Most of them said they were compelled to fell trees.

The Rohingya camps are situated in some of the most sensitive and biodiversity vulnerable areas including Teknaf Wildlife Sanctuary & Himchari National Park. The Rohingyas are mainly relying on the forest around the area of their camps to collect woods for cooking. Every day, around 50,000 kg firewood is needed. If this continues, it will put a substantial impact on the proposed Inani National Park and potentially on Himchhari National Park, too. There will be adverse impact on high-magnitude and large geographical area in the long run which could be irreversible, if the situation is not properly handled.

Mohammad Azad, one of the refugees, said: "How can we survive? The relief is not regular due to long queues. So I collect woods from jungles and sell them to feed my family." The Unpraching camp next to Balukhali, housing about 50,000 Rohingyas, was set up in reserved forestland. Local Court Bazar Government Primary School's Head Master Akram Uddin said: "The district will soon become a barren land if one million Rohingya continue to cut trees

for firewood." Cox's Bazar environment activist Bishwajit Sen said: "Only two months ago, both sides of the highway were filled with green forests and jungles. It is a huge loss." According to a local forest officer, the refugees are setting up shelters by indiscriminately cutting down trees and hills. The barren hills of the areas are now filled with rows of shanties. Wildlife in the area has also been affected by the encroachment. The refugees built shelters blocking an elephant trail. Last Saturday, wild elephants trampled to death three Rohingya children and a woman at Balukhali camp. Environment and forest department officials said the corridor of wild elephants from Balukhali to Myanmar via Gundhum has been completely occupied by the refugees. After the influx in late August, the forest department conducted a survey and found that until October 2, the refugees had destroyed about 2,500 acres of forestland at Kutupalong, Thaingkhali, Balukhali 1, Balukhali 2, Modhurchhara, Tajminar Ghona, Nokrar Bill, Safiullah Ghata, Bagghona, Jamtoli, Teknaf, Whaikkong and Shilkhali. Department of Environment's Cox's Bazar office's Assistant Director Saiful Ashraf said the rampant hill-cutting may trigger hill-slides, which may cost many lives. "It is an irreparable loss for our environment and ecosystem," he said. "We are conducting a survey to estimate the damages to our environment." Ashraf said: "We have to urgently plant as many trees as possible on the barren hills. A concerted effort is needed to recover from the loss."

Currently, the main intervention aims to reduce the risk of landslides and minimize conflicts between elephants and humans. The Rohingya camp is established around the place where wild elephants frequent. From September, 2017 to till date, 7 Rohingyas died due to elephant attack around the camp. Both attacks occurred outside Kutupalong, temporary home to 700,000 Rohingya refugees. The rising number of fatal elephant attacks, at least 30 in the last one year, tells a wider and tragic story of how deforestation, monsoons and the refugee crisis have left some of the world's most vulnerable people at the mercy of wild animals. Crowded together on a bare hillside at the mercy of the approaching rainy season, residents of the

sprawling Kutupalong camp - mainly Rohingya Muslims who have fled a brutal campaign of violence in Myanmar in August -live in difficult conditions. But it also sits on several important migration corridors between Myanmar and Bangladesh that elephants have used for centuries.

Expert of IUCN said that they found out that the elephants are mostly on the western side of the Kutupalong camp. In February, 2018 the IUCN released a report showing the attack sites and recommending a program of partnership with the UN refugee agency to tackle the problem. It is estimated that there are up to 45 elephants active in the area. The elephants are just trying to find a way though the corridor, Elephants respond to emotions. If you are stressed, they get stressed and people can respond with firecrackers or throwing stones. The response team tries to form a human shield and peacefully lead the elephants back to the forest. After the main rainy season, IUCN will start working to restore the groundcover to prevent further erosion and runoff. Reforestation will begin after there is a comprehensive program to address fuel supplies in the camp. There is currently a pilot trial on liquefied petroleum gas as an option for addressing the refugees' cooking fuel needs.

Cox's Bazar is another concern. In spite of being an international tourist spot, it has a great ecological contribution to the environment also. But, as a result of deforestation, the sea level rose and already swallowed many low lands around it. If the ecological balance of Cox's Bazar turns into a chaos, the outcome will not be satisfactory. Penetration of Rohingya made wildlife (especially wild elephants) vulnerable as they can't move freely for the camps.

Existing Laws and Strategies of Bangladesh and Rohingya Camp

Article 18(A) of the Constitution of the People's Republic of Bangladesh talks about the protection and improvement of environment and Biodiversity. At present, there are about 210 laws relating to the environment and over 30 policies, strategies and action plan pertinent to environmental administration. Environment

Conservation Act, 1995 will come in the first place concerning the Rohingya Crisis which talks about Ecologically Critical Areas in section 5. If the Government is satisfied that an area is in an environmentally critical situation, it may declare such area as an ECA. In 1999 the government declared 8 areas as ECAs in Bangladesh, including Cox's Bazar and Teknaf Peninsula, St. Martin's Island. Those areas are not very far from Rohingya camps in Chittagong.

The Forest Act, 1927 covers forests and forest management. Availability of the forest land in Bangladesh is one of the lowest countries in the world. Due to the development process, due to deforestation, due to population, the quantity is shrinking every day; moreover, the Rohingya people are destroying a huge amount of forest rapidly. The Bangladesh Wildlife (Preservation) Order, 1973, talks about the wildlife. We have seen that due to Rohingya camps, the life of wild creatures, especially wild elephants, are now in critical conditions.

Bangladesh is a signatory of twenty international conventions, treaties and protocols in connection with conservation and protection of environment and ecology. In spite of having all those laws, protocols, treaties, according to the Environmental Sustainable Index Rank-2018, Bangladesh became 179 among 180 countries. So, it is somewhat very easy to assume that, we are in a very crucial lapse of time, regarding environment if the ecological degradation cannot be tackled within the camps. Though Bangladesh has a good number of environmental laws, still the environmental condition is vulnerable. The reason is the citizens are not aware of the impact of the environmental degradation as well as about the laws. So, here, Social awareness is the main task for the govt. to overcome this problem. The same thing will also be applicable to the Rohingya. Recently, due to a landslide in the Rohingya camp (cutting of hills without any plans, creates landslides very often in the camp areas) more than five hundred people were injured and some people died, as well. So, the message should be conveyed to them, if you want to save yourself,

save the environment through different social dialogues.

The government is planning to transfer a portion of the Rohingya to the Chars of Noakhali. This time, government should take sustainable plan. For example, sanitation, water distribution, fuel management etc. should be planned in an environment-friendly way. It is pretty understandable, having a lot of laws regarding the environment, will not change any scenario. It is the people who can make a real difference --they can create real change. If they become aware, if they are made conscious, they will be careful and clairvoyant about the environmental hazards. Another thing, as Bangladesh has taken the burden of more than one million Rohingyas, now it is also their responsibility to keep the environment healthy for the people of this country. People will definitely co-operate with them, but steps will have to be taken by the government initially, as soon as possible. Otherwise, dark night is in its way to come, to swallow all the bright lights all of a sudden.

Until it holds, the bit-by-bit efforts of building mud-track roads and bridges, digging drains, culverts and water channels, strengthening clay slopes with bamboo and sandbags have ensured some safety in a fragile environment. Shelter upgrade kits comprising ropes, bamboo, and tools have been widely distributed to strengthen fragile homes. Efforts to improve safety continue, including through the Ministry of Disaster Management and Relief-led Cyclone Preparedness Programs and its volunteers, training refugees on disaster response. Relocation of those at high risk continues as camps become more congested; vulnerable families uprooted from their homes and communities agonize about moving "yet again" away from their neighbors and village folks. Convincing the families at the risks of being on a 40-degree mud slope or in its foot is for sure a persistent challenge to the community volunteers. Latrines and water points jostle for space and, during heavy rains, merge into the other. The risk of disease is higher, and breaths are drawn as frequent water contamination tests determine results.

Conclusion and Recommendations

We need to conserve vegetation since even the most unattractive small plant will provide soil stability. Partnerships have been a key to some successes --working with expert conservatory agencies like IUCN (International Union for Conservation of Nature) is a very good example: IUCN have been an excellent partner by bringing the right skills, at the right time, to manage the elephant conflict. In late 2017, UN Environment and the Office for the Coordination of Humanitarian Affairs deployed an environmental field adviser, through their Joint Environment Unit. The unit is an important source of expertise on humanitarian response in the wake of environmental emergencies. We encourage more partners to work through the Joint Environment Unit in Bangladesh to create a coherent approach to environmental programming.

UNDP has also been a key partner in reducing the risk of landslides and other disasters, and their long-term presence and history of work in Bangladesh meant that they could immediately bring their experience to bear. Actions to stop further forest degradation and destruction are a priority. Over the long term, emphasis can shift to restoration and rehabilitation of degraded forest landscapes within the areas of interest (which is where the refugees live). Early recovery actions should launch before the 2018 monsoon season given that the monsoon is the only suitable time for afforestation and reforestation due to rainfall. The recovery strategy includes:

- **Termination of Forest Clearing Activities and Promotion of Clean Cooking:** Rapid pace of forest clearing activities due to wood fuel extraction required to be stopped. In the short term, Liquefied Petroleum Gas (LPG) stoves and fuel, and improved biomass stoves can be supplied to both displaced Rohingya population and host communities to minimize the use of wood as cooking fuel, complemented by behavior change and market development activities. Medium-term activities such as subsidizing supply of LPG fuel would aim to gradually shift host communities and displaced Rohingya population households to market-based sustainable cooking

energy options, and reduce the cost of delivery of clean cooking fuel.

- **Reforestation of Deforested Land or Hills of Displaced Rohingya Population's Early Settlement Areas:** Necessary afforestation measures must be undertaken after the Forest Department (BFD) carries out an assessment to delineate areas that are under social forestry schemes. BFD's assessment must capture the degree of degradation and requirements of reforestation inputs by each individual scheme sites.
- **Greening of Deforested Hills Within Camp Areas:** Spaces across hills, such as hilltops, slopes and valleys, allow for plantation or greening under different options. Greening measures could be implemented in about 10% of the total camp areas. Shade-bearing and fruit trees can be planted on an urgent basis along the hilltops, contours, valleys, and roadsides.

References

Amnesty International 2017. *My World is Finished" Rohingya targeted in crimes against humanity in Myanmar*. Retrieved via: <https://www.amnesty.org/download/Documents/ASA1672882017ENGLISH.PDF>, on 09-05-2018 (accessed 25 September 2018).

BBC 2017. *Rohingya crisis: US calls Myanmar action 'ethnic cleansing'*. Retrieved via: <http://www.bbc.com/news/world-asia-42084895>, on 08-05-2018 (accessed 25 September 2018).

BDNews 2018. UN flags serious impacts of Rohingya crisis on Bangladesh environment. Retrieved via: <https://bdnews24.com/environment/2018/09/18/un-flags-serious-impacts-ofRohingya-crisis-on-bangladesh-environment> (accessed 25 September 2018).

DhakaTribue 2018. Resolving the Rohingya Crisis: Bangladesh will continue its efforts. Retrieved via: <https://www.dhakatribune.com/bangladesh/foreignaffairs/2018/09/01/resolving-the-rohingya-crisis-bangladesh-will-continue-its-efforts>(accessed 25 September 2018).

IOM 2018. Bangladesh Rohingya Crisis Response, International Organization for Migration Cox's Bazar, Bangladesh.

ISCG 2018. *Situation report: Rohingya Refugee Crisis*. Retrieved via:<https://reliefweb.int/report/bangladesh/iscg-situation-report-rohingya-refugee-crisis-cox-s-bazar-24-may-2018> on 29-05-2018 (accessed 25 September 2018).

Noor, MT., Islam, MS., and Forid, S 2018. Rohingya Crisis and the Concerns for Bangladesh, *International Journal of Scientific & Engineering Research*, Vol. 8, No. 12, pp-1192-1198.

<https://reliefweb.int/report/bangladesh/iom-bangladesh-rohingya-humanitarian-crisis-response-external-update-27-july-2>(accessed 25 September 2018).

<https://reliefweb.int/report/bangladesh/iom-bangladesh-rohingya-humanitarian-crisis-response-external-update-13-19-april>(accessed 25 September 2018).

<https://reliefweb.int/report/bangladesh/iom-bangladesh-rohingya-refugee-crisis-response-external-update-9-15-february-2018>(accessed 25 September 2018).

<https://reliefweb.int/report/bangladesh/rohingya-humanitarian-crisis-iom-appeal-march-december-2018>(accessed 25 September 2018).

<https://reliefweb.int/report/bangladesh/iom-bangladesh-rohingya-humanitarian-crisis-response-external-update-13-19-july>(accessed 25 September 2018).

<https://reliefweb.int/report/bangladesh/iom-bangladesh-rohingya-crisis-response-external-update-14-december-2017>(accessed 25 September 2018).

<https://reliefweb.int/report/bangladesh/iom-bangladesh-rohingya-humanitarian-crisis-response-external-update-25-31-may>(accessed 25 September 2018).

Untimely Visitation of Calamity: Flash Flood in Haor Areas of Bangladesh and its Devastating Impacts on Economy

Nushrat Tashmin* and A T M Jakaria Khan**

Abstract

The untimely flash floods have wrecked on haors spreading over seven north eastern districts of Bangladesh on the eve of the monsoon of the year 2017. The people of these affected areas were in an utter shock as the flood waters that came almost at lightning speed have caused extensive damage to standing Boro crop and fish stock. The truth is that thousands of people living in haor areas are still in severe distress as they have lost their one seasonal rice crop that they only grow annually along with fish stock. This food crop remains at the top of the list, in terms of production and it is estimated that haor areas alone produce nearly 25 per cent of the country's total annual Boro rice output. People in the flood-hit haor areas are facing extreme food-crisis as they have lost their crops, fishes, ducks and other necessities during this recent untimely flash floods.

Keywords: *Flash Flood, Bangladesh, Climate Change and Natural Features.*

Introduction

The present study deals with the devastating impacts of flash floods which have wrecked on Haors spreading over seven north eastern districts of Bangladesh on the eve of the monsoon of the year 2017. The North-Eastern region of Bangladesh is unique due to its hydro-ecological characteristics. The region has special natural features called the Haors (Bhattacharya & Suman, 2012).

* Lecturer, Department of Disaster Science and Management, Faculty of Earth and Environmental Sciences, University of Dhaka.

** Lecturer, Institute of Business Administration (IBA), University of Dhaka.

Haors are large bowl-shaped flood plain depressions. During dry season haors are used for agriculture and during rainy season it is used for fisheries. Haors have profound ecological importance. Flash floods are not unknown to the people of haor areas. In fact, they have been living with this particular type of natural calamity for centuries. However, In 2017, because of abnormal rainfall during the month of April, the visitation of the calamity has been rather untimely due to climate change (The Financial Express, 2017). The floods caused by endless rainfall and onrush of water from upstream (The Daily Sun, 2017).

Objectives of the Study

The objectives of the study is to investigate the impacts of the untimely flood on traditional economy of the indigenous people as this area is regarded as one of the main crop supplying region of the country.

Methodology

Both types of primary and secondary sources of data have been used. Primary data have been obtained through various qualitative and quantitative methods such as interview, observation, case study method and questionnaire survey methods.

Result and Discussion

The people of the affected areas are still in an utter shock as the flood waters that came almost in lightning speed have caused extensive damage to standing Boro crop and fish stock. Local people did spare no efforts on their part to save their Boro crop that they would have harvested in a couple of weeks' time from the onslaught of floods.

People in the flood-hit haor areas are still facing extreme food-crisis as they have lost their crops, fishes, ducks and other necessities during the recent flash floods. Boro crops on thousands of acres have been inundated due to the flash floods caused by incessant rain and the onrush of water from upstream just days before the harvesting. Many families with little children are starving as they haven't enough food. First, it was the pre-monsoon flash flood that trashed the standing crop in the haor areas then it was the carcasses of fishes and other aquatic

species in large numbers floating ashore. In some of the most affected areas, duck farming is a major source of livelihood for the locals.

With the receding of flood water, various water-borne diseases such as diarrhea and Respiratory Tract Infection (RTI) have broken out in the flood-hit haor areas. Haor people are now suffering from acute crisis of pure drinking water. They are getting attacked with water-borne diseases due to lack of safe drinking water. Some flood-affected people said government's relief materials are not reaching every area and that the relief is too inadequate to meet the demand. Many victims said they are now busy drying up half-ripen paddy in the sun. Some paddy has been rotten while some are not mature to make rice, they added. The government allocated a total of Tk 10 crore in emergency aid for the people of these flood-hit areas.

Table 1: Detailed Impact Scenario of Flash Flood in Haor Areas of Bangladesh, 2017

Impacts of Flash Flood, 2017			
Location		Impact on Agriculture (Hector)	Source
District	Upazila (No.)		
Netrokona	09	18,880	DDM Report; April 05, 2017
Kishoreganj	06	23,300	Department of Agricultural Extension (DAE), Kishoreganj (Dhakatribune.com); April 08, 2017
Habiganj	Not available	16,500	Agricultural Authorities of Habiganj
Sylhet	13	Damage information not available	-
Moulavi bazar	Not available	12,800	DDM Report; April 01, 2017
Sunamganj	11	91,690	Report on damage of Boro crops due to excessive rain, flash flood and embankment collapse, Department of Agricultural Extension (DAE), Sunamganj; April 04, 2017
Total		160,170	

Source: Nirapod, 2017

Role of climate change on flash flood in Haor areas of Bangladesh is yet to be established. It is now being evident that the pre-monsoon rainfall and its intensity is likely to increase in the future. The probability of the occurrence of flash flood like this year will likely be higher in the future due to climate change, as changes in weather phenomenon and increase in extreme weather events have already been observed in all over the world (The Independent, 2017).

Conclusion

The untimely floods in these haor areas caused huge damage to the livelihood of the indigenous people. Since the area significantly contributes to the national food production, overall food security of the country may suffer negative consequences. Whatever the reason is, focuses should be on helping the affected people to cope with the losses. The situation now depends on how the government goes about tackling the situation both in the short and long terms. In the short term, it is relief and rehabilitation; and in the long-term, it is the all-important issue of ecological management of the haor areas.

References

Bhattacharya, B and Suman, A 2012. Flash flood characterisation of the Haor area of Bangladesh. Research Gate.

Nirapod 2017. *Flash Flood Situation*, April 19, 2017. Dhaka: Nirapod.

The Daily Sun 2017. *Haor areas of 3 dists flooded*, April 6, 2017, Retrieved from The Daily Sun: <http://www.daily-sun.com/post/217552/Haor-areas-of-3-dists-flooded>.

The Financial Express 2017. *Flash floods in haor areas*, May 13, 2017, Dhaka, Bangladesh: The Financial Express.

The Independent 2017. *Climate change and crops in haor areas*, April 16, 2017, Retrieved from <http://www.theindependentbd.com/home/printnews/90337>.

Child Labor in Bangladesh and its Social Impact

Md. Nizam Uddin*

Abstract

Child labor is one of the most crucial problems of developing countries especially in the context of Bangladesh. In true sense, it is the product of poverty and unequal social structure. The prevailing social norms and economic realities prove that child labor is broadly accepted and very common phenomenon in Bangladesh where many families depend on the income earned by their children for survival. On the one hand child is highly appreciated to the poor families because of the income they earn, on the other hand, employers often prefer to provide work for children because they are cheaper and considered to be more obedient and compliant than adults. In the real practice it is a dangerous practice of children that becomes a serious obstacle to the establishment of a glorious generation. Many promising children are dropped out of their education from the very beginning of their life. Now the question arises about why children prefer labor to education. Why do poor families compel their children to earn money? How can this problem be remedied? Therefore this article attempts to solve all these prevailing problems.

Introduction

Child labor is the endemic problem of Bangladesh. There are many reasons behind the child labor in this country. Illiteracy, poverty, social norms and weak labor laws are mainly responsible for child labor. The main problem arising from child labor is illiteracy. Since education is the backbone of a country, literacy is essential to build a glorious generation. There are so many reasons behind the departure of children from education and to incline to labor since their childhood.

* MSS (Social Welfare), Institute of Social welfare and Research, University of Dhaka.

They are tempted to a myriad of factors that ultimately inspire them to labor in the tender age on the one hand, rapid urbanization lure more children to move into urban areas for better income on the other. As a consequence, the first and foremost problem that a nation faces is the ruination of a generation due to the child labor. Some children are forced to labor in different works. The problem of this forced labor is dangerous that violates so many norms of human rights. As a result of this force labor child are often denied their rights to education, leisure and play. Due to the societal problems, situations make them vulnerable and thus they fall for the victim of trafficking, abuse, exploitation and many kinds of violence. "Millions of children are reported not to attend school, however estimates vary. Among children aged 5-14, about five million, are economically active. "Child labor" is a narrower concept than "working children". According to the International Labor Organization definition (right), there are about 3.2 million child laborers in Bangladesh (UNICEF, 1-2).

The Present Scenario of Child labor in Bangladesh

The present scenario of child labor in Bangladesh is really alarming. According to a UNICEF report, certain groups of children are more likely to work than others, for instance boys include about three-quarters of all working children. Almost one in five children aged 5-14 are child laborers in slums, and of these, only 25 percent attend school. More children move into urban slums and are compelled to work in the situation of rapid urbanization. "Child employment rates increase with age, but even about two per cent of five-year olds and three per cent of six-year-olds work" (UNICEF, 1-2). The following scenario of child labor has presented the prevailing situation of Bangladesh child labor:

"Child labor is a visible part of everyday life in Bangladesh: young children serve at roadside tea stalls, and weave between cars selling goods to motorists. Other children work in jobs that are hidden from view, such as domestic work, which makes monitoring and regulation difficult. On average, children work

28 hours a week and earn 222 taka (3.3 USD) a week. Many of the jobs that children in Bangladesh perform are considered 'hazardous', and put their physical and mental development at risk. The UN Committee on the Rights of the Child expressed concern in 2009 that many Bangladeshi children continue to work in five of the worst forms of child labor, namely welding, auto workshops, road transport, battery recharging and tobacco factories . The Committee also raised concerns about the lack of mechanisms to enforce child labor laws or monitor working conditions, and insufficient public awareness about the negative effects of child labor" (UNICEF, 1-2).

Therefore, the above mentioned scenario of child labor presents us the real picture of the child labor situation in Bangladesh. Here another statistics regarding child labor have been mentioned as follows.

The following table-1 indicates the present statistics on child labor in Bangladesh at a glance, for example working children aged between 5-17 comprises about 7.4 million while children between 5-14 include 4.7 million. Child laborers according to definition comprises 3.2 million. According to following table-1, child domestic workers constitutes 421,000 while the percentage of children (aged 5-14) engaged in child labor (2006) National-12.8; Slum-19.1; Tribal-17.6 respectively.

Table1: Key Statistics of Child labor in Bangladesh

Working children, aged 5-17	7.4 million
Working children, aged 5-14	4.7 million
Child laborers (according to definition), aged 5-17	3.2 million
Children engaged in hazardous labor, aged 5-17	1.3 million
Child domestic workers	421,000
Percentage of children (aged 5-14) engaged in child labour (2006)	[National-12.8],[Slum-19.1] and [Tribal-17.6]

Source: Child Labour :UNICEF Bangladesh

Defining Child Labor

Child labor is a global problem. The word "child labor" means the appointment of children in any work that takes away maximum of their rights as children, i.e. right to attend regular school, uninterrupted mental and physical development. According to UNICEF, "Child labor is work that exceeds a minimum number of hours, depending on the age of a child and on the type of work. Such work is considered harmful to the child and should therefore be eliminated. Ages 5-11: At least one hour of economic work or 28 hours of domestic work per week. Ages 12-14: at least 14 hours of economic work or 28 hours of domestic work per week. Ages 15-17: at least 43 hours of economic or domestic work per week (UNICEF, 1).

According to ILO observation, the worst form of labor includes trafficking, slavery, armed conflict, debt bondage, sexual exploitation and hazardous work. It is a difficult task to estimate the number of children working around the world. "This practice of employing children to perform any sort of harmful and dangerous work is considered exploitative by many international organizations. A number of human rights and social welfare organizations have been working hard to reduce the number of child labor around the world (Zaman, 2014:25).

There is always a perplexity between children in employment and the children in child labor. In terms of national and international law, child labor is carried out by children which is unlawful. "Child Labor in employment must affect the children's physical and mental health and the educational opportunities they are supposed to get. On the other hand, children in employment is considered as lawful when they do not face any negative effects due to work. There are international laws which define child labor in specific way" (Shimul Reja, 2017:33). On the other hand, according to the article 1 of the Convention on the Rights of the Child (CRC) "a child is a person under the age of 18" (CRC 1989, Article 1).

Causes of Child Labor

Poverty and Family Income

"Child labor is defined as an activity with negative impact on the children who is involved in it. Although child labor is hazardous to the children, it has some beneficial sides for the children and their families (Zaman, 2014:26). There are many reasons behind the child labor such as:

Culture and Tradition

The culture of a country sometimes supports the child labor. Because support this type of labor that society also accept.

Poor Enforcement of Labor Laws

Law and order situation is liable for poor enforcement of labor laws. Labor laws have been enacted to combat child labor but cannot be operated side due to different reasons. Due to corruption and bribery law enforcing agency do not act according to the existing laws. The employers are offering bribery not to hamper working place.

Corruption and Improper Protection Guidelines

Improper protection guideline for children in a society like Bangladesh weaken the application of labor laws.

Maximum Output by Minimum Input

"Children are attractive to employers as workers motivated by profit because children are easier to control, more compliant and are less likely to claim wage increase or improved working conditions" (Zaman, 2014:26).

Social Effects of Child Labor

The social effects of child labor are identified by different ILO and UNICEF reports that have been mentioned in the following passages. Child labor violates some human rights principles as, child exploitation, violence and abuse. On the other hand, trafficking, commercial and sexual exploitation.

Effects on Education

Successive generations of social reformers mobilized to combat child labor - a practice that they cast as the moral equivalent of slavery during the nineteenth century. "Their campaigns brought together political leaders, philanthropists, social movements and literary figures motivated by a simple but compelling goal: getting vulnerable children out of exploitative employment and into education" (Brown, 2012:6). According to the new National Education Policy, education is free and compulsory up to grade eight. However it is predicted that more than one million children have never been to school. "Many children drop out of the education system before completing primary school and begin working. Most working children cite an inability to bear the educational expenses as the main reason for not attending school, because there are many indirect costs such as transport and uniforms" (Brown, 2012:6). Limitations within the education system such as a high teacher-student ratio may, poor teaching quality also discourages children from completing school. In addition, children living in slums often move frequently due to evictions, employment instability and civic unrest and, further exacerbating dropout rates. Many child laborers don't avail of their right to education because they do not have the time to go to school or to study. (ILO, 2007). Child labor deprives many a large portion of children from their right to education. According to UNICEF (p.4) report, "About half of all child laborers do not attend school at all, and among child domestic workers only 11 percent attend school. As a result, working children get stuck in low paying, low-skilled jobs, thereby perpetuating the cycle of poverty".

Exploitation, Violence and Abuse

Many children in their working places are punished even killed in some hidden jobs. According to UNICEF (2008) report working children in hidden jobs particularly in domestic are at risk of exploitation and different kinds of abuses. For example, according to a 2008 children's opinion poll, one-quarter of all working children are reported that they had been physically punished at their workplaces.

At the same time according to an ILO (2006) report, 421,000 child domestic workers (three-quarters are girls) of Bangladesh face particular vulnerabilities as they work behind closed doors. No child working in the house a holiday for domestic children in the domestic work. Children working in domestic places can hardly enjoy holiday, even in a week and 90 percent sleep at their employer's home. At the same time about 60 percent report some kind of abuse during their work, such as scolding or slapping. Again workers can not regularly receive their remuneration for example, more than half receive no wage at all. A survey of these child workers found that almost all had some sort of respiratory problem and were not provided with any safety gear or protection from brick dust¹². "Other child workers in hazardous jobs include 123,000 children working as rickshaw pullers, 153,000 children working in restaurants or tea stalls, and 56,000 working in carpentry" (UNICEF, 3).

Trafficking, Commercial and Sexual Exploitation

In many cases working people face sexual commercial harassment due to staying outside of their home. There are many reasons behind this harassment and exploitation. Working children are exposed to violence, abuse and economic exploitation because they often live away from their families in situations where they. Their vulnerable situation leads them at risk of trafficking as they seek a better life for themselves. A rapid assessment of commercially sexually exploited children proved that half worked in other sectors before being lured into sex work. Additionally, more than half had been compelled or trafficked into the industry, lured by false assurances of jobs or marriage. The life of a child sex worker is one of exploitation, violence, and physical and psychological health problems (UNICEF Bangladesh and INCIDIN, 2008:4).

Legal Protection

There are legal provisions behind the child labor such as:

National Child Labor Elimination Policy 2010

The recently finalized National Child Labor Elimination Policy of

2010 aims to eliminate children from many worst forms of child labor and every sort of hazardous category task, and to bring meaningful change to the lives of many Bangladeshi children (ICF,2012:14). The objectives of the policy have been mentioned here to eradicate child labor in Bangladesh. The specific objectives of the Policy (quoted in ICF, 2012:14) are as follows:

- i. Withdraw working children from certain forms of occupation.
- ii. Involve parents of working children in income-generating activities.
- iii. Offer stipends and grants to children and families in order to bring working children back to school.
- ix. Extend special attention to children who are affected by natural disasters.
- x. Provide special emphasis to indigenous and physically challenged children to bring them back to a congenial environment.
- xi. Ensure coordination among the concerned stakeholders who work for the welfare of working children.
- xii. Enact pragmatic laws and strengthen institutional capacity for their enforcement.
- xiii. Raise awareness among parents, the people, and civil society about the harmful consequences of child labor.
- ix. Plan and implement different short-, medium-, and long-term strategies and programs to eliminate various forms of child labor from Bangladesh by 2015.(Ministry of Labor and Employment, (2010): National Child Labor Elimination Policy 2010].

Remedial Measures

There are many measures by which the different problems of child labor can be remedied. Therefore the following measures can be mentioned in the followings passages:

Providing Access to Education

Education is the backbone of a nation. Only education can remove students from child labor. In this case parents should take care of children's education and teachers should inspire them to come to

school regularly. In this regard the role of government can play to eradicate child labor. It is the duty of the state to provide education with children as one of the fundamental human rights.

Eradication of poverty

Poverty is number one cause of child labor. Since poverty is major cause of child labor, the government should provide children with the education expenditure and food for living a decent life.

Changing Social Norms

It is necessary for the intellectual's academia and government to create awareness among the people to change prevailing social norms to eradicate child labor. Parents and employers should be compelled to guarantee the rights of working children above age 14. There should be shown as a part of campaign on TV and radio announcements; a theme song; school debate competitions on child labor; a music competition for working children in order to eradicate the child labor.

Social Protection for Vulnerable Children

Social protection for vulnerable children is essential because natural disasters such as cyclones and floods are sadly a part of life in Bangladesh. After emergencies, children are much more likely to have to work to support themselves and their family. Children who became orphaned or vulnerable following natural disaster should be given special care for their fundamental rights such as food, clothing shelter, and education.

Strengthening Legal Protection against Child Labor

Strengthening legal protection against child labor. There are many laws existed in Bangladesh regarding the elimination of child labor. The country is quite apart from their proper utilization. Therefore, the government should give special emphasis on the enforcement labor laws to remove child labor in all spheres grounds.

Conclusion

The aforementioned analysis suggests that child labor is a threat to

the overall development of Bangladesh. Since Bangladesh is a developing country and the rate of GDP is rising (now above 6 percent), so the prevailing child labor should be reduced. The major causes of child labor is illiteracy, poverty, weak enforcement of labor laws regarding child labor. At the same time the culture of a country should be strict enough against child labor. As mentioned above many families in Bangladesh depend on the income earned by their children for survival. On the one hand child labor is in a sense is highly appreciated to the poor families , on the other hand employers often prefer to provide work for children because they are cheaper and considered to be more obedient and compliant than adults. Therefore children are engaging to child labor alarmingly. To eradicate the endemic child labor practice in Bangladesh, the government should take strict initiative against child labor and families have also duties to facilitate children for providing access to education. The prevailing social norms should be changed so as the avoidance of child labor are created among the heart of societal people. Vulnerable children should be protected. Legal protection against child labor should be strengthen.

References

Brown, G 2012. Child Labour & Educational Disadvantage - Breaking the Link, Building Opportunity: A Review by Gordon Brown, Gordon Brown, *UN Special Envoy for Global Education*, [http://educationenvoy.org/wp-content/uploads/2013/10/child_labour_and_education_UK.pdf].

CDLB 2006. Baseline Survey on Child Domestic Labour in Bangladesh, 2006.

ICF International 2012. Child Labor in the Informal Garment Production in Bangladesh, Task Order II, Task VI: In-Country Mixed-Methods Research and Data Collection August 2012, Submitted by ICF International, to: United States Department of Labor, Office of Child Labor, Forced Labor, and Human Trafficking, *Frances Perkins Building, 200 Constitution Avenue NW, Washington, DC 20210*.

ILO 2006. Baseline Survey on Child Domestic Labour in Bangladesh, 2006.

Ministry of Labor and Employment 2010. *National Child Labor Elimination Policy* 2010.

Rahman, ANM., Ullah, A and Ullah, MS 2016. Role of Textile and Clothing Industries in the Growth and Development of Trade & Business Strategies of Bangladesh in the Global Economy, *International Journal of Textile Science* 2016, 5(3): 39-48 DOI: 10.5923/j.textile.20160503.01.

Reja, S 2017. *Elimination of Child Labor in the Garment Industry Bangladesh: Failure or a Contingent Success?* Master of Philosophy in Theory and Practice of Human Rights University of Oslo Spring, 2017.

UNICEF 2008. Opinions of Children of Bangladesh on Corporal Punishment, November 2008.

UNICEF 2008. *Child labor in Bangladesh*.

https://www.unicef.org/bangladesh/Child_labour.pdf.

UNICEF Bangladesh and INCIDIN 2008. Rapid Assessment: Commercial Sexual Exploitation of Children and Adolescents in Bangladesh, 2008.

Zaman, S., Matin, S, Kibria, AMBG 2014. A Study on Present Scenario of Child Labour in Bangladesh, *IOSR Journal of Business and Management (IOSR-JBM)*.

Human Rights of Children: Developed Versus Developing World

Md. Rafiqul Islam Hossaini*

Abstract

The real situation of children's rights in developing countries is not apposite comparing to developed countries. Human rights for the wealthy nations is generally discussed as the protection of civil and political rights, where in the poor nations it is usually discussed in respect of the protection of basic necessities like-food, clothing, shelter, education, health care facilities, and educational facilities etc. The protection of the rights of the children in the name of human rights is a luxury which only the wealthy nation can afford. The purpose of the study is to uncover the situation of human rights of children in the developing countries and the reason of their layback to uphold the children's rights.

Keywords: *Children's Rights, Developing Countries, Developed Countries and Human Rights.*

Introduction

"Human rights are not luxuries we enjoy in times of prosperity and abundance, but inalienable entitlements which should be exercised everywhere by all members of the human family."

-Firouzeh Mitchell

Theoretically, the umbrella of human rights is open to both the rich and the poor at large. In practical situation, human rights for the wealthy nations is generally discussed as the protection of civil and political rights, where in the poor countries it is usually discussed in respect of protections of basic necessities like-food, clothing, shelter, education, health care facilities, and educational facilities etc.

* M. Phil Researcher, University of Dhaka, Dhaka, Bangladesh.

However, in view of the modern day human rights of children, it can be said that the protection of the rights of the children in the name of human rights is a luxury which the wealthy nation can only afford. As a result, in respect of the developing countries this can be said as 'Rich Man's Luxury' as they cannot afford the cost of the protection of human rights. At the very beginning Karl Marx put this view into vast criticism as according to his philosophy, human rights are like the freedom of the bourgeois which are protected at the poor man's expense. Consequently, this debate is concentrated in the point of necessity versus luxury.

History of Children's Right

Children's Rights are these forms of human rights in which the rights and welfare of children are given special attention and consideration. Protection of Children's right is generally understood as the protection of the right to be associated with parents, ensuring human identity and basic needs of the children, ensuring state sponsored education and health care facilities, assurance of non-discrimination on the grounds of race, sex, origin, ethnicity, color, religion, nationality, disability or other factors. Moreover, equal protection of civil and political rights of the children and the assurance of children friendly judicial system are also covered by the children's rights. At large, children's rights means the fashion of the protection of children so that they cannot be emotionally, physically, mentally and socially abused. According to international law, two types of human rights are assured for children: Firstly, fundamental human rights like other adults; and secondly, special human rights for ensuring the rights of the minors.

"Small Adults" is the phrase by which children were known in the middle age. France in the mid-nineteen century introduced the idea to give special protection for children with a view of developing the minor's rights. Protection of children's rights in the field of medical care, social and judicial services started in the beginning of 20th century. The League of Nations also gave importance on the protection of children's rights. The first international treaty about

children's right namely the Declaration of the Rights of the Children was adopted by the League of Nations in 1924. However, the Second World War devastatingly affected the rights of the children though assured by the League of Nations. Consequently, after the Second World War the United Nation created an urgent fund for children in 1947 which later became a permanent international organization namely the UNNICEF in 1953. The Universal Declaration of Human Rights (UDHR) recognizes that the mothers and children should be given special care and assistance. The Declaration of the Rights of the Child was adopted by the UN General Assembly in 1959 particularly in respect of the rights of the children. This Declaration is accepted by almost all the countries and this declaration can be said as the Universal Declaration of Children's Rights. Apart from this, in respect to the rights and welfare of the children, the Organization of African Unity adopted a charter in 1990.

Extreme Form of Violence against Children

Some extreme forms of violence that children are facing in the recent years include child trafficking, sexual exploitation, worst form of child labor, child soldier and others are under the consideration of international authorities. The international community is committed to prevent such extreme forms of violence, though there is no visible rapid remedy. Apart from these extreme forms of violence many children are regularly facing psychological, physical and sexual violence at their homes, schools, work places, in the community and in the justice system. These forms of violence largely affect the existing health condition and well-being of the children remaining with a bad consequence in the future.

Finkelhor and Korbin in defining child abuse stated that all form of harms that are caused to the children is not child abuse. According to them, child abuse is the resultant of poverty and unemployment. Moreover, they categorized child abuse into four substantial parts: 1) Emotional abuse, 2) Physical abuse, 3) Sexual abuse and 4) Neglect.

Legal Perspective of Child Labour

Child labour is a worldwide concern which is devastatingly affecting

the developing countries to a great extent. Child labour is understood as engaging in full time work at an early age and spending too many hours in the workplace. Child labour hampers everyday schooling of the children and it is detrimental to their physical, psychological and social development.

Edmonds and Pavcnik in their article mentioned the ILO's Statistical Information and Monitoring Program on Child Labour, which showed that 211 million or 18% of children worldwide, aged five to fourteen, are engaged in child labour where 60% of them live in Asia and 23 % of them are found in sub-Saharan Africa. Some factors that work as moderator include- poverty, poor education and low income. The reason for the existence of child labour is that the education system is not compatible with the labour market. As such many poor families of the developing countries send their child to work for some extra income rather than sending them to school. It will be time consuming to reduce child labour through improving living standard of the society. As such, it is the easier and rapid way to solve the problem of child labour by improving educational system through fruitful policy goal, and by providing financial aid to the poor family so that they can send their children to school.

From legal perspective, children do not have the authority to be engaged in any sort of work by their own decision as they have not attained the age of majority to give consent in respect of their choice to work. Depending on the facts and circumstances this authority is vested on the guardian, parents and others on behalf of the children. According to the national law of most of the countries, children do not have the authority over their own life and choice.

However, in respect of child labor, this argument is masked by the policies taken by most developing countries. Nevertheless, reducing child labour without considering the social and economic conditions of the children and their families might be devastating. Without at least assuring the basic necessities for the children in the developing countries, removal of child labor will be harmful as this might cause them to be involved in criminal activities or prostitution.

Nonetheless, the ILO Convention 182 (ILO Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Form of Child Labour) has given significant importance for prohibition, prevention and elimination of the worst form of child labour including engaging children in hazardous works, child prostitution, child pornography, and forced labor, drug trafficking, and other illegal activities.

Child Education

It is a common human right for children to assure a quality education for all, which will promote their dignity and development - though it is complex to achieve this goal. Education for all is a universally recognized right of children, confirmed by almost all wealthy and poor states. However, the report of UNESCO provided in 2004 held that, 77 million children are still out of reach of schooling. The attendance of children in the school is given significant importance by most of the developing countries but quality education is not ensured by most of the developing countries as they put less importance in lifting them out of poverty. Countries like Bangladesh, Pakistan, Ghana, Brazil, Zambia, Philippines etc. are the reflection of this real situation. Therefore, there is a marginal difference between the children who have attended the school and who have not completed school education. Child education in the developing countries should be regarded as right rather than as a need, so that it can be enforced judicially in the national courts and they can compel the government to fulfill their right. Fulfilling the goal of education for all has failed by implementing the need-based approach; so much so that the right-based approach is necessary for the enforcement of this right, particularly in the developing countries. Right-based approach is more fruitful as many of the developing countries ensured free and compulsory primary education for all children by enacting ordinances or amending the Constitution of the state. Violence against children in the school and at home should be abolished so that they feel secure everywhere.

In the UN observation on the rights of Australian Child (2012) the

committee appreciated some important progress done by the government and they showed concern about high level of violence against children and women, serious discrimination faced by some specified children, criminal litigation procedure, violence at school and domestic violence, inadequate asylum seeking procedure for children.

Child Soldier and Asylum Seeker

Around the world more than 3 million children in dozens of countries are engaged as child soldier in armed conflicts. The reasons behind employing child soldier are that they are obedient, under threat of death unless they get involved, and they join out of desperation. Moreover, they join in armed groups to survive where their family members have been killed. However, in 1998, the statute of International Criminal Court categorized it as a war crime to engage children soldier in armed conflicts. Apart from child soldier, the refugee children are also severely deprived of their rights and their human rights are frequently neglected by the asylum seeking state.

Arbitrary Detention of Street Children

Street children are severely deprived of their civil and political rights and they are regularly abused physically, mentally and socially by security forces and the government. They usually suffer harassments like arrest and detention because they are homeless or engaged in unlicensed works. In jail custody they are usually kept with adults where they are often sexually abused or raped. Moreover, the criminal justice system in most of the developing countries is not child-friendly, and in contrary to the international principles for the protection of children's rights. In addition to death, presence of death penalty in juvenile court is also found in some of the countries.

Orphans and Abandoned Children

Around hundreds of thousands of children around the world are kept in orphanages and non-penal custodial institutions, where it is reported that many of them are compelled to live shocking life and to accept despicable level of neglect and mistreatment. Many abandoned children are usually found in the orphanages as they are abandoned by their parents and family members because of their poverty,

joblessness, physical sickness, social and legal status. Children in the developing countries are usually abandoned because of their physical and mental disabilities. It is reported that the rights of the children are violated by the orphanages as they are often physically, mentally and sexually abused.

Child Rights and Poverty in Developing Countries

In the developing countries over 10 million children die each year from causes that can be prevented by taking necessary actions, and half of these death is caused by malnutrition. According to the statement of World Health Organization (WHO), seven out of ten deaths of children in developing countries are caused by one of the 5 main causes. Apart from malnutrition they are- malaria, diarrhea, pneumonia, and measles. Though medical intervention can reduce the death rate but cannot reduce the underlying principle of poor health due to several deprivations of children in the developing countries. According to the arguments of UNICEF, survival and development of children are largely affected by poverty. To reduce violation of children's right and to reduce child poverty, most of the national government reached a consensus in framing Convention on the Rights of the Child 1989. According to the information in 2002, at the UN General Assembly's Special Session on Children, in developing countries there are 150 million about malnourished children.

About 600 million children in the developing countries still live in poverty and more than 100 million of them do not go to school for education. In measuring "poverty" though the GDP (Gross Domestic Product) or GNP (Gross National Product) are commonly used, but these kind of measurements are not accepted (rather accepted as a proxy measure) by some scholars and researchers as these studies do not show the exact situation of child poverty. Absolute poverty among children can be measured by calculating the acute deprivations of basic needs of children on the basis of sufficient food, pure drinking water, proper sanitation, health care, access to education, access to information, and access to service. According to the study of 2003, 37% or 674 million children in the developing

countries live in absolute poverty where 65% children live in Sub-Saharan Africa and 59% live in Asia. And the study shows that, rural children are more affected by poverty than the urban children. Moreover, 65% or over a billion of children are severely deprived of their rights. Severe deprivations are grossly found in children in South Asia and Sub-Saharan Africa regions.

In the Sub-Saharan Africa region children are severely deprived with the rights of education and health, whereas in South Asia, children are severely deprived with the rights of proper sanitation, food (53 million children in South Asia are severely deprived of food) and information. Gender discrimination is mainly seen in the education sector as female children are severely deprived of the right to education rather than in the health and food sector. Apart from this, over 614 million children in the developing countries are severely deprived of shelter and accommodation. In respect of shelter deprivation of children in the developing countries, rural children are vastly affected than the urban children. In addition to that, about 567 million of children in the developing countries are severely deprived of sanitation facilities, whereas 61% are found in South Asian region and 38% are found in Sub-Saharan African region. Moreover, severe water deprivation is faced by 21% of total children of the world or 376 million children in developing countries. In respect to severe food deprivation, 91 million children, most of who are less than 5 years old, in the developing countries are deprived of foods, where the most devastating situation is seen in Asia. In respect to health care facilities 256 million children in developing countries are severely deprived of health care facilities. Moreover, in respect to access to education, 134 million children, aged between eight and eighteen, in the developing countries are severely deprived of right to education.

Conclusion

When the basic necessities or fundamental human rights of a nation are assured, only then they are concerned about their social and political rights. As such, poor nations are not primarily concerned about their civil and political rights like the wealthy nations; rather

they are concerned about their basic necessities or fundamental human rights. Therefore, the rights available to the rich and to the poor are not same in this regard. The rich nations show their hunger for freedom of speech, freedom of association and assembly, cultural and religious freedom, freedom from non-discrimination etc., whereas the poor nations show their hunger for food, shelter, education, health care etc. As such, the demands for human rights in both types of nations are not the same. Apart from this, the implementation of human rights for children requires huge financial expenses which can be afforded only by developed countries and most of the developing countries cannot afford the expenses that are required for the implementation or assurance of the rights of the children. So, most of the developing countries keep them out of reach of legal enforceability and regard them as their aspirations. For the protection of rights, priorities should be given considering the necessities and demand of respective countries, not for all at large.

References

Bandman, B 1999. *Children's Right to Freedom, Care, and Enlightenment*. Routledge. p. 67.

Children's Rights in a Changing World 2014. *Megan Mitchell, Children's Commissioner*, Association of Children's Welfare Agencies Conference 2014.

<https://www.humanrights.gov.au/news/speeches/childrensrightschangingworld> .

Edmonds, EV and Pavcnik, N 2005. Child labor in the global economy. *Journal of Economic Perspectives*, Vol. 19(1), pp. 199-220.

Finkelhor, D and Korbin, J 1988. Child abuse as an international issue. *Child Abuse & Neglect*, Vol. 12(1), pp. 3-23.

Gordon, D., Nandy, S., Pantazis, C and Pemberton, S 2003. *Child poverty in the developing world*. Policy Press.

<http://www.gulawreview.org/entries/humanrights/humanrightsluxuryfortherich>

<http://www.humanium.org/en/childrensrighthistory/>

<http://www.uniteforsight.org/genderpower/module4> (visited 15.04.2017)

<https://www.hrw.org/legacy/wr2k/Crd.htm>

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2039760/>

Mitchell, M 2014. An update from Megan Mitchell: Australia's National Children's commissioner. *Every Child*, Vol. 20(1), p.4.

Thorne, B 1987. Re-Visioning Women and Social Change: Where Are the Children?". *Gender & Society*, Vol.1 (1) pp.85-109. doi:10.1177/089124387001001005.

UNICEF & United Nations Centre for Human Rights 1991. *Convention on the Rights of the Child: Information Kit*. United Nations Centre for Human Rights.

UNICEF 1989. Convention on the Rights of the Child. *Child labor*, 8.

UNICEF 2007. A human rights-based approach to education for all: A framework for the realization of children's right to education and rights within education. *United Nations Publications*.

Impacts of Child Development Through Sponsorship Program (CDSP) On the Holistic Development of Children: Study of Birisiri CDSP

Jishu Barua* and Mostafa Azad Kamal**

Abstract

The study revealed a good number of CDSP impacts that include Higher attendance rate at school among the registered children than their non-registered peers, 100% passage in the exams, being without hesitation and curious to know about anything not familiar, but important for their development and also being rational by taking part in different debating competitions. The educational approach of the registered children is impacting on the lives of the other children in case of creating attraction to study in the community. 100% of the registered children and their families use the hygienic latrine while their non-registered peers and their families are highly influenced to set up similar infrastructure at their home. A massive awareness is created about personal hygiene in the community. Regularity in nail and hair cutting, washing cloth timely and most importantly washing hands before and after taking food are the indicators of a changed mind set of the registered children due to being in the CDSP. In addition, they are more aware of using first aid in necessity of primary treatment than their non-registered peers and others in the community. Registered children are more capable of identifying 'Right' and Wrong than their non-registered peers in the community. They do not hesitate to confess any mistakes they make. They have had the ability to evaluate actions of themselves and others according to the moral principles. People have more faith in the registered children than their non-registered peers in case of truthfulness in the community.

* Program Coordinator, Young Power in Social Action (YPSA), Chittagong-4212, Bangladesh.

** Coordinator, CEMBA/CEMPA Program, Dhaka RRC, School of Business, Bangladesh Open University. Bangladesh Open University.

Introduction

Child Development through Sponsorship Program (CDSP) is one of the three child development models under the Child Sponsorship Program of Compassion International. Other two are Child Survival Program (CSP) and Leadership Development Program (LDP). CSP is designed for children aged from zero (from pregnancy/mother's womb) to three years while CDSP for children aged from 3 to 16 and LDP for children aged from 16+ to 22. CDSP is designed to help children living in extreme poverty get their required supports for their holistic development. The supports are not merely limited to material supplies, but beyond that. These include consistent mentoring, health care both major and general, tutoring, cultural nourishment, and encouragement by rewarding for good jobs. To say more specifically, the children in the CDSP receive educational opportunities that complement local schooling and extend beyond the classroom. Children in the program learn important life skills, and are provided with health care and supplemental nutrition as needed. They are afforded opportunities for safe, healthful recreation. CDSP encompasses holistic development of a child - Educational Development, Health Development, Social Development and Moral Development. However, all the activities under each development component are determined in context of the needs of the certain community children as well as on basis of the individual child needs. Activities under each development component at one project vary from those at another project in the same country, or in the same region or across the globe, but all of those are focused on the holistic child development. With the changes in the reality, projects are encouraged to adopt new initiatives or programs for the benefits of the registered children. It is because that time and context demand continuous changes in development strategies otherwise objectives of child development could not be achieved. Likewise liberty is given to the partners through negotiation to drop any on-going programs/activities if found not effective for holistic development of the registered children.

Compassion International is engaged in catering all out-opportunities required for the holistic development of the neediest and most vulnerable children that can reach through its program. The possibility of reaching the neediest children is rooted in a commitment to integrity, both in the program and with sponsors and partners. It is aimed at searching out some pragmatic recommendations for the betterment of the existing and upcoming beneficiaries, in particular, in aspects of program designing. However, it could be used as a handy reference in chalking out programs for holistic child development in the countries like Bangladesh. On the other hand, the paper is aimed at providing a synopsis about Compassion International's CDSP to the students interested in Child Development Studies, donors and sponsors, government and non-government organizations, practitioners engaged in the development field, especially members of Compassion Family to advocate for children more.

The objectives of the Study

The specific objectives of the study as follows,

- To gather knowledge about the impacts of CDSPs in the community
- To selecting and incorporating appropriate child development programs in the respective community context.

Materials and Methods

The PIA (Program Impact Assessment) is not an evaluation or audit of the project/partner. Instead, it seeks to 'assess' the impact that has been or is being achieved based on the question-answers, opinions and observations of the selected project/CDSP and direct and indirect beneficiaries including registered and non-registered children in the community. It is therefore a process that is intended to provide the 'grassroots' implements and beneficiaries and opportunity to express their views in a structured and comparable format using a focus group approach.

Respondent Selection

The respondents were randomly selected by the assessment team from among the existing registered children of the three age-groups of the study and non-registered children of the similar groups and background in the community who attend the same schools as the registered ones do. In total, the assessment was conducted on 60 children.

Data Collection

Impact assessment is based on asking informants to identify differences between registered and non-registered children from the same community. To collect information, a set of questionnaire was previously framed covering the subjects' "Educational, Physical, Socio-emotional and Moral" development- Compassion International's four development outcome areas. Each of the outcome areas had a set of age specific outcome indicators and descriptors to guide the assessment process. However, the study employed the FGD (Focus Group Discuss) methodology involving six categories, selected for their positions as informed observers of the performance and impacts of the project in question, each informant category being interviewed separately. The six categories are registering children, non-registered children, parents, local schoolteachers and social leaders and project staffs. Some groups were notably larger, especially among parents. To obtain data, an FGD was conducted in "Monthly Parents' Meeting" held on 12th March'12. Approximately 60 parents were interviewed during the discussion. The assessment team interviewed five local primary and high school teachers each and gained the observations about the development of the registered and non-registered children. Local social leaders, especially those seven members in the Project Governance Body were also interviewed on the child development due to the existence of CDSP in the community. Finally the project staffs who are actively involved in the development program, including Project Manager, SWs and CDWs were requested to share their observations and experiences about the child development through the CDSP in the community. In fact, they were held as the key informants for their close association with the CDSP.

Data Sources at a Glance

Sl.No	Pattern of Interview	Types of Respondents	No. Respondents
1	Individual Interview	Registered children	15 (6-8 Age: 5) (9-11 Age: 5) (12-14 Age: 5)
2	Individual Interview	Non-registered children	15 (Do)
3	FGD	Parents of the children	60
4	Individual Interview	Teachers of Primary school	5
5	Individual Interview	Teachers of High School	5
6	FGD	Social Leaders (Project Governance Body)	7
7	Key Informants	Project Staff	15

Data Analysis

One of the most crucial obstacles in data analysis was that the data came up in the survey could not be measured through any scale popularly used in any other data analysis. So, it was decided to make the analysis on the basis of the accumulated data - a comparative analysis of CDSP impacts on between the registered and non-registered children. Five key sources were employed while analysing data:

- Informant impact scores - respondents: Registered Children and Non-registered children
- Informant ranking of relative impact
- Views of the assessment team
- Frequency and source of observations
- Personal observation

Study Area

Birisiri, widely known as Shusong Durgapur, is located in the district of Netrokona about 61km from Mymensingh and 170km north of Dhaka. It is home to 17000 people. It's not only blessed with charismatic natural beauty, but also is rich in ethnic culture as there are many ethnic groups like - Hajong, Garo, Achik and Mandi (Garo) its live here. Cent percent of Garo is Christian. Many people around the world come here to learn about the ethnic culture and livings. Besides,

people of other communities also live in the community, such as Muslim and Hindu, but no Buddhist.

Results and Discussion

In the case of more cognitive advancement of the registered children than their non-registered peers in the community, the study reveals some factors that played behind child development are:

- Consistent nourishment of the registered children by the CDWs from their tender age that increased their 'capability to solve everyday problem(s)' on their own such as completion of HW timely.
- Encouragement and counseling to the registered children by their sponsors through letters and by the project staff.
- Counseling on parenting to the parents of the registered children at the project, and
- Routine-wise child home visit, counseling and reporting by the Social Workers and Child Development Workers.
- Higher secured infant attachment and higher level of maternal care (responsively) provided by the project staff promoted cognitive ability of the registered children.
- Reduction of absence from school on the plea to not completing HW.

Table 1: Summarizes how many registered and non-registered children do their homework them selves

Response for Impact (%)	Registered	Non-Registered	Variance (%)
Yes (Self)	13	9	12.91
No	0	3	-0.03
With help	2	3	1.97
Total	15	15	14.85

- Parents make arrangement according to their ability to create environment for their children's cognitive development at home.
- Increased awareness about child development among people in the community.

- Parents do not have to incur money by engaging tutors for helping their children with their study at home (In fact, hiring someone for their children with their study at home is beyond their affordability.)

Table 2: Summarizes how many days the registered and non-registered children went to school over the last one week.

Response for Impact	Registered	Non-Registered	Variance (%)
Every day/Six Days	15	11	14.89
Two Days	0	1	-0.01
Three Days	0	3	-0.03
Total	15	15	14.85

Influencing Factors

The informants indicated some points that are assumed to be the driving factors behind the 100% attendance of the registered children at schools.

- Encouragement and counseling about education to the children at the project.
- Supply of educational materials, school and exams fees, and others to the children
- Help to complete HW is made on a regular basis at the project.
- Regular school visit and collecting information regarding their educational progress by the project staff - Project Manager, Social Worker and Child Development Worker
- Regular physical treatment and good diet provided from the project.

From the finding of the table it was noticed that

- 100% passage in the exams
- Children understand the benefits of being regular to school.
- Reputation of the project has increased in the community.
- Non-registered peers and their siblings are encouraged to be regular to school.

Table 3: Summarizes whether registered and non-registered children ask question to their teachers when they can't understand something at school

Response for Impact	Registered	Non-Registered	Variance (%)
Yes	12	10	11.9
No	1	3	0.97
Sometime fear	2	2	1.98
Total	15	15	14.85

The assessment team identified a good number of reasons behind the spontaneous curiosity of the registered children to know about anything new to them.

- Culture of entertaining every single question children ask at the project
- Implementation of child development oriented programs in order to help the psychology of the registered children develop at the project.
- Arrangement of 'Quiz Competition' and 'Debate Competition' and continuous rewarding system for excellent performance at the project.
- Children are sent to participate in the cluster program : debate competition, cultural program, sports competition
- Counseling parents on how to treat their children at home

The finding indicated that

- The registered children do not hesitate to ask questions to their teachers or elders about anything new to them.
- They have become more rational and realistic than their non-registered peers in the community.
- IQ of the registered children is much better than that of their non-registered peers in the community.

Table 4: Summarizes how many children have fun while they study

Response for Impact	Registered	Non-Registered	Variance (%)
Yes	15	10	14.9
No	0	3	-0.03
Not know	0	1	-0.01
Total	15	14	14.86

The assessment team discovered some factors that have helped the registered children do better in their academic arena. They are as follows;

- From very young age basically three years of age, registered children become used to learning by playing with toys.
- The Child Development Workers receive training on teaching kids scientifically and according to psychological capacity
- The curriculum contains lessons for young kids that are very helpful for their cognitive development

Physical Status

Table 5: Kinds of Latrine Children use in the Community

Response for Impact	Registered	Non-Registered	Variance (%)
Sanitary	15	12	14.88
Open Space	0	3	-0.03
Total (%)	15	15	14.85

Factor that influenced the maintenance of hygiene at Home:

The informants cited various reasons that were considered to have influenced 100% of the registered children and their families set up and use hygiene latrine in the community. Some of the reasons are:

- Teaching on hygiene received by the registered children at project (Compassion Curriculum).
- Topics on hygiene discussed both by the hired specialist and project staff in the Monthly Parents' Meeting at the project.
- Observation of World Sanitary Day at the project participated by the registered children and their family members.
- Distribution of latrines out of the gift amounts sent by their individual sponsors.
- Counseling of Social Workers during child home visitation on a regular basis.

Informants observed that the variances occurred in aspect of hygienic latrine usage due to CDPS in the community.

- 100% of the registered children and their families use hygienic latrine.

- Both the non-registered children and their families have greatly been influenced to set up such latrine at home.
- Reduction of diseases such as diarrhea as well as treatment expenses in this regard
- Increase of average working hours among the people in the community.

Table 6: Summarizes how many children wash their hands hygienically after using latrine

Response for Impact	Registered	Non-Registered	Variance (%)
Yes	15	12	14.88
No	0	3	-0.03
If not, what else (water)			0
Total	15	15	14.85

The overall impact on the registered children aged 3to 12+ was observed by the assessment team to be higher (100%) than their peers in case of the cleanliness especially hand wash hygienically after using latrine. The most cited reasons behind this status are:

- The registered children received lessons on hygiene maintenance at the project.
- The registered children encourage one other to use hygiene materials at the project as well as at home.
- Parents are educated about personal hygiene through discussions in the "Monthly Parents' Meeting" periodically.
- Observation of 'World Hand Wash Day'.

Informants viewed that several impacts have occurred in the community. Those are:

- Non-registered children are getting to be habituated in personal hygiene by following their peers registered at the project.
- Other members both young and adults in the families are being influenced to do the same at the family level.
- Rates of falling sick and related expenses due to hygiene problem have reduced tremendously.

<http://www.humanium.org/en/childrensrighthistory/>

<http://www.uniteforsight.org/genderpower/module4> (visited 15.04.2017)

<https://www.hrw.org/legacy/wr2k/Crd.htm>

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2039760/>

Mitchell, M 2014. An update from Megan Mitchell: Australia's National Children's commissioner. *Every Child*, Vol. 20(1), p.4.

Thorne, B 1987. Re-Visioning Women and Social Change: Where Are the Children?". *Gender & Society*, Vol.1 (1) pp.85-109. doi:10.1177/089124387001001005.

UNICEF & United Nations Centre for Human Rights 1991. *Convention on the Rights of the Child: Information Kit*. United Nations Centre for Human Rights.

UNICEF 1989. Convention on the Rights of the Child. *Child labor*, 8.

UNICEF 2007. A human rights-based approach to education for all: A framework for the realization of children's right to education and rights within education. *United Nations Publications*.

Social Status

Table 8 : Summary Children Help their Parents on Household Activities

Response for Impact	Registered	Non-Registered	Variance (%)
Yes	15	12	14.88
No	0	3	-0.03
Total	15	15	14.85

Huge difference of responsibility taking mentality among the registered and non-registered children is evident in the collected data. According to the assessment team, the following are the reasons for the difference.

- Practices of taking care of the younger registered children by the comparatively mature ones at the project e.g. prepare the younger ones while participating in any events or serving the younger ones food at the lunch time.
- Helping the project environment clear by picking up scattered substances inside the classrooms or the compound.
- Learning on 'Responsibility Sharing' from the curriculum.

Observed Impacts

The informants indicated the following impacts visible due to the CDSP in the community:

- Each registered child has become a big help to his/her family.
- Parents are to do less work after a hardship day labor in the field as their registered children have done some household works for them in their absence.
- As the children are doing some household works for their labor-parents in the sunlight, they are also saving money. Otherwise, if the parents have to do the same household work after returning from outside work, they are to do the work in the light of torch or hurricane lantern that consume huge quantity of kerosene resulting in incurring a good amount of family income.
- Parents' mental and physical states become less stressed as their

household works are shared with their children at least.

- Their non-registered peers and siblings are also following them.

Table 9: Summarizes Children Feel Comfortable Spending Time with their Parents and Friends

Response for Impact	Registered	Non-Registered	Variance (%)
Yes	15	12	14.88
No	0	1	-0.01
Others	0	2	-0.02
Total	15	15	14.85

Influencing Factors

The data show that the registered feel more comfortable spending time with their parents, friends to their peers who are not the registered children. According to the informants, there are some substantial reasons for such huge variances. Because the registered children and their parents/caregivers have access to:

- Lessons on socio-emotional development from curriculum at the project.
- Observation of " Mother's Day" and "Father's Day" at the project
- Discussions on Positive Behavior, Co-existence, Socialization, Self-management for children
- Discussion on 'Parenting', Child Development in the Monthly Parents' Meeting

Observed Impacts

According to the data and observation of the informants, CDSP has so far impacted on the lives of the registered children as well as of the other beneficiaries in the community.

- Development of deeper mutual bondage among parents and children in the community.
- Enhanced trust between them
- Siblings of the registered children are getting to know about it, although not registered at the project, and their attitude has also evidently started changing.
- Proper distribution , and distribution of work in the families

- Non-registered children and their parents are highly being inspired to do the same at their families.
- Restlessness in the community in the future is anticipated to be less when this generation of the children will become adults.

Table 10: Summarizes Children like to Share Food with their Friends

Response for Impact	Registered	Non-Registered	Variance (%)
Yes	14	12	13.88
No	0	3	-0.03
Others	1	0	1
Total	15	15	14.85

Informants referred to a good number of factors that influenced the tendency of sharing anything with others by the registered children. Sharing of food is one of the indicators of good social-emotional development of children. Although Birisiri is one of the poverty stricken areas in the country, it is obvious that people of such poverty stricken remain always in fear of scarcity, and are assumed to not share anything with others nominally. Factors observed behind the tendency are:

- Designs of activities are made basing on age-group of the registered children e.g. Age Groups: 3-5, 6-8, 9-11, and 12-14.
- Co-existence of children of the same age and community develops into intimacy and woe-feeling among the registered children at the project.
- Teaching on 'Relationship' from curriculum

Observed Impacts

- A remarkable brotherhood is present among the registered children.
- Their non-registered and others in the community are highly influenced by their approach.
- Childish conflict is not so much visible among the children particularly among the registered ones.

Table 11: Summarizes Children know to whom they Should go while Being Teased/ Assaulted or Already Suffered

Response for Impact	Registered	Non-Registered	Variance (%)
No	1	4	0.96
Teacher	4	1	3.99
Parents	4	2	3.98
Father	1	0	1
Mother	0	1	-0.01
Elder Brother/Sister	2	1	1.99
Friends	0	1	-0.01
Elder Person	3	5	2.95
Total	15	15	14.85

According to the survey data, it is understood that most of the registered children know to whom they should report when teased. It is basically hard for little children in the survey area to have known to report to the right person when teased. However, activities being implemented at the project help them recognize and select the right person(s) in such a situation. With regard to the ability of the children, the most commonly referred to reasons were:

- Teaching the children on the physical behavior from Compassion Curriculum at the project.
- Encourage the children to report to the project staff, if such thing occurs in and outside the project.
- Sing-up of Child Protection Policy by the project staffs, members of project governing body.
- Facilitation offered to the project staff by the Training and Support Department (T&S) and Partnership Facilitator (PF) of Compassion International Bangladesh.
- Observation of 'World Child Rights Day' at the project.
- Parents are educated about child rights issues in the Monthly Parents' Meeting.

Moral Status

A total of 30 children were interviewed individually to assess the

impact on Moral Development of them. Worthy of Mention that equality was maintained in quantity of respondents between registered and non-registered children

Table 12: Summarizes how Many Children Confess their Mistake if they are Wrong

Response for Impact	Registered	Non-Registered	Variance (%)
Yes	15	12	14.88
No	0	3	-0.03
Total	15	15	14.85

There developed a significant basic trend among the registered children of confessing their mistakes to the persons they inflict by their jobs while their peers, non-registered in the same community are far behind them. The variance of data reveals that 20% of the non-registered children in the community do not bother about others' problems they create while 100% of the registered children bear completely the opposite characteristics.

The data show that the moral behaviour of the registered children is highly shaped by the lessons on morality imparted in the project activity. This is also an influence on the moral lives of Child Development Workers (CDW) who teach them a moral education at the project. The learning and practice of values taught from the Compassion curriculum have led to 'middle youths' developing a strong foundation of their character. They have learnt to rectify their mistakes, and at the same time to create an opportunity to do what are the correct things in life. They have got to know to measure and evaluate their actions. It is an indicator of educated development of children.

"What a child can do with assistance today, she will be able to do herself tomorrow."

Observed Impacts

In the focus group meeting with the parents of the registered children, they observed that children at the project give good

testimony, both in what they say and what they do. Parents indicated that their children registered at the project do not try to hide anything they commit mistakes from their family members; they responsibly reveal their faults at home. They added that their other children who are non-registered hardly have such tendency."It surprises me when I find a child at the project not hits back his friend who pushed him down on the ground mistakenly, after the child says sorry for the boy. But if the same thing happens between two non-registered children in the same community, retaliation must be taken." claimed Antony Sangma, Social Worker of the project.

Table 13: Summarizes how Many Children try to keep Their Words

Response for Impact	Registered	Non-Registered	Variance (%)
Yes	14	12	13.88
No	1	3	0.97
Total	15	15	14.85

At the time of the interviews, the informants were asked why the registered children are so promise-bound and how it is impacting others in the community. According to them, some of the reasons the registered children's characteristic is so different developing. The reasons are:

- Mentoring and counseling are provided by the project staff especially by the Child Development Workers (CDW).
- Moral teachings from the curriculum are imparted to them at the project.
- Demonstration of moral attitude by the project staff.
- Project staffs are highly motivated about and dedicated to the true child development.
- Topics like 'Moral Behavior' are discussed in the Monthly Family Meeting' with a view to encourage their parents to lead themselves and help others to disciple in the community.

Observed Impacts

Some of the significant impacts by such behavioural teaching in the community are:

- Mutual understanding among the registered children is significantly higher in and outside the project.
- Case of quarrel among the registered children is almost nil in and outside the project.
- Self-respect and mutual dependency among the registered children have tremendously increased.

Table 14: Summaries how Many Children lie to Save Others

Response for Impact	Registered	Non-Registered	Variance (%)
Yes	8	14	7.86
No	5	1	4.99
Did, but not now	2	0	2
Total	15	15	14.85

Moral development is a product of the long practice of positive human behaviour and values. Informants attribute the moral impact of the repeated practice of socially recognized disciples over a period of years. In this regard, the informants referred to some factors that influenced the mind-set of the registered children to change to moral obligations. Those are:

Camps: Camps like 'Kids' Camp, Adolescent Camp arranged for the registered children in and outside the project stand out as the more powerful drives of impact on Moral Development. In such camps, teachings on moral obligations and ethical conduct are provided.

Parental Engagement: The fact that the project undertakes initiatives with great care to support and counsel parents was one of the frequently mentioned factors. The project observes that the child's family is the key player in defining the extent to which the project can realistically achieve a lasting impact in a child's life. So, the project makes such arrangements to equip the parents with a view to making them able to teach their children as same as they receive at the project.

Curriculum: One of the greatest tools the project has is an enriched curriculum. The provision of a curriculum of regular

activities that revives them about the moralities. It helps them to recognize 'right' & 'wrong'.

Supportive Environment:This relates basically to the project and the local community, providing a supportive environment to practice ethically. The project has succeeded in providing the registered children with sufficient knowledge about the moral issues to shape their own lives in the aspect of morality.Observed impact of the data are:

- The registered children have got to know about 'Sins'.
- The community people know the registered children as faithful and trustworthy.
- This identity is assumed to make it easy for them to take up leadership of the community in the future.
- These moral practices have encouraged their non-registered peers, other children and even to recheck long exercised attitudes and norms.

Table 15: Summarizes how Many Children are Trusted by their Families and Friends

Response for Impact	Registered	Non-Registered	Variance (%)
Yes	15	13	14.87
No	0	2	-0.02
Total	15	15	14.85

According to the data collected through individual interview, it was found that the level of confidence among the registered children is much more than the non-registered children living in the same community. Reasons mentioned by the informants are:

- Recognition system in the project (when a child does a minor job such , if a minor job such passing a pen, the person who is benefited says "THANK YOU").
- Freedom of expressing willingness to do sometime at the project.
- In each of the events at the project, children both the participators and winners receive rewards as a token of his/her

courage and enthusiasm to participate in the event.

Observed Impacts

- Dormant potentials of the registered children are coming into light.
- Other children are also being inspired by them.
- Their confidence to utilize their god gifted capabilities in the future will bring up successes for them.

Drivers of Impact in School Sponsorship Program

Educational Development: is driven by teaching, CDW influence and motivation, coaching on special subjects, material and financial supports, help with homework and parental influence.

Physical Development: is driven by the provision of medical care, regular health screening (two times for children aged below 11 years and one time above 12), hygiene material supply, adolescent camps for children aged above 12.

Socio-economic Development: is driven by learning and practicing humanistic values, teaching, co-curricular activities (especially camps), counselling and the role model played by staff.

Moral Development: imparting lessons from the Compassion Curriculum, counselling, mentoring, kids' camps and practice of moral disciplines over a period of years starting from a young age (age range between 3 and 9 years).

Barriers of Impact

Barriers of impacts include the following issues:

School Timing:It is very tough for the project to conduct activities at a congenial time because registered children of the project attend 6 primary and 2 high schools. Different schools maintain different schedules so it is not possible for the project to put all the children in the same activity schedule. However, the project holds activities after school is

over. But it is very logical to remark whether the children have the stamina to participate in the project activities after attending classes at school all the day.

Training Need Assessment:The project proposes training for its staff through PPBF on some specific subjects every year, but most of the time those training proposals do not seem to be effective and requirements for them. On the other hand, the Training &Support Department (T&S) of CIB offers training to the project staffs as per the requirements of the Global Ministry Center (GMC), Colorado Springs, America.Although both of the entities plan and execute training for the project staff, but neither the project nor the T&S/Compassion assesses the training need of the individual staff through a systematic process/assessment tool indeed.

Staffing:100% of the staffs in the project are tribal. Usually, tribal people are comparatively less progressed across the globe; it is the same in case of the community. It is obviously agreeable that for making a progressed generational, engagement of progressing people is a pre-condition.

Finding and Retaining Skilled Staffs: It is really a challenge for the project to find and retain skilled staff to operate its child development activities. The most burning reasons are as follows;

- a) There are many educated youths in the community, but they do not want to work on the project. Instead, they remain in wait to get a job in Dhaka or any other big cities. As a result, the project has to compromise with the quality while hiring staff to work on the project. For example, the project had to look for a suitable staff to work as a CDW for nearly a year (August'11 to June '12).
- b) There are several NGOs in the area namely World Vision, Caritas etc. which offer them more salary for the similar positions than Compassion funded project. So they have

interest working in those NGOs rather the Compassion funded project.

- c) Many of the existing staff, in particular, CDWs are quite upset about the monetary benefits they get from the project are not sufficient enough to maintain their family expenditures. More alertly the dissatisfaction is growing more among them over time. As a result, they are now less enthusiastic as they were at the beginning.

Conclusion & Recommendations

The study through CDSP has undoubtedly contributed a lot to the holistic development of the registered children in the community. Their development will also impact other children, particularly their non-registered peers in the community as they spend much time with them when they are not in the project. Their impactful heart will definitely touch other ones who are not registered in the CDSP. But, the project could contribute more than that in the lives of the registered children and other members of the community if some drawbacks in project management are addressed. To derive the utmost benefits through the CDSP in the community, the management of Birisiri CDSP: BD-402 might bring the following recommendations into the notice of the Compassion International Bangladesh.

The management of the project may think of exploring and hiring more talented staffs beyond the tribe of Garo, or any qualified people from among Garos from another area, or from among non-tribe to bring about diversity and to enhance progress at the project.

The management of the partnership project may persuade the management of the CIB to appoint a psychiatrist having expertise in child psychology and development to counsel the projects/project staff in regard to proper child development at the project.

To encourage male parents to participate in the Monthly

Parents' Meetings as well as other awareness building programs organized by the project.

To think about designing programs and choosing subjects interested to the parents.

To set time of programs, including Monthly Parents' Meeting on the availability of parents basically male parents, not on the basis of the office schedule (Such meetings could be arranged in the evening so that they may attend the meetings after they return from work.) It is worthy of mention that parents' meetings and other programs arranged for parents between July'11 and June'12 were attended by 96% of female and 4% of male parents.

To increase honorarium of Child Development Workers (CDW) to bring about satisfaction and to increase their dedication to child care at the project.

To assess training needs of project staffs and avail those necessary trainings to them by outsourcing or networking.

To encourage parents to enroll their children into schools adjacent to the project in order to save and spend more time on the project To encourage parents to enroll their children into schools adjacent to the project in order to save and spend more time on the project.

References

Hart, JV and Kemey, KMc 2009. Program Impact Assessment of Child Development through Sponsorship; A Study in South India, India.

Kevin, C and Stout, A 2010. Parenting Engagement Curriculum for Implementation by Children Workers in Compassion Bangladesh Projects, a Research Project submitted for the degree of Masters of Arts in Holistic Child Development, Penang, Malaysia.

Leake, A 2012. *External Consultant, Program Impact Assessment of Child Sponsorship Program Iili*, A Qualitative Study in Peru liii, produced by the Program Research and Evaluation Department of Compassion International.

Mahmud 2008. *Children living on the Streets of Dhaka face multiple challenges for health, education and protection* - UNICEF Bangladesh.

Sim, A 2009. Adolescent Baseline Study - An Assessment of Adolescent Thriving in Compassion Child Development Centers, produced by the Program Research and Evaluation Department of Compassion International.

Walker, SPW., Wachs, TD., Gardner, JM., Lozoff, B., Wasserman., GA., Pollitt, E and Carter, JA 2012. Child development: risk factors for adverse outcomes in developing countries, *The International Child Development Steering Group* (2012).

Woodhead, M and Montgomery, H 2003. *Understanding Childhood: an interdisciplinary approach*, published by John Wiley & Sons Ltd. In association with The Open University, Walton Hall, Milton Keynes, MK7 6AA, United Kingdom.

www.compassion.com

www.compassionbd.com

www.open.ac.uk

Challenges and Prospects of Bangladeshi Workers in Overseas Employment: A Case Study of Bangladeshi Migrant Workers in Singapore

Md. Abdus Sabur*

Abstract

Labor Migration takes place as an essential part of the global economy. World Bank ranked Bangladesh as eighth in the world for remittance inflow based on the information of 2015. About 10 million overseas workers have been employed in various parts of the world. According to BMET, 95% of the overseas employment takes place in 10 countries only. Singapore is the popular destination country of Bangladeshi workers. The study reveals that Bangladeshi migrants have faced many problems as high migration cost, low skilled jobs, low wages, no job guarantee and so on. These problems are creating barriers in safe orderly migration process. Though minimize the problems GOs and NGOs have taken numerous interventions at locally. The study recommended that to minimize the problems of destination countries a bilateral discussion is inevitable with destination countries, recruiter, the government, CSO, NGO's and migrant workers.

Keywords: *Bangladeshi Migrants, Labor Migration, Singapore and Remittance.*

Introduction

The number of international migrants worldwide has continued to grow rapidly in recent years, reaching 258 million in 2017, up from 220 million in 2010, and 173 million in 2000. Over 60 percent of all international migrants live in Asia or Europe (IOM, 2017). Bangladesh is a labor surplus country and sending huge labor in the global labor market. Bangladesh is one of the providers of skilled,

* Program Manager, YPSA (Young Power in Social Action), Chittagong-4212, Bangladesh

semi-skilled and unskilled workers abroad. In last year alone, about 1.2 million Bangladeshi workers had gone abroad for employment purposes (MoEWOE, 2018). In July-September 2017, most workers migrated to KSA and its percentages is 51.0%, followed by Malaysia is 16.10 %, Oman is 7.10%, Qatar is 5.80%, Kuwait is 5.70%, Singapore is 5.20%, Jordan is 2.40 %, Lebanon is 0.7%, Bahrain is 0.60%, UAE is 0.40%, and other countries is 5.0% (BBS, 2017). Singapore is the sixth positioned destination country for Bangladeshi migrants. Singapore is officially the Republic of Singapore, is a sovereign city-state and island country in Southeast Asia. The country performed a miracle by transforming its status as one of the poorest countries in the 1960s to being among one of the most advanced countries today. This visionary leader pursued a class-based migration policy to welcome immigrants of different skill levels since the 1960s. We can broadly identify two waves of immigration into Singapore: pre-independence migration, which was principally for permanent settlement, and post-independence migration, which is largely for temporary work.² Singapore relies heavily on foreign labor, particularly in the low wage sectors. It has one of the highest foreign to local labor ratios in the world, only behind the Gulf States. About sixty nine percent of low-wage manual jobs in Singapore are done by work permit holders, the lowest wage category of work passes. In 2016, foreigners numbered almost 1.4 million or 38 percent of Singapore's total workforce, with 27 percent or almost 993,000 hired on work permits. The highest concentration of migrant workers is in construction at approximately 75 percent. In December 2016, 315,500 migrant's workers on work permits were employed in the construction industry (TWC2, 2017). Specific numbers of those working in the Marine sector are unavailable. Singapore's construction and marine sectors like other industries are restricted, which determine the nationalities allowed to work in each particular industry. Although the Singapore Government does not release a breakdown of nationalities in the foreign workforce, the construction industry appears to be employing majority of workers from Bangladesh, China, and India.

² <https://en.wikipedia.org/wiki/Singapore> (visited on October 2, 2018)

In January 2016, the High Commission of Bangladesh estimated that of the more than 160,000 Bangladeshi nationals in Singapore, over 90 percent work in the construction and marine industries (TWC2, 2017). This paper has discussed the procedure and facts of Bangladeshi migrants in Singapore.

Aim and Objectives

The aim of this study is to identify the procedure and facts of labor migration in Singapore. This paper has three strategic objectives as;

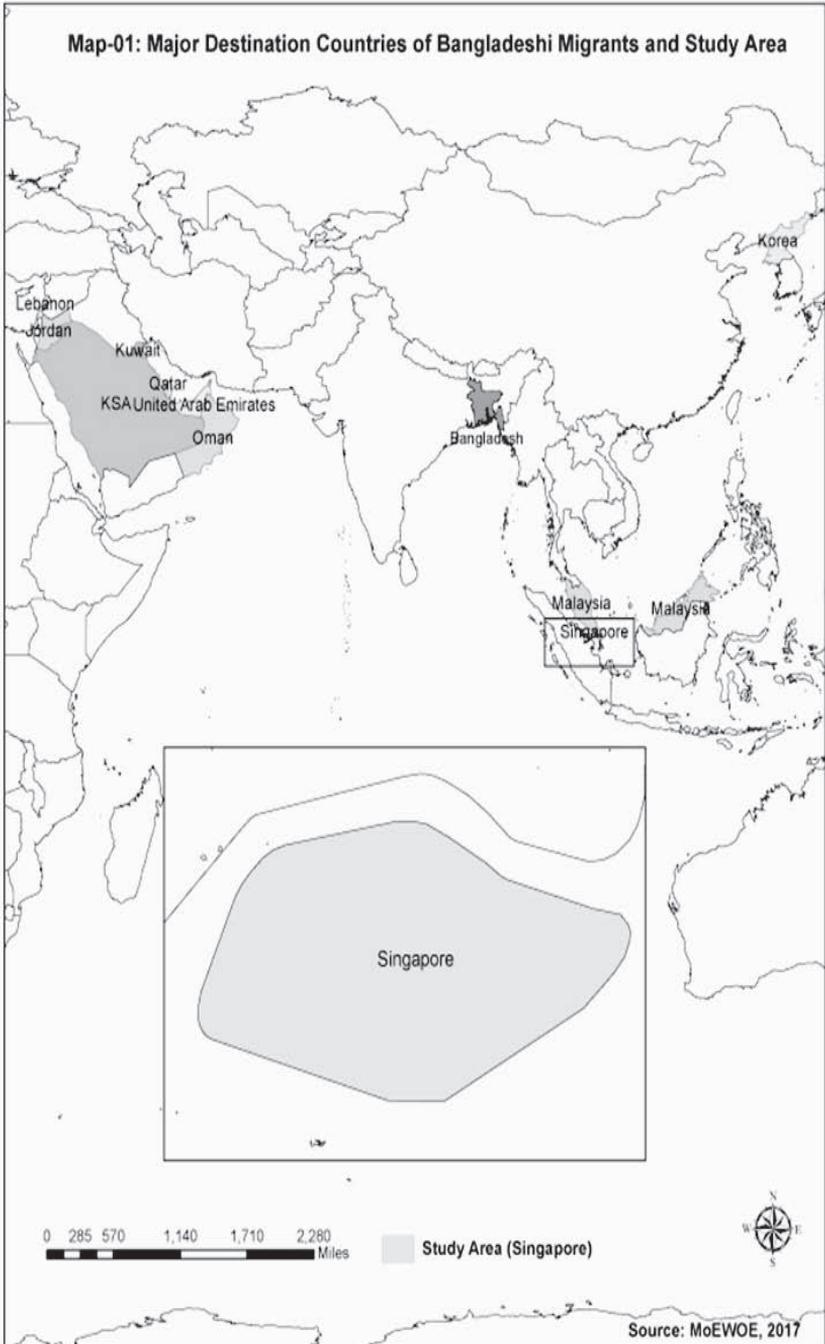
- To figure out the labor migration scenario in Singapore;
- To figure out the Bangladeshi workers' conditions in Singapore; and
- To draw some possible solutions to commonly faced problems of Bangladeshi Migrants in Singapore. In addition to that, the nature of problems is similar in the case of overall Bangladeshi workers in all destination countries.

Methodology

Both qualitative and quantitative approaches were adopted for conducting this study. Basically, data were collected from primary sources through field survey and secondary data sources were used for triangulation of data. The main tool of this study is qualitative survey which comprised of Focus Group Discussion (FGD), Key Informant Interviews (KII), Case Studies and Observation methods. In that research, three FGD and four KII have been conducted with relevant stakeholders as Bangladesh High Commission Officials in Singapore, Singaporean Recruiters, Journalist, Singaporean NGO, and Bangladeshi Migrants in Singapore.

Findings and Discussion

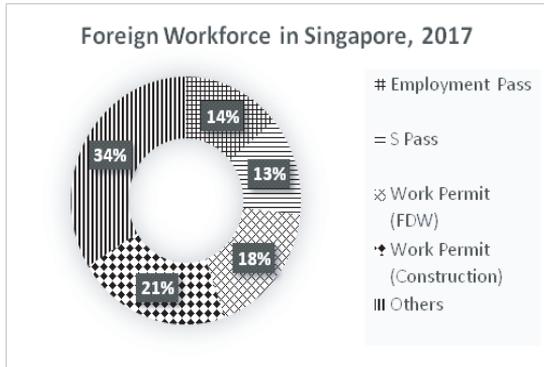
This portion has discussed the labor migration process in Singapore, faced challenges of Bangladeshi migrants in Singapore. Finally, have drawn the possible solutions of faced problems of Bangladeshi Migrants in Singapore and other destination countries.



Labor Migration Scenario in Singapore

The research have figured out there are three types of pass are in employment of foreign employees in Singapore. Work pass types includes as Employment Pass³, the S-Pass⁴, and the Work Permit⁵. There is no minimum salary for Work Permit holders. Work Permits may be renewed every one or two years. The migrant workers under Work Permit earn as low wages as S\$350 and S\$1500 per month, where Bangladeshi workers generally earn significantly lower salaries than their Chinese counterparts. The Work Permit holders are not entitled to bring their families to Singapore and face restrictions in marrying Singaporeans.

Singapore utilize the sponsorship employment system, also known as the *Kafala Sytem*,⁶ which makes a migrant's employment in Singapore contingent on sponsorship by a prospective employer.



While sponsorship systems are present in many countries of Middle East, by this system, workers do not have the rights to change jobs or employers without the sponsor's consent. In FGD we have revealed that in Singapore *"employers may cancel a worker's work permit and repatriate him at any time unless the worker has made or intends to make a salary or injury claim"*.

³. for professionals and executives who earn at least S\$ 3600 a month

⁴. for mid-skilled technical staff who earn at least S\$2,200 a month

⁵. for those primarily engaged in manual labor and domestic work

⁶. The recruitment of migrant workers to Saudi Arabia and other GCC countries is governed by the kafala system or sponsorship system. Under this system, a migrant has to be sponsored by a GCC citizen. The kafeel or sponsor (which may be the employer or distinct from the employer), assumes full economic and legal responsibility for the migrant worker during the contract period. A kafeel may be an individual, a placement agency, or a company. The system works such that the migrant worker can only work for a kafeel for a specific period. Kafeels often hold the worker's passport and other travel documents. The kafala system has given birth to the so-called visa trading. Visa trading involves the sale of a work visa.

Discretion over the validity of such claims rest with Ministry of Manpower (MOM). Employers are required to post S\$5,000 security bond before a Work Permit holder is allowed to enter Singapore. While this employer liability is discharged when a migrant worker returns home, the security bond is liable to be forfeited, if a migrant worker is not repatriated when required to leave or if the migrant worker absconds and remains illegally in Singapore. Employers must pay a monthly levy for each work permit holder they employ. Currently, the foreign worker levy ranges from S\$300 to S\$950 a month for each construction worker and S\$300 to S\$400 for each worker in the marine sector. According to KII it was informed that, migrant workers have claimed that their employees recover these cost through deduction from their salaries and through kickbacks. Inthe Singapore, salary and inquiry issues of migrant workers are regulated by a threefold legislation and their related regulations and policies; The Employment Act (EA), The Employment of Foreign Manpower Act (EFMA) and The Work Injury Compensation Act (WICA).

Bangladeshi Workers Scenario in Singapore

Through FGD and KII, research has identified the following issues which have brought the testimony of Bangladeshi workers'conditions in Singapore as;



In FGD it was revealed that the training centers in Bangladesh act as a sub agent in the Singapore Migration

Process. These centers are making the situation worse. They have admitted the student (aspirant migrant) in advance and more as well taken extra money. After completing the training they did not take final evaluation examination. During that time, they have taken mock test as well and collected extra fee from students. In that process, students have passed 1.5 to 2 years. After passing the examination they have to wait more than 1 to 2 years. In the meantime, aspirant migrants are giving bribe/kickbacks to the authority of training center for collecting IPA (In Principal Approval). In that process, an aspirant migrant has to give extra 1.5 to 2 lacs BDT before getting IPA. This is another reason on high migration cost in Singapore for Bangladeshi workers.

The IPA (In Principal Approval) has clearly mentioned the 1-2 years job duration but their law has provision on terminating employer on a short notice. The employer doesn't guarantee any single day job in Singapore.

In the observation method, it was figured out that nearly all Bangladeshi migrants of Singapore are now working as a Middleman. Bangladeshi agents/middleman are doing harms of Bangladeshi migrants. They have given extra time or money to recruiter for IPA. Afterwards they sale this IPA to his neighbor or relatives at a high cost. In that process migrants spend money on collecting IPA. Then they sold it at a high price, making financial benefits. In that way, the migration cost is increasing rapidly.

The study has observed that Bangladeshi workers' migration cost is higher than any other migrants in Singapore. It comes with a high investment but lowest output. A Bangladeshi migrant has to invest at least 3.5 to 5 lakh for coming to Singapore. In contrast, they receive only 14-20 Singaporean Dollar per day. Migrants' monthly cost is between S\$350-400 (Dormitory fee 200 Dollar, Mobile Cost 50 Dollar, Food 100 Dollar and Cloth and others 50 Dollar). So it is unrealistic to

expect them to reimburse the investment within 2 years even after 5 years.

The study has observed that the amount of wages of Bangladeshi workers is decreasing day by day in Singapore. For instance in twenty years ago the Bangladeshi Migrants started working with S\$19 per day but now it is decrease by S\$14 per day.

The study has figured out that Bangladeshi Migrants are working in construction sites and shipyards. A Migrant has to take three month long training in Singapore before working in shipyards. Construction workers may switch their job if company permitted but marine sector workers could not switch their job. If he terminates the contract, then he might have to go back to Bangladesh.

The study also figured out that Bangladeshi worker are not aware of their rights and they are comparatively low skilled of their counterparts. For that reason they get low wages. Singapore Government has continued to improve employee protections and clarify employer responsibilities. Many times victims have made verbal complaints on against their employers. They could not show any evidence or documents. In that context, the commission couldn't provide support to victim migrants. Even though they are reluctant to share the name of recruitment agencies and their details.

Alike, research has observed that Bangladesh Commission in Singapore has limit of power. For instance they have no attestation authority. If they have attestation authority, then have an option in negotiating increasing the benefits and rights of migrants with recruiter or employment agency.

Case Study

Bangladeshi workers faced mixed problems in Singapore. According to our observation and informal discussion with migrants and various

stakeholders we have identified some major problems as high migration cost, low and unpaid wages, harsh working environments, poor living conditions, indebtedness, sudden termination of employment, abandonment by employers, physical, psychological abuse, and forceful repatriation. As part of the study, we made several in-depth interviews from Bangladeshi migrants. Here we describe the story of one Imamul:

Imamul aged 32, due to limited work options in his village Habigang. Imamul felt an urgency to go abroad for work in search of a better, more prosperous life for himself and his family. But instead of tapping into a financial lifeline, he unwittingly found himself mired in debt bondage and deception and exploitation. Before he migrated to Singapore to help support his family. Imamul was already saddled with excessive debt to pay hefty and illegal recruitment fees and panic of irregular work in Singapore. A childhood friend he trusted, Altaf, a former construction worker in Singapore for a decade, had caught wind of Imamul's desire to go abroad. Posing as an agent, he promised Imamul a job that 26 S\$ per day as a construction site electric work. At first Altaf asked Imamul to pay 1527 S\$ (100000 BDT) in recruitment fees. In that context Imamul admitted on his Training Center as Named Naniyang Training Center, Kamar Para, Dhaka. In that training center he had learnt nothing. Just learning some basic communication of English. The trainer said that this enough. He was paid the amount. Within few days Altaf again asked to Imamul to pay extra more 1832 S\$ (1,20,000 BDT). In that situation, Imamul made a calculation that if he can stay in 02 years then the amount of money will reimburse. Afterwards, Imamul was agreed and pay out total 3359 S\$ (220,000 BDT). In that amid of time Imamul get IPA. This IPA was mentioned the wages is only 20S\$ in per day. In that context Imamul made a bargaining with Altaf and the agents of Training Center, Mr. Prince. The agents said the wage can increase in Singapore so do not worried on matter of wage. Imamul made the money transaction

through Bank and cash. After few days agency again asked 1527 S\$ (100,000 BDT) to Imamul. Imamul was frustrated and broken on demanding the new portion of money. He cannot find any solution or alteration. If he refuse the demand then the full money will lost. In that context, Imamul has requested his elder brother to sell his new Autorickshaw (CNG). Imamul brother cannot refused his appeal and sold his CNG in 2.4 lak BDT. Finally, Imamul paid total 320,000 BDT on Singapore purpose. After arrived in Singapore on December 2017, he saw the work agreement is only six month. In that context, Imamul trying to adjust his and starting work. But after one month the employer starting irregular work. In February' 2018 he only did 06 days wok. Though in his work agreement no work no pay. So, he becoming disappointed and frustrated. Because he have to pay 13000 BDT per month to Bank of his loan installment. He borrowed from the local Bank on paying the migration cost to Training Center. The confidence of Imamul was vanished at February 2018. Because on end of February the employer declared all employee have to go home leave in forced. But Imamul not want to go home leave. He scared within the vacant of home leave the employer will cancel his IPA. Then he never come to Singapore. And his all invested money will grab or loss. As well how he reimburse the borrowed money. In that context, Imamul and his co colleagues decided they will make a complain to Ministry of Manpower (MOM). In accordingly, they make a complain to MoM and MoM received their complain. Instantly, the employer trying to sit Imamul's and find out who is their leader. Imamul and his co colleagues are united they shared all are leaders. So the employer could not break the unity of Imamul's colleagues. Now Imamul and his colleagues are passing an uncertain life in Singapore. Imamaul's demand is if employers are sent back them to Bangladesh, then he demand to pay at least his invested money. Or give them a transfer letter. By transfer letter he will collect another job in Singapore.

Suggestions and Possible Solutions

The research has figured out the possible solutions of problems faced by migrants in Singapore as well as in other destination countries. All suggestions and possible solutions came from the FGD, KII and field observation. The portions have been described on four dimensions as;

Migrants Level

Aspirant migrants should be thinking well before coming to abroad. They must calculate the benefits in contrast to investment.

Migrants should be properly educated on working environment, conditions and benefits before coming to Singapore or any other destination country.

Migrants should preserve the receipts of any transaction on overseas process.

In regards, grievance mechanism worker should make complain in high commission with necessary evidence.

Recruiting Agency Level (RA's)

Recruiting agency (RA) should be responsive, accountable, and patriotic. They have to fix the minimal service fee (as not more than 50,000 BDT, like Indian agencies do).

There is a huge opportunity for Bangladeshi female workers in Singapore. Now only 350 Bangladeshi female migrants are working as housekeepers in Singapore (High Commission, Singapore). If we can strengthen the communication capability of female migrant workers, then we can ship out Bangladeshi female workers to Singapore. In that regard, RA should be hunting potential marketplace for Bangladeshi worker.

RA should follow the rate of cost which is fixed by government. For instance, Government has fixed the migration cost of Singapore at 262,270 BDT.

RA proposed to ship maid workers in Hong Kong besides Singapore in "zero migration cost". In that process deduct the

departure cost from the salary of two or three month after arrival.

After the period, she will receive full salary.

Employment agency will explore the potential labor market abroad. RA will develop a smart training module, guideline, fix the smart salary and work agreement with negotiation of respected Ministry, Recruiter, NGO and Aspirant Migrant.

NGO/CSO Level

Increase more awareness increasing activity on safe labor migration. Because the public has not enough information about the kind of services available. In that regards NGOs can play a vital role in informing the community on safe labor migration issue.

The Grievance Management Committee (GMC)⁷ model can replicate this in areas where the majority of migrants are coming from in Bangladesh. Then the marginalized community will get benefit as well as creating access to justice in locally. GMC can align with arbitration committer in roots.

Bangladeshi NGOs and Singapore NGOs should be working together on protecting the rights of Bangladeshi workers in Singapore. In addition to exchanging knowledge to each other, NGO's can develop an internal referral mechanism on keeping the interest of Bangladeshi workers in Singapore intact.

Government/High Commission/Embassy Level

Bangladesh High Commission in Singapore has provision on attestation authority. This provision may preserve the rights of Bangladeshi workers in Singapore.

The government has to promote business migrant, academic migrant and professional migrants, besides labor migrants. Also, it should take initiative on creating job opportunity locally.

⁷ GMC is a group of local social leaders which consists of 12-15 members. Most of the are members of UP. Project has increased their capacity through numerous training. Now they settling the overseas related complain in locally through social mediation

The government should take a bilateral discussion with the employers of Singapore on increasing the wages of Bangladeshi workers.

It should establish an Online Immigration System and develop a comprehensive biometric system for aspirant migrant. And direct link of this database should be established with Ministry of Manpower (MoM), Singapore. This process might reduce the cost of migration.

The government should monitor the training center activities in Bangladesh. As well as that it has to increase the capability and performance of Training Center.

The apps of PeopleGo⁸ could demonstrate in BMET, which may be incorporated in pre departure training.

Incorporate a QR code in SMART card.

Bangladesh government should negotiate with Singapore Recruiter on providing transfer letter to Bangladeshi workers, in case job is not available or irregular.

Conclusion

In today's increasingly interconnected world, international migration has become a reality that touches nearly all corners of the globe. Modern transportation has made it easier, cheaper, and faster for people to move in search for jobs, opportunities, education, and quality of life. In 2016, migrants from developing countries sent home an estimated US \$413 billion in remittances. Remittances constitute a significant source of household income that improves the livelihoods of families and communities through investments in education, health, sanitation, housing, and infrastructure.⁹ Despite these significant benefits of migration, some migrants remain among the

⁸ PeopleGo is a Mobile Virtual Community Touchpoint, partnering the Ministry of Manpower, for Migrant Workers in Singapore. This mobile application promotes communications between the Ministry, workers and the employers. With the PeopleGo mobile application, migrant workers in Singapore will have access to the latest news and happenings in Singapore, online e-Courses and Up-Skilling contents, a complete integrated social media platform and useful e-Services at their fingertips.

⁹ Calculations based on World Bank (2017)

most vulnerable members of society. Some work for less pay, for longer hours, and in worse conditions than native-born workers, some migrants endure human rights violations, abuse and discrimination (ADB, 2016). About 10 million Bangladeshis are now working in different countries across the world. Importance of overseas employment for the Bangladesh economy is clearly evident. Recognizing the contributions of the expatriate to the economy, we must give top most priority to the interest of expatriates as sustainable working source, particular for women, skilled workforce, matching skill demands with the destination country, low migration cost, safeguarding the rights of workers, strengthening the power of embassy/high commission, bilateral discussion with destination country, automation in recruitment process and strengthening the governance of migration. By these efforts we can assure safe orderly regular migration which contributes to the SDG target 10.7 and, as a result, Bangladesh moves forward towards becoming a middle-income country.

References

Islam, NM 2017. *Migration Scenario: Nature, Patterns and Trends*, BMET, Dhaka, Bangladesh.

BBS 2011. Population and Housing Census: Socio-economic and Demographic Report, *National Series*, Volume-04, Ministry of Planning, Government of People's republic of Bangladesh, Dhaka.

ADB Briefs 2016. Employment and the Labor market in Bangladesh: overview of trends and challenges, ISBN 978-92-9257-557-1 (Print), *Asian Development Bank and International Labor Organization*, www.adb.org/publications/series/adb-briefs

Bangladesh Bank 2017. *Quarterly Report on Remittance Inflows*, July-September 2017, Research Department, External Economic Division.

United Nations, Department of Economic and Social Affairs, Population Division 2017. *International Migration Report 2017*:

Highlights (ST/ESA/SER.A/404).

Fenn, M 2014. Singapore's Foreigner Problem, A Sharp Rise in the foreign population has ratcheted up racial tensions, *The Diplomat*, <https://thediplomat.com/2014/02/singapores-foreigner-problem>

MOEWOE 2015. Review and Analysis of reports of 2014 by Labor Welfare Wings of Bangladesh Mission, Supported by ILO, Dhaka

Siddiqui, T and Abrar, CR 2001. Migrant Workers' Remittances and Micro finance Institutions, International Labor Organization (mimeo), Geneva.

Joarder, MAM, Syed H 2008. Migration decision from Bangladesh: permanent versus temporary. *Asia Europe Journal*, Vol. 6, pp. 531-545.

YPSA 2018. *Labor Migration in Bangladesh: Challenges, Needs and Recommendations*, YPSA-FLM Publications, Chittagong.

Seow, J 2011. More than 9 in 10 Bangladeshi foreign workers say they are given unclean and unhygienic food: NUS survey. *The Straits Times*. Retrieved from. <https://www.straitstimes.com/singapore/more-than-9-in-10-bangladeshi-foreign-workers-say-they-are-given-unclean-and-unhygienic>

Fillinger, T., Harrigan, N., Chok, S., Amirrudin, A., Meyer, P., Rajah, M., Firdyce, D 2017. Labor Protection for the Vulnerable: An Evaluation of the Salary and Injury Claima System for Migrant Workers in Singapore. *Transient Workers Count Too (TWC2)*, Singapore.

Studies on the Causes and Impacts of Landslide: A Comparative Study of Rangamati and Bandarban Hilly District, Bangladesh

Imam Hossain* and Md Faysal Hossain**

Abstract

The landslide is becoming a regular hazard in the hilly areas of Bangladesh. Generally, the hills consist of unconsolidated sedimentary rocks such as sandstone, siltstone, shale and conglomerate. Both qualitative and quantitative data were applied. The qualitative data were obtained through Key Informant Interview (KIIs), Focus Group Discussion (FGDs). Besides, the quantitative data were collected through questionnaire survey. A total 270 questionnaires have been conducted on landslide affected household head. Simple random sampling was applied. The study indicates that landslide largely affects the poor people living on the slope in hilly areas. The main natural reasons identified for landslide were heavy rainfall, earthquakes, unstable soil, and thunderstorm. Along with the main man-made reasons were deforestation, hill cutting, road construction and over population. Consequently, the local people faces economical, health, sanitation, agricultural and communication problems.

Keywords: *Hill cutting, Landslide, Vulnerability and Settlement.*

Introduction

The landslide is becoming a concern of great priority because of its devastating nature worldwide (Evans *et al.*, 2007; Havenith *et al.*, 2007).

* Research Student, Department of Geography and Environmental Studies, University of Chittagong, Chittagong-4331, Bangladesh.

** Research Student, Department of Soil Science, University of Chittagong, Chittagong-4331, Bangladesh.

In Bangladesh, the hilly areas are vulnerable to landslide as with the other hilly regions of the world. In the last one and half decades, landslide becomes an inveterate problem for south eastern part of the country and Chittagong division is highly vulnerable to this hazard, with an increasing trend of frequency and damage (Ahmed et al., 2014). Rapid urbanization and human development activities such as, building and road construction through deforestation and excavation of hill slopes have increased landslide in densely populated cities located in mountainous areas (Galli and Guzzeti, 2007; Schuster and Highland, 2007).

Physiographically, most of the areas of Bangladesh is floodplain and only 18% is hilly and tract area (Islam and Uddin, 2002) where considerable proportion of people are living due to growing urbanization. Rangamati and Bandarban city has already been recognized as the most vulnerable cities to landslide. The city dwellers of Rangamati and Bandarban have experienced a number of devastating landslides. Since 2017, landslides have caused the death of nearly 219 people in various informal settlements within Rangamati and Bandarban city and adjacent small urban centers (Prothom Alo). A variety of natural and human induced reasons have contributed to accelerating landslide events in the recent past. These include: excessive and prolong rainfall in a short period; unplanned hill cutting problems; loose soil structure in hilly areas; deforestation in the hilly areas; seismic activity and abnormal tidal How (Ahmed *et al.*, 2016; Christie *et al.*, 2014; Sarwar, 2008). Considering above facts, the present study was carried out to assess socioeconomic condition of the people living in the landslide prone area, causes of landslide, impacts of landslide on local communities in the study area of Bangladesh.

Objective of the Research

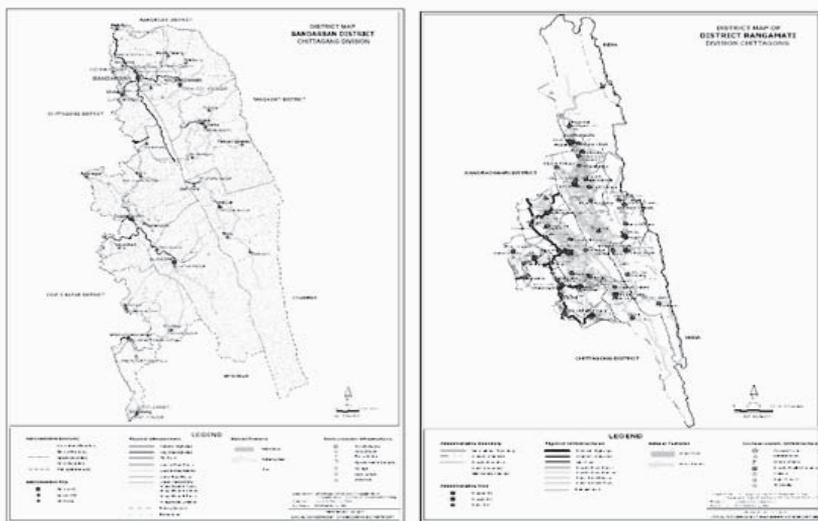
The objective of this paper is to investigate the causes and impacts of landslide addressing on Rangamati and Bandarban hilly district, Bangladesh. The specific objectives are as follows,

- To know about the causes of landslide in the study area; and
- To determine the problems associated with landslides of the study area.

Materials and Methods

Study Area

To conduct the study, authors have been selected hilly area of Bangladesh, particularly two districts namely Rangamati and Bandarban. Landslide, land Subduction has been considered during the selected for the study. Rangamati District (Chittagong Division) area 6116.13 sq km, located in between 22°27' and 23°44' northern latitudes and in between 91°56' and 92°33' east longitudes. It is bounded by the Tripura state of India on the north, Bandarban district on the south, Mizoram state of India and Chinpradesh of Myanmar on the east, Khagrachhari and Chittagong districts on the west. From Chittagong a 77 km road leads to Rangamati, and Bandarban District (Chittagong division) area 4479.03 sq km, located in between 21°11' and 22°22' northern latitudes and in between 92°04' and 92°41' east longitudes. It is bounded by rangamati district on the north, Arakan (Myanmar) on the south, Chin Province (Myanmar) and Rangamati district on the east, Chittagong and cox's bazaar district on the west.



Map: Study area (Bandarban and Rangamati) Districts. Source: LGED, 2018

Data Collection

Basically, the study was primary or field data based but some of secondary data have been used. Primary and secondary data sources were used for doing the study. Primary data were collected through participant observation, Key Informant Interview (KII), Focus Group Discussion (FGD) and questionnaire methods. Besides, total 270 numbers of questions were operated in two study areas.

Focus Group Discussion (FGD)

The focus group consisted of 10-12 people from the study site. The participants were selected based on their experiences with landslides of 2017. Four individuals were selected from household level as families that were affected by landslides. One person was selected who has experienced with temporary relocation. The community leader was selected as he dealt with law matters on claiming land tenure on hills. One home owner was selected who owns some risky houses along the hill slopes for rent to low income people. Two small sellers from the area have been selected as landslide has damaged their business property. Two volunteers were selected from the community who rescued a number of people in landslide incidence of 2017. In the focus group, the participants were asked to gather data on what institutional arrangements were available before and after the landslides in 2017 of them. The group answered certain questions and the participants were also allowed to discuss and determine the key gaps between them and formal organizations regarding vulnerability reduction to landslides.

Secondary Sources

Secondary sources of information are an integral part of this research. When a project involves original (case study) research, secondary data can play an important role in providing a context for the primary data (Clark, 2005). There fore, the basic aim of collecting secondary essentials for the research was to have an in-

depth background as well as an overview. Various governmental and non-governmental organizations such as the Department of Environment (DoE) Chittagong Division, Bangladesh Bureau of Statistics (BBS), and the Centre for Urban Studies (CUS), Dhaka were the most significant sources of secondary information. To some extent, individual people proved a fruitful source of gathering secondary records too. On-line information on contemporary urban landslide issues was also used to enrich the literature review and analysis sections.

Data Analysis

After the collections of both qualitative and quantitative data from primary and secondary sources, these data were edited, coded, classified and tabulated the sequential manner. Qualitative data were examined with the help of Narrative Analysis. Quantitative data were interpreted with the help of two analysis procedure such as statistical and analytical analysis. Statistical and analytical analysis were done by the help of Statistical Package for The Social Science (SPSS: version-16) and various statistical techniques such as tables and figure.

Result and Discussion

Causes of landslide

Landslides occur as a result of changes on a slope, sudden or gradual, either in its composition, structure or in its hydrology, vegetation. The change can be due to geology, climate, weathering, land use and earthquakes (Sahni *et al*, 2001). There are two types of factors of landslide occurrence in the study area. One is natural factors and another is man-made.

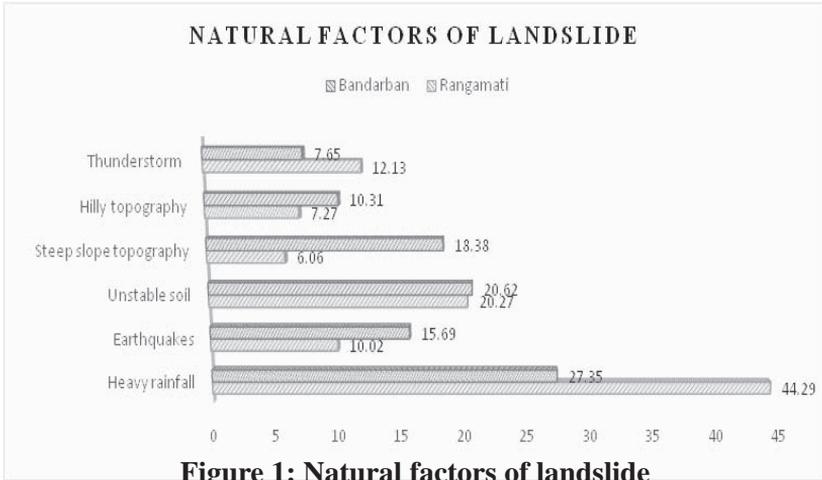


Figure 1: Natural factors of landslide

Figure 1 shows the natural factors of landslide in study area. Heavy rainfall is prime factors in two (Rangamati 44.29%, Bandarban 27.35%) study area. The second main factor is Unstable soil of the hill (Rangamati 20.27%, Bandarban 20.62%). Respondents also amnestied some natural factors, such as Earthquakes, Steep slope topography, Hilly topographic, Thunderstorms.

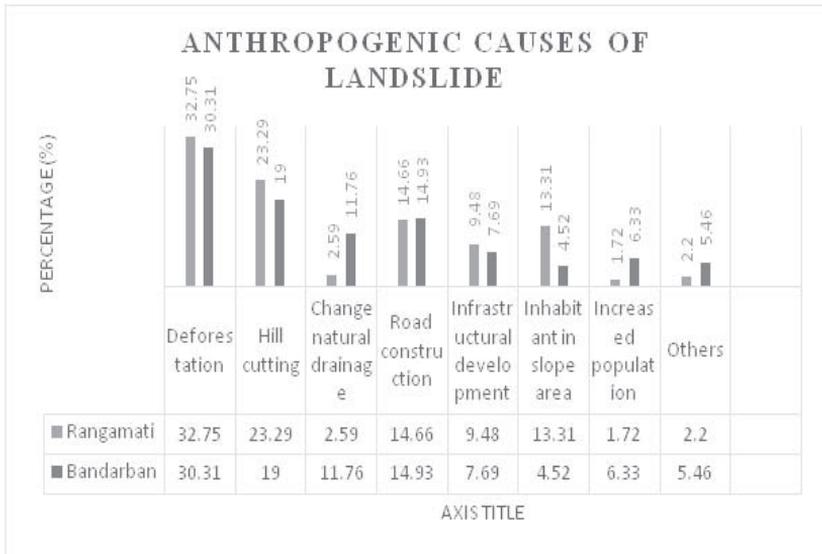


Figure 2: Anthropogenic causes of landslide

On the above figure 2 shows the anthropogenic causes of landslide in the study area. Deforestation is prime man-made factors in two (Rangamati 32.75%, Bandarban 30.31%) study area. The second main factor is the Hill cutest (Rangamati 23.29%, Bandarban 19%). Respondents also amnestied some Anthropogenic factors such as Change natural drainage, Road construction, Infrastructural development, Inhabitant in slope area and Increased population.

Problems are associated with landslides

Types of impact	Rangamati	Bandarban
Loss of human life	35.77	48.10
Scarcity of safe water	25.76	20.35
Mental disorder	16.74	10.12
Spreading of disorder	12.55	8.02
Lack of food	7.43	11.81
Others	1.75	1.60
Total	100	100

Figure 3: Problems are associated with landslides

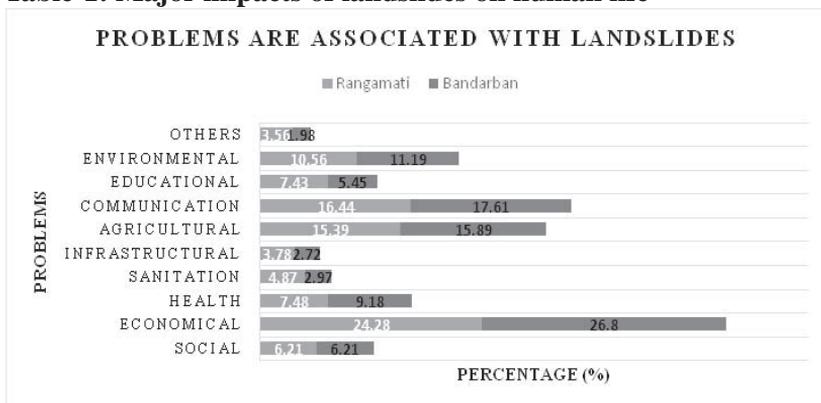
There are various problems created for landslides. This figure shows the landslide related problems. Maximum respondents (Rangamati 24.28%, Bandarban 26.8%) told that, economical problems associated with landslides. There are many types natural resource are found in the study area. Second maximum respondents (Rangamati 16.44%, Bandarban 17.61%) communication problems create for a landslide. Other problems create for landslide such as Social, Health, Sanitation, Infrastructural, Agricultural, Educational and environmental related problems.

Impacts of landslide on the people's lives in the study area

The landslide is occurring frequently in the hilly regions of the country (Alam *et al.*, 2005) especially in Rangamati and Bandarban. A landslide has huge impacts on the human being and their environment, including effects on people, their homes and possessions, farms and livestock, industrial establishments and other

structures. According to the survey, the major impact was related to the loss of human life, scarcity of safe water, mental disorder and loss, spreading of disorder and lack of food.

Table-1: Major impacts of landslides on human life



This table 1 shows the impacts of landslides on human life. Most of the respondents (Rangamati 35.77%, Bandarban 48.10%) told that, the major impact of landslides on the loss of human life. Second maximum respondents (Rangamati 25.76%, Bandarban 20.35%) told the Major impacts of landslides are being scarcity of safe water. And also various problems create by landslides such as; Mental disorder (Rangamati 16.74%, Bandarban 10.12%), Spreading of disorder (Rangamati 12.55%, Bandarban 8.02%) Lack of food (Rangamati 7.43%, Bandarban 11.81%).

Conclusion

Landslide vulnerability is an important issue for people living in the hilly areas of Rangamati and Bandarban. In the recent years, the landslide is occurring regularly. In the study area, the vulnerability of landslide is mentionable than other landslide vulnerable areas in Rangamati and Bandarban city. The present study indicates that landslide affects the poor people living on the slope in hilly areas. The main reasons identified for landslide where deforestation, hill cutting, and road construction. The major impacts of landslides on the local communities were destruction of natural scenic beauty,

economic loss, destruction of lives and environmental problems. The main mitigation strategies suggested by the respondents were stopping of hill cutting, resettlement of the affected people, vegetation and development of robust policy.

References

Ahmed, B., Rahman, MS., Rahman, S., Huq, FF. and Ara, S 2014. Landslide Inventory Report of Chittagong Metropolitan Area, Bangladesh. BUET Japan Institute of Disaster Prevention and Urban Safety (BUET-JIDPUS), *Bangladesh University of Engineering and Technology (BUET)*, Dhaka-1000, Bangladesh, p.125.

Ahmed, B., Rahman, MS., Rahman, S., Huq, FF., Ara, S 2016. *Landslide inventory report of Chittagong Metropolitan Area, Bangladesh.*

Alam, EM., Chowdhury, MAT and Akbar MT 2005. Aspects of social environmental problems resulting from hill cutting in the city of Chittagong, Bangladesh: local people's perspectives. *Pakistan Journal of Social Sciences*, Vol, 3(8), pp.1048-1052.

BBS 2009. *Compendium of environment statistics of Bangladesh*. Dhaka: Bangladesh Bureau of Statistics (BBS) Statistics Division, Ministry of Planning, Government of Bangladesh (GoB)

Chisty, KU 2014. Landslide in Chittagong city: A perspective on hill cutting, *J. Bangladesh Institute of Planners*, Vol.7, pp.1-17.

Evans, SG., Guthrie, RH., Roberts, NJ., Bishop, NF 2007. The disastrous 17 February 2006 rockslide-debris avalanche on Leyte Island, Philippines: acatastrophic landslide in tropical mountain terrain, *Natural Hazards and Earth System Sciences*, Vol. 7, pp. 89-101.

Galli, M and Guzzetti, F 2007. Landslide vulnerability criteria: A case study from Umbria, central Italy. *Environmental management*, Vol. 40, pp.649-664.

Highland, LM and Bobrowsky, P 2008. *The Landslide Handbook- A Guide to Understanding Landslides*, Reston, Virginia: U.S.

Geological Survey (USGS), Vol. Circular 1325, p. 129.

Havenith, HB.,Torgoev, I., Meleshko, A., Alioshin, Y.,Torgoev, A., Daneels, G 2006.Landslides in the Mailuu-Suu Valley, Krygyzstan - Hazards and Impacts, Landslides 3, pp. 137-147.

Islam, MN and Uddin, MN 2002. Country Paper on Hydrogeology, *International Workshop on Arsenic Issue in Bangladesh*, 14-16 January, 2002.

Schuster, LR and Highland, LM 2007. Urban landslides: socioeconomic impacts and overview of mitigative strategies. *Bulletin of Engineering Geology and the Environment*, pp. 66: 1-27.

Sarwar, GM 2008. Landslide tragedy of Bangladesh. The First World Landslide Forum, 18-21 November 2008, United Nations University (UNU), Tokyo, Japan.

www.wikipedia.com

Author's Guideline for Social Change

Notes for Contributors

Social Change is a regular publication that we welcome submissions examining issues of social and human development aspects. Original contributions to the journal are most welcome. Articles for publishing consideration are subject to a peer reviewing process. The Editorial board reserves the right to edit a part or whole of the selected papers.

Types of Submission

Social Change accepts article submissions up to 8,000 words, including abstract, tables, figures, notes and references. The journal also invites shorter submissions up to 5,000 words that review and analysis current policy practice and different issues of human and social development. Manuscripts must be typewritten on one side of 8.5 X 11 inch paper in double spacing. Only one copy is required. The maximum length of papers is 8,000 words. Longer papers may be accepted only in special cases. Manuscripts should be carefully checked before they are submitted, and should be preceded by a covering page stating the title of the paper, full names of authors, identification of each author (position and institutional or other affiliation), and mailing address for each author. A summary of about 150 words outlining the scope of the work should be included. Manuscripts must not have been published previously in any periodical and should not be submitted elsewhere until a decision is received from this journal. Submissions are peer -reviewed.

Preparing Documents for Submission

Title page document: A separate document containing the manuscript title, author names, the corresponding author, author affiliations notes on each author up to 80 words in length, 5 keywords and an abstract of up to 200 words.

Main document : Remove all obvious author identifying information, including self-citations and acknowledgements. Arrange your document in the following order: main text, References, Endnotes.

Text : 12 point Times New Roman font, 1.2 or 1.5 line spacing.

Quotations : indent quotations of more than 40 words. For shorter quotations, include them in the paragraph and use single quotation marks. Interview quotations should be indented, even where shorter than 40 words, and followed by italicized identifying information in brackets, for example: (Suzanne, daughter, regional area).

Headings : first word capitalized, 12 point casing, aligned with left margin, no numbering.

Table and Figures : Include on separate sheets following the list of references or in separate files. Number tables and figures separately and numerically, include a short descriptive title, and insert any notes and legend below. Indicate placement in the text, for example: 'Insert Table 1 here'.

Endnotes : use sparingly, in text explanations are preferred. Place endnotes after the list of references.

References in the text: References should be arranged in alphabetical and chronological order, In the text, in brackets, author's surname followed by date of work, in the reference list at the end of the paper, author's surname and initials followed by the title of the book, publisher and year of publication, or title of periodical, volume, number, date, page numbers, and place of publication. Title of books and periodicals should be underlined in the manuscripts. [Followed the 'Harvard style' particularly APA (American Psychological Association).

Photography/Image/Maps in the text: Illustration in the form of photography and drawings is welcome. Photographs should be clear with strong contrasts and printed on glossy paper. They should be numbered consecutively on the back with captions typed on separate

sheets of paper. Copyright materials must be cleared by contributors. Maps and diagrams should be nearly drawn on white paper or a tracing medium. The ratio of height to width should preferably conform to that of the journal page and allowance must be made for captions.

Statements and options expressed in articles published in Social Change are solely the responsibility of the individual author's and co-authors.

Presenting Research Methodologies and Ethics

Social Change has a broad readership. To ensure the readability of the journal to its diverse and multi-disciplinary audience, authors should include, where relevant, the following items in their manuscript:

Incorporate a dedicated discussion of the methodology, outlining the approach taken, its relevance to the research issues at hand and any innovations involved.

Provide details of any formal ethical approval, recruitment strategy, the process used for obtaining informed consent and any ethical concerns that arose during the research.

Explain the research setting and include the sample size and /or key characteristics of participants where relevant.

Describe the process of analysis for desktop reviews, e.g. coding strategies, including computer coding, and when part of a research team, the role of each person in the analysis, consideration of any bias and strategies for ensuring consistency between researchers.

Outline any limitations of the research, including that relating to the data and methodology.

Limit the use of jargon, but where used place it in single quotation marks and explain its meaning in the text.

Declare any funding arrangements and the role of the funding body in the research.

Submission:

Authors can submit the best manuscript of him through e-mail address: socialchange.ypsa@gmail.com. All manuscripts must be submitted to: Social Change (<http://ypsa.org/social-change/>), Editor in Chief: Md. Arifur Rahman, Email: socialchange.ypsa@gmail.com or Editor-in-chief, Social Change, YPSA (Young Power in Social Action), House-f 10 (P), Road-13, Block-B, Chandgaon R/A, Chittagong-4212.

The reviewers' recommendations determine whether an article will be:

1. Accepted
2. Accepted subject to minor revisions
3. Accepted subject to re-submission with significant revision
4. Rejected

The Editor in Chief reserves the right to reject any article or to make comments and modifications before publication. Intellectual Press shall not be held responsible for errors which are the result of authors' oversights.

@ Social Change Journal All Rights Reserved.

The Review Process

The Social Change journal employs a double-blind peer review process where the identities of authors and referees are concealed from each other. The expert assessments of two referees are sought and a third may be consulted from time to time. Most papers require some revision. Once a paper is accepted, the editors will correspond with you to ensure that your article fully complies with the Social Change Journal style in the final proofs. To facilitate the publication process, please ensure your manuscript is correctly laid out.

Journal Copies: All authors receive a hard copy of the issue in which their article appears and a PDF proof copy.