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Md. Arifur Rahman

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(Tobacco Control and Contemporary Development Issue)

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Md. Arifur Rahman



Young Power in Social Action (YPSA)

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

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Social Change is a journal for social development published annually. 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 desired 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.

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 reviewed 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

Tobacco has generally seemed too remote and insignificant an issue in the country's agenda of concern in Bangladesh. Tobacco as a 'product' is harmful which is creating environmental, social and health impact for the people of Bangladesh. Tobacco smoking play a significant role to create different types of chronic disease in human body. Besides, more than 95,000 people die each year from tobacco related disease in the country. Regulation on tobacco cultivation is an urgent need for solving food crisis and for saving the environment, social and human health. The government has passed the amendment tobacco control law in 2013 and the rules in 2015. The law became much precise and stricter than before regarding definition of public places, pictorial warnings, advertisement of tobacco products and many more. The successes have made after the long time campaigning program on tobacco control issue in all over the country. As one of the leading organization, in the tobacco control campaign, YPSA is very much active on the issue and running tobacco control activities from the very early stage of the movement in the country. YPSA is expressing its hearty gratitude to Campaign for Tobacco Free Kids (CTFK) for its continuous support and cooperation for the implementation of the Smoke Free project from 2009.

YPSA annually published Social Change journal that is a platform for the exchange of ideas among scholars, policy makers, academicians 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 tobacco control issue as it became a very much talked subject in the development field.

As a Editor-in-Chief of the Social Change, I would like to take the opportunity to thank again CTFK for the support to publish the issue focusing on 'Tobacco Control and Contemporary Development 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 tobacco control related issue for all the interested scholars researchers, activists, students and also the GO-NGO practitioners on tobacco control. 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

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Making Bangladesh Tobacco Free by 2040: Where We Stand Now and Future Projections

Dr. Sohel Reza Choudhury*

Abstract

This is well understood by both general people and policy makers that wide spread tobacco use is a cause of rise cardiovascular diseases, cancer, chronic obstructive pulmonary diseases in Bangladesh. After the World Congress on Tobacco or Health 2015, many countries have put forward a target of making tobacco free world by 2040. World Health Organization has also set a target of relative reduction of tobacco use by 30% by 2025 and Government of Bangladesh has also agreed to set up plans for achieving this target. Moreover, honorable Prime Minister Sheikh Hasina has clearly stated the goal of making Bangladesh tobacco free by 2040 in the South Asian Speaker's Summit of 2015. Therefore government need to take steps to conduct comparable surveys or repeat Global adult Tobacco survey to get a scientifically valid data point for detecting trend.

Introduction

Bangladesh is one of the high tobacco consumption countries of the world. Unlike many other countries, Bangladeshi population use both smoking tobacco mainly cigarette and biri and smokeless tobacco products such as zarda, gul, sadapata. Approximately 43% of all adults (age 15+) use some form of tobacco (male 58 %, female 29%) (WHO, 2009). About 45% of males and 1.5% of females smoke, and 26% of males and 28% of females use smokeless tobacco. It is estimated that about 40.1 million adults use tobacco in some form or other in Bangladesh (WHO, 2014). Exposure to Second hand smoking (SHS) in Bangladesh, which has serious health risks, is also very high. About 69.4% of male and 20.8% of the female adult population are exposed to SHS in public places in Bangladesh, which is very high compared to other countries of the world (WHO, 2009).

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This is well understood by both general people and policy makers that wide spread tobacco use is a cause of rise cardio-vascular diseases, cancer, chronic obstructive pulmonary diseases in Bangladesh. In fact these chronic non-communicable diseases cause about 59% of total deaths of this country (WHO 2014). There are clear scientific evidences that one in two current tobacco users will die prematurely due to one of those tobacco related diseases and it brings immense loss, tragedy to family, society and country. It is estimated that Government of Bangladesh had to spend double the amount it receive as tobacco tax for treatment of those disabling and life threatening disease (WHO, 2007). In addition to public health problem, tobacco use also causing environmental degradation threatening food security and causing huge economical loss to the country (WHO, 2007). It is imperative that government must act seriously in curbing this tobacco epidemic.

There has been strong demand from community and social organizations for taking strong measures for tobacco control since mid-eighties of last century in Bangladesh. Non-Governmental organization had successfully created a social movement and government also responded to the popular demand by signing Framework convention on Tobacco Control (FCTC) and enacting tobacco control act in 2005 and subsequently revising it in 2013.

Real Scenario in Bangladesh for Tobacco Control

National Tobacco Control Cell (NTCC) under the auspices of Ministry of Health & Family Welfare was established to oversee and coordinate the government and non-government initiatives for tobacco control, which is a very positive step indeed. Good efforts have been taken by both government and non-government organizations in promoting and enforcing various aspects of Tobacco Control Act over the last decade. Banning advertisement, making people aware of smoke free public places, raising awareness about health effects, exposing industry tactics, advocacy for tax increase are some of them. A lot of government officials, tobacco control activists were trained at national and international levels which have been very helpful for producing a critical mass for tobacco control in Bangladesh. In this regard generous grants from Bloomberg Philanthropy, USA to NGOs and NTCC though campaign for Tobacco Free Kids, USA and The UNION, World Lung Foundation were very helpful for sustaining tobacco control activities. World Health Organization with its long lasting tobacco control program in Bangladesh also playing a vital role especially sensitizing government officials on tobacco tax issues. Local government authorities in various cities and towns have taken own-

initiatives and allocated resources for tobacco control.

After the World Congress on Tobacco or Health 2015 in Abu Dhabi, many countries have put forward a target of making tobacco free world by 2040 (Robert, *et.al.* 2015). By Tobacco free it means less than 5% tobacco user in a country. World Health Organization has also set a target of relative reduction of tobacco use by 30% by 2025 and Government of Bangladesh has also agreed to set up plans for achieving this target (WHO, 2013). Moreover, honorable Prime Minister Sheikh Hasina has clearly stated the goal of making Bangladesh tobacco free by 2040 in the South Asian Speaker's Summit of 2015.

Now the question is it achievable? Although we have noted increase in tobacco prevalence of tobacco usages between 2005 and 2009 national survey but there were methodological differences between those two surveys and inference based on a direct comparison between those surveys may not be give us a clear picture of trend. Recent analysis by Institute for Health Metrics and Evaluation (IHME), University of Washington has shown that over all smoking rate in Bangladesh have not increased since 1980 and a slight decreasing trend is observed (IHME, 2014). Another report published in Lancet also projected that if government administers measures stipulated in FCTC and also MPOWER strategies then it would be possible to reduce smoking prevalence as low as 29% by 2015 from the current level (Bilan, *et.al.* 2015 and WHO, 2008). Between 2007 and 2014, there was a global increase in the implementation of all key demand-reduction measures. The mean smoking prevalence for 126 countries was 24.73% in 2005 and 22.18% in 2015. It is estimated that about 7% percentage point decrease in smoking prevalence in Bangladesh has occurred between 2005 to 2015 (Gravelly, 2017).

Conclusion

However, we also need to be aware of the smokeless tobacco use which is shows worrying trend of significant increase in use among men from 2005 to 2009 as evident from national surveys. It is estimated that to reach the target of tobacco free Bangladesh by 2040 or the WHO target, we need to reduce tobacco use by 1% in each year from 2010. Whether we are on the track, it has to be evaluated by well-designed nationally representative surveys. In 2009 Global Adult Tobacco Survey was done which provided standard internationally comparable data on various aspects of Tobacco control issues. Similar kinds of surveys are required at least at every five years to see the

trend of tobacco use. Therefore government need to take steps to conduct comparable surveys or repeat Global adult Tobacco survey to get a scientifically valid data point for detecting trend. These surveys will also demonstrate the impact of other interventions in the community in terms of exposure to second hand smoke exposure, exposure to advertisement etc. Any deviation from the lowering trend in tobacco use detected by comparable surveys should be dealt with renewed efforts as this would jeopardize our aim of attaining tobacco free Bangladesh.

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Prevent the Youth from Tobacco Use and Drug Abuse

Dr. M. Abul Kashem Mozumder * and Dr. Md. Shairul Mashreque**

Abstract

Smoking and drug abuse are intrinsically connected. Mostly the unproductive and jobless youth are smoke rampantly. At times, they take drugs and narcotizes. These harmful things lure them onto their destruction. They are going to dogs being involved in anti-social activities. In fact smoking and addiction lead them to go through the process of depersonalization. Drug abuse is great menace spoiling the youth even adult street child. Drugs and narcotics containing toxic elements easily attract the spoilt youth and adult child moving around the street as vagrants. Proliferation of drug is a global phenomenon. It has become a matter of agonizing concern to policy makers, administrators, and other stakeholders. Contemporary studies on international relations tend to touch on violent and non-violent issues like transnational and trans-border crimes and other security matters.

Introduction

Smuggling of drug is among trans-border crime. Drug trafficking very much concerns government NGOs and civil societies. According to recent crime reports, nearly 30% of the crimes in Bangladesh are drug related and 70% are indirectly related to drugs. In fact criminal activities subject to prosecution are those of clandestinely peddling drugs and of snatching money from the pedestrians for purchasing drugs. Proliferation of drug has caused menacing setbacks leading to societal degeneration in absolute terms. Drugs attract the youth and the spoilt youth taking harmful intoxicating medicine and narcotics involve in offences and delinquencies. This trans-border crime has now become complex as a social problem with its spillover effects on neighboring countries (Pertschuk, 2001). By now this has happened to be a problem of contemporary significance. We should suggest security strategies and options 'appropriate for Bangladesh perceiving non-traditional security environment at large and trans-border crimes in particular with emphasis on proliferation of drug.

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There seems to be relation between non-military threats and its impact on security with the help of trans-border crime like drug proliferation.' Distressingly countries and scholars do not have convergence of view on drug proliferation issue. Consequent upon it ever-growing cross-border threats tend to upset the traditional apparatus in dealing with this issue. This trans-border crime involves the countries like Bangladesh, Afghanistan, Pakistan, Malaysia, and Singapore. Contemporary field studies explore that drug prone areas in Bangladesh delving into drug abuse, trafficking through airport and sea port poppy cultivation in bordering districts of India and Bangladesh.

In Bangladesh fast deterioration of law and order situation is due largely to proliferation of drugs. Some organized criminals with the blessings of God fathers work as drug peddlers. They have been caught up in the maphia circle. Opium (like heroin), cannabis, Yaba and phensedyl, codaine-laced cough syrup, now available in plenty are enough to spoil the youth, both male and female. More often not security forces and mobile court in operation seized huge amount of yaba and other drugs arresting the criminals. As news paper reports "The most common drugs used in Bangladesh stimulants. The teens are ignorant about variation of drugs. Some of them cannot feel the difference between stimulant and marijuana." (Sullum, 1998). The youth become desperate to have intoxicating drugs. They find it hard to give up the habit. Out of utter desperation they try to lift money and other valuables from the pedestrians as miscreants. Now security measures have been taken. CC camera will be set in important city points frequented by miscreants.

State of Violence for Youth

The fundamental definition of violence places emphasis on a number of elements including intention to harm, the physical nature of harm and the involvement of animate beings. More precisely, violence is defined as "any overt depiction of a credible threat of physical force or the actual use of such force intended to physically harm an animate being or group of beings. Violence also includes certain depictions of physically harmful consequences against an animate being or group that occurs as a result of unseen violent means". Based upon this definition, there are three primary types of violence: credible threats, behavioral acts, and harmful consequences. Violence is defined by the World Health Organization as "the intentional use

of physical force or power, threatened or actual, against oneself, another person, or against a group or community, which either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment, or deprivation", but acknowledges that the inclusion of "the use of power" in its definition expands on the conventional meaning of the word. This definition involves intentionality with the committing of the act itself, irrespective of the outcome it produces. However, generally, anything that is excited in an injurious or damaging way may be described as violent even if not meant to be violence (Miller and Rollnick, 1991).

Violence in many forms can be reduced but cannot be alleviated altogether. There is a strong relationship between levels of violence and modifiable factors such as concentrated poverty, income and gender inequality, the harmful use of alcohol and degeneration of youth forces, corruption and maldistribution of resources and wealth and adverse effects of mobile phone and internet/facebook and gross inefficiency in policy implementation. And the absence of safe, stable, and nurturing relationships between children and parents. Strategies addressing the contextual factors of violence can be effective in preventing violence.

Result and Discussion

Now violence rolls to intimidate human beings. Mostly girls fall victim to violent activities committed by the drug addicts. Youth and spoilt child try to rape innocent girls. This crime has increased on a large scale as the miscreants are ruling the roost caring little for law and order. The drug related violence is difficult to tame. At home male drug addicts abuse their female counterpart. Unhealthy habits of drug addicted child mark his future. Employment opportunities must be created for the youth. Ministry of youth must take initiatives to absorb the young boys and girls in income generating activities. The young prodigies are active and energetic. So use them for productive purposes.

The unemployed youth must be inducted into welfare pay roll. Until they are employed they must be given allowances on monthly basis.

Only public sector is not expected to address the predicaments of the unemployed youth. NGOs and voluntary organizations must think it obligatory to create employment opportunities for the youth. Now many

a university graduate finds opportunities for using their potentials in NGO and coaching centres.

Anti-smoking and anti-drug campaign must be strengthened in co-operation with stakeholders in community organizations. Drug peddling activities must be eliminated with the destruction of the dens of criminal acuties.

Conclusion

The concern authority must take steps to control unruly youth as psychopath either through persuasion or through threat and liquidation. Yet, the authority seems to be soft not cracking down on the offenders and imposters. Drug abuse is a great social vice luring the teenagers on to destruction. Once the drug like heroine wrecked havoc spoiling the society with negative impacts on law and order situation. Mostly the rackets in Europe and America were drug addicts disturbing normal community life. Its baneful effects were spiraling ruining the youth. Its demoralizing impacts on the youth concerns the researchers. It was reported that most rock stars especially hippy and other pope singing groups used heroine and other narcotics. Some resorted to begging not out of hunger but merely as a hobby. The western youth follow suit. Dysfunctional student politics is a formidable threat to good governance. Contemporary student politics has been degenerated due largely to moral crunch. Value basis of student politics has nosedived into nothingness in the whirlpool of criminalization. This is due largely to the impact of drug abuse. Student politics has degenerated into politics of confrontation as a manifestation of violence. There is a common saying that student politics is now much more destructive. Many among them are armed cadres earning bad names as extortionists using muscle power to illegally occupy land, abandoned properties, and vacant places with signboards. Many a time campus disturbance resulted in colossal destruction university assets like buildings, vehicles, garden and lounge. More often than not clashes in any educational campus left the derailed youth in an orgy of massive destruction of properties. Shops and establishments outside the campus were badly damaged due to the onslaught campus violence. There are reports that drug addicts among the students would like to collect money by force to defray the cost of addiction. For drugs available in clandestine criminal dens are sold out at a high price "Students are getting involved faster than before in drug addiction as drug trafficking is increasing rapidly inside and outside the educational institutions everyday that not only injurious to an individual but also imperils the health of the entire social fabric with its fast cascading

impact." According to recent reports a large number of students including Dhaka University, Jahangirnagar University, Jagannath University, Dhaka Medical College, Dhaka College, private universities are getting addicted to drug abuse day by day. The trend of drug abuse is no more limited to varsity students It has already contaminated the very young boys of schools and colleges

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Children and Tobacco in Existing Laws, Rules and Policies in Bangladesh: A Practical Scenario

Md. Arifur Rahman*, Morshed Hossan Molla**
Mohammad Shahjahan*** and Abdus Sabur****

Abstract

Children are the mind of a nation, unfortunately today's teenager is tomorrow's potential regular customer and the overwhelming majority of smokers first begin to smoke while still in their teens. The study attempts to review the children issue in the tobacco related existing laws, rules and policies in Bangladesh and explore reality in the ground. As part of this study, relevant existing laws, rules and policies in Bangladesh have been collected and reviewed from different sources including the website of ministry of law and justices as well as explored the involvement of children in tobacco related activities in Bangladesh. The study critically examined the involvement of children in every tobacco related activities in Bangladesh including cultivation, processing, production, marketing and selling. The study identifies that 'Smoking and Tobacco Product Usage (Control) Act 2005 (amended in 2013)' is clearly ban on selling tobacco products to a minor (children) but it did not refers the producing and processing levels of involvement of children in tobacco. Whereas Bangladesh as a member state of UN ratified the FCTC, as a result the study partially emphasized the 'section 32 of the UN Charter on Child Rights' and 'Framework Convention on Tobacco Control (FCTC)'. Because the section 32 of the UN Charter on Child Rights' gives a list of 38 hazardous jobs banned for the children in everywhere in the world. Besides, the 'Framework Convention on Tobacco Control (FCTC)' gives the 'Article 16: Sales to and by minors' has strictly emphasized the provision of a children involvement with tobacco related activities. The study finds abusing of law and policies in the reality, children are involved in different stages of hazardous tobacco related jobs such as cultivation, processing, production and marketing at everywhere in Bangladesh Further amendment of 'Smoking and Tobacco Product Usage (Control) Act 2005 and execution of related laws, rules and policies through effective monitoring along with family education, selection of good company can prevent the involvement of children in tobacco related activities at cultivating, processing, production and marketing levels in Bangladesh.

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Introduction

According to the WHO, Bangladesh is the 8th leading tobacco consumer in the world. The estimated number of current adult tobacco smokers is 21.9 million (21.2 million males and 0.7 million females) in Bangladesh (Global Youth Tobacco Survey and Global School Personnel Survey: Bangladesh, 2010). Besides, Bangladesh is the home of 6.6 million working children (Bangladesh Child Policy, 2010), accounting more than 5% of 120 million working children of the developing world (Hossain and Rahman, 2011). Although prevalence of tobacco use among students is high in Bangladesh and there is very easy access to and availability of tobacco products for students (minors) (Global Youth Tobacco Survey and Global School Personnel Survey: Bangladesh, 2010). But young people are a prime market for tobacco products and tobacco industry recruits replacement smokers from youth (Rahman and Sabur, 2015). Causes of adolescents smoking in Dhaka city are refusal of love and emotion (42%), friend incitements (29%), self-curiosity (13%) and problems of the family (11%) and at the extended family members are the highest risk groups for smoking (Huq, et al., 2011). In fact, children and teens are easy targets for the tobacco industry. They're often influenced by tv, movies, the internet, advertising, and social media by what their friends do and say. They don't realize what a struggle it can be to quit. And having smoking-related health problems like cancer, emphysema, blindness, or impotence may not seem like real concerns. Kids and teens don't think much about future health issues. While, children's involvement with tobacco-related any kind of activities (cultivating, processing, producing, buying, selling and marketing, etc.) has largely been banned in Bangladesh but in reality is different. But still tobacco factory owners are deploying children in different stages of hazardous tobacco processing and bidi production. Further, most of the children are aged from 4 -12 years old and are engaged in different stages of bidi production process. There are 35 bidi factories in the Haragaach, which is 30% of all the bidi factories in the country and the number of bidi workers in the factories is about 40,000. Among the 40,000 labors, half of them are children (50%), among the remaining 20,000, there are 12,000 females (30%) and 8,000 males (20%). Among the children, 15,000 regularly or irregularly attend school and the rest do not attend at all. According to the locals, the boys and girls who work in the bidi factories cannot cross the primary education boundary and the majority of them drop out when they are at the fifth grade¹.

¹<https://allmedialink.com/half-bidi-labourers-children-bangladesh/> (visited on 22 March 2017).

So, finally the study attempts to review the children issue in the tobacco related existing laws, rules and policies in Bangladesh and explore reality in the ground.

Data Collection Method

The study has mainly focused comprehensive desk review based on secondary data sources. Data have been collected from first hand parties of secondary sources from the different sources including the website of ministry of law and justices. Besides, data have been gathered from the critical analyzed the books, journals, articles as well as related research works on online web portal, especially Google searching engine, Google scholar and unpublished thesis, reports and so on. Moreover, the study is qualitative type of nature. So, the study has been analyzed with the help 'Narrative Analysis'.

Finding of The Study

Bangladesh has a huge population of 138.6 million (2005 estimated). Nearly, 37% people aged 15 years and above (i.e. 30.9 million) use tobacco in same from the others (WHO, 2004). It is alarming condition for future generation because youth is the mind of nation. However, the study has been divided into two parts. Firstly, to know the provision of children in tobacco related issues on existing laws, rules, regulations, policies and strategies. Secondly, to explore the involvement of children on tobacco related activities i.e. producing, processing, marketing (buying and selling) in Bangladesh.

Provision of Children in Tobacco Related Issues on Existing Laws, Rules, and Policies

To find out the provision of children in tobacco related issues on existing laws, rules, and policies research carefully reviewed existing laws, rules, and policies those are imposed by Bangladesh government along with referred an international rules and regulation those are honored and ratified every independent countries in the world like Bangladesh. Following section reviewed the existing laws, rules, and policies in Bangladesh along with international arena those are honored Bangladesh.

'Smoking and Tobacco Proudct Usage (Control) Act 2005 (amended in 2013) National Tobacco Control Act, 2005 (amended in 2013) is the 'Bible' for this issue, because it bans the involvement of children in tobacco related issues, particularly selling tobacco products in Bangladesh. ***'Smoking and Tobacco Proudct Usage (Control) Act 2005 (amended in 2013)'*** was accepted in the parliament and was granted by the President on 02

May, 2013 and the act is being published for the information of everyone: - ACT NO. 16 OF 2013. An Act for the Amendment of Smoking and Tobacco Products Usage (Control) Act, 2005, whereas for the purpose of fulfilling the following objectives, it is appropriate and necessary to amend the Smoking and Tobacco Products Usage (Control) Act, 2005 (Act no. 11 of 2005); it is therefore enacted as follows:-

SHORT TITLE AND COMMENCEMENT

(1) This Act shall be called Smoking and Tobacco Products Usage (Control) (Amendment) Act, 2013.

(2) The Act shall immediately come into force.

- AMENDMENT OF SECTION 2 OF ACT NO. 11 OF 2005. - In section 2 of Smoking and Tobacco Products Usage (Control) Act, 2005 (Act no. 11 of 2005) (from now on mentioned as 'the act').

Strength of the 'Smoking and Tobacco Product Usage (Control) Act 2005 (amended in 2013)'

The Smoking and Tobacco Products Usage control Act, 2013 is clearly referred in the section 7 about the provisions of children involvement in tobacco related issues in Bangladesh such as- 7. ADDITION OF A NEW SECTION 6A IN ACT NO, 11 OF 2005. A new section 6a shall be included after section 6 of the above mentioned act, such as:-

"6a. BAN ON SELLING TOBACCO PRODUCTS TO A MINOR, ETC.:-

(1) No person shall sale tobacco or tobacco products to any person under the age of eighteen, or engage or cause to be engaged any such person in the marketing or distribution of tobacco or tobacco products.

(2) If any person contravenes the provision of sub-section 1, he shall be punishable with fine, which may extend to five thousand taka and if a person contravenes the provisions more than once, every time the amount of fine shall be doubled.

After 'Smoking and Tobacco Product Usage (Control) Act 2005' amended in 2013, following acts is losing their functionality and government banned these acts at everywhere in Bangladesh. These acts are-

- Railway Act 1890 (Act IX of 1890).
- The Juvenile Smoking Act 1919 (Bangal Act II of 1991).
- The Dhaka Metropolitan Police Ordinance 1976 (Ordinance No III of 1976).
- Chittagong Metropolitan Police Ordinance 1978 (Ordinance No XLVIII of 1978).

- The Khulna Metropolitan Police Ordinance 1985 (Ordinance No LII of 1985).
- The Rajshahi Metropolitan Police Act 1992 (Act XXIII of 1992).

Although, the '*Smoking and Tobacco Prouduct Usage (Control) Act 2005 (amended in 2013)*' has been formulated by the government of Bangladesh, but it was directly addressed on the '*Framework Convention on Tobacco Control (FCTC), 2003*'. The WHO Framework Convention on Tobacco Control (WHO FCTC) is the first treaty negotiated under the auspices of the World Health Organization. The WHO FCTC opened for signature on 16 June to 22 June 2003 in Geneva, and thereafter at the United Nations Headquarters in New York, the Depositary of the treaty, from 30 June 2003 to 29 June 2004. The treaty, which is now closed for signature, has 168 Signatories, including the European Community, which makes it one of the most widely embraced treaties in UN history. In a historic leap towards promoting public health, the Government of Bangladesh ratified the FCTC on June 14, 2004. Bangladesh was the 1st country to ratify the convention.

Strength of the 'Framework Convention on Tobacco Control (FCTC), 2003'

Framework Convention on Tobacco Control (FCTC), 2003, is the first international treaty negotiated under the auspices of the WHO, aimed at reduce tobacco related deaths and disease, it has been totally 38 articles and Bangladesh was ratified the FCTC in June, 2004. This framework Article 16: Sales to and by minors directly and strictly referred the provision of a children involvement with tobacco related activities, it is clear at following paragraph.

1. Each Party shall adopt and implement effective legislative, executive, administrative or other measures at the appropriate government level to prohibit the sales of tobacco products to persons under the age set by domestic and national law.

These measures may include:

- a. requiring that all sellers of tobacco products place a clear and prominent indicator inside their point of sale about the prohibition of tobacco sales to minors and, in case of doubt, request that each tobacco purchaser provide appropriate evidence of having reached full legal age;
- b. banning the sale of tobacco products in any manner by which they are directly accessible, such as store shelves;

- c. prohibiting the manufacture and sale of sweets, snacks, toys or any other objects in the form of tobacco products which appeal to minors; and
 - d. ensuring that tobacco vending machines under its jurisdiction are not accessible to minors and do not promote the sale of tobacco products to minors.
2. Each Party shall prohibit or promote the prohibition of the distribution of free tobacco products to the public and especially minors.
 3. Each Party shall endeavor to prohibit the sale of cigarettes individually or in small packets which increase the affordability of such products to minors.
 4. The Parties recognize that in order to increase their effectiveness, measures to prevent tobacco product sales to minors should, where appropriate, be implemented in conjunction with other provisions contained in this Convention.
 5. When signing, ratifying, accepting, approving or acceding to the Convention or at any time thereafter, a Party may, by means of a binding written declaration, indicate its commitment to prohibit the introduction of tobacco vending machines within its jurisdiction or, as appropriate, to a total ban on tobacco vending machines. The declaration made pursuant to this Article shall be circulated by the Depositary to all Parties to the Convention.
 6. Each Party shall adopt and implement effective legislative, executive, administrative or other measures, including penalties against sellers and distributors, in order to ensure compliance with the obligations contained in paragraphs 1-5 of this Article.
 7. Each Party should, as appropriate, adopt and implement effective legislative, executive, administrative or other measures to prohibit the sales of tobacco products by persons under the age set by domestic law, national law or eighteen.

'Ministry of Health & Family Welfare Pictorial Health Warning (Issued Pursuant to Smoking and Tobacco Products Usage (Control) (Amendment) Act, 2013 and Smoking and Tobacco Products Usage (Control) Rule), 2015'; 'Dhaka Declaration, 2016'; 'Sustainable Development Goals (SDGs), 2016'; 'Ministry of Health and Family Welfare, National Tobacco Control Cell, Public Notice, 2016' and 'Seventh (7th) Five Year Plan (FY2016 - FY2020)' have been addressed the Framework Convention on Tobacco Control (FCTC), 2003' at different tobacco related aspects along with different issues in Bangladesh territory. Although, the government of the people's republic of

Bangladesh has been imposed a numbers of laws, rules, and policies such as 'The Juvenile Smoking Act, 1919 (Bengal Act II of 1919)'; 'Local Government Act (City Corporation), 2009'; 'Local Government (Pourashava) Act, 2009'; 'The Smoking and Tobacco Products Usage (control) Act 2005 (Amendment in 2013)'; 'The Smoking and Tobacco Products Usage (control) Rules, 2015'; 'The Railways Act, 1890 (Act No.IX 1890)'; 'Circular on District and upazila Taskforce Reformation from Ministry of Health and Family Welfare (MoHFW)'; 'Ministry of Health and Family Welfare, National Tobacco Control Cell, Public Notice, 2016' respectively. Unfortunately, these types of laws, rules and policies do not mentioned the children involvement in tobacco related issues.

Bangladesh is an independent nation, has ratified different rules and regulations those are imposed by UN (United Nation). In this circumstances, 'ILO Convention no 182' and 'Convention on the Rights of the Child, 1989' clearly noted the ban of children in tobacco related jobs the entire world. Along with, "the section 32 of the UN Charter on Child Rights" gives a list of 38 hazardous jobs banned for the children in everywhere in the world.

Moreover, YPSA is the pioneer non-government organization has been working along with local government for ensuring smoke free environment since 2009 in Chittagong Division. YPSA has formulated the 'Smoke Free Guideline of Local Government' and organizing tobacco control related meetings, human chain, precession and various types of awareness programs around the area.

Unlawful Engagement of Children on Tobacco Cultivation, Production, Processing and Marketing Related Activities

After imposed the '*Smoking and Tobacco Prouduct Usage (Control) Act 2005 (amended in 2013)*', children involvement in tobacco (marketing) totally banned. Besides, The Section 32 of the UN Charter on Child Rights, the Government of Bangladesh has introduced a list of 38 hazardous jobs and banned children's engagement with those tasks, although working at bidi and cigarette factory lies in the fourth position of the list. Moreover, FCTC, 2003 Article *16: Sales to and by minors* has banned the sale of tobacco products, tobacco sales to minors and the manufacture and sale of sweets, snacks, toys or any other objects in the form of tobacco products. Yet, children are involved different stages of hazardous tobacco related jobs such as cultivation, production, processing and marketing at everywhere in Bangladesh, most of them are from 4 -12 years old. For explore the reality the study used pictorial

method on production, processing and marketing i.e. selling and buying activities from authentic sources.

Pictorial Witness of Children Involvement in Tobacco Related Activities in Bangladesh



Plate 1: *The Daily Orthoniti Protidin (01.05.2014): Child Labour in Bidi Industries of Bangladesh*



Plate 2: *The Daily Prothom Alo (12.02.2015): children working at tobacco field in Daktaghata village under Kachhapia union of Ramu upzilla, Cox's Bazar*



Plate 3: *Captured by authors (02.03.2017): Selling of tobacco product in Chittagong Metropolitan City.*



Plate 4: *Captured by authors (15.01.2017): Children working at tobacco field in Bandarban Upazila,*

Plate 1

The plate explore that the report of 'The Daily Orthoniti Protidin' has been published a special report on 1st May, 2014 based on the investigative work of Tobacco Industry Watch BD Team and PROGGA on 'Child Labour in Bidi Industries of Bangladesh'. The report disclosed that there are 117 bidi factories in Bangladesh and about 65,000 workers are occupied with the factories. Besides, the Haragaach bidi labour leaders and bidi factory workers it has been found that there are 35 bidi factories in the district which is 30% of all the bidi factories in the country and the number of bidi workers

in the factories is about 40,000. Among the 40,000 labours, half of them are children (50%), among the remaining 20,000, there are 12,000 female (30%) and 8,000 males (20%). Among the children, 15,000 regularly or irregularly

attend school and the rest do not attend at all. According to the locals, the boys and girls who work in the bidi factories cannot cross the primary education boundary and majority of them drop out when they are at the fifth grade.

Plate 2

The plate depicted that the Cox's Bazar, reads a report on The Daily Prothom Alo on February 12, 2015. Majority of the kids are poverty stricken and are to work on the tobacco fields to support family income. They are to work from 6.00am to 3.00pm, but are ill paid and five to six times less than adult labours rate. Adjacent villages are following the same trend of child labour. When asked about the child labour, local farmers replied that they are using kids for the lack of adult workers. The UP member of Garjania Union Parishad said that "children mostly engage into tobacco planting because of their poverty and even they miss their classes too. He also said that the guardians do not bother about the issue and many of the females and kids are getting affected with different diseases." It is reported that about 12,000 acres of lands have been used in Cox's Bazar, Ramu, Chakaria, Alikadam and the other surrounding areas and about 60,000 people are involved in the farming process and 20,000 of them are children.

Plate 3

Neloy (Pseudo Name) is a twelve years old and dropped out student from government primary school. He lives with his parents in the slum near the Chandgaon residential area at Bahaddarhat, Chittagong. His father is a van driver and mother is housemaid near the residential area. His father did not able to bear the family and his education related expenditures along with they are indifferent about the schooling him. As a result, his father took debt from local NGO for making a temporary business stall (moving on two wheels). The temporary stall set up at intersection inside of Chandgaon Residential Area. He is the owner of the temporary stall and his father pooling van in whole day. In the evening his father joins with him to continue the business. He sells tobacco (bidi, zorda and gul), tea, battle nut, battle leaf and some food items, bread, biscuit and so on. Basically, young boys, adult and old people are the customer of his business and maximum

customer buying cigarette and battle leaf. Nelay said that, his business is in good position and it is helpful to continue his family expenditures. But he eagerly wants to go school but to manage family expenditure he cannot go to school.

Plate 4

The plate denoted that children are working tobacco processing related activities near the tobacco fields. It is significant that, two children are wearing school uniform among children on this plate. Basically, the tobacco fields are situated near the school along with children easily getting money from tobacco cultivators. As a result, schooling children escape from school deceived guardians and school authority. Besides tobacco cultivators easily engaged the children for the processing tobacco related activities due to cheap working cost and long working hours. Finally, today children are the potential labor for tomorrow.

Recommendations

Today children are the future of tomorrow. In the light of the above discussion, the study tries to explore some immediate measures as follows-

a. Governmental commitment of fulfilling protection rights

Government interest in, recognition of and commitment to child protection is an essential element for child protection from every hazardous job, tobacco related activities like production, processing and marketing. Besides, government and governmental officials are the lawful agencies for implementing banning tobacco related laws, rules and policies in everywhere.

b. Open discussion of and engagement with, child protection issues

At the most basic level, children need to be free to speak up about child protection issues. At the national level, both media attention to and civil society engagement with child protection issues contribute child protection.

c. Legislation and enforcement

'Smoking and Tobacco Product Usage (Control) Act 2005 (amended in 2013) is the 'Bible' to banning the children involvement with tobacco in Bangladesh. The act strictly prohibited or ban on selling tobacco products to a children (minor), unfortunately this act did not referred the those children working at tobacco cultivation (tobacco field), production (tobacco goods

production) and processing levels. So the study strongly prescribed that the act should be amended and declared the prohibition of children at every level i.e. cultivation, production, processing and marketing of tobacco related involvement.

f. Children's life skill, knowledge and participation

Children should be aware of their right for not being abused and be warned of the dangers of, for example, tobacco field and processing levels, they are more vulnerable to health. Children also need to be provided with safe and protective channels for participation and self-expression at tobacco preventing related rally, procession, human chain and seminar. Where children have no opportunities for participation, they are more likely to become involved in tobacco of other dangerous or harmful activities.

e. Monitoring and reporting

For sound and safe childhood of children, parents must be ensured family bondage and monitoring, ensure good company at a playing period at the playground, schooling and pleasure period. Parents would be ensuring their children about the social norms, values and moral education along with their formal education respectively.

However, the following recommendations have been prescribe by the study team such as-

Keep provision in the relevant plan/policy to prohibit of children involvement in tobacco related issues, besides there should be a comprehensive survey on children's involvement tobacco related jobs i.e. marketing, field labor or workers, industrial workers.

Specific problem related to Children should address properly in the policy/plan with special attention and initiatives should be taken to solve those problems in relation to tobacco issues in Bangladesh.

Policy/plan should incorporate the provision of children for their good childhood and future skilled manpower.

It is required to incorporate the roles and responsibilities towards the children in the National Curriculum and Text Book Board for general awareness on tobacco related issues at every level.

Tobacco field and processing (chimney) area is dangerous zone for children health, however existing laws, rules and policies did not cover the tobacco field and processing levels children workers as prohibition. For this reason law and enforcement authority does not take any attempts in these levels, although '*Convention on the*

Rights of the Child, 1989' directly banned the hazardous job of children in everywhere. So, implementing authority should be aware about the existing laws, rules, policies and strategies by involving them in the tobacco related seminar, human chain, procession, rally and so on.

Conclusion

Every child is precious and has the inherent right to life. Everyone such as parents, caregivers, government, NGO, civil society, the media and even the man on the street has the responsibility to ensure every child security. And they should be protected by law. Bangladesh laws comply with the UN convention. But unfortunately, execution and monitoring the law is weak to ensure the rights of children. For the proper implementation we need to examine our legislation systematically addressing the rights of children and the methods of their implementation as well. However, legislation is not the only solution although they have direct impact on the status and general welfare of children. We need to change outlook for upbringing of children in the family, to create a healthier social environment.

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Tobacco Industry Interference: Bangladesh Perspective

Nasim Banu*

Abstract

The tobacco industry is now a truly global industry, spends billions of dollars each year to market its tobacco products. Despite knowing the harm tobacco causes to human health for decades, the tobacco industry has energetically promoted tobacco sale. In the recent years, the tobacco industries have been shamelessly fuelling its marketing by using several tactics and interfering the in public health policy. Bangladesh has one of the world's highest rates of tobacco use and the rate among young people is particularly high. The tobacco industry in Bangladesh comprising of the multinational companies and the local producers were allowed to market tobacco products. The study attempts to review the revolution of tobacco industry in the world and Bangladesh, Industry interference and their ill tactics to market their death products in Bangladesh. The study also analyzed the practical experiences about the tobacco industry interference at local and national level that collected from different tobacco control activists and organizations in Bangladesh. Study found that the tobacco industry is using different ill tactics including: maneuvering to hijack the political and legislative process, exaggerating the economic importance of the tobacco industry, manipulating public opinion to gain the appearance of respectability, fabricating support through front groups, discrediting proven science, intimidating governments with litigation or the threat of litigation and so on. However Bangladesh government ratified Framework Convention on Tobacco control (FCTC) which is the strong means to challenge all interference of tobacco industry, though Tobacco Control Law of Bangladesh does not have any provision to challenge tobacco industry interference. So to counter the tobacco industry interference strong policy, strategies and steps need to be taken. An effective, strong, continuous and join effort contributes to thwart the interference of industry and ensure the public health.

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Introduction

The tobacco epidemic is having devastating impacts across the globe, with low- and middle-income countries facing a disproportionate burden. Bangladesh is one of the largest tobacco consuming countries in the world, with over 46 million (43.3%) adults consuming cigarettes, bidis, smokeless tobacco, or other tobacco products. 58% of all men and 29% of all women consume some form of tobacco, whether smoked or smokeless. Among them 21.9 million people smoke tobacco and 63% are exposed to second hand smoke at the workplace. People are also exposed to SHS at public transport. Youth tobacco consumption is a source of concern in Bangladesh; nearly 7% of 13-15 age group consume tobacco products. That high rates of tobacco use contribute to a significant number of early deaths and high healthcare costs. Each year, tobacco-related diseases kill over 100,000 people. In Bangladesh, smoking attributable deaths represent about 30% of all deaths from vascular diseases, 38% of all cancer mortality, 35% of pulmonary tuberculosis mortality, and over 24% of deaths from other respiratory diseases. In addition, the economic burden has been calculated as greater than 3% of GDP in 2004. The number of deaths will increase up to 8 million people by 2030, of which 4 out of 5 of these deaths occurring in low- and middle-income countries like Bangladesh.

In an effort to mitigate the impact of tobacco on its population, Bangladesh government ratified the WHO Framework Convention on Tobacco Control (FCTC) in 2004 and passed the "Smoking and Tobacco Products Usage (Control) Act 2005", subsequently updated and supplemented by the "Smoking and Tobacco Products Usage (Control) (Amendment 2013) Act 2005" in 2013 and Rules in 2015. Tobacco smoke bans in all public places and public transport by the law. The law allows for designated smoking areas with very rigid conditions but 10 categories of public places are identified to be 100% smoke-free. Display of vigilance notice is mandatory for all public place and public transport.

The law bans all types of direct and indirect advertisement including point-of-sale & promotion and restricts CSR done by tobacco companies. It is mandatory to print pictorial health warnings on the upper half (50%) of packets of all tobacco products. The law bans sale of tobacco products to and by minors. The law determines the responsibilities of authorities/owners/managers of public place and public transport. The law and rules has included new government and local government officials as authorized

officer. The Law has no specific provision on tobacco tax. The current budget has incorporated 1% 'health development surcharge' on all tobacco products. Now Bangladesh government is working to finalize the National TC policy, Tobacco cultivation control policy and Health development surcharge management policy. However implementation of FCTC is one of the targets of SDG 3. Based on SDG Bangladesh has included TC program in 7th Five years plan. The Prime Minister of Bangladesh, Sheikh Hasina, on January 2016 at the South Asian Speakers' Summit, declared to make the country tobacco-free by 2040 and it points that tobacco use should be reduced under 5 percent. Despite such initiatives, tobacco control activities are moving with a lower speed in the country. Consequently, tobacco use has not been reduced to the desired extent.

Tobacco Industry in the World

Tobacco is a plant that grows natively in North and South America. It is in the same family as the potato, pepper and the poisonous nightshade, a very deadly plant. Any of numerous species of *Nicotiana* or the cured leaves of several of the species that are used after processing in various ways for smoking, snuffing, chewing, and extracting nicotine is called Tobacco. Currently 70 species of Tobacco is cultivated in the world.

It is believed that Tobacco began growing in the Americas about 6,000 B.C. As early as 1 B.C., American Indians began using tobacco in many different ways, such as in religious and medicinal practices. Tobacco was believed to be a cure-all, and was used to dress wounds, as well as a pain killer. Chewing tobacco was believed to relieve the pain of a toothache. Tobacco has been smoked for at least the last three thousand years.

- Tobacco was first used by the peoples of the pre-Columbian Americas. Native Americans apparently cultivated the plant and smoked it in pipes for medicinal and ceremonial purposes.
- Christopher Columbus found it when he landed in the Americas in 1492. On October 15, 1492, Christopher Columbus was offered dried tobacco leaves as a gift from the American Indians that he encountered. Christopher Columbus brought a few tobacco leaves and seeds with him back to Europe, but most Europeans didn't get their first taste of tobacco until the mid-16th century, when adventurers and diplomats like France's Jean Nicot -- for whom nicotine is named -- began to popularize its use. Soon after, sailors

brought tobacco back to Europe, and the plant was being grown all over Europe. The major reason for tobacco's growing popularity in Europe was its supposed healing properties. Europeans believed that tobacco could cure almost anything, from bad breath to cancer. Tobacco was introduced to France in 1556, Portugal in 1558, and Spain in 1559, and England in 1565.

- During the 1600's, tobacco was so popular that it was frequently used as money! Tobacco was literally "as good as gold!"
- This was also a time when some of the dangerous effects of smoking tobacco were being realized by some individuals. In 1610 Sir Francis Bacon noted that trying to quit the bad habit was really hard!
- The first successful commercial crop was cultivated in Virginia in 1612 by Englishman John Rolfe. Within seven years, it was the colony's largest export. Over the next two centuries, the growth of tobacco as a cash crop fueled the demand in North America for slave labor.
- In 1760, Pierre Lorillard established a company in New York City to process tobacco, cigars, and snuff. Today, P. Lorillard is the oldest tobacco company in the U.S.
- In 1776, during the American Revolutionary War, tobacco helped finance the revolution by serving as collateral for loans the Americans borrowed from France!
- Over the years, more and more scientists begin to understand the chemicals in tobacco, as well as the dangerous health effects smoking produces.
- In 1826, the pure form of nicotine is finally discovered. Soon after, scientists conclude that nicotine is a dangerous poison.
- In 1836, New Englander Samuel Green stated that tobacco is an insecticide, a poison, and can kill a man.
- In 1847, the famous Phillip Morris is established, selling hand rolled Turkish cigarettes.
- Cigarettes became popular around this time when soldiers brought it back to England from the Russian and Turkish soldiers.
- Cigarettes in the U.S. were mainly made from scraps left over after the production of other tobacco products, especially chewing tobacco. Chewing tobacco became quite popular at this time with the "cowboys" of the American west.
- In 1852 the matches were introduced. That time the selling and using of cigarettes increased.

- In 1902, British American Tobacco Company formed as a joint venture between the American and British companies.
- Along with the popularity of cigarettes, however, was a small but growing anti-tobacco campaign, with some states proposing a total ban on tobacco.
- The demand for cigarettes grew however, and in 1913 R.J. Reynolds began to market a cigarette brand called Camel and launched a massive campaign for introducing Camel cigarettes. This was the first modern cigarette campaign with national marketing and advertising; by 1923 Camel cigarettes controlled 43% of the US market
- The use of cigarette exploded during World War I (1914-1918), where cigarettes were called the "soldier's smoke".
- In 1920s, Women first become targets of the tobacco companies. In 1924, Phillip Morris begins to market Marlboro as a woman's cigarette that is a "Mild as May"!
- During World War II (1939-1945), cigarette sales are at an all time high. Cigarettes were included in a soldier's C-Rations (like food!). Tobacco companies sent millions of cigarettes to the soldiers for free, and when these soldiers came home, the companies had a steady stream of loyal customers.
- During the 1950's, more and more evidence was surfacing that smoking was linked to lung cancer. Although the tobacco industry denied such health hazards, they promoted new products which were "safer", such as those with lower tar and filtered cigarettes.
- In 1964, the Surgeon General's report on "Smoking and Health" came out. This report assisted in allowing the government to regulate the advertisement and sales of cigarettes. The 1960's in general was a time when much of the health hazards of smoking were reported.
- In 1979, the Surgeon General reports on the Health Consequences of Smoking for Women. This is in light to the increasing number of women who are taking up the bad habit. Some attribute it to the slick ad campaign of the Virginia Slims brand, "You've Come a Long Way Baby!"
- During the 1980's there were many lawsuits filed against the tobacco industry because of the harmful effects of its products. Smoking becomes politically incorrect, with more public places forbidding smoking.

- In 1982, the Surgeon General reports that second hand smoke may cause lung cancer. Smoking in public areas are soon restricted, especially at the workplace.
- In 1985, lung cancer became the #1 killer of women, beating out breast cancer!
- During the 80's and 90's, the tobacco industry starts marketing heavily in areas outside the U.S., especially developing countries in Asia. Marlboro is considered the world's No. 1 most valuable brand of any product with a value over \$30 billion! Over this period, there is a battle between Coca Cola and Marlboro as the No. 1 brand in the world!
- In recent, years, there is growing evidence that the tobacco industry has known all along that cigarettes are harmful, but continued to market and sell them. There is also evidence that they knew that nicotine was addictive and exploited this hidden knowledge to get millions of people hooked on this dangerous habit!

Tobacco Industry in Bangladesh

The tobacco use started in USA first and after that tobacco reached in Asia and Africa through colonial of Spain, Portugal and Europe. It was not clearly known that when the tobacco use started in Bangladesh. But in 16th century, tobacco was imported, cultivated and spread in Bangladesh by Portugal sailors.

The history of tobacco industry is not as old as the tobacco consumption is in Bangladesh. For years, tobacco production and processing were mainly household affairs. Tendu leaf Bidi, hooka and other smokeless tobacco like gul, zarda, sadapata etc. were used as tobacco products and were produced in small scales at the households to be sold at rural markets. There is no concrete information on the institutional history of tobacco industry, it is known that Akij tobacco started its journey in Bangladesh (the then East Pakistan) in 1948 by producing first hand made paper bidi. In 1949, British American Tobacco Company (the then Pakistan Tobacco company-PTC) established their first factory in Faujdarhat in Chittagong. Immediate after the independent in 1972, the company was named "Bangladesh Tobacco Company Limited (BTCL)" and thus started the expansion of the tobacco industry in Bangladesh.

The 'tobacco industry' does not consist only of manufacturers of tobacco products: it also includes those engaged in all aspects of the growing, manufacture, distribution and sales of tobacco, who are likely to be averse to effective tobacco control. The WHO FCTC defines the tobacco industry as "tobacco manufacturers, wholesale distributors and importers of tobacco products". As described below, industry allies and commissioned third parties who benefit from the sale of tobacco products or from tobacco sponsorship can also have interests that compete with those of tobacco control.

Tobacco companies can be either state-owned or national or multinational companies. Tobacco industry in Bangladesh consists of three sub sectors like cigarette, bidi and chewing tobacco (zarda, gul etc). There are 12 cigarette companies, 117 biri factories in Bangladesh. Though no accurate figure is available about the number of smokeless/chewing tobacco product's factories in Bangladesh but 312 zarda factories and 60 gul factories are enlisted under VAT registration of NBR.

In Bangladesh, British American Tobacco Bangladesh (BATB) is the number one tobacco company in tobacco industry of Bangladesh. It has been dominating as the unique market leader for nearly a century. It was only possible because of its effective practices of management processes. Besides BATB, the other companies in the same industries are: Dhaka Tobacco Company, Abul Khair Group, Nasir Tobacco, National Tobacco, Imperial Tobacco etc. Among the Biri factories Akij bidi, Aziz bidi, Abul bidi, Ansar biri, Nasir Bidi, Ali bidi, Amena bidi etc. are notable. In the Bidi factories around 65 thousand workers directly work where women and children are the major portion. There is no accurate estimate no of workers in smokeless tobacco industry. However, a recent study shows that 37 thousand workers in 141 factories work in 35 districts and five thousand of these workers are children.

Tobacco enjoys an important position in Bangladesh economy. British American Tobacco Bangladesh (BATB) has been occupying around half of the cigarettes market in Bangladesh for more than a decade. BATB market share, which was more than 50% in 2000, declined a little in 2010. On the other hand market share of the domestic companies currently is more than half of the market. BATB shows that it has been increasing sharply in five years since 2008 despite a falling market share. BATB profit almost three

folded from Tk. 2.24 billion in 2008 to Tk. 6.50 in 2012. The increasing trend of profit of the tobacco company indicates that more people will consume tobacco causing more disabilities and more deaths.

Tobacco Industry Interference : Why and How ?

The motives of Tobacco industry are increasing profit by any means, Fear of litigation, Protect tobacco from regulation and Concerns about credibility/image of the industry in order to continue and expand their business smoothly.

Jeffrey Wigand said about the motive of Tobacco company "What the [tobacco] industry wants people to believe is that a cigarette is nothing but a natural product grown in the ground, ripped out, stuffed in a piece of paper and served up. It's not. It's a meticulously engineered product. The purpose behind a cigarette . . . is to deliver nicotine-an addictive drug."

Industry documents reveal that the companies carefully study the habits, tastes and desires of their potential customers and use that research to develop products and marketing campaigns. The industry is very effective in enticing new consumers, including youth and women, to start using tobacco, since they are the "replacement smokers" so important to the industry's success. The tobacco industry is now a truly global industry, investing huge sums of money in low-and middle-income countries to increase the social acceptability of tobacco and tobacco companies among both adults and young people. Tobacco industry is constantly changing its marketing tactics to attract new customers and keep tobacco users loyal to particular brands. They take bunch of action in order to obstruct the design and implementation of a health policy or promote policies or positions that uphold it commercial interest which called Industry interference. As part of interference activities, tobacco companies globally always try to diminish the tobacco control initiatives through using different tactics and spend required funds to implement the tactics. Tobacco is the only legal product that kills people. Tobacco companies across the globe are stronger in terms of economy and politics because a vast quarter of the world populations are tobacco consumers. Using the political and economic powers, the tobacco companies interfere and run their business internationally using various tactics including legal battle against the government, influencing the law makers of high government officials, distorting information, finding loopholes of existing laws and using those and many more.

Many strategies used by the industry and its allies to monitor and undermine advances in tobacco control. The diversity of these strategies demonstrates that the mission to thwart tobacco control in global and local level. As transnational companies they repeat the same strategies internationally to impede adoption and implementation of the tobacco control measure in order to uphold their business. Some notable tobacco industry interferences are follows

- ***Intelligence gathering:*** To monitor opponents and social trends in order to anticipate future challenges tobacco company meet with intelligence specially civil society and scholars.
- ***Public relations and using media:*** To mould public opinion, tobacco company uses the media to promote positions favourable to the industry.
- ***Political funding:*** To use campaign contributions to win votes and legislative favours from politicians
- ***Lobbying:*** To make deals and influence political processes, interfere in policy making process, promote pro tobacco policy, encourage formulation of ineffective law.
- ***Funding research:*** To create doubt about evidence of the health effects of tobacco use and publicize biased research findings
- ***Consultancy:*** To recruit supposedly independent experts who are critical of tobacco control measures
- ***Smokers' rights groups:*** To create an impression of spontaneous, grassroots public support as a name of smokers rights
- ***Creating alliances and front groups:*** To mobilize farmers, workers, retailers, advertising agencies, the hospitality industry, grassroots and anti-tax groups with a view to influencing legislation through utilizing them as spokespersons to oppose tobacco control measures like tobacco control law formulation and taxation
- ***Philanthropy:*** To buy friends and social respectability from arts, sports, humanitarian and cultural groups
- ***Intimidation:*** To use legal and economic power as a means of harassing and frightening opponents who support tobacco control
- ***Litigation:*** To challenge laws and intimidate tobacco industry opponents
- ***Joint manufacturing and licensing agreements and voluntary policy agreements with governments:*** To form joint ventures with state

- monopolies and subsequently pressure governments to privatize monopolies
- ***Smuggling:*** To undermine tobacco excise tax policies and marketing and trade restrictions and thereby increase profits
 - ***Corporate social responsibility:*** To promote voluntary measures as an effective way to address tobacco control and create an illusion of being a 'changed' company and to establish partnerships with health interests
 - ***Threatening or harassment of tobacco control professionals:*** To undermine the activities of tobacco control community and create false impression about their work
 - ***Pre-emption:*** To overrule local or state government by removing its power to act

III Tactics of Tobacco Industry in Bangladesh

Tobacco industry interference in public health policy poses the single greatest threat to society realizing the full potentials of the life saving measures of the global treaty and local law. The tobacco industry uses its political and economic influence to weaken, delay and defeat tobacco control legislation. In Bangladesh Tobacco industry interference mainly policy centered that has evolved on the formulation, amendment and enforcement of law and tax imposition.

And the recent years, the tobacco industries have been shamelessly fuelling its marketing by using tactics including: maneuvering to hijack the political and legislative process, exaggerating the economic importance of the tobacco industry, manipulating public opinion to gain the appearance of respectability, fabricating support through front groups, discrediting proven science, intimidating governments with litigation or the threat of litigation.

Tobacco industries have a fundamental and inherent conflict of interest with effective tobacco control legislation. The tobacco industry does not have the right to participate in the development of public health policy. The tobacco industry and its allies continue to attempt to influence tobacco control both the domestic and international level, but WHO resolutions and the global tobacco treaty specially exclude industry participation.

Followings are Some Tactics and Strategies on How the Tobacco Industry Interfere and Violate the TC Law

Law Formulation and Amendment Process

Tobacco industry interferences are mainly policy centered. To expand their business, the tobacco companies are adopting and continuing different ill tactics and aggressive activities across the country and also hampering the formulation and implementation of tobacco control law. Thereby, the desired outcomes of the tobacco control law are not seen and public health is being damaged. Bangladesh government signed on Framework Convention on Tobacco Control (FCTC) in 2003 and to control tobacco production, usages, selling and advertisement, had formulated law in 2005. The law accordingly got amended in 2013 due to some loopholes. Later on, the Rules for the amended law was finalized which has been in effect from March 12, 2015. The tobacco industry applied various ill tactics to delay and hang up the law formulation and amendment process.

During the period, they were able to annul some of the important provisions of the law and Rules and also altered and weaned some provisions. Two important provisions crucial in controlling tobacco use dropped from the final draft of an anti tobacco law following hectic lobbying from tobacco companies. The initial draft contained for not providing farmers with soft loan or subsidy for tobacco cultivation and not keeping designated smoking Area (DSA) in smoke free public place. The process of amendment of the tobacco control law faced various conspiracies and interference by the Tobacco industry. Tobacco companies constantly tried in multiple ways to deter the process of law amendment including weakening of the content and delaying the entire process. At times they engaged influential quarters of the government, MPs, Media or civil society or utilized the innocent workers involved in the process of tobacco production. As a result tobacco industry hung up the law amendment process for one and half years and also delayed the Rules finalization process for almost two years. Tobacco industry mainly BATB met with industry ministry and placed their demands and strong objection about the amendment law. They also sent letter to Finance minister to opposing the law with the arguments of possible revenue loses by the government. The letter delayed the amendment process substantially. As usual, BAT put forward the economic and employment arguments to defend their submission. At last the amendment law passed in the Parliament on 29th April 2013 accommodating the DSA and some other

unjustified demands of the tobacco industry.

Following the enactment of the amended law, the process of Rules formulation started immediately. This process is too delayed due to industries interference. Tobacco companies have issued letter to the Health Secretary for allowing them 18 months instead of the proposed six months for implementing one of the most important section of the amended law pictorial warning and strongly lobbied to change the decision of Health Ministry. They also used media to defend their position in this regards. Unfortunately, there is no such provision in the current law for preventing tobacco industry interference.

Put Pressure at the Budget Period

Every year the tobacco industry takes special initiatives so that tax is not increased on tobacco products. They try to influence the system in such a way that, even if the tax is increases, the interest of the industry remains protected. For example, the industry tries to oppose imposition and increase of indirect tax like 'Supplementary Duty', which really has impact on consumption. Some times Biri Industry workers hold 'Hunger Strike' and rally on the streets to influence the Government so that the tax is not raised on Biri

Violation of Law by the Tobacco Industry

The industry also look for every possible loopholes in the tobacco control law or simply ignore the law taking advantage of weak enforcement. The best example is violation of ban on 'Tobacco Advertisement, Promotion and Sponsorship'. The industry took advantage of a small loophole and used it to advertise their products.

Tobacco advertisement, Promotion and Sponsorship

As per the section 5 of Smoking and Tobacco Products Usage (Control) Act 2005 (Amendment, 2013), all types of advertisement and promotion of tobacco products have been prohibited and sponsorship has been strictly controlled. As per the law, all types of advertisement on print/electronic media or by any other means, distributing tobacco products for free; donation, reward or sponsoring events; advertising on cinema halls or on web pages; using scenes of tobacco product consumption on cinema, drama or documentary, production and distribution of any product similar to tobacco product packet or wrappers and their distribution, advertising tobacco products on point of sales, using tobacco company name, sign,

trademark, symbol against sponsoring corporate social responsibilities etc. are completely prohibited.

However, based on some rules and conditions, tobacco consumption scenes could be used on the older cinemas with the necessity of plot. The Rules have indicated that anti-smoking warning, "Smoking/ tobacco use causes death", should be used on one fifth space of the entire screen by white font on black background. Regarding the case of telecasting cinemas on television, between the two advertisement break, it means after the first advertisement and beginning of the smoking scene and before the second advertisement which refers that after the ending of the part, an anti-smoking warning, "Smoking/ Tobacco Use Causes Death", should be screened on the entire screen for at least 10 seconds. Similarly, if there are smoking scenes on cinema, the same procedure should be followed before the cinema begins, before and after the advertisement and at the end of the cinema and the anti-smoking warning, "Smoking/ Tobacco Use Causes Death" and it should last for 20 seconds in Bengali language. Over all, the explanation of Section 5 has indicated that all the direct and indirect commercial activities is prohibited. But tobacco industry always violated the law and searches loopholes of the law for promoting their death product by advertisement, promotional activities and sponsorship. Some examples are follows -

Tobacco Advertisement at Point-of-Sales

Point-of-sale (POS) advertisements constitute the dominant form of TAPS in Bangladesh although all types of activities to promote sale of tobacco products at the Point of Sale by any forms is completely prohibited, and it is also a punishable offence by Section 5(1) (g) of the TC Act. However, various forms of POS advertising are still widely seen which are clear violation of the law. Tobacco company pay retailers of their products to place cigarettes ads and functional items inside and outside and on the property of convenience stores and other retail sales outlets. Tobacco companies supply vendors with promotional materials including posters, display cases to turn the stores into giant cigarettes advertisement. Tobacco companies are spending thousands of crores of money which is proved on the annual reports of the tobacco companies. Only British American Tobacco Bangladesh (BATB) has spent around TK 330 crores for its branding. Companies advertise use different innovative and creative tactics on point of sale. They decorate the selling points with small posters, hanging small posters before the store, display large or small dummy cigarette packs on the

stores, display boards on the stores with new cigarette brands etc. Point of sale is very powerful marketing tactics and almost all the tobacco companies follow this technique. The law is being violated everywhere including in rural areas, cities and towns, tea stalls to superstores. The shop owners are also being provided with TK 500-600 to display the decorated boards on the stores.

Distribute Free Cigarettes

By the tobacco control law Section 5 Sub-section 1 (b) and (d) distributing of tobacco product for free and advertising of tobacco products on web pages is completely prohibited and it is punishable offence. But tobacco companies always violating the section of the law. They give away free samples of tobacco products. Distributing free tobacco products costs very little and allows the tobacco industry to continue attracting new users and smokers. Especially they invite youth, school students from different region of the country and share the benefit of smoking and give a packet of cigarettes and a food pack covered with the tobacco company levels. Dhaka Tobacco companies used this advertisement in the southern districts of the country to promote their brand - Briton. During the advertisement, who had liked their facebook page were awarded with two packets of cigarettes for free. The kids who attended the program were seen smoking in their way to back home. They also hired girls to hand out their products, encourage people to try new free samples.

Arrange Video Shows

For promoting the brand of Marise cigarette and Abul Biri, the Abul Khaer Tobacco company produced a music video. They made a song with their advertisement messages copying the popular local songs. The representatives of the company show the videos in different public places like hotel, restaurant, point-of-sales and other places using their laptops and DVD sets, and also distribute cigarettes for free to inspire them in consuming the brand. According to the law, tobacco advertisement and promotion are banned and thus tobacco companies are following the innovative ways to advertise for their products which is punishable offence.

Mini Billboard Behind Bicycles

Tobacco company uses mini Billboard to advertise their new products. Java Black and set behind the bicycles of the sales representative. The sales representatives moved in the any area riding on the bicycles to deliver the

cigarettes in the selling stores.

Attractive Prize Against Empty Pack

Sometimes many tobacco companies offer attractive gifts to the smokers for attracting people to buy more cigarettes and Biri and increasing their selling. They displayed posters and leaflet in different places with the slogan of "Submit empty packs and get rewards". The posters contain details of the prizes - for a specific gift like mug, bucket, umbrella or mobile phone etc. how many empty packets need to be provided to the sellers. When any person provides specific numbers of empty packs of cigarettes/biri, he/she receive the selected gifts from the seller

Attractive Prizes for Sellers

Tobacco companies sometimes give a selling target to the sellers. If sellers can reach the specific selling targets, tobacco companies provide them some attractive prizes. They provide wrist watch labeled with cigarette packet, wall clock, mobile phone, radio, desk calendar, lighter, T-shirt and many other attractive prizes.

Tobacco Advertisement and Marketing by Youths

Youth are the major target group of tobacco company they targets them to sell their products through new smokers, and also to marketing their products as front line group. Phillip Morris International (PMI) cigarette brand has added an innovative dimension in its promotional activities. They engaged youths to market the product wearing attires similar to the cigarette brand packets which aims to reach and publicize the brand to the mass people. This attractive look is attracting teenagers and youths seriously. Though such techniques are legally banned after the law, they are found almost everywhere in our country. They also provide training to this youth and provide all materials for promoting their products

Smoking scene on drama, cinema, documentary

As per the Section 5, Sub-section 1 (e) of the tobacco control law, exhibition of the scenes of using tobacco products on drama, cinema or documentary on television, radio, internet, or stage, either produced or made in Bangladesh or abroad is banned and punishable offence. But disobeying the law Drama, cinema and documentaries in electronic media frequently show the smoking scenes which is inspiring the youths of the country to smoke. A study on smoking scenes on television shows that 10 of 76 dramas, aired in a week

(17-23 July, 2015) has shown smoking scenes on leading six private television channels based on Television Rating Point (TRP). The 10 dramas had 52 scenes with smoking and among them, only a single drama shown such scene for 30 times.

Cigarette Advertisement in The Name of Job Fair

To attract the youths in smoking, basically advertisement of tobacco products has been done in some reputed private universities in the name of 'job fair', where they installed decorative help desk and booths. Multinational tobacco company, Phillip Morris International (PMI) applied this strategy to market its new brand Marlboro Gold in Bangladesh. Private universities were target for this promotion which is completely illegal.

Advertisement Through Concert and Cultural Events

To attract the university students and youths, music concert is a popular technique of tobacco industry. This type of concert arranged for a new brand of Benson & Hedges and Marlboro Gold- a PMI brand. BATB organized the show at the Bangabandhu International Conference Center and PMI organized Live -2 Rock City Concert at Ramna Engineers' Institute. On the other side, Akij Group took initiative to popularize its tobacco products among the youths in several districts by arranging concert. But when this information exposed, the local authority void the event and fined them.

Arrange Battle of Mind Event

'Battle of Mind' is an event arranged by British American Tobacco Bangladesh for attracting youth specially university students in the name of provide jobs for them. The death-marketing competition is annually held to promote brands, inspire the youths for smoking. It is important to mention that BATB has secured job for only 100 candidates in the last 12 years (between 2004 - 2015) among the 18,000 applicants by organizing the completion. BATB organized the grand finale of 'Battle of Mind' at renowned hotel Radisson with the participation of students from top 18 universities in Dhaka. To inspire on registering with the campaign, BATB has arranged Roadshows in different university campuses. Though the anti-tobacco activists issued letter demanding the closure of this event to protect the youths, those attempts were canceled

Company Advertisement in the Name of Corporate Social Responsibility (CSR)

Based on the Section 5, Sub-section 3 of the law, tobacco companies cannot use their organizational name, sign, trademark and symbol to run its social

responsibility activities. Basically tobacco companies promote their name, logo, symbol and sign in the name of corporate social responsibility activities (CSR). By fostering the image of a generous contributor to the people, tobacco companies manipulate the public's attitude towards their reputation and send the message that they are looking out for the public's best interest. Through the so called corporate social responsibility activities in order to promote their products while portraying themselves as good corporate citizens. The aim of tobacco companies is to create a positive image on the society and influence the policymakers. Tobacco industry CSR activities include i) solar plan project, ii) pure water plant, iii) tree plantation, iv) eco-friendly oven, v) medial facilities, vi) emergency response etc.

Produce and Sell Electronic Devices

Tobacco companies produce computer speakers, radio, music players and other devices resembling tobacco packets. The devices look like cigarette packets from a distant view. But as per Section 5, Sub section 1 (f) of TC law, production, sale or distribution of products similar to tobacco product packets or containers is completely banned and punishable offence.

Ensure Graphical Health Warning

Tobacco pack warnings are recognized worldwide as a highly cost-effective means of increasing awareness of the detrimental effects of tobacco, and of reducing its usage. It even helps those who cannot read to understand the devastating impact of tobacco usage. The tobacco control law and its rules (2015) made it mandatory to print the GHW covering upper 50% space of all the tobacco packets from March 19, 2016. But before six months of the law implementation deadline, the tobacco companies started ill tactics to extend the GHW implementation date. Tobacco industries also demanded to print the GHW in the lower portion of the packets. Actually, they wanted to delay the GHW implementation through both the Health and Law ministries. Tobacco industries interfered the policy makers, law, health ministry and NBR for delaying the GHW implementation. Consequently ignoring the provision, the Ministry for Law has opined printing the GHW with health warning on lower 50% of the tobacco packets. Some posters produced by tobacco companies were found across the country with the GHW, health warning on lower 50% space of the tobacco packets and with misleading information "The test and price will be same after printing the GHW". Beside that tobacco companies did lobbying with local administrations, additional district magistrate not to conduct mobile court after 19th March 2016 and they also influenced them to

give them more time to purchase all of their tobacco products without GHW. But instead of printing the images on the upper part of the pack as stipulated in the law's provision, tobacco industry lobbies managed the health ministry to print the warning pictures in the bottom of the pack where they attract less attention. But a study found that 51 percent of the tobacco products do not obey the law. At least 92 percent of tobacco producers are selling products without complying the graphic health warning guidelines "fully". Most of the companies are not complying the rules entirely. Local hand-roll cigarettes such as 'bidis' and smokeless tobacco such as 'jorda' which are packed in round or cylindrical packs are also taking the advantage. Due to their pack's size, the picture cannot be displayed properly. It also creates less impact, industries made the law "less effective" at the beginning by convincing the health ministry to print it at the lower half of the packs.

Form Front Line Group

The tobacco industry resorted to fresh "ill tactics" to undermine the implementation of the law, anti-tobacco group. An organisation naming 'Action for Smoking and Health Bangladesh (ASH Bangladesh)' has conducted an anti-tobacco human chain in front of the National Press Club on Feb 18. The organisation has demanded to divest government share from British American Tobacco Bangladesh (BATB) and also underscored the implementation of FCTC Article 5.3 to protect the public health. Initially it appears that the organisation is an anti-tobacco platform, but the entire 'show-off' is done with the assistance of the tobacco company," They filed a petition at the High Court that halted a move to force the tobacco companies print the graphic health warning at the upper part of the pack. It made us clear that they are deployed by the tobacco industries. Industries resort to such kind of tricks in different parts of the world, and now they are doing that in Bangladesh also. Industries are applying fresh ill tactics to undermine the law. Earlier, based on a joint writ petition by anti-tobacco groups a High Court bench on 8 September 2016 issued a rule asking the government why printing the warning on the lower portion of tobacco packets "shall not be declared as illegal and outlawed". Tobacco companies also use tobacco factory's workers and farmers as front groups and these front groups arrange human chain on behalf of tobacco industry for paying attention to the policy makers not to increase their tax and increase their production.

Challenging Tobacco Industry Interference

For generation, the tobacco industry used its political and economical power to prevent effective public health policies and regulations. That all changed when WHO launched negotiations on a global tobacco treaty, the Framework Convention on Tobacco Control (FCTC). The WHO and all the countries are very clear that tobacco industry does not have rights to participate in the development of public health policy as per the treaty. Besides each parties have their own country policy which also support to challenge the tobacco industry interference. Bangladesh government has passed tobacco control law but it does not directly focus any action against the tobacco company interference. However the FCTC is a strong means to challenge all interference done by Tobacco companies as Bangladesh is one the parties.

WHO Framework Convention on Tobacco Control (FCTC) Article 5.3: protect these policies from commercial and other vested interests of the tobacco Industry

The WHO Framework Convention on Tobacco Control (FCTC) is the first evidence- based health treaty that presents a regulatory strategy for reducing both demand and supply of addictive substances "tobacco" for ensuring the right of all people to the highest standard of health. FCTC contains several articles that address the protection of national and international tobacco control from tobacco industry interference. The Preamble of the WHO Framework Convention on Tobacco Control recognized the Parties' "need to be alert to any efforts by the tobacco industry to undermine or subvert tobacco control efforts and the need to be informed of activities of the tobacco industry that have a negative impact on tobacco control efforts".

Under the treaty's general obligations, the signatories agree to protect tobacco control policies from tobacco industry interference. Specifically, Article 5.3 states: "In setting and implementing their public health policies with respect to tobacco control, Parties shall act to protect these policies from commercial and other vested interests of the tobacco industry in accordance with national law".

In line with article 5.3, countries can adopt other measures: limit interactions and disclose all meetings with the tobacco industry; reject partnerships and non-binding agreements with the industry; refuse funds and other support, and reject industry endorsement and participation in youth initiatives, etc.

WHO also said that countries should not grant incentives, privileges or benefits to the tobacco industry, such as subsidies or tax exemptions, and should create firewalls against the interference of the tobacco industry in public health, including state-owned tobacco companies.

WHO urged countries to put the fight against tobacco industry interference at the heart of their efforts to control the global tobacco epidemic.

Tobacco industry interference poses the single greatest threat to implementation of the global tobacco treaty. FCTC Article 5.3 obligates ratifies countries to protect public health policies with respect to tobacco control from commercial and other vested interests of the tobacco industry in accordance with national law.

In November 2008, parties to the FCTC unanimously adopted specific guidelines to implement Article 5.3 and safeguard public health policies against the tobacco industry. The guideline has the following principles

Principle 1: There is a Fundamental and Irreconcilable Conflict Between the Tobacco Industry's Interests and Public Health Policy Interests : The tobacco industry produces and promotes a product that has been proven scientifically to be addictive, to cause disease and death and to give rise to a variety of social ills, including increased poverty. Therefore, Parties should protect the formulation and implementation of public health policies for tobacco control from the tobacco industry to the greatest extent possible.

Principle 2: Parties, when dealing with the tobacco industry or those working to further its interests, should be accountable and transparent : Parties should ensure that any interaction with the tobacco industry on matters related to tobacco control or public health is accountable and transparent.

Principle 3: Parties should require the tobacco industry and those working to further its interests to operate and act in a manner that is accountable and transparent : The tobacco industry should be required to provide Parties with information for effective implementation of these guidelines.

Principle 4: Because their products are lethal, the tobacco industry should not be granted incentives to establish or run their businesses: Any preferential treatment of the tobacco industry would be in conflict with tobacco control policy.

Besides Article 5.3 some other articles also mention about the tobacco interference. Such as

Article 12.C stresses the importance of public education and awareness about tobacco industry activities, and Parties agree to promote "public access, in accordance with national law, to a wide range of information on the tobacco industry as relevant to the objective of this Convention."

Article 12.E reiterates the importance of the "participation of public and private agencies and nongovernmental organizations not affiliated with the tobacco industry in developing and implementing intersectoral programs and strategies for tobacco control."

Article 20.4 states that, in addition to promoting and facilitating the exchange of scientific, technical, socio economic, commercial and legal information, Parties should also exchange "information regarding practices of the tobacco industry and the cultivation of tobacco, which is relevant to this Convention, and in so doing shall take into account and address the special needs of developing country Parties and Parties with economies in transition."

Article 20.4C outlines how Parties can best share this information, by endeavoring to "cooperate with competent international organizations to progressively establish and maintain a global system to regularly collect and disseminate information on tobacco production, manufacture and the activities of the tobacco industry which have an impact on the Convention or national tobacco control activities.

Recommendations for Countering the Tobacco Industry Interference

The tobacco industry and its allies are the biggest opponents. However, they are consistent and predictable: they will always try to undermine any tobacco control efforts. So some strategies and steps should be taken. Here are some recommendations for countering the tobacco industry interference:-

- Limit the interactions with the tobacco industry. The Tobacco industry is not and can not be a stakeholder when it come to the public health because of its fundamental conflict of interest with public health goal.
- Formulating regulations to control tobacco industry commercial activity according to the FCTC article 5.3.
- Conduct regular and close monitoring on the tobacco tactics and interference.

- Compile information about tobacco companies in our country: Their size, profits, CSR programs, who is on their boards, locations of corporate headquarters and manufacturing plants, their spokespeople in the media and with governmental bodies, check corporate websites, gather background information, read tobacco company's annual reports etc.
- Gather background information on key players involved in the TI activity - look for points of vulnerability. And use this information to discredit the tobacco industry and create outrage among policy makers and the public to stop their ability to influence policy making.
- Expose the tobacco industry strategies for policy campaigns and publicly link their bad acts to their real goal - to maximize profits. Include the public in order to educate them about industry motives and increase support for tobacco control policies.
- Develop counter arguments and key messages
- Keep close contact with the process of developing any policy, amendments and strategies on Tobacco control
- Develop strategies to counter or weaken industry position: like Keep allies informed and assist them with the development of rebuttals
- Use the media
- Working with groups that share similar goals will help to achieve policy goals
- Build civil society capacity to challenge the Big tobacco
- Campaign for laws and policies to protect against tobacco industry interference in public health
- Advocate for strong tobacco control policies embodied in the FCTC and FCTC Guidelines
- Strong implementation of the law-Enforcing mobile court-Popularizing provisions of the law

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Review of Global and Regional Perspective of Tobacco and Smoking Control Related Policies and Strategies

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Abstract

Tobacco smoking is a major worldwide cause of morbidity and mortality from various diseases, including urologic diseases. The study have reviewed, global and regional levels of the prevalence and trends of tobacco smoking and legislative and regulatory efforts around tobacco control. Study also provided information about electronic cigarette (e-cigarette) use. Smoking prevalence has been decreasing globally, although trends in smoking vary substantially across countries by gender. Among men, smoking prevalence in most high-income countries started to decrease in the mid-1990s, followed after a few decades by generally smaller decreases in some Low- and Middle-Income Countries (LMICs). However, there is no change, or any improvement, in smoking prevalence in many other LMICs. Most countries with the highest smoking prevalence in women are in Europe. Countries which have implemented the best practices for tobacco control, including monitoring, smoke-free policies, cessation programs, health warnings, advertising bans, and taxation, have been able to reduce smoking rates and related harms. Use of E-cigarette has been rapidly increased since its introduction to the market. Health care providers should advise smoking patients about quitting smoking. Countries must improve the implementation and enforcement of tobacco control policies. Particular attention should be paid to preventing an increase in smoking among women in LMICs. The study reviewed the smoking prevalence and tobacco control policies in various regions. Countries with more effective tobacco control programs have seen higher reductions in smoking prevalence and, smoking-related mortality.

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Introduction

The epidemic of tobacco-related diseases is the first worldwide epidemic created by humans. Tobacco use killed 100 million people globally in the 20th century and will kill 1 billion in the 21st century if current patterns persist (Asma and Song, 2014). Tobacco use is also a burden on global economic development. In the United States, the estimated economic cost related to tobacco consumption is \$289 billion per year (Eriksen *et.al*, 2015). Beside tobacco use is a known risk factor of cancer and other diseases in a number of organs. Although tobacco use has some short-term health effects, tobacco-related mortality usually peaks a few decades after smoking (USDHHS, 2014). Therefore, knowing patterns of tobacco smoking not only helps to understand the current epidemiology of smoking-related diseases but also can provide valuable information about the epidemiology of these diseases in the future. Although, the main focus of this review is smoking in adults, The study used data from the Global Youth Tobacco Survey, an international survey on youth tobacco use (GTSS, 2014), to show data on youth tobacco use. The study also briefly discuss smokeless tobacco use even though its associations with urologic diseases are not well established, because it is the most common form of tobacco use in certain countries. Throughout this article, tobacco smoking refers to smoking of any tobacco product (cigarette, cigar, cigarillo, hookah, bidi, or any other product), unless stated otherwise. To combine data and show trends of smoking prevalence from 1980 to 2012 and current coverage of tobacco policies by continents, we used the United Nations (UN) list of countries in each continent (World Bank, 2014). This list is slightly different from some commonly used lists: Armenia, Azerbaijan Cyprus, Georgia, and Turkey are considered. West Asian rather than European countries. Nevertheless, study used this official UN list, and this difference did not substantially change the trends/ coverage in continents. The only exception to using the UN list was when we showed smoking rates for individual countries. From the above West Asian countries in the UN list, smoking rates were shown for Cyprus and Turkey, both of which are listed among European countries are listed (Table). The study used the World Bank databases to obtain countries' populations and income groups (World Bank, 2014). Income groups were defined by annual gross national income per capita as low, \$1045; lower middle, \$1046-\$4125; upper middle, \$4126-\$12 745; and high, \$12 746.

Evidence Synthesis

Global Patterns of Tobacco Smoking: Recent estimates suggest that in 2012, 928 million men and 207 million women were current smokers of any tobacco product globally, and the majority (807 million men and 160 million women) were daily smokers (Ng *et.al.*, 2014). Most countries with the highest male smoking prevalence are in East Asia, South east Asia, and Eastern Europe. The highest female smoking rates are mostly in European countries.

Tobacco Epidemic: Trends in smoking prevalence in most high-income countries have followed a pattern that is commonly termed the tobacco epidemic or the cigarette epidemic (Lopez *et.al.*, 1994). In this model, smoking prevalence first increases among men, followed by an increase in women. Smoking-related cancer mortality starts to increase substantially after approximately three to five decades (Fig. 1) (Agaku *et.al.*, 2014).

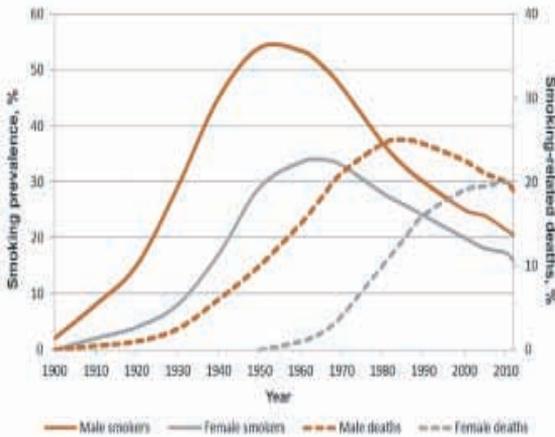


Fig. 1 – Estimated cigarette smoking prevalence and tobacco-related deaths in the United States, 1900–2012

The estimated age-standardized smoking prevalence in men and women has been decreasing on all continents (Fig. 2).

by women in Africa and Asia has been traditionally low (chiefly <5%) and changed little from 1980 to 2012. As male smoking in many African countries and female smoking in many low- and middle-income countries (LMICs) have not yet followed the tobacco epidemic pattern, a major priority for health authorities in LMICs must be to prevent a surge in smoking similar to what happened in high-income countries.

Duration and Intensity of Smoking : Increased harm from smoking is associated with longer duration of smoking, higher smoking intensity (Bach et al., 2003), and greater nicotine dependency (measured by time to first cigarette after waking). When smoking prevalence is high, the mean initiation age is generally <20 yr (Gu *et.al*, 2014). Those who start smoking at earlier ages are generally exposed to smoke for longer duration, unless they quit early. Before the tobacco epidemic starts in a population, the mean age of initiation is usually higher than after the epidemic is established; in the United States, for example, the mean initiation age was 35 yr among women born in 1900 and <20 yr in women born in 1940 and afterward. Smoking initiation in earlier ages, an increase in smoking intensity, or a combination of both can substantially increase the magnitude of associations between smoking and diseases in a population over time. For example, the relative risk of lung cancer in women associated with current smoking in the United States increased from 2.7 to 12.7 to 25.7 in cohorts in the 1960s, 1980s, and 2000s, respectively (Thun *et.al*, 2013).

Patterns of smoking intensity vary across countries. In some Latin American countries, including Chile and Bolivia, smoking intensity has remained relatively low (average <10 cigarettes per day) despite high smoking prevalence in those countries. In contrast, average smoking intensity increased dramatically in China, from 15 cigarettes per day in 1980 to 22 cigarettes per day in 2012. The later pattern might be seen more commonly in LMICs as a result of increasing income and/or broader cigarette affordability. In some countries that have managed to reduce smoking prevalence through successful tobacco control policies, such as Canada, Denmark, Iceland, New Zealand, and Uruguay, persons who continue to smoke are usually heavy smokers (Warren *et.al*, 2009). These intense tobacco users, who are at a higher risk of smoking-related diseases, may need more sustained help from health professionals to quit or at least reduce intensity of smoking.

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Socioeconomic status and smoking : Increases in smoking prevalence in both men and women in high-income countries started mainly in higher socioeconomic groups. Over time, high smoking prevalence shifted to lower socio economic groups as evidence about the health effects of smoking emerged in the 1950s and early 1960s. In the United States, for example, smoking prevalence in 1940 was 36% for those with less than a high school education and 40% of people with education levels is college and above; the corresponding rates were 35% and 13% in 2009-2010. Similar patterns of smoking prevalence by socio economic status have been reported in LMICs (Walque, 2014). When specific ethnic groups show high smoking prevalence, it is likely because they are disproportionately represented in lower socioeconomic groups. Differences among the coloured, white, black, and other South African populations in smoking-attributed mortality at ages 35-74 years: a case-control study of 481, 640 deaths. *Lancet*. 2013: 382: 685-693 (Sitas *et.al*, 2013).

Regional patterns of tobacco smoking : Smoking in Africa is substantially more common among men than women (Table 1). Africa updated information on tobacco smoking is limited, but similar to other LMICs, the slight decrease in prevalence of daily smoking from 1980 to 2012 was chiefly prominent in countries in which the tobacco epidemic started earlier and had relatively higher smoking rates (eg, South Africa, Lesotho, Madagascar, and Algeria). In parallel with rapidly growing incomes, which often make cigarettes more affordable (Nturibi *et.al*, 2009), and without major tobacco control interventions, it has been projected that the prevalence of current smoking will increase from 15.8% in 2010 to 21.9% in 2030 in the WHO African region (Africa excluding Djibouti, Egypt, Libya, Morocco, Somalia, Sudan, and Tunisia) if current trends continue. Most of this increase is expected to be among men. The consequences of the tobacco epidemic in Africa will be exacerbated by rapid population growth, which although showing among the highest in the world. By current trends, the estimated population of Africa will increase from 1.2 billion in 2015 to 1.7 billion in 2030 and to 4.2 billion (or 40% of the world's population) in 2100, with the highest increase in East Africa and West Africa. Without appropriate tobacco control policies, including prevention strategies across the continent, Africa will lose many millions of lives in this century due to tobacco smoking (Hiscock, 2012).

Table 1 – Prevalence of current tobacco smoking in national surveys in selected countries by continent*

Country by continent	Population, millions, 2013	Income group	Year	Age group, yr	Male, %	Female, %	Total, %
AFRICA							
<i>East Africa</i>							
Kenya [6]	44.4	Low	2008–2009	15–54	20.0	–	–
Malawi [6]	16.4	Low	2009	25–64	25.9	2.9	14.1
Rwanda [6]	11.8	Low	2010	15–59 ^a	16.1	3.6	–
Tanzania [9]	49.3	Low	2012	15–49	20.0	0.6	–
Uganda [6]	37.6	Low	2011	15–59 ^a	15.7	2.8	–
<i>North Africa</i>							
Algeria [6]	39.2	Up-mid	2010	15–74	27.1	1.7	15.3
Egypt [5]	82.1	Lo-mid	2009	≥15	37.7	0.5	19.4
Libya [6]	6.2	Up-mid	2009	25–64	49.6	0.8	–
Morocco [6]	33.0	Lo-mid	2006	≥18	31.5	3.3	18.0
<i>Central Africa</i>							
Cameroon [6]	22.3	Lo-mid	2003	≥15	12.7	2.0	6.3
Chad [6]	12.8	Low	2008	25–64	20.2	1.2	11.2
Gabon [6]	1.7	Up-mid	2009	15–64	21.0	4.6	–
Sao Tome and Principe [6]	0.2	Lo-mid	2009	25–64	9.7	1.7	5.5
<i>Southern Africa</i>							
Botswana [6]	2.0	Up-mid	2007	25–64	32.8	7.8	19.7
South Africa [10]	53.0	Up-mid	2012	≥15	32.8 ^b	10.1 ^b	20.8 ^b
Swaziland [6]	1.2	Lo-mid	2007	25–64	12.9	2.2	7.1
<i>West Africa</i>							
Benin [6]	10.3	Low	2008	25–64	15.8	1.7	8.7
Ivory Coast [6]	20.3	Lo-mid	2012	15–49	26.2	1.7	–
Ghana [6]	25.9	Lo-mid	2008	15–59 ^a	8.2	0.4	4.2
Niger [6]	17.8	Low	2007	15–64	8.7	1.0	–
Nigeria [5]	173.6	Lo-mid	2010	≥15	10.0	1.1	5.6
Sierra Leone [6]	6.1	Low	2009	25–64	43.1	10.5	25.8
AMERICAS							
<i>North America</i>							
Canada [11]	35.2	High	2012	≥15	18.4	13.9	16.1
United States [8]	316.1	High	2012–2013	≥18	22.6	14.9	19.2
<i>Caribbean</i>							
Cuba [6]	11.3	Up-mid	2010	≥15	31.1	16.4	23.7
Dominican Republic [6]	10.4	Up-mid	2003	≥18	17.2	12.5	14.9
Jamaica [6]	2.7	Up-mid	2011	15–74	22.9 ^c	7.5 ^c	15.1 ^c
Trinidad and Tobago [6]	1.3	High	2011	15–64	33.5 ^c	9.4 ^c	21.1 ^c
<i>Central America</i>							
Costa Rica [6]	4.9	Up-mid	2010	18–70	18.6	5.8	12.8
El Salvador [6]	6.3	Lo-mid	2005	12–65	21.5	3.4	11.7
Mexico [5]	122.3	Up-mid	2009	≥15	24.8	7.8	15.9
Panama [5]	3.9	Up-mid	2013	≥15	9.4	2.8	6.1
<i>South America</i>							
Argentina [5]	41.4	Up-mid	2012	≥15	29.4	15.6	22.1
Brazil [5]	200.4	Up-mid	2008	≥15	21.6	13.1	17.2
Chile [6]	17.6	High	2010	≥15	44.2	37.1	40.6
Paraguay [6]	6.8	Lo-mid	2011	15–74	22.8	6.1	14.5
Uruguay [5]	3.4	High	2009	≥15	30.7	19.8	25.0
Venezuela [6]	30.4	Up-mid	2011	18–65	28.9	14.4	21.5
ASIA							
<i>East Asia</i>							
China [5]	1357.4	Up-mid	2010	≥15	52.9	2.4	28.1
Japan [6]	127.3	High	2011	≥20	32.4	9.7	20.1
Mongolia [6]	2.8	Lo-mid	2009	15–64	48.0	6.9	27.7
South Korea [6]	48.6	High	2011	≥20	47.3	6.8	27.0
<i>Southeast Asia</i>							
Cambodia [6]	15.1	Low	2011	≥15	39.1	3.4	19.5
Indonesia [5]	249.9	Lo-mid	2011	≥15	67.0	2.7	34.8
Malaysia [5]	29.7	Up-mid	2011	≥15	43.9	1.0	23.1
Philippines [5]	98.4	Lo-mid	2009	≥15	47.7	9.0	28.3
Singapore [6]	5.4	High	2012	18–69	27.9 ^d	5.0 ^d	16.3 ^d
Thailand [5]	67.0	Up-mid	2011	≥15	46.6	2.6	24.0
Vietnam [5]	89.7	Lo-mid	2010	≥15	47.4	1.4	23.8
<i>South and Central Asia</i>							
Bangladesh [5]	156.6	Low	2009	≥15	44.7	1.5	23.0
India [5]	1252.1	Lo-mid	2009–2010	≥15	24.3	2.9	14.0
Kazakhstan [6]	17.0	Up-mid	2007	15–65	48.0	12.1	29.8
Kyrgyzstan [6]	5.7	Lo-mid	2005	≥15	45.0	1.6	21.8
Nepal [6]	27.8	Low	2011	15–49	51.9	13.3	–

The Americas : Smoking prevalence in Canada and the United States has decreased from >55% in men in the 1950s and >35% in women in the 1970s and 1980s to <20% in men and <15% in women in 2012 (Table 1). Also, the daily smoking prevalence decreased by approximately 60% in both men and women in Mexico from 1980 to 2012. Several Caribbean, Central American, and South American countries have reduced smoking rates, though to a lesser degree and chiefly in men. However, there has been no significant change in male smoking in a few countries, including Chile, Costa Rica, Jamaica, Peru, and Suriname (Muscat *et al*, 2011). Smoking is generally less prevalent in Central America than in South America, particularly among women. The smoking prevalence in many South American countries is approximately 20-30% in men and 10-20% in women. The highest smoking prevalence in South America is in Chile: 44.2% in men and 37.1% in women in 2010 (Table 1).

Asia : Approximately 60% of the world's current smokers in 2010 to 2012 lived in three Asian countries: China (317 million smokers), India (122 million smokers), and Indonesia (115 million smokers) (Jha and Peto, 2014). Chinese men smoke in every three cigarettes smoked worldwide. In only a few Asian countries (eg, Kazakhstan, Lebanon, and Nepal) is the smoking prevalence in women >10% (Table 1). In contrast, smoking is quite common among Asian men. The male smoking prevalence is >40% in western parts of the Middle East (e.g, Lebanon, Jordan, and Kuwait) but is lower (15-30%) in other West Asian countries (e.g, Iran, Qatar, and Oman) and adjacent countries in South Asia and Central Asia (e.g, India, Pakistan, and Uzbekistan). Moving toward the north and east, this rate increases to >40% in other South Asian and Central Asian countries (e.g, Bangladesh, Kazakhstan, Kyrgyzstan, and Nepal).

Smoking prevalence in men is extremely high in many East Asian and South east Asian countries. The current smoking prevalence among men in 2010-2011 was 67% in Indonesia and 53% in China (Table.1). Some countries in East Asia and South east Asia have been able to reduce smoking rates. For example, male smoking rates halved in Hong Kong (China), Japan, and Singapore from 1980 to 2012 (Mackay *et al.*, 2013). Current trends suggest that smoking will kill >50 million people between 2012 and 2050 in China alone.

Europe : Smoking rates have substantially decreased in several countries in

Western Europe and Northern Europe, notably in the United Kingdom and the Nordic countries. In the United Kingdom, smoking rates dropped from >80% in men in 1950 and approximately 40% in women in 1970 to approximately 20% in both sexes in 2012 (Table.1). Although smoking rates have also started to decrease in many other European countries, the rates are still very high in Eastern Europe and Southern Europe (Table.1).

The tobacco epidemic started much earlier in Western Europe than in Eastern Europe. Following an earlier decline in male smoking prevalence, tobacco-related mortality in men is decreasing in several Western European countries. A decline in smoking-related mortality in women has begun in countries with decreases in female smoking including the United Kingdom. High smoking-related morbidity and mortality are expected for at least several decades more in the European countries that now have high smoking prevalence (Peto *et al.*, 2000).

Oceania: Two of the wealthiest countries in Oceania, Australia and New Zealand, have been quite successful in reducing smoking prevalence in both men and women, from >30% in the 1980s to <18% in 2013 in men and women combined. However, similar to the smoking pattern in Southeast Asia, the male smoking prevalence in most other countries on this continent (e.g, Papua-New Guinea and Tonga) is high (Table.1) (Samanic *et.al.*, 2006).

Blond and Black (dark) Tobacco : Blond tobacco is flue-cured tobacco that is high in sugar and produces a milder, more inhalable smoke compared with black (dark) tobacco. More than 90% of cigarettes smoked globally in 2013 were Virginia or American blended cigarettes, both of which are blond tobacco. Black tobacco is chiefly smoked in Latin America, Spain, and France and is processed with open-air curing or air curing in barns with no or limited artificial heat (Samanic *et al.*, 2006). The strong varieties are usually used to make cigars, while light varieties are used in some cigarette blends in the countries above. With blond tobacco being more popular among smokers globally, black tobacco use is decreasing. For example, the share of black tobacco in the tobacco market in Peru decreased from 17.6% in 2000 to 1.5% in 2009; the respective decrease in Spain was from 23.5% to 9.2% (Maziak, 2013). However, the clinical significance of these differences is unclear.

Tobacco Products other than Cigarettes : Cigarettes are the most common smoking product worldwide. However, there are other tobacco products that

are relatively and commonly used in some populations. Water pipe (hokah) smoking has traditionally been common in the Middle East and North Africa and in some parts of South east Asia. Water pipe use has increased among young people, particularly college students, in Europe and North America (Aki et., 2011). In the United States, for example, 7-20% of college students and 5.4% of high school students reported past-year/current water pipe use. The use of bidi (tobacco flakes wrapped in a leaf of the tendu or temburnitree), a relatively inexpensive tobacco product, is common in South Asia, in particular in low-income groups (Grana *et al.*, 2014). In India, bidi is the most commonly used smoking product (prevalence: 9.2%), followed by cigarettes (5.7%), waterpipes (0.9%), and other products (1%) (GTSS, 2014).

Global consumption of roll-your-own (RYO) tobacco increased by 45% from 2000 to 2013, with approximately 101 billion RYO cigarettes smoked worldwide in 2013 (compared with nearly 6 trillion regular cigarettes). Approximately 86% of RYO cigarettes were smoked in the European Union, where RYO cigarettes were much cheaper than regular cigarettes. Global consumption of cigars and cigarillos (a cigarillo is a smaller, narrower version of a cigar) has not changed since the late 2000s and is approximately 24 billion per year, nearly half of which are smoked in the United States . All smoking tobacco products are included in the smoking rates shown in this article, unless stated otherwise (Sureda, 2013).

Smokeless tobacco use is common in South Asia, Central Asia, the Nordic countries, and Africa (Table 1). For example, smokeless tobacco use in India is more common than smoking: 32.9% of men and 18.4% women are smokeless tobacco users. Among child aged 13-15 year in South Asia, Central Asia, the Middle East, and Africa, the use of tobacco products other than cigarettes is more common than cigarette smoking (Free *et al.*, 2013).

Prevalence of Use: As E-cigarettes have been marketed recently, the prevalence of use is generally much lower than cigarette smoke. A few countries, including Bahrain, Cyprus, Mauritius, South Africa, and United Arab Emirates, as well as several states or provinces in Australia, Canada, and the United States, have banned smoking in vehicles carrying children, and several other countries are considering similar bans (Lancaster, 2004).

Offering Help to Quit Tobacco Use: Personalized advice from health

professionals and access to affordable nicotine replacement therapies help patients quit smoking. In many successful tobacco control strategies, cessation support by health care providers is accompanied by quit lines and other communication technologies such as appropriate text messaging, social networking and phone applications. These policies are best implemented in the wealthiest nations of 55 high-income countries in 2012, 47 countries fully covered at least one of the policies (cessation service or nicotine replacement therapy), and 14 countries covered both policies (Free *et.al*, 2013).

Warning about the Dangers of Tobacco: A large share of the world's population still is not fully aware of the health risks associated with tobacco use: <40% of adults in China believe that smoking causes heart attacks, and <50% of adults in India believe that smoking causes strokes. Harms of tobacco can be communicated through anti tobacco campaigns and health warnings on tobacco product packages. Media campaigns can quickly reach large populations of both smokers and non-smokers. Health warning labels are most effective in the form of large pictures located on the upper part of both the front and rear panels of each cigarette package. Middle income countries are the highest-achieving country group in implementing large pictorial warning labels. The new EU Tobacco Products Directive makes using such labels mandatory in all EU member states by May 2016. It has been shown that tobacco warning labels work best when they elicit disgust, fear, or sadness (WHO, 2013).

Enforcing Bans on Tobacco Advertising, Promotion, and Sponsorship : Marketing bans protect people from alluring industry messages aimed at discouraging existing smokers from quitting and attracting new smokers, especially youth. There are now 127 countries (with 74% of the world's population) that ban all or almost all forms of direct and indirect tobacco advertising. Low-income countries are the best group in implementing these policies. To limit the effect of appealing tobacco packages, an innovative plain packaging law was introduced in December 2012 in Australia to standardize the size, labeling, and shape of packages. For example, this law requires that brand and company names on all retail tobacco packs in Australia must be printed in a uniform, small-sized font, and packs must have a drab dark brown color (Blecher, 2008). Preliminary studies have reported a boost in the number of quit line calls following the introduction of this law and no increase in the availability of illicit tobacco, which contrasted

the tobacco industry's claims and arguments. In 2015, Ireland and the United Kingdom also passed plain packaging legislation (Scollo *et al.*, 2015).

Raising Tobacco Taxes: Tobacco excise tax increases that result in higher tobacco product prices are among the most effective tobacco control measures available, particularly to reduce smoking rates in youth and lower socioeconomic groups. Tax rates need to be regularly revised to increase the price of tobacco products at a rate above inflation and income growth, making tobacco products less affordable over time. With a successful cigarette tax harmonization and integration regimen in the European Union, the member states have the highest tobacco excise taxes in the world. In the United States, where tobacco taxes are partly set by states, the tobacco tax in North eastern States is higher and in Southern States is lower than the rest of the country; higher taxes are associated with lower smoking prevalence in states (Blecher and Walbeek, 2014). In addition to decreasing tobacco use prevalence and intensity, tobacco tax increases generating sizable revenues, which can be used to fund tobacco control and other public health initiatives. For example, Costa Rica and the Philippines use a major portion of their revenues from recent cigarette tax increases in health care, including the diagnosis, treatment, and prevention of tobacco-related diseases (Drope *et al.*, 2014).

Need for Comprehensiveness in Tobacco Control Policies: Tobacco control policies need to be comprehensive and include all tobacco products. Otherwise, smokers may just substitute one product for another. In Poland, for example, following a cigarette excise tax increase in January 2004, sales of manufactured cigarettes declined while sales of tobacco for RYO cigarettes increased (from a cigarette equivalent of 3.4 billion in 2003 to 5.7 billion in 2004). When tax rates were increased on both manufactured and RYO cigarettes in January 2005, pipe tobacco sales increased from a cigarette equivalent of 0.2 billion in 2004 to 2.0 billion in 2005 and 3.3 billion in 2006 (Gruszczynski, 2014).

Lobbying and litigation : More than 85% of all cigarettes smoked globally are being produced by only six transnational companies: China National Tobacco Corporation, Philip Morris International, British American Tobacco, Japan Tobacco International, Imperial Tobacco Group, and Altria Group. Each of these companies has a gross revenue that is comparable to the gross domestic product of a small country. The companies frequently lobby or

challenge tobacco control proposals legally to block or delay their implementation. Examples include a multimillion-dollar lobbying campaign to undermine the revision of the EU Tobacco Products Directive and a challenge to Australia's plain packaging regulations in domestic courts, at the World Trade Organization, and in international arbitration as part of a bilateral investment treaty. In contrast, governments, health organizations, and individuals in several countries have sued the tobacco industry for violating tobacco control regulations and for the health and environmental consequences of their products and practices (Grana *et.al*, 2014).

Investing in Tobacco Control : Few public health investments provide greater dividend than tobacco control. Countries that have implemented the best practices reflected in the WHO FCTC are now benefiting from their actions. For example, since 1989, Brazil has reduced its smoking rates by close to half through several tobacco control initiatives. It is estimated that those combined policies averted 420 000 deaths by 2010, more than half of which were because cigarette tax increases. The comprehensive tobacco control policies that were implemented globally from 2007 to 2010 alone prevented an estimated 7.5 million smoking-related deaths (Levy *et al*, 2013).

Tobacco control interventions are relatively inexpensive to implement. WHO estimates that delivering four population-based tobacco control measures (tobacco tax increases, smoke-free policies, package warnings, and advertising bans) to all LMICs would cost only \$600 million, or \$0.11 per person, annually. This amount includes the human resources and physical capital needed to plan, develop, implement, monitor, and enforce the policies. Currently, only \$0.02 per person is spent annually on tobacco control in LMICs. Several tobacco control interventions have even proven to be cost saving, which means that for every dollar spent on these interventions was more than one dollar yielded in return in saved health care costs and human productivity (Reed, 2010). Data from national surveys were not available for all countries; or when available, the data might not be comparable in some cases because they were collected using different methodologies or in different years, which might not reflect recent changes in smoking prevalence or tobacco control policies. Despite these limitations, the availability of data from several countries in each region would be sufficient to illustrate the smoking prevalence, trends, and tobacco control policies in all regions.

Tobacco and Smoking Situation and Policies in Bangladesh

Bangladesh became a Party to the WHO Framework Convention on Tobacco Control. Bangladesh is one of the largest tobacco consuming countries in the world. Among the population 63% are aged 15- 64 years. Bangladesh has one of the highest tobacco use prevalence in the world. 43.3% adult in Bangladesh currently use tobacco (Smoking and smokeless). The most common and traditionally, Bangladeshi men smoke cigarettes, biri and hokah, and smoke less form such as zarda, sadapata (chew tobacco leaf) with betel quid (pan), gul etc. The GATS report' 2009 of WHO says that current tobacco user (smoking and smoke less) among all adults is 43.3% (41.3 million). Among them 58% are males and female is 28.7%. 23% of adult aged 15 years or above currently smoke tobacco in Bangladesh, (for males 44.7% and for female 1.5%). The estimated number of current adult tobacco smokers is 21.9 million (21.2 million males and 0.7 million females). Among male current tobacco user, 54.6% only smoked tobacco , 23% used smokeless tobacco and 22.4% used both. Among female current users, 2.7% smoked tobacco, 94.7% used smokeless tobacco products and 2.6% used both. Among youth (age 13-15), 2% smoke cigarettes and 6% use tobacco products other than cigarettes (Banu, 2015). The cost of tobacco-related illnesses in Bangladesh attributable to tobacco usage was estimated at 50.9 billion taka, including 5.8 billion taka for illnesses resulting from second hand smoke exposure in 2004. On the other hand, the total annual product of the tobacco sector was estimated at 24.8 billion taka from tax revenue and wages. So the net loses from tobacco usage to the country is 26.1 billion taka in 2004 (equivalent to US\$ 442 million). It is estimated that on average a tobacco user spends about 4.5% of the monthly expenditure for tobacco consumption. Treatment of 1.2 million people every year costing billions of taka and health costs more than double of the revenue collected from tobacco companies. For burning the tobacco leaves and tobacco cultivation Bangladesh lost 30% of forest which harm the environment, soil fertility also reducing due to tobacco cultivation. As a result of increasing diversion of crop land for tobacco cultivation the possible threat to food security is come up as a major issue (Banu, 2015)

Public Places: Certain public places may have outdoor designated smoking zones, but health care and educational facilities, among other public places, shall not have such zones. Smoking is prohibited in one room means of public transport, but public transport with two or more rooms may have

designated smoking zones. With respect to outdoor places, children's parks, fairs, and queues of passengers riding public vehicles are smoke free. Sub-national jurisdictions may enact smoke free laws that are more stringent than the national law.

Tobacco Advertising, Promotion and Sponsorship: Tobacco advertising is prohibited in all print and electronic media, including at the point-of-sale. Free and discounted tobacco products also are prohibited, but internet tobacco sales and tobacco products bearing non-tobacco brand names are allowed. Although sponsorship by the tobacco industry is not completely prohibited, publicity of the sponsorship is prohibited.

Tobacco Packaging and Labeling: The law requires pictorial health warnings to cover at least 50 percent of the main display areas of all tobacco products. One of nine warnings (seven warnings for smoked products and two warnings for smokeless products) must be rotated every three months. Misleading terms such as "light" and "low tar" are prohibited on tobacco packaging, but other misleading packaging (e.g., colors, numbers, and symbols) is not banned.

Roadmap to Tobacco Control Legislation: The Smoking and Tobacco Products Usage (Control) Act, 2005, as amended by the Smoking and Tobacco Products Usage (Control) (Amendment) Act, 2013, is the principal law governing tobacco control in Bangladesh. The Act is comprehensive and covers smoke free policies; tobacco advertising, promotion and sponsorship; and packaging and labeling of tobacco products, among other areas. The Smoking and Tobacco Products Usage (Control) Rules, 2015 are the implementing Rules of the Act and provide further details regarding many provisions of the law. A public notice was issued subsequently by the Ministry of Health & Family Welfare to clarify that although the Rules require placement of health warnings on the upper half of principal display areas, placement on the lower half would be permitted as an interim measure. The 2005 Act was passed after Bangladesh became a party to the WHO Framework Convention on Tobacco Control, and was enacted as an addition, not in derogation of existing laws, at least to the extent that there were no contradictory provisions. The non-exclusive list of existing legislation includes the Railways Act, 1890 (governing smoking in railway compartments). The Ministry of Health is the lead agency to enforce the Smoking and Tobacco Control Legislation.

The previous law did not include smokeless tobacco like jarda, gul, khoinee and sada pata in the definition of 'tobacco products' although the prevalence of use of these products is higher than smoking prevalence in Bangladesh. The amended law defines all types of smokeless tobacco as 'tobacco products'.

Conclusions

Smoking prevalence is decreasing globally because of heightened awareness about the health hazards of smoking and the implementation of effective tobacco control policies. However, smoking is still a common habit, particularly in Asia, Eastern Europe, southern Europe, and a number of other LMICs. Additionally, rapid population growth and the expected increase in smoking prevalence because of the adoption of Western lifestyles associated with economic development and urbanization which could lead to many more smokers and tobacco-related diseases in parts of Africa and Latin America. Governments, in collaboration with the broader society, must implement effective tobacco control policies where they have lackings. Particular attention should be given to prevent the increase in smoking prevalence among women in LMICs. Although new nicotine delivery systems, such as e-cigarettes, may have the potential to help reduce tobacco-related harm by helping smokers to quit. Measures need to be in place to make sure that these systems do not lead to the maintenance of, or a new surge in tobacco use. Support and advice about quitting smoking should be apart of all health care practices, including urologic practices, because smoking not only cause diseases but also worsen the prognoses of other diseases by increasing commonalities including respiratory and cardio vascular problems.

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Study of Situation Analysis for South Asian Peasant and Hookah Smoking Group

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Abstract

In recent years, patterns of global tobacco use among youth have changed substantially. Although cigarette use has decreased significantly, alternative forms of tobacco are becoming increasingly popular. Hookahs are water pipes that are used to smoke specially made tobacco that is usually flavored. In recent years, there has been an increase in hookah use around the world, most notably among youth and college students. Similar to cigarettes, hookah smoking delivers the addictive drug nicotine and it is at least as toxic as cigarette smoking. Hookah bars are emerging as an important consideration for smoke free air efforts in many communities. Anthropologists lay a good stress of importance on peasant societies providing a particularly astute analysis of peasant life to Bangladesh rural context. Here the peasant people gossip with hookah. They form groups of practicing hookah smoking. A better understanding of bidi and hookah use among youth is important for the development of future initiatives to prevent tobacco use.

Introduction

Anthropologists lay a good stress of importance on peasant societies providing a particularly astute analysis of peasant life. From the studies we have been given to understand that peasants are farmers. But even within a society that is largely rural with a high percentage of smallholding farmers, there is still substantial social diversity within local society. So there is occupational diversity within rural society in almost every part of China, and a "peasant society" consists of many people who are not themselves "peasants".

The concept of peasant has been defined simply. "A peasant is a smallholding farmer, producing crops for family consumption and for market exchange, using family labor throughout the farming cycle. Peasants live in villages; they engage in face-to-face relations with neighboring farmers; they possess a diverse range of cultural and religious beliefs and practices;

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they fall within a diverse range of social networks and local organizations. The definition of the peasant offered focuses on the occupational or material situation of the individual. It is not surprising, then, that materialist social theory has given particular emphasis to the category of "peasant society" as a potentially explanatory social category. Marxist analysis gives substantial importance to the situation of peasants and workers and other non-Marxist materialist thinkers have done so as well.

The phenomenon of existentialism in the arena of peasantry is the common experience of insecurity. Farmers are more vulnerable than most economic groups to the vagaries of weather, water, and soil. There is the issue of surplus extraction. Farmers are the most numerous group in most traditional societies, the state and other powerful agents in society have an interest in extracting part of the peasant's surplus. This occurs through rent, interest, and taxation. And it is a commonplace that the peasant's life is often held hostage to 'predatory surplus extraction'. Peasants are close to be bottom of the ladder when it comes to power, status, and influence -- so they are vulnerable to exploitation. These considerations suggest that there is in fact an important basis of group mobilization that is associated with one's status as "peasant".

Farmers share an interest in famine relief, drought assistance, and collective action against predatory taxation or rent increases; so their status as peasants may contribute to deliberate efforts aimed at the development of class consciousness and group identity formation. Peasant organizations may emerge that deliberately cultivate political action and consciousness around peasant issues. And this in turn suggests a more complicated answer to the primary question here: one's status as a peasant may not determine one's outlook on the social world or one's mentality; but the struggles associated with making a life within the context of rents, taxation, drought, and famine may lead to the forging of a peasant consciousness that does in fact influence political behavior and solidarity.

Peasant and Hookah Smoking

Peasants are organized into various social groups sharing emotions, pleasure and pains,. Their association with primary social groups like family is a pervasive phenomenon in south Asian villages.

Hookah, a type of water pipe that originated in the Middle East and India, facilitates charcoal-heated air through a tobacco mixture, then through a water-filled chamber and finally through a pipe that allows users to inhale

the vapor. It's typically smoked in groups - hookah bars and cafes are a mainstay in many cities - with the same mouthpiece passed from person to person. It doesn't taste or smell like cigarette smoke, but the common notion that the water used in a water pipe filters out harmful ingredients is false, research suggests.

Oscar Lewis (1990) on the basis of participant observation seemed to trace several factions as hookah smoking groups. He conceptualized peasant political behaviour from positive mindset defining factions as social and political groups formed in defense of their common interests. Each faction while guarding the frontier of its own interests would not like to encroach upon the boundary of others. They are not rival groups. As the villagers are gregarious they love to form association. They gossip in groups sitting together in courtyard sharing hookah. Oscar Lewis alluded to North Indian context in an endless search for village life. This is almost similar to Bangladesh rural context. Here the people gossip with hookah. They may form groups. But these groups are not factions. For smoking biri or sharing hookah there is no need to form groups. The villagers use hookah at home during leisure or use it outside in the paddy field while getting together. This is a common scenario in rural Bangladesh. In fact Lewis's identification of faction with hookah smoking groups seem confusing. We have seen in several occasions that villagers flock together talking to each other smoking like biri or hookah. Even then they cannot be identified as factions (Mashreque 1995).

Smoking in a typical peasant style has not evaporated even in the age of information. Hubble bubble continues to be a part of peasant social life. Using it in small or large gathering is a visible phenomenon in interpersonal relationship; hookah culture is by and large found among the working class in a peasant society. The well off or elite would like to smoke water pipe that releases smoke with fragrance.

Dangers of Hookah Smoking

Similar to cigarettes, hookah smoking delivers the addictive drug nicotine and it is at least as toxic as cigarette smoking. While many hookah smokers may consider this practice less harmful than smoking cigarettes, hookah smoking carries many of the same health risks as cigarettes.

Hookahs are water pipes that are used to smoke specially made tobacco that is usually flavored. They are also called a number of different names, including water pipe, narghile, argileh, shisha, hubble-bubble, and goza.

Hookah smoking is typically practiced in groups, with the same mouthpiece passed from person to person. In recent years, there has been an increase in hookah use around the world, most notably among youth and college students. The survey found that in 2014, about 23% of 12th grade students in the United States had used hookahs in the past year, up from 17% in 2010. In 2014, this rate was slightly higher among boys (25%) than girls (21%). CDC's National Youth Tobacco Survey found that from 2013 to 2014, hookah smoking roughly doubled for middle and high school students in the United States. Current hookah use among high school students rose from 5.2% (770,000) to 9.4% (1.3 million) and for middle school students from 1.1% (120,000) to 2.5% (280,000) over this period. Hookah smoke contains many of the same harmful toxins as cigarette smoke.'

According to a study published in the 2012 issue of CDC's Preventing Chronic Disease (PCD), many hookah smokers believe that smoking a hookah carries less risk of tobacco-related disease than cigarette smoking. However, hookah smoke contains many of the same harmful toxins as cigarette smoke and has been associated with lung cancer, respiratory illness, low birth weight, and periodontal disease. According to a report from the World Health Organization (WHO, 1980), a hookah smoking session may expose the smoker to more smoke over a longer period of time than occurs when smoking a cigarette. Also, due to the method of smoking-including frequency of puffing, depth of inhalation, and length of the smoking session-hookah smokers may absorb higher concentrations of the same toxins found in cigarette smoke.'

- 'The charcoal used to heat tobacco in the hookah increases the health risks by producing smoke that contains high levels of carbon monoxide, metals, and cancer-causing chemicals.
- A typical 1-hour-long hookah smoking session involves 200 puffs, while an average cigarette is 20 puffs. The volume of smoke inhaled during a typical hookah session is about 90,000 milliliters, compared with 500 to 600 milliliters inhaled when smoking a cigarette.
- Using a hookah to smoke tobacco poses a serious potential health hazard to smokers and others exposed to the emitted smoke.'

Awareness Building of Youth About the Dangers

'There has most notably been an increase in hookah use among youth and college students. According to a study published in PCD entitled Opportunities for Policy Interventions to Reduce Youth Hookah Smoking in

the United States, one way to reduce youth hookah use is by educating young people about the harmful health effects associated with hookah smoking. The study suggests requiring warning labels on tobacco products and advertisements. Health organizations echo these suggestions. The WHO's Study Group on Tobacco Product Regulation (TobReg) urges consideration of the following public health initiatives to reduce hookah smoking and associated disease:-

- Education of health professionals, regulators, and the public at large is urgently needed about the risks of hookah smoking, including high potential levels of second-hand exposure among children, pregnant women, and others.
- Hookahs and hookah tobacco should be subjected to the same regulations as cigarettes and other tobacco products.
- Hookahs and hookah tobacco should include strong health warnings.
- Claims of harm reduction and safety should be prohibited.
- Misleading labeling, such as "contains 0 MG tar," which may imply safety, should be prohibited.
- Waterpipes should be included in comprehensive tobacco control efforts, including prevention strategies and cessation interventions.
- Hookahs should be prohibited in places consistent with bans on cigarette and other forms of tobacco smoking.'

Conclusion

Hookah is not a safer alternative to smoking cigarettes. Containing nicotine and harmful ingredients, hookah should be avoided, especially among non-smokers and individuals trying to quit. Hubble smoking bubble is an ingredient of smoking in rural areas. This is a pervasive phenomenon. Notwithstanding its popularity as a rural culture tobacco elements contained in both hookkah and water pipe is full of toxic elements. However indigenous knowledge is reflected in preparing hubble bubble and water pipe. Anthropological research in the element of participant observation is important to understand smoking behavior of the peasants. We cannot force the peasants to shun this longstanding habit.

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Tobacco & Youth: An Overview in Bangladesh

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Introduction

Tobacco consumption in Bangladesh is increasing, especially among the youth and the poor. The increase in tobacco consumption is due to many reasons. Recent socioeconomic development and increase in population size make the country a lucrative market for the tobacco industries. Easy availability of cheap tobacco products (such as biri), lack of strong tobacco control regulations and weak enforcements of existing regulations are also important factors. The tobacco consumption scenario in Bangladesh is also very different from others in its complexity. There is great variation in the pattern and mode of tobacco use. Smokeless forms of tobacco use is highly acceptable in the society.

Bangladesh government passed the Tobacco Control Law in 2005. It came into force in 2006. With increasing awareness about the harmful effects of tobacco use and campaign by various organizations the government felt the need to update the Law and it did so in 2013. Finally, on March 12 2015 Government has finalized necessary rules of the Law. It clearly delineates effective ways of controlling tobacco use in Bangladesh. Now, we need to enforce the Law to save young people from the harmful effects of tobacco.

Bangladesh signed the Framework Convention on Tobacco Control (FCTC) on 16 June 2003 and ratified it on 10 May 2004. As a signatory to the FCTC, Bangladesh is obliged to implement the provisions of the Convention and develop its own national regulatory regime to control smoking and production, use, sale, purchase and advertisements of tobacco products. The National Tobacco Control Cell (NTCC) under the Ministry of Health and Family Welfare is responsible for the proper implementation and monitoring the tobacco control laws, including the provision of ban on sale of tobacco products to and by minors, but its capacity to supervise and monitor the compliance of this provision is very limited.

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According to Global Adult Tobacco Survey (GATS) Bangladesh Report (2009), the age at smoking initiation; who began smoking between the ages of 15-16 years, 24.4% were rural residents and 26.7% urban residents. Among urban smokers, 21.0% initiate smoking between the ages 17-19, compared to 17.7% of rural smokers. This study shows that children (up to 18 years) in urban areas are more prone to this danger of smoking habit. Almost no one starts smoking after age 25. Nearly 9 out of 10 smokers started smoking by age 18, and 99% started by age 26. Progression from occasional to daily smoking almost always occurs by age 26.

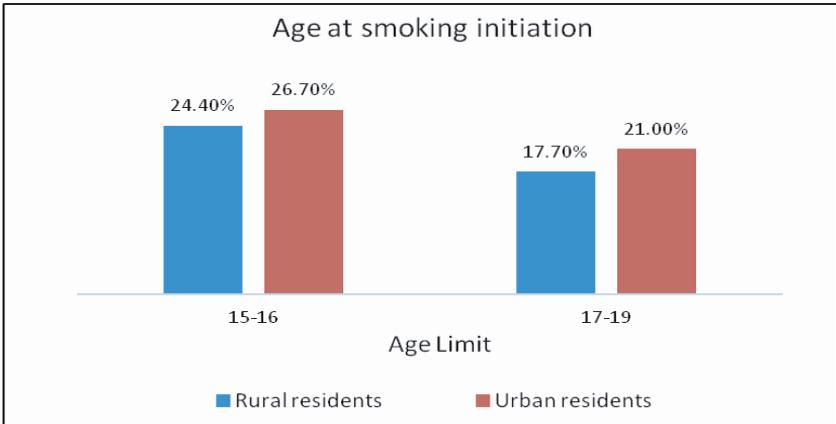


Figure 1: Age at smoking initiation

Source : GATs, Bangladesh Report, 2009

Study said that 98% people of the country think, more youths have been attracted to smoking than earlier because of availability of cigarette in low price. The report findings said, a person expenses Tk 45 to Tk 50 daily in average for smoking, 34% people do not know that smoking at public places is prohibited. A total of 65% claimed there is hardly campaign on dangerous aspects of smoking and 46% people are known about the Smoking and Tobacco Products Usage (Control) (Amendment) Act 2013, according to the survey. Clean Air, a non-government organization presented this survey report (May 18, 2014).

In Bangladesh we find broadly two types of children of this age group, one is children engaged in education ranging from primary to undergraduate (up to 1st year) level and the another is children engaged in formal (factory, industry and other services) and informal (domestic work, construction work, road transport, pulling rickshaw/van, day laborers and street urchins etc.) employment.

For both type of children tobacco products are affordable and easily accessible. Although act prohibits sale to and by minors who have not attained 18 years of age, act has not provided any exemplary or deterrent punitive measure/s for the minors for buying tobacco products. Flagrant violation of this provision is appeared all over the country. Practically it is almost impossible for the vendors to refuse the offer of buying tobacco products by the youth. The problem is more severe when the seller him/herself is minor. Till now, there is no recorded instance of imposing fine to any vendor for violation of this provision.

As regards the laws of Bangladesh, inadequacy of law is not the main problem rather non-compliance of existing law is the main problem. Lack of strict monitoring and compliance mechanism will cause further violation of legal provision. For effective implementation of provision a compliance mechanism is required to be developed after identifying the causes and consequences of violation of this provision on the country's estimated 70 million children.

Tobacco use by youth and young adults causes both immediate and long-term damage. One of the most serious health effects is nicotine addiction, which prolongs tobacco use and can lead to severe health consequences. The younger youth are when they start using tobacco, the more likely they'll be addicted.

Factors Associated With Youth Tobacco Use Include the Following

Social and physical environments

The way mass media show tobacco use as a normal activity can promote smoking among young people.

Youth are more likely to use tobacco if they see that tobacco use is acceptable or normal among their peers.

High school athletes are more likely to use smokeless tobacco than their peers who are non-athletes.

Parental smoking may promote smoking among young people.

Biological and genetic factors.

There is evidence that youth may be sensitive to nicotine and that teens can feel dependent on nicotine sooner than adults.

Genetic factors may make quitting smoking more difficult for young people.

A mother's smoking during pregnancy may increase the likelihood that her offspring will become regular smokers.

Mental health: There is a strong relationship between youth smoking and depression, anxiety, and stress.

Personal perceptions: Expectations of positive outcomes from smoking, such as coping with stress and controlling weight, are related to youth tobacco use.

Other influences that affect youth tobacco use include:

Lower socioeconomic status, including lower income or education

Lack of skills to resist influences to tobacco use

Lack of support or involvement from parents

Accessibility, availability, and price of tobacco products

Low levels of academic achievement

Low self-image or self-esteem

Exposure to tobacco advertising

Effects of Smoking Among Young People

Smoking reduces lung function and retards lung growth. Youths who smoke are not only short of breath today, they may end up as adults with lungs that will never grow to full capacity. Such damage is permanent and increases the risk of chronic obstructive pulmonary disease.

In adults, cigarette smoking causes. Studies have shown that early signs of stroke and heart disease can be found in adolescents who smoke.

Youth are sensitive to nicotine and can feel dependent earlier than adults. Because of nicotine addiction, about three out of four teen smokers end up smoking into adulthood, even if they intend to quit after a few years.

Smoking hurts young people's physical fitness in terms of both performance and endurance even among young people trained in competitive running. On average, someone who smokes a pack or more of cigarettes each day lives 7 years less than someone who never smoked.

Smoking at an early age increases the risk of lung cancer. For most smoking-related cancers, the risk rises as the individual continues to smoke.

Teenage smokers suffer from shortness of breath almost three times as often as teens who don't smoke, and produce phlegm more than twice as often as teens who don't smoke.

Youths who smoke are three times more likely than nonsmokers to

use alcohol, eight times more likely to use marijuana, and 22 times more likely to use cocaine. Smoking is associated with a host of other risky behaviors, such as fighting and engaging in unprotected sex.

The Environmental Protection Agency has concluded that secondhand smoke causes lung cancer in adults and greatly increases the risk of respiratory illnesses in children and sudden infant death syndrome. The carbon monoxide in tobacco smoke increases the chance of cardiovascular diseases, and children who breathe secondhand smoke are more likely to develop ear infections, allergies, bronchitis, pneumonia, and asthma. Older children whose parents smoke get sick more often.

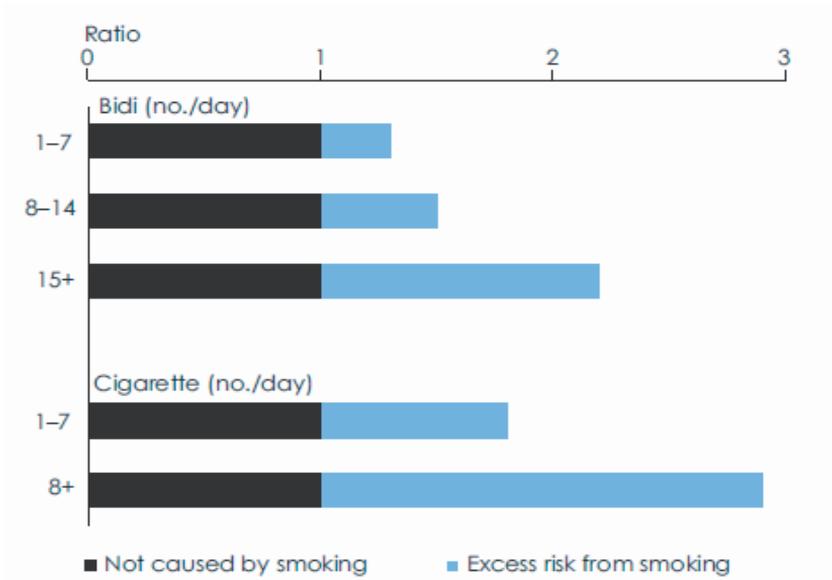


Figure 2: Risk of death by amount and type, men aged 30-69

Note: Risks adjusted for alcohol use, education and age.

Source: Jha *et.al*, 2008

Recommendations for Reducing Youth Tobacco Use in Bangladesh

An increase in tax is the single most effective intervention to reduce demand for tobacco. Numerous studies indicate that higher tobacco prices significantly and consistently reduce tobacco use as price increases encourage people to stop smoking, prevent others from starting in the first place and reduce the number of ex-smokers who resume the habit.

It has been estimated that a modest increase in cigarette excise tax of 10% would increase tobacco tax revenues by about 7% overall with the effects varying by country. A proportion of the tobacco revenue should be used for tobacco control programmes. Bangladesh government has taken a laudable initiative by introducing 1 percent health development tax. This fund should be used to control tobacco usage and reduce related health hazards.

Universities should be smoking free zone. Teachers should discourage students about tobacco use. In every department there are student counselors. They should make students aware about the harmful effects of smoking. Smoking habit often turns into drug addiction. Young people often become victims of drugs. So this awareness about smoking should be taken as seriously as anti-drugs campaign. University Grants Commission should issue a directive banning use of tobacco in university campuses.

One needs license to sell alcohol but not for cigarettes. But the gravity of danger caused by cigarettes is thousand times more than that of alcohol. Obviously, there should be licensing provision for selling cigarettes. It will impose control on easy access to cigarettes.

In public places we see signboards with the message 'no smoking zone' which is not right. It should be written as 'smoking in public places is a punishable offence'. The amount of penalty should also be mentioned in the sign board.

We could request the religious leaders of our country, be it imams, reverends or priests, to include the ill-effects of smoking in their sermons. Thus, a wider segment of the population could be made aware about how destructive smoking is through their respective religious institutions. Continued efforts are needed to prevent and reduce the use of all forms of tobacco use among youth.

Prohibition of smoking at public places and workplaces not only protect non-smokers but also create an environment that encourages smokers to cut back or quit. The ban on smoking in public places must be strict and require publicity and government enforcement. The tobacco act has defined 'public place' but it should be more stringent; governments also have to conduct public awareness activities to inform all concerned what a public place is. Efforts should be made to make refraining from smoking in public places a social norm.

In Bangladesh, NGOs monitor tobacco company activities and submit reports to government on law violation. Legal authority, with the help of a mobile court, can then remove illegal tobacco advertisements and charge companies for law violation, and fine those smoking in prohibited areas. Running mobile courts increases awareness of the law and encourages people to respect it, contributing to creation of more smoke free places.

Though framing law is the duty of government, it is the duty of all to help in implementation. It is difficult for government alone to ensure proper compliance and enforcement. Mobile courts, supported by monitoring by NGOs to identify violations, serve as a useful device for law implementation in Bangladesh. They also can raise awareness that will increase compliance and thus make law enforcement easier and more successful.

Conclusion

It would be extremely difficult to persuade a 50-year old chain smoker to quit smoking. However, we could ensure that school children are convinced of the dangers of smoking. Teachers and parents play a major role in this regard. I believe that every parent needs to be aware of whether their children are smoking or not. In TV serials and movies we often see scenes of smoking which is prohibited by the Law. Young generation are attracted with smoking by this kind of activities. Directors of film and TV serials should be made aware about this gross violation of Tobacco Law. Strong political commitment is crucial to combat the tobacco epidemic. High level National Tobacco Control Taskforce should be worked properly & actively collaboration with the Health Sector. We need to ensure that such significant discussions reach the concerned authorities in the government who can implement these suggestions.

Tobacco-related illnesses such as cancer, cardiovascular and respiratory diseases are already major problems in Bangladesh. To combat this powerful epidemic supported by a powerful opponent, there should be concerted collaboration between relevant sectors of the government and NGOs. Partnership with civil societies, NGOs, donors and other anti-tobacco stakeholders is necessary.

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চট্টগ্রাম বিভাগে তামাক চাষ : একটি পর্যালোচনা

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সূচনা

তামাক একটি সবুজ পাতা বিশিষ্ট উদ্ভিদ। সাধারণত বাংলা আশ্বিন-কার্তিক মাসে চাষ শুরু করে দীর্ঘ পাঁচ মাস পর ফাল্গুন-চৈত্র মাসে তামাক পাতা কাটা হয়। বাংলাদেশের উত্তর ও উত্তর দক্ষিণাঞ্চলে সাধারণত দেশী জাতের তামাক উৎপন্ন হয়। সম্প্রতি পানি সহনীয় কিথরী জাতের তামাক বীজ দিয়ে কিছু কিছু জায়গায় বর্ষা মৌসুমেও তামাক চাষ হচ্ছে। ভার্জিনিয়া ও উফসী জাতের কিছু তামাক পাতা শুকাতে বিশেষ ধরনের চুলি ও প্রচুর জ্বালানির প্রয়োজন হয়। এ সকল জাতের তামাক উত্তরাঞ্চলের পাটগ্রাম, পীরগঞ্জ ও এর আশেপাশের এলাকা এবং সমগ্র এলাকা এবং সমগ্র পার্বত্য চট্টগ্রাম ও কক্সবাজারের চকরিয়াতে চাষ করা হয়। সম্ভবত চুলিতে শুকানোর ঝামেলার কারণে ও রোদে শুকানো তামাক পাতার বাজার থাকার কারণে উত্তরাঞ্চলের কৃষকরা দেশী জাতের তামাক চাষ করে। উত্তরাঞ্চলে বহু বিড়ি, জর্দা ও গুলের কারখানা রয়েছে। এরাই মূলত দেশী ও উফসী জাতের এ সকল রোদে শুকানো তামাক পাতার ক্রেতা। সিগারেট কোম্পানির কাছে ভার্জিনিয়া তামাকের কদর বেশী। তামাক কোম্পানিগুলোর শক্তিশালী ও কৌশলী ব্যবস্থাপনার মধ্যে রয়েছে ঋণের সহজলভ্যতা, কৃষকদের প্রয়োজনীয় প্রশিক্ষণ প্রদান, সার, বীজ কীটনাশক প্রাপ্তির নিশ্চয়তা, নিবিড় মনিটরিং ব্যবস্থা ইত্যাদি। বাংলাদেশে কৃষি পণ্যের বিশেষ করে সজির বাজারজাতকরণ ও যথাযথ মূল্যের নিশ্চয়তা বিধান করা এখনও সম্ভব হয়নি। সজি ফলন বেশি হলে উৎপাদন হ্রাস পায়। সংরক্ষণ ব্যবস্থার অপ্রতুল্যতার কারণে কৃষকের উৎপাদিত পণ্য সঠিক সময়ে বিক্রি না হলে পঁচে যাওয়াটা একটা স্বাভাবিক ঘটনা হয়ে দাঁড়িয়েছে। এ সমস্যা পার্বত্য এলাকায় আরো ব্যাপক। এই এলাকায় কৃষিপণ্য বাজারজাতকরণের সুষ্ঠু ব্যবস্থাপনা, যাতায়াত ইত্যাদির অভাবে তা নষ্ট হয়ে যায়। উৎপন্ন ফসল পঁচানোর চেয়ে তামাক চাষ করে কিছুটা হলেও আর্থিক সুবিধা বা দাম পাওয়া অনেক সুবিধাজনক। এই রোধ থেকে কৃষকরা তামাক চাষ করে। মানসম্পন্ন তামাক পাতার জন্য কৃষকদের অপেক্ষা করতে হয় না বরং তা দ্রুত বিক্রি হয়ে যায়। কিন্তু মান খারাপ হলে, পাতার আকার ছোট হলে এবং পাতার আকারের তারতম্য হলে মূল্য কমে যায় ঠিকই কিন্তু তারপরও তা বিক্রি হয়ে যায়। তাছাড়া তামাকের মোথা ও শিকড় পর্যন্ত ফেলনা যায় না। কৃষকরা তাও বিক্রি করতে পারে। তা প্রক্রিয়াজাত করে বিড়ি, জর্দা ও গুল তৈরিতে ব্যবহার করা হয়।

কোম্পানি ও মহাজনদের শোষণ

তামাকের মূল্য নির্ধারিত হয় কোম্পানি ও মহাজনদের বোঝাপড়ার মাধ্যমে। যেহেতু এর ক্রেতা খুবই সীমিত তাই তারা যে মূল্য নির্ধারণ করে দেন কৃষকরা তা মেনে নিতে বাধ্য থাকে।

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তামাক পাতার দাম গ্রেড অনুযায়ী নির্ধারিত হয়। শুধু রেজিস্টার্ড চাষীদের উৎপাদিত পাতা কোম্পানির নিকট বিক্রির নিশ্চয়তা রয়েছে। যারা রেজিস্টার্ড চাষী নন তামাক পাতা বিক্রির জন্য তাদের অনেক সমস্যার মধ্যে পড়তে হয়। পাতার মান আশানুরূপ না হলে কোম্পানি সেই পাতা কিনতে চায় না; কিনলেও খুব কম দাম পরিশোধ করে। কোম্পানিদের সাথে মহাজন বা ফড়িয়াদের বোঝাপড়া থাকায় দুর্বল কৃষক ক্ষতিগ্রস্ত হয়।

তামাক কোম্পানির নতুন এলাকার সন্ধান

তামাক কোম্পানিগুলো পার্বত্য চট্টগ্রামের খানচি, বান্দরবান, আলীকদম, নাইক্ষ্যংছড়ি, রংমা, রোয়াংছগি, লামা, চকরিয়া, রাজুনীয়া প্রভৃতি এলাকায় তামাক চাষ প্রসারের মাধ্যমে



তাদের ভয়াবহ খাবা বিস্তার করেছে। এ এলাকাগুলোতে তামাক চাষের ফলে শীতকালীন সবজি ও তরিতরকারি চাষ আশঙ্কাজনকহারে হ্রাস পেয়েছে। পাহাড়ী এলাকায় চিরচরিত জুম চাষের সাথে সেখানকার জীব বৈচিত্র্য ও খাদ্যভ্যাস সম্পৃক্ত। সেটাও বিলীন হওয়ার পথে। তামাক চাষের এই

প্রক্রিয়ার সাথে অনেক প্রভাশালী ব্যক্তি জড়িত। চিরচরিত জুম চাষের বদলে তামাক চাষের প্রসার পার্বত্য চট্টগ্রামের শত শত আদিবাসি ও বাঙ্গালি পরিবারের সর্বনাশের কারণ হয়ে দাঁড়িয়েছে। এতে তামাক খাদ্য সংকটের মুখোমুখি বলে জানা যায় - যার ফলে বর্তমানে তাদের খাদ্য নিরাপত্তা হুমকীর সম্মুখীন।

চট্টগ্রাম বিভাগের তামাক চাষ দিন দিন বেড়ে যাচ্ছে। চট্টগ্রাম বিভাগে মূলত: রাজামাটি, খাগড়াছড়ি, বান্দরবান ও কক্সবাজার জেলায় তামাক চাষ ব্যাপকহারে হচ্ছে। তামাক চাষ ক্ষতি বলে জেনেও অনেক কৃষকরা এ চাষ করে যাচ্ছে। কিন্তু সাময়িক লাভবান হয় বলে তারা এ চাষ করে যাচ্ছে। আগে উত্তরাঞ্চলে তামাক চাষ করা হলেও বর্তমানে পার্বত্য চট্টগ্রামে ব্যাপকহারে এ চাষ করা হচ্ছে। কক্সবাজারের এক কৃষক বলেন- নয় একর জমিতে তামাক চাষ করে লাভ হয়েছেন পৌনে তিন লক্ষ টাকা কিন্তু একই জমিতে এর আগে ধান চাষ করে লাভ করেছেন ৪৫ হাজার টাকা। মুনাফা বেশি বলে তারা তামাক চাষ শুরু করেছেন। কক্সবাজার ও বান্দরবান এলাকায় ১০ হাজার একর জমি তামাক চাষের আওতায় চলে এসেছে। দেশের পাহাড়ী এলাকায় প্রতি বছর তামাক চাষ বেড়েই চলেছে। সরকারি হিসাব অনুযায়ী ১৯৮৪ সালে এই এলাকায় মাত্র ৭৪০ একর জমিতে তামাক চাষ সীমিত ছিল। পাহাড়ী এলাকায় যথেষ্ট কাঠ পাওয়া যায় বলে কৃষকরা তামাক চাষে উদ্বুদ্ধ হচ্ছে। খাদ্য উৎপাদনের জন্য ভাল জমি ও সেচ সুবিধার অভাব, বাজার ও বিকল্প অর্থকরী ফসল না থাকার পাশাপাশি তামাক কোম্পানিগুলোর ঋণ, সার, কীটনাশক ও অন্যান্য উপকরণ দিয়ে সহায়তা, ফসল বিক্রির নিশ্চয়তা এবং বেশি মুনাফা এই এলাকার কৃষকদের তামাক চাষে উৎসাহিত করেছে।

তামাক চাষ ও ব্যাংক ঋণ সমস্যা

সবজি ও অন্যান্য ফসল চাষের ক্ষেত্রে আরেকটি বড় সমস্যা হচ্ছে বর্গাচাষীরা কৃষিঋণ পান না। নিজস্ব জমি না থাকলে ব্যাংক থেকে কোন ধরনের ঋণ পাওয়া যায় না। কেননা ঋণ গ্রহণের

সময় ব্যাংকে জমির দলিল মর্গেজ হিসেবে রাখতে হয়। অথচ তামাক চাষের ক্ষেত্রে বর্গাচাষীরাও তামাক কোম্পানির কাছ থেকে ঋণ নিতে পারে। এছাড়া, বিভিন্নভাবে কৃষকদের ব্যাংক ঋণ পাওয়ার ক্ষেত্রে হয়রানির শিকার হতে হয়। ব্যাংক ঋণ জটিল ও দীর্ঘমেয়াদি। এসব কারণে ব্যাংক ঋণ নিয়ে তামাক ভিন্ন অন্য কিছু চাষ করার চেয়ে তামাক কোম্পানি থেকে সহজলভ্যতা ঋণ গ্রহণ করে কৃষক তামাক চাষ করে।

তামাকের বিকল্প ফসল চাষ

তামাক নিয়ন্ত্রণ আইনে তামাকে বিকল্প ফসল উৎপাদনে সহযোগিতার কথা উলেখ করা হয়েছে। তামাক চাষীদের বিকল্প ফসল উৎপাদনে সহযোগিতা প্রদান করা সম্ভব হলে অনেকে তামাক চাষের পরিবর্তে অন্য ফসল উৎপাদনে এগিয়ে আসবে।

বিকল্প চাষের জন্য করণীয়

- ক) কৃষিঋণ সহজ করা; বর্গাচাষীদের এর আওতায় আনা
- খ) বাজারজাতকরণ ব্যবস্থার উন্নতি
- গ) কোন্ডস্টোরেজ নির্মাণ; বিশেষ করে পার্বত্য এলাকায়
- ঘ) মাঠ পর্যায়ে কৃষি কর্মকর্তাদের তাদের সেবা- পরামর্শ কৃষকদের দোরগোড়ায় পৌঁছে দেয়া
- ঙ) সময়মত মানসম্পন্ন বীজ ও সারের যোগান নিশ্চিত করা

চ) কৃষি সম্প্রসারণ অধিদপ্তর, সরকারের সংশ্লিষ্ট বিভাগ ও এনজিও কর্তৃক তামাকের বিকল্প ফসল উৎপাদনে সহযোগিতা। বিকল্প চাষে উদ্বুদ্ধ করার জন্য বিভিন্ন কর্মসূচী যেমন: প্রশিক্ষণ, প্রদর্শনী খামার ইত্যাদির ব্যবস্থা করা। এ কাজে বর্গা ও প্রান্তিক চাষীদের সম্পৃক্ত করা।



বিপরীতে মাটির উর্বরতা ও উৎপাদন কমে যাওয়া এবং জ্বালানী কাঠ সংকটের কারণে তামাক চাষের কৃষকপ্রিয় এলাকা কুষ্টিয়াসহ উত্তরাঞ্চলে তামাক চাষ কমে যাচ্ছে। বেসরকারি হিসাব অনুযায়ী বান্দরবান ও কক্সবাজারের ১৩ হাজার একর জমিতে এখন তামাক চাষ হচ্ছে। তামাক কোম্পানিগুলোর নজর হচ্ছে এখন পাহাড়ী এলাকায়। তামাক গাছের শিকড় তিন ফুট পর্যন্ত মাটির নিচের পুষ্টি টেনে নেয়। এছাড়া তামাক চাষে অতিমাত্রায় সার ব্যবহার হয়। এ কারণে দুই থেকে চার বছরের মধ্যে মাটির উর্বরতা ক্ষমতা কমে যায়। তামাক চাষ বাড়ায় আগামীতে খাদ্য নিরাপত্তা হুমকীর মধ্যে পড়তে পারে। কারণ ধানের জমি কমে যাচ্ছে। তামাক চাষ নিরন্তরসাহিত করতে উচ্চমূল্যের কর আরোপ করা যেতে পারে।

অসহায় কৃষকদের আর্থিক দুর্বলতার সুযোগ নিয়ে দেশের তামাক কোম্পানিগুলো কৃষি পণ্যের পরিবর্তে অধিকতর তামাক চাষে প্রলুদ্ধ করছে। ওই সব তামাক কোম্পানি অসহায় আদিবাসি ও বাঙ্গালি সম্প্রদায়ভুক্ত কৃষকদের মাঝে অগ্রিম টাকা দিয়ে তামাক চাষ করাচ্ছে প্রতি বছর। বিশেষ করে লামা, থানছি পলি পাড়া, রাম্মা, রোয়াংছড়ি ও আলী কদম উপজেলার মোট আবাদি জমির প্রায় ৮০ ভাগ জমিতে চলতি মৌসুমী ও তামাক চাষ করা হয়েছে জোরালোভাবে। কৃষি সম্প্রসারণ অধিদপ্তরের দেয়া তথ্য অনুযায়ী দেশে ২০১৩- ১৪ মৌসুমে ১ লক্ষ ৮ হাজার হেক্টর

জমিতে তামাক চাষ কার হয়েছে।

হুমকীতে খাদ্য নিরাপত্তা

তামাক চাষের কারণে সারা দেশ খাদ্য নিরাপত্তা হুমকিতে পড়েছে। গত ৬ বছরের ব্যবধানে তামাক উৎপাদনের পরিমাণ ৪ হাজার ২৪০ টন থেকে ১ লাখ ৩ হাজার ৬৫০ টনে দাঁড়িয়েছে। খাদ্য মন্ত্রণালয় ও এফএওর গবেষণা তথ্য অনুযায়ী দেশে মোট চাষযোগ্য জমি থেকে আমরা নানা কারণে বছরে ৬৯ হাজার হেক্টর জমি হারাচ্ছে। এটা দেশের খাদ্য নিরাপত্তার চরম হুমকি বলে মনে করেছেন বিশেষজ্ঞরা। কৃষি সম্প্রসারণ অধিদপ্তরের হিসাবে ১ হেক্টর জমিতে ৩ দশমিক ৯ টন চাল উৎপাদন করা সম্ভব। সে হিসেবে ১ লাখ ৮ হাজার হেক্টর জমিতে তামাক চাষ হওয়ায় ৪ লাখ ২১ হাজার ২০০ টন চাল আমাদের ভাঙারে যোগ হয়নি।

বিশেষজ্ঞরা বলেন - বিষয়টি সত্যিই ভয়াবহ। এভাবে প্রতিনিয়ত তামাক চাষ বাড়তে থাকলে দেশের খাদ্য ও স্বাস্থ্য নিরাপত্তা মারাত্মক ঝুঁকিতে পড়বে। তামাক কোম্পানিগুলো কৃষককে ঋণের ফাঁদে ফেলে তামাক চাষে বাধ্য করছে। কৃষক সাময়িক লাভবান হলেও লোভে পড়ে তামাক চাষ করছেন। কোম্পানিগুলোর কার্যক্রম নিয়ন্ত্রণ করা ছাড়াও তামাক চাষ নীতিমালা প্রণয়নসহ কার্যকর করার সময়ের দাবি।

তামাক চাষ করে অনেকেই কোটিপতি হয়েছেন। তাদেরকে ঢাকায় নিয়ে কীভাবে কোটিপতি হয়েছেন সে গল্প তুলে ধরে সেমিনারের আয়োজন করা হয়েছে। শুধু নগদ সহায়তা নয় সামাজিক দায়বদ্ধতার মতো কাজকেও কূটকৌশল হিসেবে বেছে নিয়েছে তামাক কোম্পানিগুলো। কোম্পানিগুলো সিএসআর কার্যক্রমের আওতায় তামাক চাষীদের সৌরবিদ্যুৎ ও সুপেয় পানির ব্যবস্থা করে দিয়েছে। জানা গেছে - বান্দরবান ও খাগড়াছড়ি জেলার চারটি গ্রামের ৫৭৬টি তামাক চাষী পরিবারকে সৌর বিদ্যুৎ দিয়েছে।

একটি বেসরকারি সংস্থার গবেষণা তথ্য অনুযায়ী তামাক চাষ নীতিমালার মাধ্যমে তামাক কোম্পানিগুলোকে নিয়ন্ত্রণের মধ্যে আনতে উদ্যোগ নিতে হবে সরকারকে। কৃষি অর্থনীতিবিদরা বলেন - কৃষকদের নিরুৎসাহিত করার পাশাপাশি সরকার কর নীতিমালার মাধ্যমেও তামাক চাষ নিয়ন্ত্রণ করতে পারে। তামাক চাষে কৃষকদের নিরুৎসাহিত করতে বিকল্প খাদ্যশস্য চাষে সরকারি প্রণোদনা দেয়ার ওপরও গুরুত্বারোপ করেন।

কৃষকরা ধান ও সবজি বাদ দিয়ে তামাক চাষ করছে। উৎপাদিত তামাকের বাজার বা বিপণন নিশ্চয়তা পাওয়ার কারণে তামাক চাষ করছেন বলে জানিয়েছেন কৃষকেরা। তবে তামাক চাষের জন্য ব্যবহৃত কীটনাশক ও রাসায়নিক সারের কারণে বিষাক্ত হয়ে উঠেছে মাটি। কৃষি বিভাগের একটি সূত্র অনুযায়ী বান্দরবান ও কক্সবাজার জেলার ৬০ শতাংশ আবাদি জমিতে তামাক চাষ হয়ে থাকে। যদিও কৃষি কর্মকর্তারা দাপ্তরিকভাবে ৭ শতাংশের অধিক জমিতে তামাক চাষ হওয়ার কথা স্বীকার করেন না। জেলা পরিষদের দারিদ্র্য বিমোচনে তামাক চাষের বিকল্প ফসলের চাষ শীর্ষক একটি প্রকল্প প্রস্তুতবে বলা হয়েছে, টানা কয়েক বছর তামাক চাষের কারণে মাটির উর্বরতা কমে যায়। এ জন্য তামাক কোম্পানিগুলো প্রতিবছর ২৫-৩০ শতাংশ নতুন জমি তামাক চাষের আওতায় নিয়ে আসছে। প্রবণতা বন্ধ না হলে সব আবাদি জমি উৎপাদনক্ষমতা হারিয়ে আগামী দিনে পার্বত্য এলাকা মঙ্গলকবলিত এলাকায় পরিণত হবে।

তামাক চাষ নিরুৎসাহিতকরণে রাষ্ট্রীয়ভাবে কোন নীতিমাল নেই। বিচ্ছিন্নভাবে কিছু নির্দেশনা

যেমন: বাংলাদেশ ব্যাংক কর্তৃক তামাকচাষে ঋণ প্রদান বন্ধ সংক্রান্ত প্রজ্ঞাপন, তামাকচাষে ভতুর্কি মূল্যের সার ব্যবহার বন্ধে কৃষি মন্ত্রণালয়ের নিষেধাজ্ঞা এবং কৃষি সম্প্রসারণ বিভাগ কর্তৃক তামাকচাষ নিরুৎসাহিতকরণে ছোট-খাটো কিছু উদ্যোগ প্রভুতি থাকলেও দুর্বল তদারকি এবং তামাক কোম্পানির শক্তিশালি হস্তক্ষেপের কারণে এসব প্রচেষ্টা থেকে তেমন কোন সুফল পাওয়া যাচ্ছে না। বরং তামাক চাষ ক্রমাগত বেড়েই চলেছে। অন্যদিকে তামাক চাষের ক্ষয়ক্ষতি তুলে ধরে গণমাধ্যম ও তামাক বিরোধী সংগঠনগুলো তামাক চাষ নিরুৎসাহিতকরণে একটি সামগ্রিক নীতিমালা গ্রহণ ও তা কার্যকরভাবে বাস্তবায়নের জন্য দীর্ঘদিন যাবৎ দাবি জানিয়ে আসলেও কর্তৃপক্ষের খুব একটা টনক নড়ছে না। তামাক নিয়ন্ত্রণ আইনে তামাক চাষ নিরুৎসাহিত সংক্রান্ত একটি ধারা সংযোজিত হলেও নীতিমালার অভাবে তা বাস্তবায়ন করা সম্ভব হচ্ছে না। উলেখ্য, তামাক নিয়ন্ত্রণ আইনের ১২নং ধারায় বলা হয়েছে - তামাকজাত দ্রব্য উৎপাদন ও উহার ব্যবহার ক্রমাগত নিরুৎসাহিত করিবার জন্য উদ্বুদ্ধ, এবং তামাকজাত সামগ্রীর শিল্প স্থাপন, তামাক জাতীয় ফসল উৎপাদন ও চাষ নিরুৎসাহিত, করিবার লক্ষ্যে সরকার প্রয়োজনীয় নীতিমালা প্রণয়ন করিতে পারিবে। তামাক চাষ রোধে কোন নীতিমালা না থাকায় বিগত দশকে অরক্ষিত কৃষকদের ব্যবহার করে তামাক কোম্পানিগুলো আগ্রাসীভাবে তামাকচাষ বেড়ে চলছে। সরকারের কৃষি বিভাগ তামাক চাষ নিয়ন্ত্রণে তেমন কিছু করছে না। ফলে তামাক চাষ বেড়েই চলেছে এবং খাদ্য নিরাপত্তা হুমকির মুখে পড়ছে।

গণমাধ্যমে প্রকাশিক খবর থেকে জানা যায় যে, খাগড়াছড়ির দীঘিনালা উপজেলার পাশাপাশি অবস্থিত দুটি শিক্ষা প্রতিষ্ঠানের আশেপাশে ৫-১৫ ফুট দূরত্বের মধ্যে মোট ৯টি তামাকচুলি নির্মাণ করা হয়েছে। এ কারণে বিদ্যালয়ে পড়াশোনার ব্যাঘাত ঘটছে। শিক্ষার্থীরা আছে স্বাস্থ্য ঝুঁকিতে।

পাহাড়ী এলাকায় যেভাবে তামাক চাষ বাড়ছে সবাই একযোগে এর বিরুদ্ধে কথা না বললে এ চাষ থেকে সহসা মুক্তি পাওয়া অসম্ভব। শুধুমাত্র স্বাস্থ্য মন্ত্রণালয় ও এনজিওসমূহ তামাক চাষের বিরুদ্ধে কথা বললে হবে না অন্যান্য বিভাগসমূহকেও এগিয়ে আসতে হবে। প্রচলিত আইন দ্বারা কোম্পানির আগ্রাসন মোকাবেলা সম্ভব কিনা বা ভুক্তভোগীদের সুরক্ষা দেয় সম্ভব হচ্ছে কিনা। নতুন আইন বা নীতিমালা প্রণয়ন ও বাস্তবায়নের ক্ষেত্রে এসব বিষয় গুরুত্বসহকারে বিবেচনাপূর্বক অন্তর্ভুক্ত ও কার্যকর করতে হবে।

তথ্যসূত্র

তামাক না টেকসই উন্নয়ন, প্রকাশ জুন, ২০১৬, প্রকাশক প্রজ্ঞা, ঢাকা।

তামাক নিয়ন্ত্রণ ম্যানুয়াল, প্রকাশ আগস্ট, ২০১৬, প্রকাশক জাতীয় তামাক নিয়ন্ত্রণ সেল, ঢাকা।

তামাক নিয়ন্ত্রণ হ্যান্ডবুক, প্রকাশ ২০০৯, বিশ্ব স্বাস্থ্য সংস্থা, ঢাকা।

খাগড়াছড়ির আবাদি জমি দখলে নিয়েছে বিষাক্ত তামাক, দৈনিক প্রথম আলো ০২ এপ্রিল ২০১৭

সামাজিক সচেতনতার মাধ্যমে ধূমপান ও তামাকজাত দ্রব্য ব্যবহার নিয়ন্ত্রণ: একটি পর্যালোচনা

মোহাম্মদ শহিদুল ইসলাম*

সূচনা

ধূমপান ও তামাকজাত দ্রব্যের ভয়াবহ ক্ষতি বিবেচনায় নিয়ে বিশ্ব স্বাস্থ্য সংস্থা (ডাবিউএইচও)'র প্রণীত আন্তর্জাতিক তামাক নিয়ন্ত্রণ চুক্তি ফ্রেমওয়ার্ক কনভেনশন অন টোব্যাকো কন্ট্রোল (এফসিটিসি)'তে কার্যকরভাবে তামাক নিয়ন্ত্রণের জন্য সকল প্রকার প্রচারণা কার্যক্রম নিষিদ্ধ, সব ধরনের পাবলিক পেস ও পাবলিক পরিবহন সম্পূর্ণ ধূমপানমুক্ত করা, বিডি-সিগারেটসহ তামাকজাত দ্রব্যের মোড়কে সচিত্র স্বাস্থ্য সতর্কীকরণ বাণী প্রদান, তামাক চাষীদের বিকল্প ফসল উৎপাদনে সক্রিয় সহযোগিতা, তামাকজাত দ্রব্যের উপর উচ্চহারে কর আরোপ ও মূল্য বৃদ্ধি বিশেষভাবে বলা হয়েছে। কিন্তু আমাদের দেশের ধূমপান ও তামাকজাত দ্রব্য ব্যবহার (নিয়ন্ত্রণ) আইন ২০০৫ এবং সংশোধিত ২০১৩-এ সকল প্রকার প্রচার-প্রচারণামূলক বিজ্ঞাপন নিষিদ্ধের ব্যাপারে বলা হলেও বহুজাতিক তামাক কোম্পানীগুলোর চল-চাতুরীর কারণে তা তেমন কার্যকর ও পরিপূর্ণভাবে বাস্তবায়ন করা যাচ্ছে না। আন্তর্জাতিক তামাক নিয়ন্ত্রণ চুক্তি ফ্রেমওয়ার্ক কনভেনশন অন টোব্যাকো কন্ট্রোল (এফসিটিসি)'তে সকল প্রকার তামাকজাত দ্রব্যের প্যাকেটে ছবিসহ স্বাস্থ্য সতর্কবাণী প্রদান করার বিষয়ে উলেখ রয়েছে। তামাক কোম্পানিগুলো এশিয়ার কয়েক দেশসহ উন্নত দেশে ছবিসহ স্বাস্থ্য সতর্কবাণী ব্যবহার করছে, দেরীতে হলেও আইনের বাধ্যবাধকতার কারণে আমাদের দেশেও তা করছে। কিন্তু ছবির সাইজ, রং ও ধরণের কারণে তা বুঝতে অনেক ক্ষেত্রে কষ্ট হচ্ছে। যে উদ্দেশ্যে ছবিসহ স্বাস্থ্য সতর্কবাণী প্রচার করার কথা তা অনেক ক্ষেত্রে ব্যাহত হচ্ছে।

বিশ্ব স্বাস্থ্য সংস্থা (ডাবিউএইচও)'র সূত্র মতে, বাংলাদেশে ধূমপানের কারণে প্রতিবছর ৫৭ হাজার মানুষ মারা যায় এবং ৩ লক্ষ ৮২ হাজার মানুষ পঙ্গুত্ব বরণ করে। এইচআরডিসি'র এক গবেষণায় বলা হয়, বাংলাদেশে তামাক ব্যবহার ও তামাকজনিত কারণে প্রতিবছর ১১ হাজার কোটি টাকা ব্যয় হয়, যা তামাক খাত থেকে প্রাপ্ত রাজস্বের দ্বিগুণের বেশি। ডাবিউবিবি ট্রাস্ট (ওয়ার্ক ফর এ বেটার বাংলাদেশ)'র এক গবেষণায় বলা হয়, বাংলাদেশে প্রতিদিন অপুষ্টির কারণে যে পরিমাণ শিশু মারা যায়, তার অর্ধেক শিশুকে বাঁচানো সম্ভব যদি অভিভাবক তার তামাকের জন্য ব্যয় করা অর্থের ৬৯ ভাগ অর্থ খাদ্যের জন্য ব্যয় করে।

তামাক ও তামাকজাত দ্রব্য ব্যবহারের ভয়াবহ দিক থেকে দেশের মানুষকে রক্ষায় ও জনস্বাস্থ্যের কথা বিবেচনা করে সরকার ধূমপান ও তামাকজাত দ্রব্য ব্যবহার (নিয়ন্ত্রণ) আইন ২০১৩ এবং বিধিমালা ২০১৫ পাশ করা হয়েছে। যা দেশের জনগণ ও জনস্বাস্থ্য উন্নয়নে গুরুত্বপূর্ণ অবদান রাখছে বলে সবাই মনে করছে। এ আইনের মূল তিনটি দিক রয়েছে।

* প্রোগ্রাম ম্যানেজার, নেটওয়ার্কিং এন্ড স্ট্রাটেজিক লিংকেজ ইউনিট-এনএসইউ, ইপসা

সকল পাবলিক পরিবহন ও পাবলিক পেসে ধূমপান নিষিদ্ধ, সকল প্রকার বিজ্ঞাপন নিষিদ্ধ, বিড়ি-সিগারেটের প্যাকেটে ছয়টি সুনির্দিষ্ট সতর্কবাণী প্রদান ইত্যাদি। পাশাপাশি তামাক চাষে তামাকচাষীদের নিরুৎসাহিত করার লক্ষ্যে কৃষকদের বিকল্প চাষে ঋণ সুবিধা দেয়ার কথা বলা হয়েছে। যদিও এ বিষয়ে তেমন কোন অগ্রগতি হয়নি।

তামাক নিয়ন্ত্রণ আইন অনুযায়ী বিড়ি-সিগারেটসহ তামাকজাত দ্রব্যের বিজ্ঞাপন প্রচার নিষিদ্ধ। কিন্তু তামাক কোম্পানিগুলো বিভিন্নভাবে আইনের ফাঁক বের করে কিংবা আইন ভঙ্গ করে বিড়ি-সিগারেটসহ তামাকজাত দ্রব্যের বিজ্ঞাপন প্রচার করে যাচ্ছে। এজন্য তামাক নিয়ন্ত্রণ আইন অনুযায়ী অবৈধ বিজ্ঞাপন প্রচারের জন্য তামাক কোম্পানিকে শাস্তি প্রদান করা দরকার। প্রয়োজনে তামাক নিয়ন্ত্রণ আইন আরও উন্নয়ন করে সকল প্রকার প্রচার-প্রচারণামূলক বিজ্ঞাপন নিষিদ্ধ ও শাসিত পরিমাণ বৃদ্ধি করতে হবে। বর্তমানে তামাক কোম্পানিগুলো ছোট পানের দোকানে ব্র্যান্ড ও লোগো ব্যবহার করে কিংবা ব্র্যান্ড ও লোগোর কালার ব্যবহার করে বাস্তব মাধ্যমে বিজ্ঞাপন প্রচার করছে এমনকি ছোট ছোট লিফলেটের মাধ্যমে বিজ্ঞাপন প্রচার করছে। পাশাপাশি অনেকগুলো ছোট লিফলেট একসাথে করে বড় আকারের বোর্ডের মতো তৈরী করছে যা ধূমপান ও তামাকজাত দ্রব্য ব্যবহার (নিয়ন্ত্রণ) আইন ২০১৩'র বিজ্ঞাপন সম্পর্কিত ধারার সুনির্দিষ্ট লংঘন।

বর্তমানে তামাক কোম্পানিগুলো বিজ্ঞাপনের আরও একটি নতুন কৌশল নিয়েছে। সিগারেটের ব্র্যান্ডের নাম ব্যবহার না করে শহরের জনসমাগমপূর্ণ কোন স্থানে যে কোন একটি কোম্পানীর ব্র্যান্ড ও লোগোর কালার ব্যবহার করে বাস্তব বসায় এবং উপরে একটি সাদা লিফটে শলাকাভিত্তিক মূল্য তালিকা প্রদর্শন করে ও ক্রেতাকে আকৃষ্ট করতে বিনামূল্যে সিগারেট বিলি করে যাতে ক্রেতা ঐ নির্দিষ্ট ব্র্যান্ডের ও নির্দিষ্ট সাইজের বাস্তব দেখে বুঝতে পারে বা পরিচিত হতে পারে যে, এখানে সিগারেট বিক্রি করা হয়। এটিও আইনের সুস্পষ্ট লংঘন।

বিশ্ব স্বাস্থ্য সংস্থার সূত্র মতে, ধূমপানের কারণে প্রতি ৮ সেকেন্ডে একজন ও প্রতিবছর ৫৪ লক্ষ মানুষ পৃথিবীতে মারা যায়। ২০৩০ সাল নাগাদ প্রতিবছর ১কোটি মানুষ মারা যাবে, যার মধ্যে বাংলাদেশসহ উন্নয়নশীল দেশগুলোতে ৭০ লক্ষ মারা যাবে বলে বিশ্ব স্বাস্থ্য সংস্থা বিশ্বকে সতর্ক করে দিয়েছে। বৃহত্তর চট্টগ্রামসহ সারাদেশে বাংলাদেশ তামাক বিরোধী জোটের সদস্য সংগঠনগুলো এখন সরকারের জেলা ও উপজেলা পর্যায়ের কর্মকর্তাদের সঙ্গে তামাক নিয়ন্ত্রণ আইন বাস্তবায়নে কাজ করে যাচ্ছে। চট্টগ্রামের বেসরকারি উন্নয়ন সংস্থা ইপসাসহ অন্যান্য তামাকবিরোধী কার্যক্রমে নিয়োজিত সংগঠনসমূহ আইন সম্পর্কে সচেতনতা সৃষ্টিতে সাইনবোর্ড স্থাপন, পাবলিক পেস ও পাবলিক পরিবহনে ধূমপান নিষিদ্ধ সম্পর্কে সচেতনতা সৃষ্টিতে স্টিকার প্রকাশ ও বিতরণ, লিফলেট প্রকাশ ও বিতরণ ইত্যাদি কার্যক্রম বাস্তবায়ন করছে। কিন্তু আমাদের দাবি হচ্ছে এসব তামাকবিরোধী কার্যক্রম শুধুমাত্র এনজিও কার্যক্রম হিসেবে বিবেচনা না করে এই কার্যক্রমকে সামাজিক আন্দোলনে রূপ দিতে হবে। সামাজিক সচেতনতার মাধ্যমে তামাক ও তামাকজাত দ্রব্য ব্যবহার নিয়ন্ত্রণ সম্ভব। নীতি নির্ধারণ পর্যায়ে কার্যক্রম গ্রহণের পাশাপাশি তৃণমূল পর্যায়ের জন অংশগ্রহণ ও জনসংশ্লিষ্ট কার্যক্রম গ্রহণ করতে হবে। এ কার্যক্রমসমূহ আরও বেশী কার্যকর ও ফলপ্রসূ হবে যদি তামাক চাষী, তামাক ব্যবসায়ী, তামাকজাত দ্রব্য বাজারজাতকরণ সংশ্লিষ্ট প্রতিষ্ঠান ও ব্যক্তিবর্গ, তামাকবিরোধী আন্দোলন কর্মী, গণমাধ্যম কর্মী, চিকিৎসক, শিক্ষক, ছাত্র প্রত্যেককে সম্পৃক্ত করা যায়। তামাক চাষীদের

তামাক চাষে ক্ষতিকর প্রভাব, বিকল্প চাষে উদ্বুদ্ধ ও ঋণ সহায়তা প্রভৃতি বিষয়ক সমন্বিত কার্যক্রম গ্রহণ করতে পারলে তামাক বিরোধী কার্যক্রম কার্যকর ও ফলপ্রসূ হবে। পাশাপাশি ধূমপান ও তামাকজাত দ্রব্য ব্যবহার (নিয়ন্ত্রণ) আইন ২০১৩ বাস্তবায়নে গঠিত জেলা ও উপজেলাভিত্তিক টাস্কফোর্স সত্যিকারভাবে কার্যকর করা যাচ্ছে না। কিছু কিছু জেলা উপজেলায় এটি কার্যকর হলেও অনেক গুলোতে এ টাস্কফোর্স তেমন কার্যকর নয়। তামাকজাত দ্রব্যের সংজ্ঞায় শুধু বিড়ি-সিগারেটসহ ধূমপানের উপাদানসমূহকে উল্লেখ করা, প্রতিবছর তামাক ও তামাক জাত দ্রব্যের উপর কর বৃদ্ধি, প্যাকেটের উপর সচিত্র সতর্কবাণী প্রকাশ বাধ্যতামূলক, প্রতি তিনবছর পরপর নীতিমালা পর্যালোচনা এবং যেকোন ধরনের বিজ্ঞাপন নিষিদ্ধ ও বাজার জাতকরণসহ অন্যান্য অনেকগুলো বিষয়ের কারণে তামাক নিয়ন্ত্রণ আইনের পরিপূর্ণ বাস্তবায়ন এখন সময়ের দাবি হয়ে উঠেছে।

ধূমপান ও তামাকজাত দ্রব্য ব্যবহার (নিয়ন্ত্রণ) আইন ২০১৩ আইনের মূল তিনটি দিকের মধ্যে অন্যতম হচ্ছে কৃষকদের বা তামাকচাষীদের তামাক চাষে নিরাস্ত্রসাহিত করা এবং এ লক্ষ্যে কৃষকদের বিকল্প চাষে ঋণ ও অন্যান্য সুযোগ সুবিধা দেয়া। যদিও এ বিষয়ে এখনও পর্যন্ত তেমন আশানুরূপ কোন অগ্রগতি হয়নি। যার কারণে বর্তমানে অনেক নতুন নতুন জায়গায় ও কৃষি জমিতে তামাক চাষের পরিমাণ বৃদ্ধি পেয়েছে। তামাক কোম্পানীগুলো কৃষককে এমনভাবে আকৃষ্ট করছে যে, তামাক চাষে কৃষককে কোন ধরনের ঝুঁকি নিতে হয় না। তামাক কোম্পানীগুলো কৃষকদেরকে বিপুল পরিমাণে টাকা দিয়ে একসাথে পাঁচ বছরের জন্য বন্ধক নিয়ে নেয়। যার কারণে কৃষকরা তামাক কোম্পানীগুলোর লোভনীয় অপারের ফাঁদে পড়ে যায়। সরকার যদি কৃষকদের সহজ শর্তে চাহিদা ও প্রয়োজন মোতাবেক ঋণের ব্যবস্থা করে তাহলে কৃষকেরা এ অবস্থা থেকে ফেরত আসতে পারে। তামাক চাষ বেশী হয় এরকম এলাকার কৃষকদের যদি বিশেষ বিবেচনায় কৃষি ঋণ ও অন্যান্য সুযোগ সুবিধা প্রদান করা হয় তাহলে তামাক চাষ থেকে কৃষি জমি ও কৃষকদের রক্ষা করা যাবে।

আইন ও বিধিমালার বাস্তবায়নের পাশাপাশি আমাদেরকে সামাজিক সচেতনতার মাধ্যমে তামাক ও তামাকজাত দ্রব্যের ব্যবহার নিয়ন্ত্রণ করতে হবে। বর্তমানে তামাকের ব্যবহার খুব বেশী পরিমাণে বৃদ্ধি পেয়েছে। দক্ষিণ এশিয়ার অনেকগুলো দেশ যেমন বাংলাদেশ, ভুটান, ভারত, মালদ্বীপ, নেপাল, পাকিস্তান, মায়ানমার এবং শ্রীলংকায় তামাক গ্রহনকারীর মোট সংখ্যা ৩৮৩ মিলিয়ন। এটি বিশ্বের মোট ১.১ বিলিয়ন তামাক গ্রহনকারীর সংখ্যার ৩৪.৮% অর্থাৎ প্রায় এক-তৃতীয়াংশ। এসব দেশে তামাকজনিত আর্থিক এবং স্বাস্থ্যগত ক্ষতির পরিমাণ দিন দিন বৃদ্ধি পাচ্ছে। শুধু ভারত এবং বাংলাদেশে তামাক গ্রহণজনিত কারণে প্রতিবছর কমপক্ষে ১.১ মিলিয়ন মানুষ মারা যায় এবং এ বিষয়ে আর্থিক ক্ষতির পরিমাণ অপরূপ।

সহস্রাব্দ উন্নয়ন লক্ষ্যমাত্রা (এমডিজি) পূরণে বাংলাদেশ বিশ্বের মধ্যে অভাবনীয় সাফল্য অর্জন করেছে। বিশ্ব মন্দা সত্ত্বেও বাংলাদেশ গত অর্ধ যুগেরও বেশী সময় ধরে জিডিপি'র প্রবৃদ্ধি ৬ শতাংশের উপরে রাখার পাশাপাশি অতি দারিদ্রের হার অর্ধেকে নামিয়ে এনেছে এবং নগর ও গ্রামীণ উভয় এলাকাতেই শিক্ষা, স্বাস্থ্যসেবা, পানি সরবরাহ এবং পয়ঃনিষ্কাশন সেবার মত মৌলিক বিষয়ে অধিকতর সুবিধা নিশ্চিত করতে পেরেছে। বাংলাদেশ ইতিমধ্যে নিম্ন-মধ্যম আয়ের দেশে পরিণত হয়েছে এবং ২০২১ সালের মধ্যে মধ্যম আয়ের দেশে পরিণত হওয়ার ব্যাপারে সবাই আশাবাদী। তামাকের সাথে সুস্বাস্থ্য জড়িত এবং সুস্বাস্থ্যের সাথে উন্নয়ন জড়িত।

উন্নয়ন ও সুস্বাস্থ্যের মধ্যে পারস্পারিক সম্পর্ক বিদ্যমান। তামাক ও তামাকজাত দ্রব্য ব্যবহার এ উন্নয়নের পথে বড় বাঁধা। তামাক ও তামাকজাত দ্রব্যের ব্যবহার নিয়ন্ত্রণ করা না গেলে উন্নয়ন কার্যক্রম ও উন্নয়ন গতি বাঁধাগ্রস্ত হতে পারে। টেকসই উন্নয়ন লক্ষ্যমাত্রা এসডিজি -৩ এ বর্ণিত সুস্থ জীবন যাপন নিশ্চিত করতে তামাক ও তামাকজাত দ্রব্যের ব্যবহার নিয়ন্ত্রণ করা খুব বেশী জরুরী। তামাক ব্যবহার নিয়ন্ত্রণের সাথে উন্নয়ন বিষয়টি যে ওতোপ্রোতভাবে জড়িত তা প্রচারণার মাধ্যমে সামাজিক সচেতনতার আওতায় আনতে পারলে তামাক ব্যবহার নিয়ন্ত্রণ করা যাবে বলে উন্নয়ন বিশেষজ্ঞরা মত দেন।

তামাক ও তামাকজাত দ্রব্যের নিয়ন্ত্রণে বর্তমান সরকার অনেকগুলো প্রশংসনীয় উদ্যোগ গ্রহণ করেছে। এর মধ্যে অন্যতম হলো ২০৪০ সালের মধ্যে বাংলাদেশ থেকে তামাকের ব্যবহার সম্পূর্ণভাবে নিমূল করা। এ লক্ষ্য বাস্তবায়নে জন্য সরকার ইতিমধ্যে প্রথম ধাপে জনস্বাস্থ্য রক্ষা ও তামাক নিয়ন্ত্রণ কর্মকান্ডকে উৎসাহ দিতে ২০১৪-১৫ সাল থেকে তামাকের উপর ১ শতাংশ হারে সারচার্জ আরোপ করে একটি তহবিল গঠন করার পরিকল্পনা গ্রহণ করেছে। দ্বিতীয় ধাপে তামাকের উপর বর্তমান শুল্ক কাঠামো সহজ করে এশটি শক্তিশালী তামাক শুল্ক-নীতি গ্রহণের জন্য প্রয়োজনীয় উদ্যোগ গ্রহণ করার পরিকল্পনা গ্রহণ করা হয়েছে যার অন্যতম উদ্দেশ্য হচ্ছে তামাকজাত পণ্যের ক্রয় ক্ষমতা হ্রাস করা। পাশাপাশি বৈশ্বিক এজেন্ডার সাথে মিল রেখে সশস্ত্র পঞ্চবাষিকী পরিকল্পনায় তামাক সম্পর্কিত বিরূপ বিষয়গুলোর সমাধানের প্রচেষ্টা গ্রহণ করা হয়েছে।

ধূমপান ও তামাকজাত দ্রব্য ব্যবহার (নিয়ন্ত্রণ) আইন ২০১৩ আইনের পরিপূর্ণ বাস্তবায়নের জন্য ব্যাপক গণসচেতনতার কোন বিকল্প নেই। ধূমপান ও তামাকজাত দ্রব্যের যেকোন ধরণের বিজ্ঞাপন পরিপূর্ণভাবে বন্ধ করার ব্যবস্থা গ্রহণ করতে হবে। এ আইনের আওতায় তামাকজাত দ্রব্যের ব্যবহার নিয়ন্ত্রণ বিশেষ করে পাবলিক পেস ও পাবলিক পরিবহনে ধূমপান নিষিদ্ধ ও তামাকের বিজ্ঞাপন প্রচারের বিষয়ে ডাম্যমাণ আদালতের মাধ্যমে শাস্তির আওতায় নিয়ে আসা এবং শাস্তির এই বিষয়টির ব্যাপক প্রচারের ব্যবস্থা করতে পারলে সামাজিকভাবে সচেতনতার বিষয়টি ব্যাপকতা লাভ করবে বলে আমরা বিশ্বাস করি।

তথ্যসূত্র

“তামাক ও দরিদ্রতা” - ডাবিউবিবি ট্রাস্ট।

তামাকের অর্থনীতি-ড. জুলফিকার আলী

দক্ষিণ এশিয়ার স্পীকারদের এসডিজি অর্জন বিষয়ক প্রথম শীর্ষ সম্মেলনের ঘোষণা পত্র।

Transformational Vis -a-Vis Transactional Leadership: A Conceptual Analysis

Dr. Md. Mahabubur Rahman*

Abstract

Leadership is a vital concept since the ancient period. Effective leadership has no alternative to make a business organization successful. It assists an organization to fulfill its mission. An organization without leadership does not proceed towards the expected goal. Leadership is a process by dint of which a person influences the thoughts, behavior, and attitudes of others. The concept of Leadership has been categorized by the relevant experts according to its nature and the role of leaders in different fields. Therefore this study attempts to divide leadership into two types: transactional and transformational, and thus analyze both types highlighting their significance in the contemporary world.

Introduction

Leadership is more important than any other factors to human activity. Effective leadership is much more important to make a business organization successful. It assists an organization to fulfill its mission and thus to reach the destination. For example, the effective leadership of parents helps children to grow strongly and healthy and become productive adults. At the same time, organizations devoid of leadership lose their way and move too slowly. Decision making is the vital aspect of organizations. In decision making process, effective leadership plays very significant role by making decision timely, correctly, and completely then things go well. Many a times an organization faces the problem of implementation immediately after a decision is taken on such factors as how to get things done in a timely and effective way.

In another sense it is an art or ability of influencing the behavior, thought, movement and attitude of other people. For example, Mills (2005:12) provides, "Leadership is the ability to get other people to do something significant that they might not otherwise do. It's energizing people toward a goal".

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Good Leaders set a proper guideline and direction for the rest of the people; they help other people see what lies ahead; they help people visualize what people might achieve; they encourage people and inspire people. In absence of leadership a group of people quickly degenerates into argument and conflict, because we see things in different ways and lean toward different solutions. Leadership assists to point us in the same direction and harness our efforts jointly (Mills, 2005). Bass (1990) mentioned three basic ways to explain leadership; for example: (1) Trait theory: some personality traits may lead people naturally into leadership roles, (2) Great event theory: a crisis or important event may cause a person to rise to the occasion, which brings out extraordinary leadership qualities in an ordinary person, (3) Process or transformation leadership: people can choose to become leader. It is most widely accepted theory today.

Discussion

The concept of leadership developed since the origination of organizational thought. In course of time, many leadership styles developed in this world, among them transactional and transformational types of leadership are much more important in the contemporary world. Therefore, we analyze both styles in our study.

The Idea of Transformational Leadership

Transformational leadership is a process that transforms and changes individuals (Northhouse, 2001). The definition of transformational leadership was introduced by Bass (1988), who is regarded as the pioneer of this model. At present the role of the transformational leader is particularly relevant because of the constant changes taking place both in society and organizations, so that this type of leadership is able to lead to changes in any of the activities of the organization, and at the same time change the subordinates (Danguole, 2013). In this connection Bass (1988) states that leadership development is a continuous process of transformation that involves a progressive reorganization, ending with the highest level of development. One of the major goals of transformational leadership is to develop followers of self-confidence and a desire of self-development. Transformational leadership transfers the focus from external to internal controls. Transformational leader realizes and understands the need for organizational change, in order to create a certain ideal, get people to reach this ideal, create an organizational culture so that it supports the changes and

watches for signals, altering the need for new changes. "The means of transformational are rhetorical (communication) skills that create the image of a strong and self-confident person, awakening in people the confidence and becoming the epitome of leadership" (Danguole, 2013).

According to Hall, et al., (2015) there are four factors of transformational leadership. These four factors can also be termed as "four Is": idealized influence, inspirational motivation, intellectual stimulation, and individual consideration. All these factors assist managers to use transformational approach in the workplace. The following factors for transformational leadership have been briefly explained here, such as:

- a. Idealized influence describes managers who are extremely role models for associates. Managers with idealized influence can be trusted and respected by associates to make good decisions for the organization.
- b. Inspirational motivation describes managers who motivate associates to commit to the vision of the organization. Managers with inspirational motivation encourage team spirit to reach goal of increased revenue and market growth for the organization.
- c. Intellectual stimulation describes managers who encourage innovation and creativity through challenging the normal beliefs or views of a group. Managers with intellectual stimulation promote critical thinking and problem solving in an effort to make the organization better.
- d. Individual consideration describes managers who act as coaches and advisors to associates to reach goals that help both the associates and the organization (Hall, et.al, 2015:2).

Characteristics of Transformational and Transactional Leaders

Bass (1988) mentioned the following features as the characteristics of both transformational and transactional leadership.

A. Transformational Leader

- i. Charisma: Provides vision and sense of mission, instills pride, gains respect and trust.
- ii. Inspiration: Communicates high expectation, uses symbols to focus efforts, and expresses important purposes in simple ways.
- iii. Intellectual stimulation: Promotes intelligence, rationality and careful problem solving.
- iii. Individualized Consideration: Gives personal attention, treats each employee individually, coaches, and advises.

B. Transactional Leader

- i. Contingent Reward: Contacts exchange of rewards for effort, promises rewards for good performance, recognizes accomplishments.
- ii. Management by Exception (active): Watches and searches for deviations from rules and standards, takes corrective action.
- iii. Management by Exception (passive): Intervenes only if standards are not met.
- iv. Laissez-Faire: Abdicates responsibilities, avoids making decisions (Bass, 1988:22).

The above mentioned characters provide that the transformational leaders possess charisma and thereby inspire followers. They promote intelligence, rationality and careful problem solving among the followers or subjects. On the other hand, transactional leaders intervene only if standard are not met. The following table-1, clearly identify the differences of these two leadership styles.

Transactional VS. Transformational Leadership

In the following table-1, we emphasize the distinction between Transactional and Transformational Leadership that indicates how both styles of leadership function at different levels. The transactional leadership is responsive while transformational leadership is proactive. In transactional style of leadership, employees achieve objectives through rewards and punishment set by leaders while in transformational leadership employees achieve objectives through higher ideas and moral values. In transactional leadership, leaders motivate followers by appealing to their own self-interest, on the other hand leaders in transformational leadership motivates followers by encouraging them to put group interests first. In transactional type of leadership, leaders maintain the status quo; stress correct actions to improve performance while in transformational model each leader's behavior is directed to each individual to express consideration and support. In this type, leaders promote creative and innovative ideas to solve problems. Therefore, both types of leadership have immense significance. The following table-1 highlights the distinction more clearly.

Table-1: Transactional VS Transformational Leadership

Transformational	Transactional
Leadership is proactive	Leadership is responsive
Works to change the organizational culture by implementing new ideas	Works within the organizational culture
Employees achieve objectives through higher ideas And moral values	Employees achieve objectives through rewards and punishments set by leader
Motivates followers by encouraging them to put group interests first	Motivates followers by appealing to their own self interest
Individualized consideration: Each behavior is directed to each individual to express consideration and support. Intellectual stimulation: Promote creative and innovative ideas to solve problems.	Management-by-exception: maintain the status quo; stress correct actions to improve performance.

Source: Savareikine Danguole, 2013

Analysis of Transactional and Transformational Leadership

Transactional leadership focuses on the exchanges that take place between leaders and followers (Bass 1985 and Burns, 1978). These exchanges allow leaders to accomplish their performance objectives, maintain the current organizational situation, complete required tasks, motivate followers through contractual agreement, direct behavior of followers toward achievement of established goals, emphasize extrinsic rewards, and focus on improve organizational efficiency avoid unnecessary risks. In turn, transactional leadership encourages followers to fulfill their own self-interest, minimize workplace anxiety, and concentrate on clear organizational objectives such as increased quality, customer service, reduced costs, and increased production (McCleskey, 2014).

Burns (1978) describes that Transactional leadership theory posits the relationship between followers and leaders as a series of exchanges of gratification designed to maximize organizational and individual gains. Transactional leadership evolved for the marketplace of fast, simple transactions among various leaders and followers, each moving from

transaction to transaction in search of gratification. The marketplace requires reciprocity, adaptability, flexibility, and real-time cost-benefit analysis (Burns, 1978).

James Macgregor Burns introduced the idea of transformational leadership in 1978 in his descriptive research on political leaders, but its practice has spread into organizational psychology and management with further modifications by B.M Bass and J.B Avalio (Jung & Sosik, 2002). It is a kind of leadership quality possessed by a leader who stimulates and inspires (transform) followers to attain expected outcomes. In this type of leadership, a leader pays attention to the concern and developmental requirements of individual followers. Leaders effectively change the awareness of followers on issues by inspiring them to look at old problems in a new way; and they are able to arouse, excite, and inspire followers to put out extra effort to achieve group goals. Transformational leadership theory is best able to produce positive change in the followers whereby they take care of each other's interests and act in the interests of the group as a whole. Transformational leadership enhances the motivation, morale, and performance of followers through a various mechanisms. "These contain connecting the follower's sense of identity and self to the project and the collective identity of the organization; being a role model for followers that increases their inspiration and makes them interested; challenging followers to take greater ownership for their work, and understanding the weaknesses and strengths of followers, so the leader can align followers with tasks that enhance their performance" (Odumeru & Iffeanyi, 2013). In analyzing the idea of transformational leadership, Roger J. Givens (2008) provides, "Transformational leaders inspire followers to accomplish more by concentrating on the follower's values and helping the follower' align these values with the values of the organization".

The vital qualities of a Transformational leader

According to Northhouse (2001) a transformational leader has the following qualities such as:

- (a) he empowers followers to do what is best for the organization,
- (b) he is a strong role model with high values,
- (c) he listens to all viewpoints to develop a spirit of cooperation,
- (d) he creates a vision, using people in the organization,
- (e) he acts as a change agent within the organization by setting an example of how to initiate and implement change.

Drawbacks of Transformational Leadership

Transformational Leadership is not out of drawbacks. Like all other theories, many scholars severely criticized it. In his analysis Burns (1978) argues that transactional leadership practices divert followers to short-term relationships of exchange with the leader. These relationships tend toward temporary exchanges of gratification, shallow and often create resentments between the participants. In this connection Yukl (1999) provides following criticisms in different angles, such as: the first is its influences and processes. For example, the theory fails to explain the interacting variables between positive work outcomes and transformational leadership. The theory would be stronger if the essential influence processes were identified more clearly and used to describe how each type of behavior affects each type of mediating variable and outcome.

Secondly, the theoretical rationale for differentiating among the behaviors is not clearly illuminated. The partially overlapping content and the high inter-correlation found among the transformational behaviors increase doubts about their construct validity. For instance, intellectual stimulation is operationally defined as causing a subordinate to question traditional beliefs, to look at problems in a diverse way, and to find innovative ways to solve problems. The content is ambiguous and diverse. There is not a clear description of what the leader actually does or says to influence the cognitive processes or behavior of subordinates (Yukl, 1999).

Thirdly, found omission of several transformational behavior from the original transformational leadership theory which empirical evidence has shown to be pertinent. Some of them contain inspiring (infusing the work with meaning), and empowering (providing significant voice and discretion to followers) and developing (enhancing follower skills and self-confidence). Fourth, is the insufficient specification of situational variables in Transformational leadership. Fifth, the theory does not clearly identify any situation where transformational leadership is detrimental. Several studies have identified that transformational leadership can have detrimental effects on both followers and the organization. Lastly, like most leadership theories, transformational leadership theory undertakes the heroic leadership stereotype. Effective performance by an individual, organization, or group, is assumed to depend on leadership by an individual with the skills to find the right path and motivate others to take it. Researchers always study how leaders motivate followers or overcome their resistance, not how leaders encourage followers to challenge the leader's vision or develop a better one (Yukl, 1999).

Conclusion

Both transactional and transformational styles of leadership have unprecedented success to lead the organizations to their expected goals. In spite of the innumerable criticisms of transformational leadership, its popularity has remarkably grown in recent time. "Effective transformational leadership results in performances that exceed organizational expectations" (Hall, et.al., 2015). Studies have provided plethora of information that managers in different settings, including the military and business found that transformational leaders were assessed as more effective, higher performers, more interpersonally sensitive and more promotable than their transactional counterparts. Empirical evidence also suggests that transformational leadership is strongly correlated with employee work outcomes such as: lower turnover rates, higher level of productivity, employee satisfaction, creativity, employee satisfaction, and goal attainment and follower well-being. More clearly, the transactional leadership is responsive while transformational leadership is proactive. In transactional leadership model, employees achieve objectives through rewards and punishment set by leaders, while in transformational leadership employees achieve objectives through higher ideas and moral values. Therefore, both types of transformational and transactional leadership have unavoidable significance.

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Livelihood Assessment of Artisanal Fishermen in and Around Chittagong Coastal area of Bangladesh

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Abstract

This study was conducted to assess the livelihood of artisanal fishermen in and around Chittagong coastal area of Bangladesh. Structured questionnaire was used during field survey. A total of 45 artisanal fishing laborers interviewed from 15 boats. Significant relationships were found in satisfaction of fishermen, children's school, taking risk at work with the fishing income ($p < 0.05$). They were found to spend their income on the rudimentary needs like food, clothing and medicine mainly rather than education. It observed that the average amount of money they spend annually for health care was far below the standard. The most significant risks related to fishing identified by them were piracy (96%) and invasion of industrial trawlers (4%) within their territory of 40 meter depth. The probable solutions came from them were increasing Coast Guard activities, install more buoys to demarcate submerged chars and government support services. Majority agreed that life insurance can reduce their livelihood risks. However, lack of enough money was mentioned as one of the reasons for not having a policy. It was found that the fishermen were facing stumbling blocks of getting legal assistance regarding piracy as the area of jurisdiction for each coastal police station in terms of marine water was not demarcated. Since they lack power to stop the trawlers from fishing within their territory, they just have to compromise with invasion. Ultimately, for the better and meaningful livelihood status of artisanal fishermen strong monitoring of Coast Guards, access to formal credit sources and installation of sufficient buoys to indicate submerged chars are crucially needed.

Introduction

Artisanal fishing is a small scale commercial or subsistence fishing practices to provide food directly on the community table (Timothy *et.al.* 1994) and minimal amount of capital, low-level technologies and household-unit entities may be called small scale fisheries.

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Small-scale fisheries support the livelihoods over five hundred million people worldwide (Bene *et.al.*, 2007; FAO, 2012a). In Bangladesh an estimated 87% of all households caught fish for some part of the year (Roos *et.al.*, 2003) as a source of income and subsistence (Bene *et.al.*, 2007; Pomeroy and Andrew, 2011) since small scale fisheries has great contribution in terms of food security, poverty alleviation (Kent, 1998; Van der Elst *et.al.*, 2005; Bell *et.al.*, 2009; FAO, 2012b), revenues generation (FAO, 2005) and ultimately sustainable livelihoods (Andrew *et.al.*, 2007). This type of fisheries located in remote areas and decentralized post-harvest and marketing activities that create narrow scope to collect data illustrating their scope, impact, importance and economic value (Salas *et.al.*, 2007) and making less important sector in national policy (Andrew *et.al.*, 2007; World Bank/FAO/World Fish Center, 2010; Mills *et.al.*, 2011). There are mainly two types of marine fisheries in Bangladesh: artisanal or small scale and commercial or large scale. Artisanal coastal fishery represents the bulk of the country's exploitable fisheries extending to the depth of 40 meter. The term particularly applies to coastal or island ethnic groups using traditional technique (Anon, 2009) and this fisheries needed for wealth generation, poverty alleviation and food security (Allison and Ellis, 2001; Satia and Staples, 2003; FAO, 2005; Bene *et.al.*, 2007; Garcia and Rosenberg, 2010). According to World Bank/FAO/World Fish Center (2010), over 90% of people employed globally in capture fisheries and related activities (Pauly, 1997). In Bangladesh, the fisheries sector contributes about 4.9% of the national GDP, 20% to the total agricultural production (Mome, 2007), 3% of the GNP, 8% of export earnings and 6% of total employment (BOBP, 1985) as marine and fresh water (Rahman, 1994). Fish accounts for approximately 63% of the animal protein in people's diet (BBS, 2004). About 95% of our total marine catch comes from small scale sectors (National Fisheries Policy, 1998). Notwithstanding marine fisheries are important but experiencing increasing pressure because of overfishing (Jackson *et.al.*, 2001), habitat destruction (Diaz and Rosenberg, 2008), climate change (Hoegh-Guldberg and Bruno, 2010) and other anthropogenic effects (Halpern *et.al.*, 2008) which can be dreadful for fisheries and subsistence level fishermen who depend on them (Mauthe *et.al.*, 2013).

In Bangladesh this feature is more devastating due to lack of enforcement capabilities, both of which are necessary to design, implement and support effective fishery resource policies (Andrew *et.al.*, 2007; Pomeroy and Andrew, 2011). Some research efforts have collected biological/ecological

small-scale fisheries catch statistics (Pauly and Mines, 1982; Craig *et.al.*, 1993; Stergiou *et.al.*, 1996; Laroche *et.al.*, 1997; Hernandez-Garcia *et.al.*, 1998; Marquette *et.al.*, 2002) to protect the small scale fisheries and fishermen globally. Considering the contribution of artisanal fisheries sector to our national economy and the involvement of huge number of coastal population in this sector, we need to think about the effective ways to enhance or secure their livelihoods. Consequently, present study was conducted (1) to determine the socio-economic status of the artisanal fishing labors (2) to identify the risk factors related to this occupation and (3) To assess the coping strategies adopted to mitigate risks respectively.

Materials and Methods

Study Area

This study was conducted at Fishery ghat of Patharghata, Chittagong (Fig 1).



Figure 1: Map showing the sampling sites

Data Collection

Data were collected through, Focus Group Discussion (FGD), Key Informant Interviews and direct observations. Questionnaire survey was done for this study and interviewees were selected randomly. The survey design was based on expert advice from local NGO staff and guidelines for collecting baseline fisheries data. To get income and demographic data used the design drew on regional guidelines (Malleret-King *et al.*, 2006) and validity

recommendations (Fink, 2003). To get a homogenous group 'Majhi' (team leader) and 'Engine operator' of the boats were excluded purposely and only the fishing labors were interviewed for this study.

Data Analysis

For data analysis, SPSS (The Statistical Package for The social Sciences) and MS Excel were used.

Results and Discussion

Socio-Economic Status of the Artisanal Fishing Labors

84% of the total respondents were found to be married and their family size varied from 6-15 (average 10) indicating that most of them have a big family to maintain. One Way Analysis of Variance show that there was prevalent relationship of satisfaction of fishermen, children's school, taking risk at work with fish income as the significant level $p < 0.05$ analyzed by SPSS. Having land, personal vehicles, boats, electricity and building also has significant relationship with fish income ($p < 0.05$).

Average number of children was found as 5 and all of them go to school according to the interviewees. Though, the quality of education available to them is a question. It was found that 69% of the respondents are sole earning member of the family (Fig. 2) which means that if anything happens to the fishermen, it would increase the vulnerability of these families unless there are some safety nets for them.

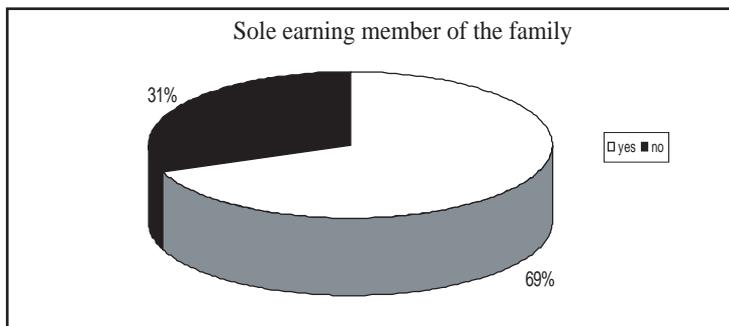


Figure 2: Status of the fishermen as sole earning member

None of the fishing labors were found to possess any boats, nets or vehicles of their own. More than 77% of the interviewees told that they do not have

electricity in their house which is quite common in the remote coastal villages. Assets related to entertainment and communication showed that of the total respondents, 75% possess mobile phone, 71% have radio, 22% have television and only 2% have tape-recorders (Fig. 3).

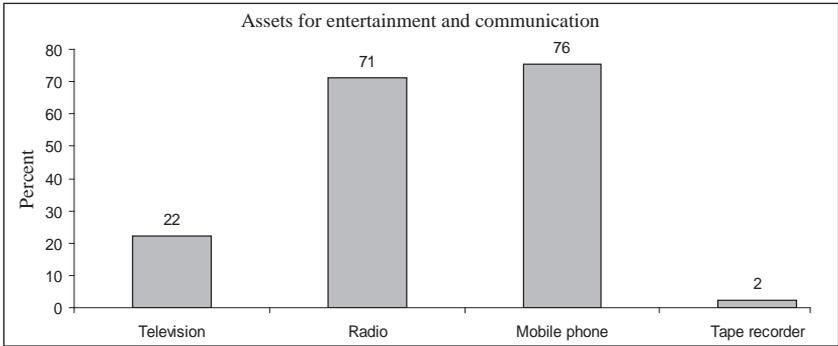


Figure 3: Status of physical assets for entertainment and communication

This result showed that both radio and mobile phone have increased their access to information and improved communication. Land is one of the most important physical assets for marginal people and the result showed that though 60% of the respondents possess agriculture land but 42% of them found to have only 6 decimals of cultivable land which may not be enough to produce sufficient to support the family. While 40% having no land means that they do not have any option to use it either for production or to use as collateral. Condition of housing material is one of the indicators of poverty level and the result showed that 89% of the fishing labors have houses made of bamboo with thatched roof and 9% have clay-made house while only 2% have tin-shed house (Fig. 4).

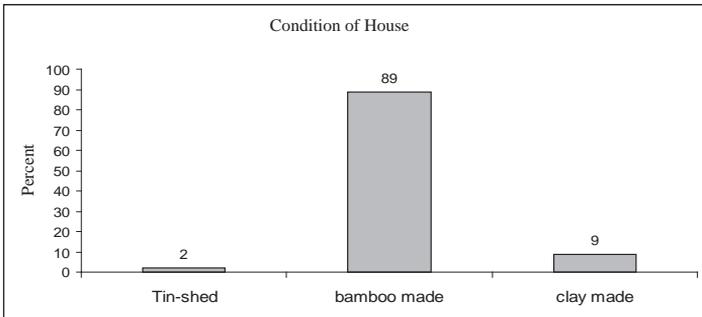


Figure 4: Condition of house infrastructure

So, it showed that majority of the respondents belong to the marginal group. The result showed that all the respondents rear different types of livestock

(Fig. 5) and have homestead garden with range of produces (Fig. 6).

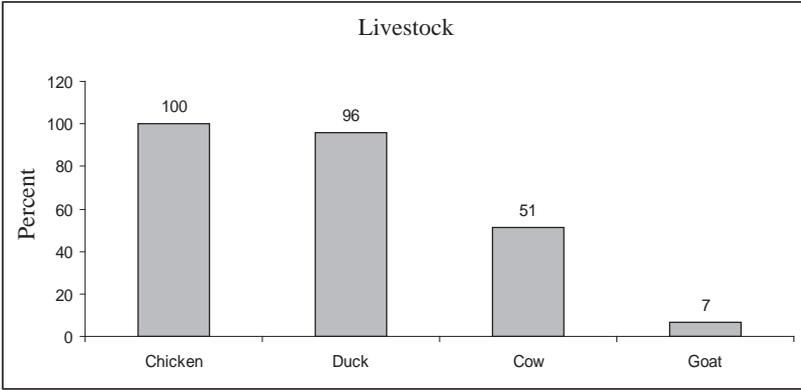


Figure 5: Types of livestock reared by the fishing house

This means that they at least have some sources of earning at the household level which can be further improved to increase income. Household ponds found to be possessed by all the respondents which have the potentials for fish culture though not practiced by them at present.



Figure 6: Types of garden produce from homestead garden

Gold or such valuables are usually treated as financial assets which the households keep as savings to meet crisis but the result showed that only 4% of the respondents possess gold ornaments but the amount is just one gram or less than that. Regarding other sources of income, 79% of the respondents said positively and the rest 22% responded negatively though they are having some livestock and garden produces. It may be because they do not consider this income worth to mention.

The types of other income sources are shown in (Fig. 7).

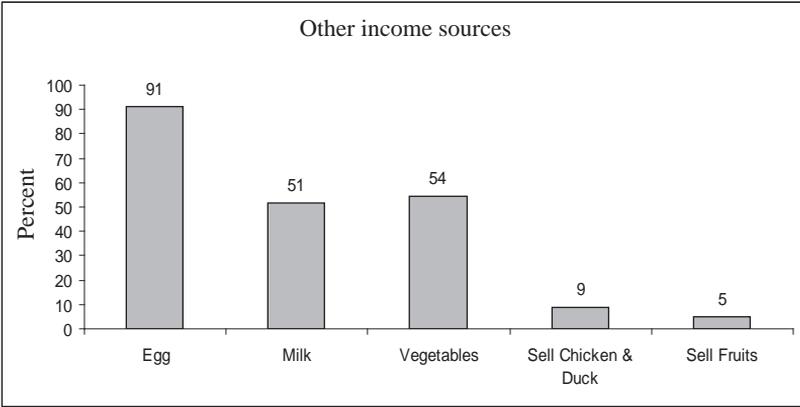


Figure 7: Other sources of income for the fishing household

The annual income from other sources found to be ranged between tk.300 and tk.4700 with average of tk.1849 which can be further improved with appropriate training. The result showed that annual income as fishing labor ranged between tk.40, 000 and tk.70, 000 with average tk.51, 000. While only 2% earn was the maximum amount i.e. tk.70, 000 (Fig. 8).

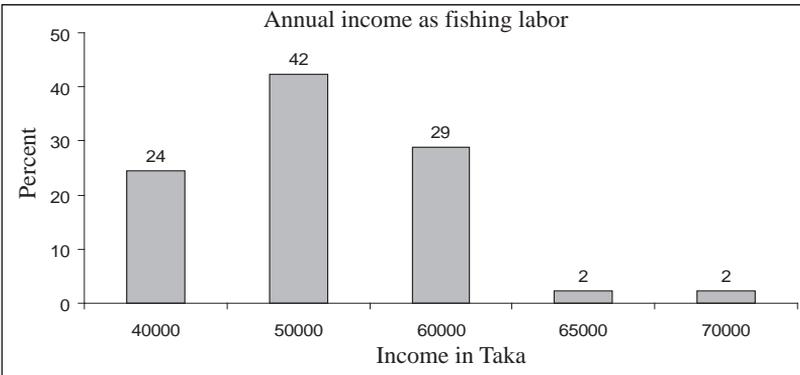


Figure 8: Range of annual income a fishing labor

Of the total respondents 55% said that during off-fishing season they get engaged in some income earning activities like daily labors and net-boat repairing. They usually earn tk.3000- tk.4000 per month from the boat owner for repairing works. The rest 44% respondents just stay at home during the off-season.

Identification of Risk Factors Related to Fishing

The respondents identified their risks involved in fishing at sea in three categories: most, moderate and least which revealed that piracy (96%) and conflicts with industrial trawlers (4%) are the most significant risks to them (Fig. 9).

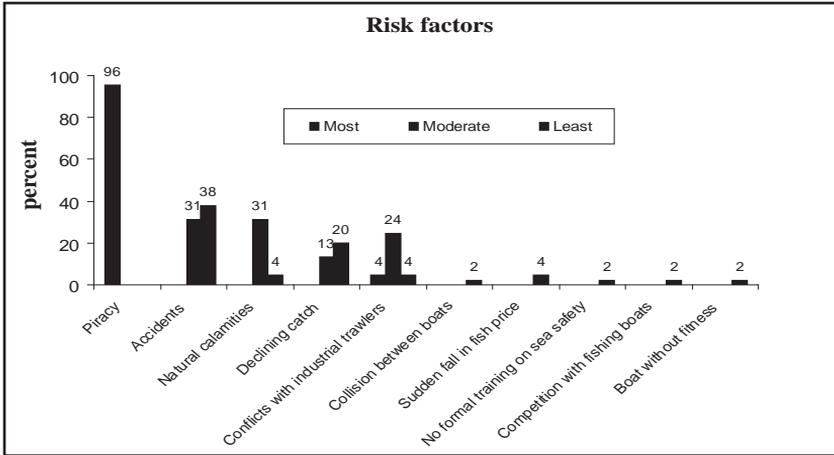


Figure 9: Categories of different risk factors related to fishing at sea

Among moderately significant risks accidents (31%), natural calamities (31%), declining catch (13%) and conflicts with industrial trawlers (25%) were identified. While nine risks were mentioned in the least significant category including accidents (38%), declining catch (20%), natural calamities (4%), conflicts with industrial trawlers (4%), sudden fall in fish price (4%), collision between boats due to fog (2%), no formal training on sea safety (2%), competition with fishing boats (2%) and boat without fitness (2%). In National Fisheries Policy (1998), it is mentioned that special measures will be taken to control sea robbery to secure the lives and resources of small-scale fisher's community. In our maritime area, Bangladesh Navy and Coast guard are mainly responsible to ensure the security of the fishers while fishing. But incidents of sea piracy have been increasing every year at alarming rate which we always see in the news papers during fishing season. So, it is very likely that the interviewees have identified piracy as the most significant threat to their job. The area for fishing with artisanal mechanized boats is determined up to 40 meter depth at its highest high tide while the area for fishing with industrial trawlers is

determined beyond 40 meters of marine waters at its highest high tide (The Marine Fisheries Rule, 1983) but in reality invasion by trawlers within the area of artisanal fishing is common and thereby conflicts between the two stakeholders is mentioned as the most significant risks by the respondents. Though restricting the number of fishing boats and new trawlers are suggested in the National Fisheries Policy (1998), new fishing vessels are being introduced every year leading to increased fishing pressure in the coastal water of Bangladesh. Despite the risks and intensive labor, why the respondents prefer the job as fishing labor was a basic query in this study. In response to this the three main reasons for preference (Fig. 10) were found as high profit (89%), less qualification (82%) and experience in fishing (76%).

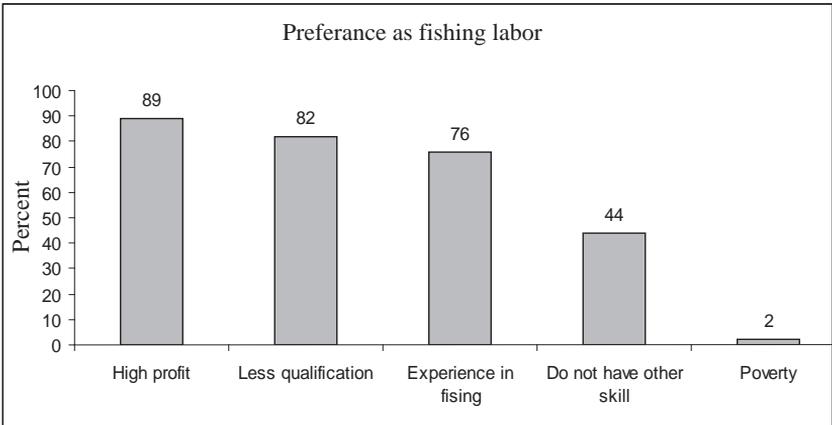


Figure 10: Reasons for preferring fishing profession

It is interesting to find that high profit is the main driving force for majority of the interviewees. Therefore, it is obvious that they would continue to be in fishing profession as long as there is more profit than other options. Besides, we know that the job of a fishing labor requires physical labor rather than educational qualification that is why the coastal people with less or no education at all get easily involved in this profession. In response to the ability to feed their family year round with the income received from fishing, 76% of the respondents replied negatively (Fig. 11) which indicates that to meet the basic requirement of food they have to depend on other economic activities. In other words, fishing alone can not help to sustain their livelihood which is very common among rural marginal people.

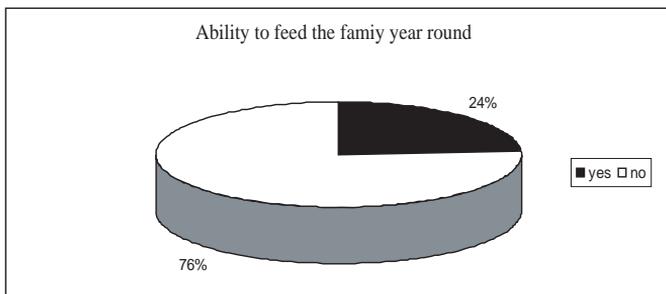


Figure 11: Ability of the fishing labors to feed their family year round

Assessment of Coping Strategies to Minimize Risks

Means to Receive Weather Forecast at Deep Sea

In order to get weather forecast, the artisanal fishermen commonly depend on radio news. Besides, they get information from neighboring fishing boats or trawlers when the sea becomes rough due to approaching cyclones and tidal surges. Long experience of dealing with rough weather also helps them in this regard.

Measures to Face Stormy Weather

When the boat is already in the storm, the fishermen try to save it by reducing the engine speed and spread the fishing net on the water, so that strong wind can not seize the boat. However, if the boat can not be protected from capsize; they try to save lives by pull themselves on to nearby boats or just try to float on water with any object available. According to the rules of fishing license, sufficient life jackets and at least two life buoys are mandatory for each boat. But the respondents expressed that these life saving utilities do not help much in really adverse weather.

Measures for Physical Injury, Illness or Death

In case of any injury on board due to accidents, the owner bears the cost of the treatment for the fishers and also helps to get them admitted in the hospital if become seriously sick. The family usually receives a lump sum amount of tk. 30,000 to tk. 40, 0000 if the fisherman dies on job and the amount varies with boat owners.

Measures for Piracy or Kidnapping

Generally, the boat owner contacts the police station regarding incidents of piracy, kidnapping or any type of violence in his boat. But it is always a problem to file a case since area of jurisdiction for each station in terms of marine water is not demarcated. Therefore, getting legal assistance from police in time is critical for the fishing boats. Moreover, the fishermen complain against the Coast guards for their negligence of duty and ill-treatment which needs to be investigated.

Measures to Prevent Invasion

Though there is specified area for fishing for artisanal mechanized boats and industrial trawlers in the Marine Fisheries Ordinance (1983), invasion of commercial trawlers inside the territory of artisanal fishing is common. According to the respondents, since they have no capacity to stop invasion they just compromised with this situation. This is really a grave problem reflecting the poor implementation of government regulations.

Coping Strategies for Financial Difficulties

The three major coping strategies to meet financial difficulties were mentioned by the fishing labors (Fig. 12) include borrowing money from friends and boat owners (91%), sell valuable items (49%) and take loan with high interest (35%). The results indicate lack of accessibility of the fishing labors to formal credit sources though they are having relationship of trust with friends and boat owners. In National Fisheries Policy (1998), it is mentioned that supervised loan system will be developed against the present mortgage-based loan system for the small-scale fishers but no such system has developed yet. Selling valuable items and loan with high interest may be seen as negative coping mechanism for the fishing labors if they remain vulnerable as before.

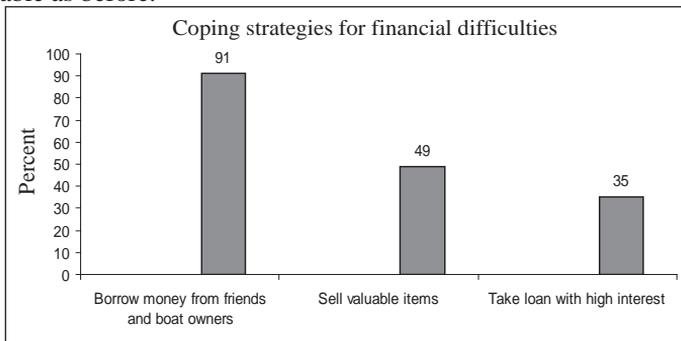


Figure 12: Types of coping strategies to meet financial crisis

Coping Mechanism During Catch Decline

93% of the respondents told that though the catch is declining gradually, they can still cope with fewer amounts of fish as the price has increased from previous times. While 64% of them said that they have to depend on other sources of income to sustain.

Management Initiatives

In response to the management initiatives required to save this age-old profession, 91% of the respondents asked for increasing Coast guard activities (Fig. 13) which again reflects their insecurity at sea. 71% of them expressed that they need access to credit facilities either from GOs or NGOs. While 55% of the fishing labors suggested for increasing the number of buoys so that they can avoid accidents from collision with submerged chars and other boats.

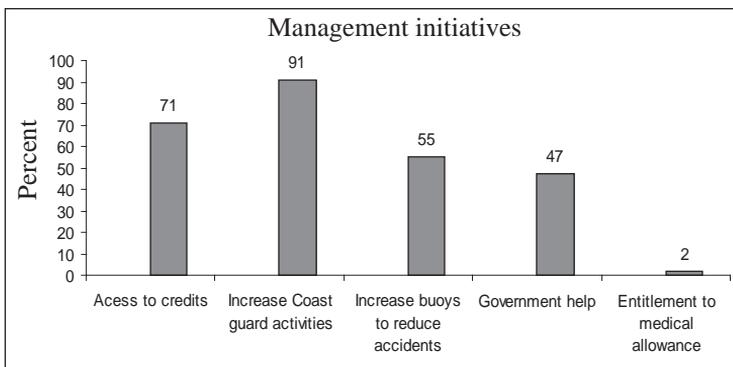


Figure 13: Managements initiatives suggested by the fishermen

However, to reduce casualties, set up buoys at the estuary of the river to indicate submerged chars and establish safe shelter for the fishing boats in the coastal areas were strongly recommended by the working committee for preparing rules and regulation on the exploitation of fisheries resources from the Bay of Bengal (workshop, 2007).

Conclusion and Recommendations

The aim of the present study was to make out the livelihood status of the artisanal fishing labors along the Chittagong coast from different points of view and possible coping strategies. Though the sample size was small but the survey has provided an important insight on this vulnerable group of fishing community. The key findings of the study are summarized below:

The average family size of the fishermen was found to be consist of 10 members and the income from fishing was found not enough to feed the family year round

The average amount of money they can spend for health care per year was found as only tk. 332 which is an important indicator of their poor socio-economic condition

Majority of them were found as the sole earning member of the family and it is obvious that any accident can lead the whole family to more vulnerability

Piracy and conflicts with industrial trawlers were identified by the respondents as the most significant risks to their profession although we assume that natural calamities are the main risk factors for fishing at sea

To mitigate the risk of piracy and invasion they emphasized on increasing Coast guard activities

This survey has drawn a brief picture on the resource status, risk factors, conflicts, coping strategies, livelihood options, institutional support and overall gaps between National Fisheries Policy (1998) and its implementation in the artisanal coastal fisheries sector of Bangladesh. So, it can be recommended that appropriate programs based on the problems and priorities of artisanal fishing labors are crucial to sustain their lives and livelihoods which in turn would help our national development.

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Contemporary Politics in Bangladesh: From Fifth Amendment to Fifteenth Amendment

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Abstract

Constitution in any organized community reflects the will of the people—their cherished hopes and aspirations. It is a symbol of distinct national identity, institutionalized behavior and ecological context. Hence "constitution is the way of life the state has chosen for itself". As a principle guide constitution sets institutional conditions of living, the principles of governance, the principles of transparency and the principles of all development intervention of the government and citizen bodies. Fundamental principles are ways of doing things 'the state has chosen for itself'. Constitutional scheme of allocation of policy responsibilities enable the government to operate public policy with institutionally designed sets of rules, procedures, acts, and statutes. The committee on constitution amendment may perhaps think to clean our constitution considering the characteristics of good constitution. Thinking about reprinting the constitution according to judicial decision and on the basis of recommendations for necessary modifications is to steer clear of all that may be rejected on the score of redundancy closing all the scope of politics of killing and seizure of power at the gun point.

Introduction

Bangladesh won its independence from Pakistan in 1971 after a genocidal struggle that left hundreds of thousands dead and displaced tens of millions. Since then, the country has roughly split its time between democratic and authoritarian rule. As happened in many newly independent states in the twentieth century, the champions of national independence came to power through elections and then refused to leave. Also typically, the one-party regime born of that refusal soon fell to a restive military. Seventeen years passed before another fairly-elected civilian government came to power, starting the longest spell of more or less democratic government in the country's still-short history.

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Only for the issues of trivial significance constitutional changes could not be advocated. There were so many issues in the realm of development. They ought to be addressed by legislation. Any change in GO-NGO relation, for example, does not require constitutional amendment. Women rights can be covered by women development policy. We do not want any separate provision regarding constitutional guarantee for minority communities or disadvantaged groups to safeguard their rights. Great Britain is run by convention. Trust on government is a fundamental value ensuring good governance in Great Britain. What is prescribed or proscribed is not mentioned in the UK constitution. There remains a conventional relationship between the government and the governed guided by mutual trust and confidence.

Article 42 of the constitution provides for constitution amendment by a party having a two-third majority in the parliament. The ruling government by a brute majority can make unilateral move to amend constitution but it may resent the opposition. In the recent past political analysts pointed finger at approving any draft amendments for deleting or twisting a certain provision that were unwarranted being politically motivated. Such irrational moves by the immediate past government irked the opposition.

This is about constitutional amendment in Bangladesh. The constitution of the People Republic of Bangladesh has been amended sixteen times so far. The study attempts to analysis facts about amendments laying a good stress of importance on fifth and fifteen amendments.

Like many other democratic countries our constitution is flexible amenable changes and readjustment. We should avoid any unilateral move for senseless amendments like 5th and 7th amendments and certain major changes to drastically alter basic essence of the constitution--the changes that may be knocked down by the judiciary. We want our constitution as a sacred document written in the blood of the martyrs should come back to 1972 tract-the original text with four state principles. The historic court verdict making it absolutely clear that all amendments made during military regimes ar null and void-ultr vires in other words perhaps hinted that 1972 constitution was staging a comeback. Even then with fifteen amendment we wonder whether fifteen amendments would fulfill the expectations of the progressive section of the intellectuals and think tanks? The article attempts to narrate the antecedents in connection with constitution amendments focusing on fifth and fifteen amendments.

Constitutional Amendment

Every state has its own constitution to enable governance to sustain. In fact the thing like nexus between the government and the governed is well structure in the political constitution. "The word constitution has been used in two senses. One, as a document embodying the rules that regulate the government. The second, as a set of legal and extra-legal rules that establish and govern the government. These extra-legal rules include customs, understandings, practices etc. It is impossible to study the constitution as a mere set of rules as separate from the other general principles (both legal and non-legal) and other rules enacted by the legislature which are supplementary to the constitution. These laws are sometimes called organic laws. The constitution in many countries merely laws down the broad and general principles of various institutions. It is these organic rules that regulate how exactly they are constituted and how they function."(K. C Wheare 1966).

As the supreme law of the land constitution shapes institutional structures that serve to provide broadly based guidelines to help the government to determine the forward course of action. What government does to act upon public demands and to set priorities or allocate values is determined by legal procedures and processes contained in constitutional provisions. Constitutional scheme of allocation of policy responsibilities enable the government to operate public policy with institutionally designed sets of rules, procedures, acts, and statutes.

State policy guides function of modern constitutional government both implicitly and explicitly. It is an instrument of special sanctity giving a sense of direction in Policymaking, rules- making, administration and adjudication, election and electoral governance. As a principle guide constitution sets institutional conditions of living, the principles of governance, the principles of transparency and the principles of all development intervention of the government and citizen bodies. Fundamental principles are ways of doing things 'the state has chosen for itself'.

Constitution in any organized community reflects the will of the people-their cherished hopes and aspirations. It is a symbol of distinct national identity, institutionalized behavior and ecological context. Hence "constitution is the way of life the state has chosen for itself". "A system of fundamental political institutions is constitution" (Finer1949: 116)

Fundamental political institutions include among others: forms of governments, legislative branch, executive, judiciary, electorate, bureaucracy, various committees and commissions, inter-governmental linkage, political parties, pressure groups and press.

As an "autobiography of power relationship" (Finer 1949:116) constitution is, in large measure, an instrument of apportioning power status to the ruling elite, counter elite, defining the position of the opposition, limiting exercise of state of power and regulating the relationship between the ruler and the ruled. While recognizing the authoritative positions of the institutional structures like the cabinet, bureaucracy, planning commissions, parliamentary committees and other policy making bodies constitution provides suitable mechanism for protecting liberty within which the individual is allowed freedom of action and a large variety of civil and political rights. Fundamental rights thus stated in the constitution of Bangladesh are a marked expression of citizen status in a civil society.

The dominant policy actors, say, Head of the government, Ministers, State Ministers, Deputy Ministers and Government Secretaries can act within the domain of authority set by the constitution. The American constitution accentuates organic separation of power coupled with check and balance as the fundamental political institution. This is an instrument not only of the dominant policy actors but also the consumers of public policy linking something of the values like liberty, public choice and human rights. Constitution's scheme of checks and balances is the means for maintaining the separation of power, balancing it with the concepts of individual liberty and human rights. Most of the democratic constitutions have established linkages enabling each organ of government to check and balance the others. The three organs of government are responsive to each other through this institutional linkage and thus ensure a modicum of good governance.

In theory institutional activities are based on guiding principles. Particularly the structure of state policy is explicit involving legal matters. In USA important policy clusters operate within the institutional framework. Here judicial interpretation is conspicuous; it may declare any policy decision of the public organizations to be of no force or effect, which are in conflict with the supreme law of the land (Haines 1951).

Judicial interpretation of the USA constitution bespeaks of judicial supremacy

-a remarkable aspect judicial process. The American constitution accentuates organic separation of power coupled with check and balance as the fundamental political Institution. This is an instrument not only of the dominant policy actors but also the consumers of public policy inking something of the values like liberty, public choice and human rights. Equal and independent legislative executive, and judicial branches are established in the USA constitution to control the abuse of power. The Supreme Court in USA can declare unconstitutional an act of the elective branches. Until the 1930's the court resorted only in frequently to judicial review. Since 1950's the exercise of judicial review has become more common. The theoretical reconciliation of judicial review with majority rule remains difficult. The American system of governance justifies judicial review based on conception of the democratic process that stress the importance of minority rights as well as majority rule (Edward III and Sharknsky 1978:52).

Constitution of the Different World

Constitutionally defined fundamental principles of state policies are a pure value orientation pattern designed to guide policy action and functioning to the public system. The 'perceived course of action', projection of objectives and goal- settings are all policy Making function within the constitutionally defined politico-administrative super structure Sanctity of the constitution as a sacred document is maintained by properly arranging things to fit well in a real system perspective in accordance with the fundamental principles. State policy guides function of modern constitutional government both implicitly and explicitly. It is an instrument of special sanctity giving a sense of direction in broad Policymaking, rules- making, administration and adjudication. As a principles guideIt sets institutional conditions of living, the principles of governance, the principles of transparency and the principles of all development intervention of the government and citizen bodies. Fundamental principles are ways of doing things 'the state has chosen for itself '. The constitution of the people's republic of Bangladesh contains fundamental principles of the state policy. "The principles set ... shall be fundamental to the governance of Bangladesh, shall be applied by the state in the making of laws, shall be a guide to the interpretation of the constitution and of the other laws of Bangladesh, and shall form the basis of the work of the state and of its citizens, but shall not be Judicially Enforceable". (60B 1994).

Controversies over what is 'constitutionally permissible behavior' and what is 'constitutionally prescribed' are difficult to resolve. The judiciary actually plays much of a part in resolving such controversies. In countries like USA, Australia, Canada, Switzerland, Germany, Austria, Norway, Japan and India judicial reviews with the involvement of law and constitutional experts examine the rationale of policy development at the legislative, executive and bureaucratic level by determining the constitutionality of such institutional actions. (Mason 1962). In England social policy making process is subservient to judicial interpretation. "The Supreme Court of India may through its decisions, give new interpretations to some of the articles of the constitution which may amount to a new policy." (Sapru 1994).

Public policies are authoritatively predetermined set of decisions in which public institutions are the dominant factors. Budgeting and programming through project and planning on the development side; and laws, ordinances, rules, statues and decrees on the legal side, -- are all drawn upon institutional sanction with the government of the state as the keystone of processing and authoritative allocation of values.

Unconstitutional executive action in any policy sector invoked against a group or section may invite judicial intervention. Rehabilitation program implemented at the primary stage through forceful eviction of the sex workers from the red light area of Narayangonj was termed as a violation of human right as stated in article 11 of the constitution of the Peoples Republic of Bangladesh.

Independence of Judiciary should have been a major policy concern. Even then there is an example of turning down a court decision in contravention of articles 109 and 116 of the constitution.

Constitutional recognition of fundamental rights has humanitarian underpinnings that shape the direction of all legal operations associated with public policy. Article 26 of the constitution of the People's Republic of Bangladesh provides that all existing laws inconsistent with fundamental rights become void. (GOB 1994) Fundamental rights include among others: equality before law, equality of opportunities in public employment, right to protection of law, protection to life and personal liberty, prohibition of forced labor, protection in respect of trial and punishment, freedom of movement, freedom of profession or occupation, freedom of religion, rights to property,

and prohibition of discrimination on grounds of religion, race, caste, sex and place of birth. Public policy on the substantive area like women development conforms to the provision of the constitution providing for the participation of women in national life. The policy area of women participation as a target group has been stressed upon with utmost concern. This constitutional obligation of the government enables it to take necessary steps towards promoting improvement of women with all the avenues of participation in the mainstreams of community life. Policy advocacy roles of the public promotional agencies as well as NGOs in favour of the recent neo-social movement like women emancipation are aimed at fulfilling such obligation.

Fifth Amendment of Bangladesh

The Fifth Amendment Act amended the Fourth Schedule to the constitution by adding a new paragraph 18 thereto, which provided that 'all amendments, additions, modifications, substitutions and omissions made in the constitution during the period between 15 August 1975 and 9 April 1979 (both days inclusive) by any Proclamation or Proclamation Order of the Martial Law Authorities had been validly made and would not be called in question in or before any court or tribunal or authority on any ground whatsoever.'

According to the 5th Amendment of the constitution which was adopted on 6th April 1979, the major obligations had been protected as below according to the Liton (2010).

- 1) The Capture of power by Khandakar Mustaque Ahmad as President (15th August, 1975 - 6 November 1975) declared as legal.
- 2) The appointment of Chief Justice Abu Sadat Mohammad Sayem as President (6 November, 1975 - 1977) declared as legal.
- 3) The post of Chief Martial Law Administrator as held by Major Gen. Ziaur Rahman (7 November 1976 - June 1978) and successive captured Presidency post of him declared as legal.
- 4) Nobody would challenge the murder of Sheikh Muzibur Rahman and his family members (of 15 August 1975) and all other related killings in the court under any circumstances (Indemnity Bill).
- 5) Multiparty system had been re-instead instead of one party system, like Baksal (Bangladesh Krishak Shramik Awami League).
- 6) The provisions of Secularism and Socialism had been abolished from the constitution.

The fifth Amendment ratified all actions including those that destroyed the basic character of the country's constitution and made it subordinate to martial law proclamations, orders and regulations made during around four years after August 15, 1975 (Shakhawat Liton 2010).

Amendments, additions, modifications, substitutions and omissions were indiscriminately made to the constitution during the martial law regime that began immediately after the brutal assassination of Bangabandhu Sheikh Mujibur Rahman (Shakhawat Liton 2010).

These actions changed the fundamental principles of state policy, destroyed the secular character of the constitution, allowed politics based on religion, and provided political rights to the anti-Liberation War forces and war criminals (Shakhawat Liton 2010)..Besides, Bengali nationalism was replaced by Bangladeshi nationalism through the fifth amendment passed during the regime of military ruler Ziaur Rahman (Shakhawat Liton 2010).

According to the 2005 High Court verdict, the amendment undermined the very sovereign character of the Republic. Article 1 of the constitution says 'Bangladesh is a unitary, independent, sovereign republic to be known as the People's Republic of Bangladesh.' Former chief justice Mustafa Kamal interpreted Article 1 of the constitution. He said in his book "Bangladesh Constitution: Trends and Issues", "Article 1 distinguishes Bangladesh from a dependency or a colony or a federating unit. Bangladesh has opted for a republican form of government. So, any kind of monarchy, oligarchy, aristocracy or dictatorship is an anathema to its republican character" (Shakhawat Liton 2010).

Justice Shahabuddin Ahmed said "sovereignty belongs to the people, and supremacy of the constitution as the solemn expression of the will of people, democracy, republican government, unitary state, separation of powers, independence of judiciary and fundamental rights are basic structures of the constitution." "These are the structural pillars of the constitution and they stand beyond any change by amendatory process," he observed. Trial of war criminals stopped and their political rehabilitation began with the scrapping of the Bangladesh Collaborators (Special Tribunal) Order 1972 by Khandaker Mushtaque Ahmed, who assumed presidency and put the country under martial law (Shakhawat Liton 2010).

Article 8 of the original constitution, which speaks of the four fundamental principles of state policy--nationalism, socialism, democracy and secularism, was amended to omit secularism and insert the words "absolute trust and faith in Almighty Allah". The principle of socialism was also given a new explanation, saying "socialism would mean economic and social justice". The amendment totally omitted article 12, which contained secularism and freedom of religion. "These changes were of fundamental in nature and changed the very basis of our war for liberation and also defaced the constitution altogether," the High Court observed in its verdict, which, it said, transformed secular Bangladesh into a "theocratic state" and "betrayed one of the dominant causes for the war of liberation of Bangladesh" . (Shakhawat Liton 2010).

Historic Court Verdict

The Supreme Court in the final verdict passed judgment in favour of High court orders. So Fifth Amendment to the constitution is declared null and void.

After dismissing the two leave-to-appeals petitions, the six-member bench of the "Appellate Division headed by chief Justice Md Tafazzal Islam pronounced the judgment as saying, "The petitions are dismissed with modifications and observations." But the "modifications and observations" were not available immediately. Some lawyers were of the views that following the petitions' dismissal, the country will go back to the 1972 constitution"

In view of a writ petition High court bench comprising Justice ABM Khairul Haque and Justice ATM Fazle Kabir declared illegal the Fifth Amendment to the constitution. Dismissal of the two leave-to appeal petitions by the highest court of appeal vacated the stay on the operation of the high court ruling invalidating the 5th amendment of the constitution. According to the information received from English daily: "After the apex court order, attorney general Mahbubey Alam told reporters that following the Supreme Court order the rule of the law is established" "It was a great victory for establishing the rule of law. Following the Supreme Court order 'martial law' has been eradicated from the constitution," he added.

The chief law officer of the state said: "Following the apex court verdict, the possibility of any future military takeover ends forever in the country.

The name of Bangladesh is now included in the list of countries which are not familiar with military.

Defense counsel Advocate TH Khan, who appeared for the BNP secretary general, told newsmen that the people were eagerly waiting to see the judgment. But the court rejected our petitions after the six-day hearing. It was too short a time for raising our legal points in the hearing on an important case, he noted. "We are hopeful amid frustration after hearing about modifications and observations' over the HC judgment during the apex court order. Now we are waiting to see what kind of modifications and observation would be in the Supreme Court order."

As the present government withdrew its appeal petition against High court order enabling the Apex court to pass the final judgment there is ample scope for constitution of 1972 to come back to its original form with a little modification. The court decision upheld the four principles of course. The fact is that no body except the parliament has any right to amend constitution. Whatever amendment may be brought to 1972 constitution it should be done within constitutional-legal framework not other way round.

The military regime in a seemingly changed political scenario modified state policy by issuing proclamations (Amdt.) Order of 1977. Regime's definition of ideological frame work or value orientation pattern clearly shows up in the modified version of state policy, such as, the principle of absolute trust and faith in the Almighty Allah in the place of secularism. This was antithesis to the institutional formation based on secular values. Socialism is redefined to denote economic and social justice. (GOB 1994). The regime after August 15, 1975 moved with conspirational design to undo the values of liberation war as reflected in the fundamental principles of the original constitution. It made a frantic effort to reconfigure ideological formation of the state through Fifth Amendment to the constitution.

In his instant reaction, the former Law Minister Shafique Ahmed said the SC ruling has in fact restored the spirit of the 1972 constitution. Attorney General Mahbubey Alam said the implications of the court's decision could be known once the judgment's copy is available. It is however sure that the constitution would have nothing called "martial law", he noted. The HC verdict asserts that imposing martial law or usurping power by any extra-constitutional means would always be illegitimate. Replying to a query,

Mahbubey Alam said there would be no need for parliament to pass any bill in this regard'.

SC in a reviewed 5th amendment judgment asked JS to condone some actions of martial law. In the verdict upper court also revoked Care taker system. It asked the government to settle the valid demand of the owner of the Moon cinema hall with three months of the reviewed 5th amendment judgment.

Fifteenth Amendments

"The Parliament of Bangladesh, the Jatiyo Sangsad, passed the Constitution (Fifteenth Amendment) Bill 2011 on 30 June 2011 to amend its Constitution. The Bill which contained 15 proposals was passed, while opposition parties were boycotting Parliament, by the division vote with a majority of 291-1. It scrapped the provision of the caretaker government system for holding general election. However, amendments moved by ruling alliance opposing Islam as the State religion and religion based politics were rejected. Islam has been retained as the State religion along with Bismillahi-Ar-Rahmanir-Rahim. The Fifteenth Amendment had shaken the entire Constitution and put the whole nation into long term political uncertainty. In this article, I aim to briefly identify the main features of the Fifteenth Amendment, discuss briefly how the provision of the caretaker government was repealed and then to analyse the legitimacy and the legality of the said Amendment. Based on the analysis and assessment, I will try to draw some conclusions."(Barrister Nazir Ahmed)

It has been passed on 30 June 2011 in the 9th Parliament. This Amendment has been done on the basis of the HC/SC verdicts on 5th, 7th and 13th Amendments of the Constitution.

Key Issues of 15th Amendment of the Constitution

- 1) Caretaker system abolished
- 2) Elections to be held under incumbent cabinet
- 3) Islam as State religion and 'Bismillah-Ar-Rahman-Ar-Rahim' retained above the preamble.
- 4) Removal of 'Absolute Faith and Trust in Allah' from the constitution.
- 5) Revival of Article 12 to restore Secularism and freedom of religion.
- 6) Maintains the provision allowing religion-based politics.
- 7) Denies recognizing the indigenous people, will be termed as tribal and ethnic minorities

- 8) The people of Bangladesh shall be known as Bangalees as a nation and citizens of Bangladesh shall be known as Bangladeshis
- 9) Inserted articles 7A and 7B in the Constitution after Article 7 in a bid to end take-over of power through extra-constitutional means and highest level of punishment would be awarded for those power capturers by extra-constitutional means.
- 10) Basic provisions of the constitution are not amendable.
- 11) In the case of a dissolution Parliament by any reason, election should be held within 90 days of such dissolution.
- 12) Increasing the number of women reserve seats to 50 from existing 45.
- 13) The Supreme Command of the defense services shall vest in the President and the exercise thereof shall be regulated by law.
- 14) The Chief Justice shall be appointed by the President, and the other judges shall be appointed by the President in consultation with the Chief Justice.
- 15) The portrait of the Sheikh Mujibur Rahman shall be preserved and display at the offices of the President, the Prime Minister, the Speaker, and the Chief Justice and in head and branch offices of all government and semi-government offices, autonomous bodies, statutory public authorities, government and non-government educational institutions, embassies and missions of Bangladesh abroad.
- 16) Incorporation of speech of Sheikh Mujibur Rahman on March 7, 1971, declaration of independence by Mujibur Rahman after midnight of March 25, 1971 and the proclamation of Independence declared at Mujibnagar on April 10, 1971.

Conclusion and Recommendations

The committee on constitution amendment may perhaps think to clean our constitution considering the characteristics of good constitution. Thinking about reprinting the constitution according to judicial decision and on the basis of recommendations for necessary modifications is to steer clear of all that may be rejected on the score of redundancy closing all the scope of politics of killing and seizure of power at the gun point. There will be no scope for communalism and using religion to political advantage. Secularism that will be institutionally reincarnated does not necessary denotes anti-God or blasphemy.

We welcome 'the interaction between the special parliamentary committee on constitutional amendments and various political and social groups of society. Recommendations have been made, reservations have been voiced and clarity has wiped away certain misgivings that might arise if the upcoming amendment was not handled with care. We would like to examine if all this was reflected in the draft amendment. May be some amendments come into conflict with constitutional provision on fundamental rights. The committee needs to be careful about it. The report of the institutional amendment committee after a good deal of revision perhaps made public through website.

The care taker concept was contained in the 13th amendment to the constitution. The care taker government (CTG) was facing a great challenge. It is not that the CTG system has lost its creditability for flawed election. It rather conducted free and fair elections since its inception in 1996. Only the concept has turned out to become shrouded in controversies. Even the party that fought for fair election under CTG was turning against it for the reasons best known to it. And the then government (now the main opposition), opposed the move for CTG as unconstitutional. It had to reluctantly accept CTG yielding to opposition pressure.

The New CTG promulgated a new set of rules 'curbing political activities and laying down detailed guidelines for the media to tighten the state of emergency. According to the emergency power rules 2007 "Provocative activities , including meeting, gathering, procession, , rally, hartal, strike, lock out and other public functions of political parties , trade union, clubs or associations, have been suspended until further order or until the state of emergency is withdrawn". There were restrictions on broadcasting or telecasting harmful or provocative activities on the electronic media or internet. "No photo or film of such activities will be published or broadcast/telecast in the media" "The government can ban rallies, meetings, blockades, statements and harmful or provocative activities and take action against such activities to maintain discipline and peace."

The reasons behind scrapping care taker concept are not far to seek. Despite the fact that care-taker concept since its journey from first interim government led by President Shahabuddin Ahmed has been effective in preparing a level playing field for perfect political competition and holding fair elections for democratic transition the way things were governed during

the incumbency of Latifur Rahman and Fakhruddin Ahmed generated a lot of controversies. Also, in 1996 there was an abortive coup to topple CTG led by Habibur Rahman. The story of running care-taker administration based on state of emergency semblance of quasi-military rule is unusual full of blunders and fantasies. CTG system as a semi-military rule continuing for two years was unconstitutional rendering many a political leader (both AL and BNP) victim of atrocities and grilling. Also unconstitutional was involvement in policy making to delay the process of managing election. The period preceding general election under CTG wrecked havoc with massive destruction and crack down on the political actors associated with the immediate past political government. Now the Chambers of Commerce full of tycoons advocated scrapping of caretaker government contained in 13th amendment to the constitution. Many a think tank was in favour of abolishing CTG for the possibility of military take over in the event of the dysfunctions of CTG could be ruled out. However any reasonable bent of mind would like to support wider national consensus and even referendum before reprinting the constitution.

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Ensuring Safety & Security of Fisherman, Fishing Vessel & Merchandised Ships in the Maritime Zones of Bangladesh in Compliance of National and International Laws: A Case study

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Abstract

Bangladesh has a 711 km long coastline that consists of a vast network of river systems draining the vast flow of the Ganges-Brahmaputra-Meghna River system. Manmade global climate change and associated sea-levelrise can have major adverse penalty for coastal ecosystem. Coastal communities of Bangladesh mostly depend on fisheries related livelihood opportunity because of huge abundance of fisheries biodiversity and their economic importance. Bangladesh is one of the most top country for marine and artisanal fisheries production in the world but fishermen of coastal region of Bangladesh feeling insecurity for their life. Due to robbery in the marine and coastal area fishermen are killed by them and not interested to go deep sea for fish harvest. So, we found that there is a close relation between ensuring safety & security of fisherman & achieving the targeting the production of fish which enrich the national economy as well as bringing this vulnerable section to strong position. As fishing in the maritime zones in Bangladesh is challenging & arduous task, care should be taken to consider the factors to face those challenges. Fishermen of coastal Bangladesh are suffering annual catch reduction, catch price fluctuation, by catch discard, lack of processing and preservation facilities, credit facilities, and training supports resulting in a disorganized fishing community with poor economic return and high dependency to fishery resources. The paper also highlighted the fishermen rights, fishing trawlers safety issues through national and international legal standards in the respective of Bangladesh.

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Introduction

Bangladesh has a population of about 160, 411, 249 living on 147, 570 square kilometer of land. There are different sections of people living in different zones of Bangladesh. It is our constitutional mandate to ensure the equal treatment to all sects of people & to emancipate the vulnerable masses from injustice. One of the vulnerable section is coastal fisherman approximately 12.80 lakh in number who are facing various natural disasters like cyclone, storm surge, flood, earthquake, water and soil salinity, climate change along with man-made hazards, such as various forms of pollution, illegal trespass into sea zones by foreign vessels, piracy, open human trafficking, drug smuggling which seriously hamper their normal living in the coastal zone and slowed down the pace of social and economic developments in this region (MoWR, 2005). Fishing is the part & parcel of newly emerged concept of Blue economy & the door of more opportunity has been extended after the landmark judgment by the permanent court of arbitration settling a longstanding India-Bangladesh maritime boundary dispute awarding Bangladesh 19,467square kilometers out of 25,602 sq km disputed area in the Bay of Bengal. More than one-third of the country's earlier total territorial area adds up to it allowing Bangladesh to exclusively exercise its sovereign rights on 118,813 sq km of waters extending up to 12 nautical miles of territorial sea and a further exclusive economic zone of 200 nautical miles into the high sea (Hossain, 2014). The coastal fishermen remain busy not only catching fish by small boat, trawler, stemmer etc. in different zones of the sea over day & night but also their livelihood is connected with bringing fisheries from the sea into the coast, selling in the market, managing fisheries for storage etc. Moreover, lots of international fishing vessel & merchandised ship navigate to & from Bangladesh for the purpose of international trade & commerce. So, if prime consideration is given to the marine fishing security & safety, it will encourage the coastal fishermen to catch fish in various zones even in deep sea & add new dimension in the total economy of Bangladesh.

Maritime Zones of Bangladesh

The maritime zones of Bangladesh shall consist of territorial waters, contiguous zone, continental shelf, conservation zone and exclusive economic zone established under the Territorial Water and Maritime Zones Act, 1974 (MoL, 1994). The width of the territorial sea is defined from the low water mark around the coasts of the State and the low water line along the coast is defined, as marked on large scale charts officially recognized by

the coastal State (UNCLS, 1982). The sovereignty of Bangladesh extends over its territorial sea and to the airspace and seabed and subsoil thereof, subject to the provisions of the Convention and to other rules of international law. Bangladesh has extensive powers of control relating to amongst others, security and custom matters within its territorial sea and can restrict passage of the foreign vessels which is not innocent (MoL, 1974). The territorial sea is directly adjacent to the land territory of the coastal State which is very crucial for the security of any country and for this reason UNCLOS III recognized only innocent passage through area of sea. Contiguous zone is that part of the sea which is beyond and adjacent to the territorial sea of the coastal State. The idea of a contiguous zone (i.e. zone bordering upon the territorial sea) was virtually formulated as an authoritative and consistent doctrine in the 1930s by the French writer Gidel, and it appeared in the Geneva Convention on the Territorial Sea and Contiguous Zone, 1958 (Rahman, 2003). The exclusive economic zone (EEZ) in an area beyond and adjacent to the territorial sea. The International Court of Justice in the Continental Shelf (Tunisia- Libya) Case has treated the EEZ as now a settled part of international law. Bangladesh has sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living of the water superjacent to the seabed and of the seabed and its subsoil and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds over its 200 nautical miles EEZ (MoWR, 2005). Continental Shelf of a coastal State comprises the submerged prolongation of the land territory of the coastal State - the seabed and subsoil of the submarine areas that extend beyond its territorial sea to the outer edge of the continental margin, or to a distance of 200 nautical miles where the outer edge of the continental margin does not extend up to that distance. The verdicts of international courts have given the country an exclusive right to carry out fishing in its area of jurisdiction. Bangladesh can now effectively ensure conservation of fishery resources by enforcing appropriate regulations about the season for harvesting, types of vessel and equipment that can be used and institute cooperative measures regarding straddling stocks and highly migratory species.

National Safety of Fisherman, Fishing Vessel & Merchandised Ships

National Safety

The safety measures for the coastal fishermen taken by the government of Bangladesh are not satisfactory. In Bangladesh, natural disasters like

cyclone, storm surge, flood, and earthquake visit every year of which the coastal fishermen are the utmost sufferers but the state's action to rehabilitate them during these disasters is not sufficient. In addition to, lacking of suitable equipment, proper training, Systems of alert, search, and rescue to avoid getting into trouble & most importantly unauthorized license to the fishing in the sea is a common scenario in our country. In 2005, the government of Bangladesh formulates Coastal zone policy in where some light of hope is found to the sound livelihood of coastal fishermen. Three indicators have been considered for determining the landward boundaries of the coastal zone of Bangladesh. These are: influence of tidal waters, salinity intrusion and cyclones/storm surges. 19 districts of the country are being affected directly or indirectly by some of these phenomena. The districts are considered including all upazilas/thanas. A total of 48 upazilas/thanas are considered as 'exposed' directly to vulnerabilities from natural disasters. The exclusive economic zone (EEZ) is regarded as the seaward coastal zone (MoWR, 2005). All concerned Ministries, Agencies, Local Government Institutions, NGOs, private sector and the civil society will put their efforts for the development of the coastal zone. The remarkable policy includes promoting those industries and activities that will reasonably use manmade coastal resources as basic raw material; No alteration or stoppage of an existing employment opportunity shall be made without creating opportunities for alternative employment; Special measures will be taken during the period of disaster; To facilitate coastal navigation, The law and order situation will be improved by setting up police outposts in remote and far flung areas; Free flow of information for the people will be ensured; Safety measures will be enhanced by combining cyclone shelters, multi-purpose embankments, killas, road system and disaster warning system. It should include special measures for children, women, the disabled and the old; Comprehensive policies, as dealt in the National Fish Policy, in relation to exploitation, conservation and management of marine fisheries resources will be followed; Fishers' right will be established on open water bodies for sustainable fisheries management. The International Maritime Organization (IMO), the International Labour Organization (ILO) and the Food and Agriculture Organization (FAO) are the three specialized agencies of the United Nations system that play a role in fishermen's safety at sea. These three organizations of the United Nations have jointly prepared a Code of safety for fishermen and fishing vessels. Part A, "Safety and health practices for skippers and crews" was adopted in 1968. It is an educational tool dealing with the fundamentals of safety and health. Part B, "Safety and

health requirements for the construction and equipment of fishing vessels," adopted in 1974, is intended to serve as a guide to those concerned with framing national laws and regulations. Its application is limited to fishing vessels of 24m in length and over, excluding recreational fishing vessels and processing vessels. The Torremolinos International Convention for the Safety of Fishing Vessels, 1977, was the first ever international convention on the safety of fishing vessels. One of the most important features of the Convention was that it contained stability requirements for the first time in an international convention. Other chapters dealt with such matters as construction, watertight integrity and equipment; machinery and electrical installations and unattended machinery spaces; fire protection, detection, extinction, and fire fighting; protection of the crew; lifesaving appliances; emergency procedures, musters and drills; radiotelegraphy and radiotelephony; and shipborne navigational equipment. But there arose some difficulties in convention & therefore decided to prepare a Protocol to the Convention. The United Nations Conference on the Law of the Sea (UNCLOS III) was completed in 1982, although its Convention did not enter formally into force until 1994 when it had been ratified by the required number of states. The UN Convention on the Law of the Sea, 1982, (hereafter referred to as the 1982 UN Convention) had by May 2000 been ratified by 133 states. It is globally recognized as the regime dealing with all matters relating to the law of the sea and gives nations rights as well as responsibilities to utilize their living marine resources in a rational and sustainable way. Regarding safety, the 1982 UN Convention rules that every State shall effectively exercise its jurisdiction and control in administrative, technical and social matters over ships flying its flag. Further, the flag nation shall take such measures for ships flying its flag as are necessary to ensure safety at sea with regard to, inter alia: (a) the construction, equipment and seaworthiness of ships; (b) the manning of ships, labour conditions and the training of crews, taking into account the applicable international instruments; (c) the use of signals, the maintenance of communications and the prevention of collisions. In taking such measures, each State is required to conform to generally accepted international regulations, procedures and practices and to take any steps necessary to secure their observance (Article, 94(5))

National Security

National security to the fishermen, fishing vessel & merchandised ship can be ensured by implementing pragmatic laws, establishing strong law

enforcing agencies & strengthen coast guard. A lack of sufficient maritime security drastically reduces the chances to reap the benefits of our newfound maritime boundaries. Acts of piracy, illegal fishing, and arms and drugs trafficking top the list (in that order) in the trajectory of trans-national maritime crimes for Bangladesh. The Suritec Piracy Report released on August 2014 revealed that the combined number of piracy-related and armed robbery incidents amounted to 23 in the Bay of Bengal (BoB), 10 in the Straits of Malacca and 14 in Malaysia. The Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) revealed that of the 18 piracy-related incidents during the first half of 2014, 2 took place in the BoB. Jol doshus (pirates), with the help of their extensive network of local mastans (hooligans), plunder natural resources (fish, minerals) and collaborate in the embezzlement of arms. The BoB along with its adjacent rivers form the nexus for the illicit trade of Yaba and other drugs from Myanmar to Bangladesh.

Of illegal fishing and poaching in Bangladesh's marine waters, the illegal trade of jatka (baby Hilsa) is the most severe as the livelihood of 40% of fishermen depend on Hilsa fishery either directly or indirectly. Fish catch is considered illegal when fishing is non-seasonal, unlicensed, immature fish is caught, prohibited nets are used, or when it occurs during breeding period. A survey conducted by the UNDP revealed some glaring statistics: of the estimated annual sustainable yield of 3,89,000 metric tons of fish and shrimp, only about 1,18,000 metric tons are successfully harvested. A major portion of the remaining loss is contributed to exploitation and poaching by foreign fishing trawlers. Commodore Mohd. Khurshed Alam of Bangladesh Navy said that Bangladesh Navy and Coast Guard's ability to apprehend criminal activities is limited due to the lack of sophisticated surveillance and other monitoring systems. As illegal fishing, robbery, theft, smuggling etc in the sea are connected with fishing security, Bangladesh has legislated some relevant laws in this regard. It is an offence to catch fish locally & by foreign vessel without the license of Director appointed by the Government. The Director shall be responsible for issuing licences in respect of all marine fishing in the Bangladesh fisheries waters (MoF, 1983). Each licence shall be valid only with respect to the species of fish and the type of fishing gear or the method of fishing or the location specified in the license. The Director may attach all or any of the following terms and conditions to any licence, namely:

- (a) the areas within which, and the period during which, fishing is

authorised;

- (b) the species, size, sex, age and quantities of fish that may be caught or taken;
- (c) the methods by which fish may be caught or taken;
- (d) the types, size and amount of fishing gear that may be used by the fishing vessel;
- (e) statistical and other information required to be given by the skipper to the Government, including statistics relating to catch and effort and also reports as to the position of the vessels;
- (f) the keeping on board the fishing vessel the license issued in respect of it;
- (g) the marking of the fishing vessel and other means for its identification;
- (h) such other matters as the Director may consider necessary or expedient for the management, conservation and development of fisheries resources of Bangladesh. Any citizen of Bangladesh aggrieved by an order of refusal by the Director to grant a licence or any person aggrieved by an order of cancellation or suspension of his licence may, within thirty days from the date of receipt of the order of refusal, cancellation or suspension, prefer an appeal against such refusal, cancellation or suspension. Any person filing an appeal shall be entitled to appoint a representative or legal practitioner of his choice for the purpose of making an appeal. Where the decision appealed against has been made by the Director, the appeal shall lie to the Government; and where the decision appealed against has been made by a fisheries officer appointed under section 4, the appeal shall lie to the Director (MoF, 1983).

(3) In addition to the terms and conditions which may be imposed on any license, the Director may make applicable to foreign fishing vessels all or any of the following terms and conditions, namely:-

- (a) entry by foreign fishing vessels into Bangladesh ports for the inspection of its catch which is subject to customs formalities and for any other purpose;
- (b) the specification of points of entry into, and departure from, the Bangladesh fisheries waters;
- (c) the protection of local fisheries;
- (d) the execution of bonds or other forms of security for the duration of the licence;
- (e) the reporting of the position by the foreign fishing vessel while within, or about to enter, the Bangladesh fisheries waters;

- (f) the directions and instructions given by the authorised officers from the Government ships or aircrafts to the foreign fishing vessel that shall be complied with by the skipper;
 - (g) the installation and maintenance in working order of a transponder or other equipment on the foreign fishing vessel for the identification and location of the vessel and of adequate navigational equipment to enable its position to be fixed from the vessel;
 - (h) the carriage on board the foreign fishing vessels of specified communication equipment, specified nautical charts, nautical publications and nautical instruments;
 - (i) the placing of observers on the foreign fishing vessel and the reimbursement to the Government of the costs of doing so;
 - (j) the training of citizens of Bangladesh in the methods of fishing employed by the foreign fishing vessel and the transfer to Bangladesh of technology relating to fisheries;
 - (k) the conduct by the fishing vessel of specified programmes of fisheries research.
- (4) Foreign fishing vessel operation is permitted in Bangladesh subject to certain following conditions: No foreign fishing vessel shall, without a licence,
- (a) enter the Bangladesh fisheries waters except for any purpose set out in section 21; or
 - (b) within the Bangladesh fisheries waters,-
 - (i) fish or attempt to fish; or
 - (ii) load, unload or tranship any fish; or
 - (iii) load or unload any fuel supplies

Section 21 provides that foreign fishing vessel can enter Bangladesh fisheries waters in the following purposes-

- (a) passage through such waters in the course of a voyage to destination outside such waters;
- (b) averting imminent danger where the vessel is in distress, to the safety of the vessel or of its crew; or
- (c) rendering assistance to persons, ships or aircraft in danger or distress; or
- (d) obtaining emergency medical assistance for a member of the crew; or
- (e) for any other purpose recognized by international law.

With regarding to prohibited fishing methods Marine Fisheries Ordinance 1983 also provides that uses, or attempts to use, any explosive, poison or other noxious substances for the purpose of killing, stunning, disabling or catching fish, or in any other way rendering such fish more easily caught, carries, or has in his possession or control, any explosive, poison or other noxious substances with the intention of using such explosive, poison or other noxious substance for catching fish, shall be guilty of an offence and shall be liable to a fine not exceeding Taka one lakh or fifteen times the value of the fish, whichever is greater. Any person who willfully and unlawfully damages or destroys any fishing vessels, fishing stakes, fishing gear or fishing appliances shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding three years, or to a fine not exceeding Taka one lakh, or to both (MoF,1983). Where it becomes necessary for an authorized officer to stop any vessel for the purpose of enforcing the provisions of this Ordinance and the rules made thereunder, it shall be lawful for any vessel or aircraft under the command of an authorized officer to summon such vessel to stop by means of an international signal, code or other recognized means, and if it fails to do so, the vessel may be pursued even beyond the Bangladesh fisheries waters and if after a gun is fired as a warning, to the vessel to stop, and if it fails to stop after such a warning, it may be fired upon. The Government may, with a view to the maintenance of the productivity of the living resources of the sea, by notification in the official Gazette, establish conservation zones in such areas of the sea adjacent to the territorial waters as may be specified in the notification and may take such conservation measures in any zone so established as it may deem appropriate for the purpose including measures to protect the living resources of the sea from indiscriminate exploitation, depletion or destruction (MoL, 1974).

Security of Merchandised Ships

The issue of piracy against merchant vessels poses a significant threat to world shipping. In 2011, there were 439 pirate attacks and 45 merchant vessels hijacked worldwide. 237 of these attacks and 28 of these hijackings occurred in the Gulf of Aden, off the coast of Somalia, and in the wider Indian Ocean. As of spring-2012 there have been more than 51 attacks off Somalia (121 worldwide), 11 hijackings off Somalia (13 worldwide), and over 158 hostages taken off Somalia. Currently, 12 ships and more than 170 seafarers are being held hostage by Somali pirates for ransom. The Bay of Bengal is not free from the experience of piracy against the merchandised ships. Piracy and armed robbery in the Bay of Bengal along the country's

coasts, especially near sea and river ports, doubled in 2014 as compared to those in 2013. The number of such incidents rose from six in 2013 to 11 in 2014. Of the total, eight occurred in sea near major Chittagong port. "In most cases, the robbers boarded the vessels in groups of five to ten, except in some cases when the robbers approached in a relatively larger group of 30 which happened in the incident involving Malta-registered bulk carrier *Loyalty*," the report mentioned. Robbers carried knives but in most cases, they were not violent. Sharing the concern of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP), Information Sharing Centre (ISC), and the Ministry of Shipping has asked the Department of Shipping and the Chittagong Port Authority to take steps to combat robbery along the Bangladesh coasts and near the ports.

Recommendations

The Bay of Bengal is a nature's gift to the people of Bangladesh. The socio-economic lifeline of the country is inseparably linked to the Bay which provides passage to 95 per cent of its trades and offers livelihood to almost 30 million people. The sea has assumed great importance following successful delimitation of maritime boundaries with Myanmar and India. The disputes concerned delimitation of the territorial seas, exclusive economic zones and continental shelves in the Bay of Bengal. Economic implications of this delimitation are countless. Safety and security are two aspects that need priority now. The Government of Bangladesh should adequately equip the maritime security agencies with appropriate capability. Capacity building of Bangladesh Navy and Bangladesh Coast Guard with appropriate hardware and manpower should be undertaken and the personnel should be trained and organized to meet the challenges of ensuring the safety and security of the fisherman, fishing vessel and merchant ship. A national maritime policy is the need of the hour to explore, protect and make the best use of the Bay of Bengal. It is a must to enhance the capacity of Bangladesh Navy and the Coast Guard to protect Bangladesh's interests in the Bay. The government can also form a single authority to coordinate its agencies and stakeholders operating in the Bay. Co-operation among the existing departments of Government who are responsible to ensure the safety of fisherman during natural disaster like cyclone, Tsunami should be increased and well-disciplined.

Conclusion

Making the Bay of Bengal free from clutches of pirates and robbers is critical

at this time when the government is going for a deep seaport. Such a deep seaport will turn Bangladesh into a hub of booming trade and commerce in the region. But such a rosy future of the country will surely be turned dark if piracy and robbery are not curbed permanently. It is badly needed for us to build a close ties with member-states of the Indian Ocean Rim Association for Regional Cooperation (IOR-ARC) for making the Bay free of piracy. The IOR-ARC has the necessary mechanism to curb it in a coordinated way. A well-thought-out maritime policy is a must not just for ensuring security and exploring resources but also for taking decisions during disasters, accidents and salvage operations in the Bay of Bengal.

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Governmental Initiatives On legal Aid in Bangladesh: Introspection

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Abstract

In Bangladesh, constitution is the highest law of the state. Constitution has theoretically ensured access to justice. Legal Aid means the assistance in the legal matters both inside and outside of the courts to the indigent litigants. The assistance includes payment of the lawyers, different court fees, amounts for lunch and conveyance to the parties as well as to the witnesses etc. The legal aid service of Bangladesh is based on three texts- The Constitution of Bangladesh, The Legal Aid Act 2000 and The Legal Aid Rules 2001. Though the National Legal Aid and Services Organisation, from the very beginning of its operation, trying to inform the mass people about its activities. Like all other programs, the government led legal aid service is facing some drawbacks or challenges from the very beginning. They obstacles are taking place due to different financial, structural, statutory and socio-economical causes. Among them lack of awareness is the most important one so far found.

Introduction

In *Bandhu Mukti Morcha v Union of India*, (1984) 3 SCC 161, former ChiefJustice of India P.N. Bhagwati observed:

"Where one of the parties to a litigation belongs to a poor and deprived section of the community, and does not possess adequate social and material resources, he is bound to be at a disadvantage as against a strong and powerful opponent under the 'adversary system of justice' because of his difficulty in getting competent legal representation, and more than anything else, his ability to produce relevant evidence before the court."(Islam, 2013).

At present the whole world is divided into many countries and most of them are democratic and welfare states. The highest democratic principles are, all are equal in the eye of law and every citizen is entitled to have justice.

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But these principles become useless when a citizen fails to access to any of his legal right or justice due to financial crisis or poverty or for any other reasonable cause (Akhtaruzzaman, 2008). Any sort of free legal help or aid provided to the People who are poor, insolvent and helpless is Free Legal Aid. Bangladesh is a compactly populated and developing country of which most of the people are uneducated and living below the poverty line. We know poverty is the mother of many evils (Sharma, 1993). In our country, we see, people often cannot be able to fulfill their basic needs due to poverty. Another alarming trend is unrestricted population hike in proportion to other countries of the world. With the increase of the population the number of filed cases is also getting increased in our country specially the number of criminal cases. Moreover we follow the common law legal system which results in lengthy and complex procedure to end a case, up rise the costs of the judicial functions in the courts of law as well as the tensions of the parties.

Again, mass people specially the indigents are not so much conscious about their legal or social rights due to their lacking in education and an inherent fear to the law and order authority. Under such a condition it would not be possible for them to go to the courts and afford lawyers to access justice which is constitutionally guaranteed in Bangladesh. To get rid from the above mentioned hurdles the government of Bangladesh has enacted several statutes and started providing free legal aid to the mass people to ensure the 'access to justice' which is a constitutional guarantee also in our country.

Principle of 'Access to Justice'- the Root of Legal Aid

"No freeman shall be taken or imprisoned or diseased or outlawed or exiled or in any way ruined, nor will we go or send against him, except by the lawful judgment of his peers or by the law of the land. To no one will we sell, to no one will we deny or delay right to justice....."

Magna Carta

It is difficult to imagine a human society without conflicts of interests and thus the disputes are inevitable. Resolution of disputes is an essential characteristic for societal peace, amity, comity and harmony and easy access to justice. It is evident from the history that the function of resolving dispute has fallen upon the shoulders of the powerful ones. With the evolution of modern states and sophisticated legal mechanisms, the courts run on very formal processes and are presided over by trained adjudicators entrusted with

the responsibilities of resolution of disputes on the part of the state. The procedural formalization of justice gave tremendous rise to consumption of time and high number of cases and resultant heavy amount of expenditure. The disputes must be resolved at minimum possible cost both in terms of money and time, so that more time and more resources are spared for constructive pursuits.

'Access to Justice' means the door of fair trial and judgment is easily accessible and equally open for all. It means any citizen who is threatened to his life, liberty; property or any other valid right will easily access to the court and have the lawful protection. The basic principle of 'Natural Justice' is 'Audi Alteram Partem' which means 'No man shall be condemned unheard'. In fact no judgment can be awarded against any person without giving him a chance to self defense by himself or by a pleader. Through this, it is proved that the principle of 'Access to Justice' is a part of human rights. In this case, state is ultimate responsible for ensuring that protection at any cost. United Nations Declarations on Human Rights (UDHR) suggests in numerous ways to effect and up lift the human rights and fundamental freedom. Article 7 says 'All are equal in the eye of the law and equally entitled to the protection of law considering all races, casts and religions'. Article 8 observes that every human being can be treated in accordance with law to protect the fundamental rights authorised to him by the respective constitution and statutes (UNDHR, 1948). The same provision has been inserted under article 14(3) of ICCPR (1966), under article 6 of European Convention on Fundamental Freedom and Human Rights (1950) and under article 27 of Vienna Declaration and Programme of Action (1993). So these are the international status for ensuring the highest standard of 'Access to Justice' (ICCPR, 1966).

In Bangladesh, constitution is the highest law of the state. In other word the mother law of the state. Constitution has theoretically ensured access to justice. The third paragraph of the Preamble of the constitution states that it shall be a fundamental aim of the state to realize through the democratic process a socialist, free from exploitation, society in which the rule of law, fundamental human rights and freedom, equality and justice, economical and social, will be secured for all citizens (ICCPR, 1966). Article 14 of our constitution says that it shall be fundamental responsibility of the state to emancipate backward sections of the people from all forms of exploitation. Article 19 confirms that the state will try its best to ensure the equal

opportunity for the entire population. Article 27 is ensuring that all are equal in the eye of law and are entitled to the equal protection of law and finally 'the right to protection of law' has been claimed as a fundamental right to every citizen under article 31. Article 35 confirms speedy and fair trial. So, all are equal in the eye of law and to have justice is a birth right to all. If a man cannot access to the court due to poverty or financial crisis, then the objective of the justice will be hampered. The above mentioned guarantees for access to justice will be ineffective or worthless in our country due to the following grounds:

a) If one party of a trial is poor or helpless and another is well-off for money then the standards of equality, rule of law, fair trial etc. cannot be sustained. Because the solvent party is able to assign a skilled pleader on his behalf and can bring the judgment to his own part which may not be possible for the poor party. Because the systems of common law courts demand a huge amount of money to continue a suit. So insolvency may seal the door of 'Access to Justice'.

b) We know lengthy process is an ill and inherent nature of the common law courts. It is a common culture of the courts of our country that it takes a huge time to conclude a civil suit. In fact no time period can be ensured for the judgment of a civil suit. It takes years after years to end. This unlimited time consumption is discouraging people to enter into civil suits. So the delay in disposing civil suits is creating a strong barrier to 'Access to Justice'.

c) A big portion of the mass people of our country is uneducated and not aware of their general and legal rights. Moreover due to the conservative mentality of the ancestors, they do possess a fear to the court and court procedure. They don't have the idea that law and court can bring honor to them. So it's apparent that lack of awareness slows down the spirit of 'Access to Justice' (Denning, 1982).

The above mentioned barriers are the results of our century old legal system and less developed socio-economic condition. To get rid from the above diseases government has started Speedy Trial Tribunal, Awareness Program among the mass people and Free Legal Aid Service etc. which are facilitating the practice of the standard of 'Access to Justice'.

Defining Legal Aid

Legal aid has a close relationship with the welfare state, and the provision of legal aid by a state is influenced by attitudes towards welfare. Legal aid is a welfare provision by the state to poor people who could otherwise not afford counsel from the legal system. Legal aid also helps to ensure that welfare provisions are enforced by providing people entitled to welfare provisions, such as social housing, with access to legal advice and courts. Legal Aid is fundamental to social and legal justice. Literally Free Legal Aid means free legal service to persons unable to pay for a lawyer. The concept of Free Legal Aid denotes a wide meaning and includes all incidental costs for expenses of the litigation (Halim and Siddiki, 2008). It can also be defined as a means and tested benefit in the form of financial assistance for persons to meet the cost of advice and representation in legal proceedings. The 'New Encyclopedia Britannica' defines 'Legal Aid' as the professional legal assistance given, either free or for a nominal sum, to indigent persons in need of such help (Halim and Siddiki, 2008). In criminal cases most countries-especially those in which a person accused of a crime enjoys a presumption of innocence-provide the services of a lawyer for those who have insufficient means of their own. In some countries defender offices with salaried personnel, either publicly or privately supported, have been found to be the most economical solution. In other countries where there is no shortage of lawyers skilled in criminal law and trial practice, private lawyers undertake this duty, being assigned by the court or being chosen by the accused person himself. In many countries these private lawyers receive no remuneration or only a nominal fee paid either by the state or from charitable funds. In an increasing number of countries, the provision by the state of a fund sufficient to pay an adequate fee and to cover all allied expenses is considered to be necessary to ensure that the person receiving this aid gets proper legal assistance and justice.

So far no universal definition of Legal Aid is found. It is defined on the basis of the nature and practice of service of Free Legal Aid in different countries. The international Commission of Jurists, in the definition of the said term, includes the provisions of legal advice and representation in the courts to all those threatened as to their life, liberty, property or reputation, who are unable to pay for it (Halim and Siddiki, 2008). In our country The Legal Aid Act 2000, specifies that the term 'Legal Aid' means providing a person who is poor, or financially helpless and incapable of invoking justice for many other socio-economic conditions

the following-

- (i) Counseling and assistance in a litigation to be filed, filed or pending in any court of law;
- (ii) Giving honorarium to any conciliator or arbitrator appointed to conciliate, or mediate any case under the provisions of section 89B of the Code of Civil Procedure, 1908;
- (iii) Giving any other assistance including expenditure of the case etc. (MoL, 2000).

The concept and practice of Free Legal Aid is for those who cannot afford the cost of litigation. Legal Aid means the assistance in the legal matters both inside and outside of the courts to the indigent litigants. The assistance includes payment of the lawyers, different court fees, amounts for lunch and conveyance to the parties as well as to the witnesses etc. Initiatives for creating awareness among the mass people may be a part of Free Legal aid. Here one thing should be realized that Legal Aid and Free Legal Aid may not be the same practice. Generally Legal Aid means any type of legal assistance which may include costing or payment. For example, an advocates suggestion and assistance to his clients is a obviously a legal aid, Legal counselor's are counseling on different legal points in the law firms and these are also legal aid with relevant payment- these are legal Aids but not Free Legal Aid. In a single word, any type of legal help without any consideration to an indigent or any type of litigant concerning his court matter is a Free Legal Aid.

Nature of Free Legal Aid

Sometime we think that legal aid is a charity. But it's not like that. As per the modern principle of law, legal aid is a right of the poor and also It's a state responsibility in a modern democratic country. The ultimate object of legal aid is to ensure the access to courts and tribunals of the indigent litigants to establish their various lawful rights. But we should examine that how far this concept is valid? Because if we try the constitutional history of the contemporary world, we will find that priority has been given for Equality and Equity under every constitution. All are equal in the eye of law and entitled to equal protection of law- these are established as constitutional rights. Moreover it is recognized as a human right under national and international law. So we should not mention the right to Free Legal Aid as an charity, rather it should be assessed as an fundamental human right enshrined into the principle of Administration of Justice and Rule of Law. To have Free Legal Aid from the government is recognized as a Fundamental Right.

Justice D. K. Basu, the founder and chairman of 'West Bengal Legal Aid Services', in his article 'Structure and Process for Legal Aid Delivery System in India vis-a-vis Divisions Between Policy and Operational Functions and Structures' said,

'The Free Legal Aid to the poor and the needy is an essential element of any reasonable, fair and just procedure. It may, therefore, now be taken as settled law that free legal aid at State cost is a fundamental right of a person accused of an offence which may involve jeopardy to his life or personal liberty and this fundamental right is implicit in the requirement of reasonable, fair and just procedure prescribes in Article 21' (Hossain, 2004).

Again on the same ground Indian Supreme Court, in the case *Sheela Barse v State of Moharashtra*, commented,

'It is (legal assistant to poor and indigent accused) necessary sine qua non of justice and where it is not provided, injustice is likely to result and undeniable. Every act of injustice corrodes the foundations of democracy and rule of law, because nothing rankles more in the human heart than a feeling of injustice and those who suffer and cannot get justice because they are priced out of the legal system, lose faith in the legal process and a feeling begins to overtake them that democracy and rule of law are merely slogans or myths intended to perpetuate the domination of the rich and powerful and to protect establishment and the vested interest.....'

Article 39 of the Indian Constitution directly suggests to the state to arrange the service of free legal aid equally to all the indigents. It pledged that....."The state shall secure the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities."But our constitution doesn't possess any such straight command rather do some philosophical and indirect outlines. Such as equality before law under article 27, right to protection of law under article 31, protection of right to life and personal liberty under article 32 etc.

Evolution of Legal Aid in Bangladesh

In 1967 the Government of Pakistan set up a Committee consisting of ten members headed by eminent Justice Hamoodur Rahman to recommend ways and means by which competent free legal aid may be brought within the means of indigent litigants. The Committee submitted a fairly comprehensive

report on February 15, 1970. Due to the Liberation War in 1971, the recommendations were stopped. After the liberation war the constitution was formed in 1972. In Bangladesh constitution there is no direct provision concerning Free Legal Aid to the indigents. But some indirect indications and philosophical policies are inserted in the constitution which confirms the Free Legal Aid as a tool for ensuring fundamental right. Such as, article 19 says that the state will try its best to ensure the equal opportunity for the entire population. Article 27 is ensuring that all are equal in the eye of law and are entitled to the equal protection of law and finally 'the right to protection of law' has been claimed as a fundamental right to every citizen under article 31. Article 35 confirms speedy and fair trial. But to have a statute, the Govt. took formal and specific initiative for the first time in 1994. The Govt. established a 'National Legal Aid committee' chaired by the Honorable Minister, Ministry of Law, Justice and Affairs and 'District Committees' were chaired by the District judge to provide legal aid to the poor litigants and an amount of money was allocated to cover the costs of such representation under the authority of the District Judge. Funding is made available from govt. resources, donation from national and international organizations and other sources. Nevertheless, govt.'s initiatives achieved only minimum success. However, by another resolution of 1996, the resolution of 1994 was repealed. It is found that only handful of litigants actually received legal aid from these governmental initiatives. Finally, in the year 2000, in January, the Government passed the Aingoto Shohayota Prodan Ain, 2000 (Act No. VI of 2000). It is pertinent to mention here that in India, the Legal Aid issue is regulated directly under the constitution as well as by the Legal Services Authorities Amendment Act, 1994 (Act No. LIX of 1994) which amended the previous Legal Services Authorities Act, 1987 (Act No. XXXIX of 1987). There are many provisions common in Aingoto Shohayota Prodan Ain (Act No. VI of 2000) of Bangladesh and its Indian counterpart the 'Legal Services Authorities Amendment Act', 1994 (Act No. LIX of 1994). The Aingoto Shohayota Prodan Ain (Act No. VI of 2000) is an honest and also a great historic attempt of the Government of the Peoples Republic of Bangladesh to lend its assistance to the poor. This Act along with guidelines and rules framed under it presents a comprehensive, nation-wide and state-funded legal aid scheme. It is mentioned in the preamble of the Legal Aid Act 2000 (Act No. VI of 2000), that the aim of enacting the Act is to provide legal aid to the people who are unable to get the justice due to financial crisis or due to different socio-economic reasons.

National Structure of Legal Aid

The legal aid service of Bangladesh is based on three texts- The Constitution of Bangladesh, The Legal Aid Act 2000 and The Legal Aid Rules 2001. Though the constitution does not provide any direct provision on legal aid but it has provided some indirect guidelines which concerns the legal aid service. Such as, the Preamble of the constitution stipulates for a society which is free from exploitation and where rule of law, fundamental human rights and freedom, equality and justice- political, economic and social, will be secured for all citizens. Article 27 of the constitution confirms for 'Equality before Law' and Article 31 for 'Right to Equal Protection of Law' as fundamental rights. So, now it becomes a state obligation to create such a socio-legal environment where the mass people will easily access the aforesaid rights without facing any obstacle. If it is not properly performed, it may attempt to a violation of the constitution. However, to make the above mentioned legal philosophies effective, the sketch of the working body of the national legal aid service of our country has been drawn in the National Legal Aid Act 2000 and in The Legal Aid Rules 2001. The structure of that working body has been designed and divided in many phases. The total legal aid administration is administered directly by some pre-settled committees under the authority of the National Legal Aid and Services Organisation (NALSO) which is an autonomous body established under the Legal Aid Act 2000 for rendering the legal aid more effectively to the underprivileged. The committees are The National Management Board, The District Legal Aid Committee, The Upazilla Legal Aid Committee and The Union Legal Aid Committee. These four bodies have their own structure and functions clearly specified in the Legal Aid Act 2000.

The National Management Board is the supreme authority of government led legal aid service in Bangladesh comprised of 19 members. The respective members are the Honorable Minister of Law, Justice and Parliamentary affairs, two Honorable MPs both from the Government and Opposition selected by the Honorable Speaker of the Parliament, The Attorney General of Bangladesh, Secretary of the Ministry of Law, Justice and Parliamentary affairs, Secretary of the Ministry of Social Welfare, Secretary of the Home Ministry, Inspector General of Police, Inspector General of Jail, Vice Chairman of Bangladesh Bar Council, Chairman of the Supreme Court Bar Association, Chairman of the National Women Organisation, three representatives from those established organisations which are active in the field of law and human rights in every district, three representatives from

established women organizations who are active in all the districts, the Director of the National Legal Aid Organisation who will be its Member Secretary. These respected members are appointed for a two years term and may be removed by the government at any time without showing any reason. Moreover the respected members can also quit their posts by submitting their resignation letters. The National Management Board of legal aid is basically involved in planning, researching and publishing different documents for different legal aid schemes in the country. This board is the governing authority of the National Legal Aid Organisation and it also provides legal aid to the poor and supervise the activities and effectiveness of the District Legal Aid Committee (MoL, 2000). The National Board needs a huge amount of money to perform all its responsibility. The ultimate sources of that amount is the government. Moreover it may also be accumulated by the donation from foreign, form different local bodies and companies etc. As earlier mentioned, the National Management Board is a planning body, the whole government legal aid services came into effect under the direct supervision of the National Legal Aid Organisation, which is an autonomous one by its nature. It's a permanent body having its own seal. The main functions of the National Legal Aid Organisation are, (i) framing the principles of providing legal aid to those justice seekers who are financially incapable and helpless due to different socio-economic causes to pay the court fees or other legal costs, (ii) Framing different types of schemes for providing legal aid, (iii) To initiate relevant academic and research programs to make the legal aid program more effective, (iv) To initiate huge promotional activities through the radio, television, newspapers and other medias to create awareness about legal aid among the mass people, (v)To examine the rejected applications from the District Legal Aid Committee, (vi)To visit, supervise and control the activities of the district legal aid committee, (vii)To take necessary steps to make the people aware about their legal rights and duties by arranging seminars, workshops and publishing various pamphlets on laws, rules and relevant information etc.

The most working and effective part of the government legal aid service is the District Legal Aid Committee. Because the District Legal Aid Committee is activated in all the districts of Bangladesh. The government is providing legal aid to the root level people through this district committee. The District Legal Aid Committee also supervises and coordinates with the Upazilla and Union Legal Committee. The District Legal Aid Committee is comprised of twenty members. They are respectively, District & session Judge who will

also be the Chairman of the committee, District Magistrate or any Additional District Magistrate appointed by him, District Police Super or any Additional Police Supper appointed by him, District Jail Super, District Social Welfare Officer, if any; District Women Officer, if any; District Children Officer, if any; District Information Officer, if any; Chairman of the District Women Committee of National Women's Federation, Chairman of the District Women Committee or any person appointed by her; President of the District Lawyers Association, Government Pleader, Public Prosecutor of the District; Non-Government Inspector of Jail of the District, if any; A representative from any charitable society of the district nominated by the chairman of the District Committee, Elected General Secretary of the District Lawyers Association, Chief Metropolitan Magistrate and Metropolitan Police Commissioner if the district is in any metropolitan city; The Judge and the Public Prosecutor of the Woman and Child Repression Tribunal of the District, if any. All these members are appointed for a two years term. However the government may remove any members (MoL, 2000). The District Legal Aid Committee provides legal aid to the poor litigants according to the rules and principles fixed by the National Legal Aid and Services Organisation. It also fixes and determines conditions of legal aid for those applicants whose applications for legal aid has been accepted. The District Committee adopts and implements projects and plans relating to legal aid in the district too (MoL, 2000) Every District Legal Aid Committee will have a fund which may be contributed by the government, by any single individual or organisation or from any other source. In every month the District Legal Aid Committee arranges a meeting in the place and time fixed by the chairman. The meeting is also presided over by the chairman. The next functional wings of the government legal aid service are the Upazilla Legal Aid Committee and the Union Legal Aid Committee. The Upazilla Legal Aid Committee Implements the government legal aid program at the Upazilla level. At present 480 Upazilla Legal Aid Committees are working across the country. The Upazilla Legal Aid Committee is headed by the concerned Upazilla Chairman. Other effective representatives from both government and non-government sides work in the Upazilla Legal Aid Committee. This local committee works under the direct supervision of the District Legal Aid Committee. The lowest level of the government legal aid service is the Union Legal Aid Committee which disseminates legal aid in the union level. At present 4498 Union Legal Aid Committees are working across the country. The Union Committee is headed by the concerned chairman of that Union Parishad.

Representatives from both the government and non-government sides take part with the union committee and this committee also works under the direct supervision of the District Legal Aid Committee. The government, through the National Legal Aid and Services Organisation, is not providing only legal aid to the mass people rather it is trying to collaborate with different national and international organisation for making the present legal aid system more effective and developed.

Eligibility of Free Legal Aid

Eligibility means such a condition which makes someone qualified for receiving something. Here eligibility refers to such financial and social condition of people which identifies them as eligible to receive legal aid from the state. Though the poor and the helpless people should receive the state oriented legal but under the Legal Aid Act 2000, vast classifications for eligible people are included to meet the demand of the society and achieve the ultimate goal of the government legal aid. Under the Government Legal Aid Service the following persons are eligible to receive legal aid; (a) Any freedom fighter incapable of earning or partly incapable or jobless or whose yearly income is not more than taka 6000; (b) Any person who is receiving old age benefit; (c) Any helpless mother with V.G.D card; (d) Women or children who are victims of human trafficking; (e) Women or children who are victims of acid throwing; (f) Any person who has been allotted house or plot in an ideal village; (g) Poor widow, any poor woman deserted by her husband; (h) Any handicapped person with earning incapability; (i) Any person who is financially incapable to protect or defend his rights in the court; (j) Any person who is arrested under preventive detention law and is financially incapable to defend his rights; (k) Any person who has been considered by the court as financially incapable or poor; (l) Any person who has been considered or recommended by the Jail Authority financially incapable or poor; (m) Any person considered by the organisation from time to time financially incapable or poor for the purpose of the Legal Aid Act 2000. Here to be noted that for the purpose of the Legal Aid Act 2000, the term 'financially incapable or poor' means any person whose yearly average income is not more than taka 100000/-. To receive government legal aid an eligible people has to file a petition to the district legal aid committee. If the District Committee accepts the application it will include the case in its register with an identifying number. Then the District Committee selects a lawyer from its panel lawyers and appoints him for this purpose and he will be paid as per the government rule. But if the application is rejected, the

applicant can appeal to the National Management Board within 60 days of such rejection. If the National Board finds it a valid one it may accept it and send to the concerned District Committee for necessary action. In this case the decision of the National Management Board will be conclusive and final. When the merit of the case is such that it should be tried by the Apex Court, the application should be submitted to the Chairman of the National Legal Aid and Services Organisation and when it should be tried by the Court of Session, the application should be submitted to the District Committee. When the applicant is in jail he may apply in this regard through the jail authority.

Challenges to Overcome

Our constitution prepares us for institutional intervention to empower the marginalized and backward sections of the society and that is the starting point of judicial responsibility of ensuring access to justice (Daily Star, 2016). Legal aid is one of the unique tools to ensure access to justice. Like all other programs, the government led legal aid service is facing some drawbacks or challenges from the very beginning. They obstacles are taking place due to different financial, structural, statutory and socio-economical causes. Among them lack of awareness is the most important one so far found. Though the National Legal Aid and Services Organisation, from the very beginning of its operation, trying to inform the mass people about its activities. Most of the people of our country are not so much financially solvent. They are busy with their livelihoods and it's not possible for them to be aware about their legal rights and duties. They are not informed about the government legal aid. Moreover they have a great fear about the law and legal system. That's why, when they face any law related problem; they don't want to go to court. Rather, they settle the matter by themselves or drop the matter. The National Legal Aid and Services Organisation is promoting government legal aid service through different programs in radio, television, newspapers etc. It is also using posters, leaflets, handbills and organising colorful rallies to inform the people about the govt. legal aid. As it's the era of internet and information technology, the awareness problem can easily be solved by using them. Government should research and initiate more developed skill by using the internet to make the people aware about govt. legal aid service. Lack of proper monitoring to the advocates and the case condition is pointed out as another embargo to the government legal aid service. In most of the times it found that the legal aid officers or concerned officers are not communicating and taking information from the panel lawyers whether they conducting the case properly or not. Moreover a

complaint is often received that panel lawyers often takes money from the poor litigants which is strictly prohibited. The poor litigants should also be informed about the case information by the govt. legal aid staffs and it is also a part of the legal aid. But unfortunately these monitoring are irregular due to lack of sufficient staffs or negligence of the present staffs. Government should appoint required man power in this sector in an early basis and influence and encourage them to perform their duties properly. The provision of meeting of the District Legal Aid Committee is sometimes becomes a problem itself. The meeting is held once in a month. If any indigent client files a petition just after the completion of one meeting, it will be left to be considered in the following meeting. In this case, provision should be made that immediately after receiving an application, it is to be placed before the Chairman of the District Legal Aid Committee and he will in consultation with the G.P. or P.P. appoint a panel lawyer and the appointment is to be approved by the District Committee in the next meeting (Halim, 2008). There are also reports regarding the quorum crisis in the monthly meeting of the District Legal Aid Committee. To get over this crisis accountabilities and responsibilities of members of the committee should be fixed up.

The panel lawyers don't get any advance payment under the present government legal aid system. The lawyers need money while they are filling a new case as well as the poor litigants also need finance for collecting various documents before starting a new legal proceeding which is beyond his means. Sometime lawyers seek allocation of prior fund in this issue and no doubt this is an outstanding factor which requires proper decision in priority basis. Payment after service which is the rule under the legal aid law makes the lawyers disinterested in dealing with legal aid cases. So, provision should therefore be made for some advance payment. Moreover, the present legal aid rule allows only the fees of the lawyer. There is no specific rule about other expenses such as court fees, commission fees, adjournment cost, TA/DA for witnesses if necessary, and other miscellaneous expenses like photocopying or releasing documents etc. How can an indigent client afford these costs if he does not get any help from the government a part of legal aid? I think government should consider this issue very sharply. The legal aid service is a continuous process. In its regular journey it will face a huge problem form different aspects. But it is the government which can solve and overcome those barriers if it considers the issues with priority and reality.

Concluding Remarks

By its nature, legal aid is not a normal regular scheme; rather it's a very active part of humanitarian issues in a country like Bangladesh.

The necessity and importance of such government program is definitely boundless. No doubt, government is very positive to this aid service and also investing for the poor litigants. But government should be more motivated, innovative and pro-active in providing the legal aid service to the indigents. The availability of access to justice for the poor and helpless people strengthens the spirit of democracy and acts as a parameter of a success state.

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Necessity of Voluntary Training for National Human Resource Development: A Case Study

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Abstract

National Human Resource Development (NHRD) is an essential discipline that facilitates socio-economic development of a nation through implantation of diverse competencies among its citizens. At the beginning, the article focused on the necessity of Voluntary Training (VT) as an important intervention to aid NHRD program of Bangladesh. The study illuminated the role of BNCC in facilitating NHRD through VT. Qualitative research methodology is adopted to identify the variables of VT that aids NHRD and total 10 items of VT are discovered through Focus Group Discussion (FGD). Findings of the study tried to justify the potentials of the output of VT that is facilitating the NHRD program of Bangladesh. The article ended by acknowledging the contribution of BNCC in NHRD and recommended some policy implications and a model of voluntary training system to facilitate the smooth operation of BNCC. At present, the practice and application of NHRD is highly confined within traditional education and training concepts. A paper like this will help to review the NHRD program in a new way through the model of VT in grooming the human resources of the 21st century.

Introduction

This is an evident fact that human resource development (HRD) ensures the authentic development of people and society. Development of human resources is indisputably the first precondition for both individual success and cooperative national economic progress. At the smallest amount, human development should ensure that the people lead protracted and hale & hearty lives, are knowledgeable, have access to the resources required for respectable standard of living, and are capable of taking part in the community

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life leading to an overall economic growth. Human Resource is one of the most vital resources that adds a lot to socio-economic development of any country. A trained and morally developed nation becomes a good economic resource. In Bangladesh standpoint, HRD segment is one of the keys to convey economic and social development in this new millennium.

Education, training, instructions etc, are the basic and popular ways to develop human beings as a resource. However, education is not the sole province of schools. Programs of instruction are conducted by many businesses, industries, in the military, and by other groups and organizations (University of Michigan, 2004).

Facilitating NHRD program through VT could be a potential human development intervention leading to macro economic development. From time immemorial, back voluntary training (VT) is well thought-out by many countries to develop human resources to take part in national development activities. Preliminary concept was to provide different types of soft skill training to the citizens. However, in contemporary age the developed and numerous developing countries are using the notion of voluntary training as a method to build up their society with bundle of human traits and uphold reserve of community development force to aid national development programs. In many developed and developing countries in North America, Europe, and Asia there are organizations to give such training in the name of Rover Scout, Red Cross/Crescent Society, Cadet Corps, Training Corps, Cadet Force, and National Guards, philanthropic association like Leo Club, Rotarian movement etc. VT interventions are facilitated to aid NHRD programs by teaching the young generations moral character, leadership, discipline, self-confidence, motivation, and sense of dedication and many more. A citizen with above human qualities can be the best possible human resource for the socio-economic development of any country. At present, this type of philanthropic engagement is obligatory to keep the youths away from terrorist and militant activities.

BNCC is a government organization which is co-administered under ministry of defense and ministry of education of the People's Republic of Bangladesh. The main mission of BNCC is to provide training to the student volunteers selected from different school, colleges, and universities. Teachers of the academic institutions are recruited to train cadets and administer the line level of the organization. Students and teachers are the

most important parts of the society that can bring about a radical development in the country if they are well groomed.

The paper will highlight the prospective areas of voluntary training that are facilitated through BNCC as an aid to NHRD. It will also focus the HRD variables that are related with the VT.

Objective of the Study

The core objective of the study is to highlight the necessity of VT as an aid to NHRD. To make the study more contributing, the concept of HRD, NHRD, and VT will be explored intensively. Finally, the study will try to discover the contribution of BNCC facilitated VT for the NHRD of Bangladesh and suggest some policy perception to improve the quality of VT that are facilitated by BNCC.

Methodology of the Study

The author adopted a subjective ontology and assumed a narrative epistemology in formulating the research methodology. The methodology of the study is based on qualitative research conducted through exploratory analysis. Secondary information on NHRD and VT was firmly drawn from previously published research literatures, related articles obtained from academic journals and training curriculum of cadet corps of south Asian, European and North American nations. Information about the current trends and practice of VT has been collected through separate focus group discussion (FGD) sessions with the cadets, and officers of BNCC. At the time of conducting FGD, the outcome of VT training, factors impeding VT and the potentials of VT in NHDR is elaborately discussed with the stakeholders. Number of respondents in each group was minimum six. The participants of FGD were devoted present cadets, successful ex-cadets military officers, and officers of Bangladesh Territorial Force.

Findings

Recognizable contribution of VT of BNCC is found in this study. The output of VT that aids NHRD of Bangladesh by developing productive citizens with human qualities are discussed below.

Leadership Skill Development

Application of leadership and leadership behavior is an important part of HRM. Leadership techniques are learned and exercised to lead and manage humans in the organization. A good Leader is a resource of the society and humankind. It is an art of guiding people towards a goal. The leader regards it so that the followers are induced to work sportingly. Leadership is the process of influencing people to direct their efforts towards the achievement of some particular goal (Hodgetts, 1980). It is a universal tool or technique or a special quality of a human that holds an invisible power to lead and direct perfectly to accomplish a task. A man becomes leader to other men and humans using leadership technique over humans to guide or to decide the right things for humanity. Leadership over human beings is exercised when a person with certain motives and purposes mobilizes, in competition or conflict with others, institutional, political, psychological, and other resources so as to arouse, engage and satisfy the motives of followers (Nanus & Dobbs, 1999.) There are conflicts between the scholars about the methods and traits of leadership. Management scholars like Ordway Tead and Chester Irving Barnard theorized that, leadership is an inborn quality of human beings, leaders are born not made. However, most of the modern theory has an opposite argument that leaders can be made by the situational demand or practicing leadership creates by intensive training and by creating various scopes to exercise leadership techniques (Wehrich & Koontz, 2005; Bangladesh Military Academy, 2002). BNCC is entrusted with the task of grooming the future leaders and finding the hidden potentials of youths. Developing leadership qualities among the members are the prime content of the training. By following the civil and military leadership principles BNCC gives leadership training, teaches leadership traits to the members (Officers and cadets), and creates various scopes to exercise the knowledge within the organization. This practice gives them confidence to develop themselves as a potential leader. Within the financial year 2009 to 2015, BNCC facilitated leadership training for 30000 cadets. Every year, the organization conducts advanced leadership training program for the teacher officers.

Positive Motivation

Motivation is a general term applied to the entire class of drives, desires, needs, wishes and similar forces (Wehrich & Koontz, 2005). It creates willingness in people to work wholeheartedly for organization, groups, or

society. Motivation is the way which drives or directs a person's behavior towards a goal. It concerns the level of effort put forth to pursue a specific goal (Skinner & Ivancevich, 2002). Leaders or the managers in the organization use the motivational techniques to motivate the subordinates. Managers are responsible for providing an environment conducive to performance, but individuals themselves are responsible for self-motivation (Weihrich & Koontz, 2005). For grooming the future leaders of Bangladesh, BNCC motivates the members to work willingly for the organization (BNCC) and for the country. BNCC is helping them become self-motivated so that they can lead the society for National development and in times of national crises.

Confidence Development

Confidence in oneself or one's own abilities: "Without self-confidence we are as babes in the cradle" (American Heritage Dictionary, 1997). Self-Confidence is a highly proven human quality that helps to bring perfection in works. It gives mental strength to men to face and overcome various challenges of life. It is a sense of one's own dignity or worth and a firm belief in one's own powers, like pride, honor, ego, assertiveness, self-esteem, dignity, self-respect, assurance, calmness etc.

To achieve the above qualities BNCC helps the members by giving intensive training. Moreover, during the training, members are tested under rigorous physical and mental pressure. They are also assigned with various challenging and adventurous tasks to accomplish. These types of training help to build confidence among the members and its application helps them to succeed in real life.

Disciplined Citizen

Discipline is a norm that helps humanity to be civilized. It is training for behavioral control of a man. Disciplinary training is expected to produce a specific character or pattern of behavior, especially training that produces moral or mental improvement. Discipline is a controlled behavior resulting from disciplinary training; self-control. Discipline is control obtained by enforcing compliance or order. A systematic method to obtain obedience (American Heritage Dictionary, 1997). Men need discipline for societal development. Self-discipline is a training and control of oneself and one's

conduct, usually for personal improvement (American Heritage Dictionary, 1997). Military is an ideal organization of discipline. As an auxiliary institution of Bangladesh Armed Forces, BNCC strictly follows and maintains discipline among the members and creates the scopes of training and exercising discipline and self-discipline.

Dedication and Patriotism in Developing Individual Character

Dedication means selfless devotion, a noble desire to serve the community with integrity and honesty. Patriotism is love and devotion to one's country. Character is a moral or ethical strength that describe of a person's attributes, traits, or abilities (BNCC précis, 2005). For development of the society or country, the quality of good character, dedication, and patriotism is necessary in every citizen besides their knowledge and skill. Moreover, absences of these qualities could bring miserable consequences for a country. BNCC trains the cadets to develop their moral character, the sense of dedication towards national development and patriotism through military based principles.

Community Development

Community development means development of the society through specialized programs. BNCC creates scopes for the members to work for the local and national community by undertaking many community development programs, like Tree plantation, Blood donation, Sanitation and cleanliness drive, Disaster management, literacy drive, Traffic control program, security management of national and international programs etc. BNCC cadets had planted around 60000 saplings within the financial 2009-2015. 1200 cadets had donated blood for the distress people around 260 cadets had participated in disaster management activities.

Social Capital Development

"Social capital" This term has been intensified by the different words used to communicate. These range from social energy, community spirit, social bonds, civic virtue, community networks, social ozone, extended friendships, community life, social resources, informal and formal networks, good neighborliness, and social glue (Halpem, 2005). Social capital refers to the norms and networks that enable collective action. Increasing evidence shows that social cohesion - social capital - is critical for poverty alleviation and sustainable human and economic development (World Bank, 2007).

According to Bourdieu, (1983) Social Capital is the 'the aggregate of the actual or potential resources which are linked to possession of a durable network of more or less institutionalized relationships of mutual acquaintance and recognition. Social Capital is a new concept developed beside human capital, physical capital and natural capital to ensure sustainable socioeconomic development. Social capital is considered as social, cultural, and religious value and norms based quality in a human to drive him in ethical manner in every walk of life. BNCC training is contributing a lot in developing social bond of brotherhood among the students. The slogan of BNCC is Knowledge, Discipline, and Unity and by arranging a lot of national and international jamboree under the banner of camps, youth exchange program etc where the BNCC officers and the cadets are thought to live in friendship and to work as a team. Within the financial year, 2009 to 2015 total 262 cadets of BNCC visited India, Sri Lanka, Nepal, and Maldives and 157 foreign cadets from the same nation visited Bangladesh under youth exchange program.

Personal Empowerment

Empowerment refers to increasing spiritual, political, social, or economic strength of individuals and communities. It often involves the empowered developing confidence in their own capacities (Allen et al., 2008). It is the process of enhancing the competence of individuals or groups to make choices and to transform those choices into preferred actions and outcomes. Personal Empowerment is in the arena of personal development, empowerment forms an apogee of many a system of self-realization or of identity (re-) formation. Realizing the solipsistic impracticality of everyone anarchistic ally attempting to exercise power over everyone else, empowerment advocates have adopted the word "empowerment" to offer the attractions of such power, but they generally constrain its individual exercise to potentiality and to feel-good uses within the individual psyche. Through BNCC VT activities, male and female cadets are empowered because they could realize their enhanced mental and physical capabilities once they take the hardship of military training and become confident to take any socioeconomic challenges in life. Especially the female cadet's feels more empowered and it gives them more strength to lead a life with pride in the society and to fight against complex mental and physical conditions. Therefore, VT helps the women community to be socially empowered too.

Developing Teams

Team building activities are now a way of life in many organizations (French & Bell, 2006). BNCC training also develops the teamwork and team spirits among the cadets and that makes a great capital for the organizations for better productivity & operations and the country to fight any calamities and disaster. It helps to develop confidence in cadets to act as self-directed team to work independently with small amount of resources.

Changing Attitudes

Attitudes means a position of the body or manner of carrying oneself: stood in a graceful attitude or a state of mind or a feeling; disposition: had a positive attitude about work or an arrogant or hostile state of mind or disposition (American Heritage Dictionary, 2005). From the previously mentioned statement, we can identify the dual state of human attitudes, physical and mental. Physical attitudes of a human being covers; Position, posture, attitude position or arrangement of the body and its limbs; like abstraction, attribute, bodily property, presentation, pose, ballet position order arms. BNCC Voluntary Military Training helps a student to develop his/her psychological shape through drill and physical exercise, helps to change their style of walking, presentation skills, body movement as like as modernized gentlemen/women.

Psychological attitudes covers a complex mental state involving beliefs and feelings and values and dispositions to act in certain ways; like psychological feature, cognition; knowledge; respect; esteem; regard, intolerance, tolerance, inclination; disposition; tendency, position; stance; paternalism, mentality; outlook; mindset; mind-set, culture, credence; acceptance etc. BNCC training molds a cadet with above positive psychological attitudes, develops positive mindsets in performing social and managerial responsibilities.

Discussions

The emerging concept of NHRD puts people at the center of gravity of the national development issues. Because the concept of development portrays that, the interventions of development should ensure holistic human development, and should continually uplift the human development indicator. Thus, human development instead of stressing on the formation of human capital for development emphasizes on enlarging people's choices in

order to improve their quality of life leading to macro economic development (United Nations Development Programme & Malik, 2014). The notion of NHRD has secured an increasing popularity in terms of practice and application mostly in the developed countries. From the study, it is understood that the primary goal of NHRD program is to develop socioeconomic structure of a country. It helps to develop human capacity and promote of human potentials among the citizens. NHRD interventions should involve the program related to education, training, empowerment, awareness raising, skill enhancement, team building, community mobilization and development, organizational development, and social capital development.

NHRD is a long-term ongoing program and considered as national investment for enhancing the productive competency among the citizens of a country. However, adequate policy framework should be developed to ensure the employment of those competent human resources. To obtain better output from VT to aid NHRD, satisfactory development of the organization BNCC is mandatory. Effective functioning of BNCC could produce quality output of VT and an active participation of all the stakeholders of the organization is inevitable in this regard. To amplify the output of VT, the existing problems of BNCC should be eradicated with care. Adequate policy framework and innovative interventions like VT should be designed by the government machineries to accelerate the momentum of HRD at national level.

From study, it is found that, most the important variables HRD/NHRD concept like physical, mental, and attitudinal training are present in the VT provided by BNCC. So, a model for voluntary training system (Figure 1) could be recommended to structure the relationship between VT and NHRD and to develop a systematic approach to conducted VT by BNCC.

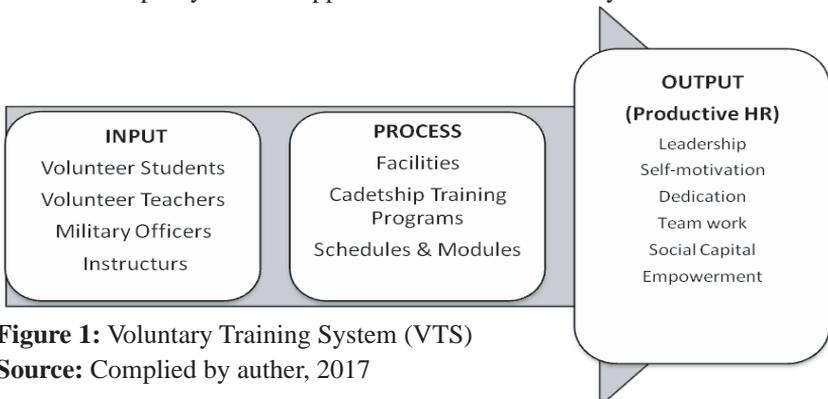


Figure 1: Voluntary Training System (VTS)

Source: Compiled by auther, 2017

According to the VTS model (Figure 1), input of the system should be dedicated and physically fit students of the academic institutions will be recruited as cadets. Teachers, who will be hired as officers to functionalize the VT program, best military officers will be deputed from the regular armed forces to administer the organization and the military/civil instructors whom will be sourced from regular armed forces or selected from the pool of ex-cadets of BNCC. Process part contains the well designed VT curriculum and facilities. Output is the result of VT that meets the need of NHRD.

Conclusion

Bangladesh is rated at the top as a country of corruptions for many times. Political affairs of violence and illegitimate acts are annihilating the moral character of our younger age group. A new issue of terrorism in the name of religion has started to spread branches at grassroots level and molding the youth as maniacs. To prevail over the immorality we ought to build up our society in a way to instill patriotism, dedication, and moral character and groom them as good citizens and as latent leaders. BNCC is a social association that prepares a student in the shape of a cadet and the cadets become good citizens, potential leaders and a patriotic soldiers and self-confident men/women. A student with the above traits is positively a resource for a nation. Consequently, it indicates that BNCC is unswervingly contributing to the country in the sector of Human Resource Development and this is the most vital sector, which should to be immensely considered by the Government for the socioeconomic progress of Bangladesh. To see BNCC as an efficient organization in future, we must discover the problems of BNCC and should take necessary measures to rectify them. We need to analyze and develop the existing standard of training provided by BNCC and recuperate the current administrative and financial problems, which are affecting the smooth training of BNCC. We should promote the contributions of its training among the nation and its panorama in the area of HRD. It should compose the training more beneficial to the students by redesigning the curriculum of the training that satisfies their career development need. We could suggest the training program of National Cadet Corps India (similar like BNCC) as it is linked with career of military and government job opportunities. To motivate the bright students to join BNCC, an attractive and time befitting training facilities should be set immediately as the act of BNCC is passed by the government. BNCC should offer incentive based training to amplify the membership of students to join VT programs.

Voluntary Training is a hybrid intervention that offers essential skills, knowledge, attitude, and human excellence to facilitate the development of citizen as productive resource. So, we should give serious magnitude to the voluntary training that is facilitated by BNCC and should appraise its contributions and prospects in the area of Human Resource Development of Bangladesh. Finally, we must put right the existing problems and come up with some result-based solution, which will stimulate the activities of BNCC in grooming the human resources for Bangladesh.

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conduct, usually for personal improvement (American Heritage Dictionary, 1997). Military is an ideal organization of discipline. As an auxiliary institution of Bangladesh Armed Forces, BNCC strictly follows and maintains discipline among the members and creates the scopes of training and exercising discipline and self-discipline.

Dedication and Patriotism in Developing Individual Character

Dedication means selfless devotion, a noble desire to serve the community with integrity and honesty. Patriotism is love and devotion to one's country. Character is a moral or ethical strength that describe of a person's attributes, traits, or abilities (BNCC précis, 2005). For development of the society or country, the quality of good character, dedication, and patriotism is necessary in every citizen besides their knowledge and skill. Moreover, absences of these qualities could bring miserable consequences for a country. BNCC trains the cadets to develop their moral character, the sense of dedication towards national development and patriotism through military based principles.

Community Development

Community development means development of the society through specialized programs. BNCC creates scopes for the members to work for the local and national community by undertaking many community development programs, like Tree plantation, Blood donation, Sanitation and cleanliness drive, Disaster management, literacy drive, Traffic control program, security management of national and international programs etc. BNCC cadets had planted around 60000 saplings within the financial 2009-2015. 1200 cadets had donated blood for the distress people around 260 cadets had participated in disaster management activities.

Social Capital Development

"Social capital" This term has been intensified by the different words used to communicate. These range from social energy, community spirit, social bonds, civic virtue, community networks, social ozone, extended friendships, community life, social resources, informal and formal networks, good neighborliness, and social glue (Halpem, 2005). Social capital refers to the norms and networks that enable collective action. Increasing evidence shows that social cohesion - social capital - is critical for poverty alleviation and sustainable human and economic development (World Bank, 2007).

- o Incorporate a dedicated discussion of the methodology, outlining the approach taken , its relevance to the research issues at hand and any innovations involved ;
- o 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
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- o 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;
- o Outline any limitations of the research including that relating to the data and methodology
- o Limit the use of jargon but where used place it in single quotation marks and explain its meaning in the text;
- o Declare any funding arrangements and the role of the funding body in the research.

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