

Vol. 01, No. 01, November 2018

ISSN 2618-0200

# IIUB STUDIES

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*A Multidisciplinary Research Journal*



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**ISHAKHA INTERNATIONAL UNIVERSITY**  
**B A N G L A D E S H**

# **IIUB Studies: A Multidisciplinary Research Journal**

**ISSN 2618-0200; Volume 01, Number 01, November 2018**

**Published by:** Choudhury Khairul Hasan

Registrar, Ishakha International University, Bangladesh

**Office:** Ishakha International University, Bangladesh

461, Nilganj Road, Sholakia, Kishoreganj-2300

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Web: [www.ishakha.edu.bd](http://www.ishakha.edu.bd)

**Cover Design:** Gravity Advertising

Puran Thana, Kishoreganj

**Printed by:** Purnota Printing & Packaging

Kharampotti, Kishoreganj

**Published in:** November 2018

**Price:** BDT 400

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## *Editorial Note*

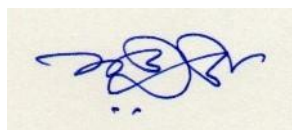
It is really a matter of great pleasure and glory to announce the publication of the maiden research journal of Ishakha International University, Bangladesh titled “**IIUB Studies: A Multidisciplinary Research Journal (ISSN 2618-0200)**”. Actually, through this journal publication, we are going to establish a platform for multidisciplinary research works, and it will act as an immense inspiration for the researchers worldwide aspiring to prove their credibility in the field of research work.

However, after a long toilsome endeavour of six months starting from June 2018, we have successfully materialized our efforts, thanks to the members of the Editorial Board. From now on, the university will continue publishing this journal once a year. Articles for the journal will be collected throughout the year via circulation from researchers home and abroad, and the Editorial Board will be liable to select the articles suitable for publication.

IIUB Studies is obviously a peer reviewed journal. Articles selected for the journal are reviewed by the renowned professionals of different public universities of the country who are specialists in the relevant field.

We are greatly thankful to the honorable Chairman of IIUB Trustees, Prof. Dr. Durgadas Bhattacharjee, and other members of the Board of Advisors whose inspiration and counsels have worked as a driving force in the realm of materializing the publication process. However, it will be an injustice not to mention the name of late A K M Aminur Rahman Bhuiyan (Mukul Sir) who has left us to materialize his dreams.

Finally, our journey is on and we urge for wishes and contributions of the researchers for the out and out success of the journal.



(Prof. Dr. Md. Sultan Uddin Bhuiya)

Editor-in-Chief, IIUB Studies &

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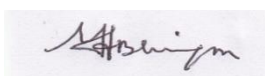
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(Md. Abdullah Bhuiyan)

Executive Editor, IIUB Studies

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# Prospects and Challenges of Agricultural Production in Haor Ecosystem

Dr. Md. Sultan Uddin Bhuiya<sup>1</sup>

## Abstract

*A large portion of northeast Bangladesh is characterized by a central depression or basin, known as haor. The 347 haor areas extend in as many as 43 upazilas having the area of about 859,000 hectares. The haor goes under flooding (5-10m) from late May to October while it looks like a sea (which is called haor corrupt word from Sagar.) The haor basin (AEZ 21) constitutes about 47 major haors and 6300 beels of which 3500 are permanent and 2800 are seasonal. About 86% of the total cropped area of haor is highly potential for 'boro' rice production and vital supplier of inland fresh water fisheries with a fishing area of 114793 hectares. Swamp forest is dominated by Hijal (*Barringtonia acutangula*), Korocho (*Pongamia pinnata*) and other flood tolerant tree species are visible in the haor.*

## Population, Resource and Food Security in Haor Ecosystem

People have been living in the Haor areas for generations, building their houses on large earthen mounds that remain above flood water level. The poor and the extreme poor households constitute 35% and 40%, respectively of the total population while the rest comprises small, medium and large farmers.

Access to land and fishing ground is very limited for the farmers of these areas.

Homestead erosion situation and flash floods frequently occur and severely limit yields or even destroy most of the crops. The area is highly food insecure for the poor and extremely poor people. The medium and resource rich farmers produce surplus rice (absentee landlords). The poor and the extreme poor have very little production assets and have no year-round working opportunities resulting hunger during lean period. They are mostly agricultural labourers, who suffer from food insecurity and high micro-nutrient deficiencies.

## Major Development Constraints

The haors are characterized by some important development constraints such as-

- i. early flash flood,
- ii. deep to very deep flooding,
- iii. very high rainfall,
- iv. slow drainage of basin centers,
- v. predominance of heavy clay soils,
- vi. poor or non-existent road communications,

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- vii. severely restricted movement of government officials (NGOs and other commercial agents are mostly responsible for development services; posting in these areas are considered punishment posting by GO staff),
- viii. remoteness of interior areas,
- ix. big (often absentee) land-ownership and presence of large number of landless people's unemployment especially during 4-6 months in the kharif season,
- x. economic insecurity and lack of livelihood options; erosion of homestead land due to the wave of flash flood,
- xi. food insecurity resulting from landlessness of the poor and the extreme poor people and lack of access to and control over land and fishing areas by the genuine people (FSSES, FSRDP, HISAL and LIFCHASA, 1991-2010),
- xii. limited investment in enterprise virtually unknown, due to inappropriate allocation by powerful individuals often residing outside the haor areas,
- xiii. undeveloped and inaccessible market,
- xiv. communities not organized or mobilized for development initiatives for social welfare etc.

Poor health, sanitation and safe water availability are some of the constraints too. Although the Haor Development Board was formed in 1980s, its progress is very slow.

### **Major Development Opportunities**

Vast area of the seasonally flooded plains has been converted to boro rice monoculture, while the areas less suitable for rice are now heavily grazed by domestic livestock or cultivated for khira, groundnuts, sweet potato, chili, sweet gourd, potato and other crops. The haors are some of the most resources of fisheries in the country. The haor basin is considered as a food basket for the nation providing up to 10% to the national granary. The haor lands are suitable for rearing duck and even chicken throughout the year and cattle and goat during dry months.

It is to be mentioned here that submersible roads were constructed for easy communication and protection walls have been made to protect homestead from wave erosion by NGO initiative which have opened up a horizon of hope and aspiration of haor people.

By utilizing the development opportunities, attempt may be made to address the entire gamete for haor livelihoods which in turn uplift the quality of living standard of all the categories of farming communities by utilizing the resources of haor. These need strong initiative and firm commitment from the government considering it as a national issue.

### **Issues to be Addressed for Overall Development**

**Communication:** For the improvement of communication more roads and bridges are to be constructed. Construction of more submersible roads is essential for communication up to village level during dry season without disturbing the haor ecosystem and by ensuring their regular maintenance. These structures should be made earthquake-proof.

**Village Consolidation:** Consolidation of scattered villages in concentrated areas through arranging and rehabilitating villages for providing modern amenities with least cost and efforts and avoiding natural hazards.

**Access and control over natural resource:** Land and fishing water bodies are limited due to inappropriate allocation and control by powerful individuals often residing outside the areas. Poor people are thus forced to work on contract basis, either as share croppers or wage laborers against unfavorable conditions.

**Homestead erosion:** The cumulative effects of chronic annual wave erosion, frequent flash floods and annual normal floods are causing the village erosion and homestead land and sometimes destroying entire villages.

**Investment in enterprises:** Investment in enterprises is practically few and virtually unknown; markets are undeveloped and inaccessible, limiting both supply and demand.

**Receiving relatively little government attention:** The haor upazilas receive relatively little government attention, resource allocation or service delivery. Enrolment rates at formal primary schools are substantially below the national average. Teachers are frequently absent, and both local government authorities and school management committees fail to monitor these activities of the schools. Similar picture can be seen in the health sector.

**Communities are not organized/mobilized:** Very few attempts have been made to organize the communities for their betterment from the government side. As a result, the communities perceive the government's negligence, poor resource allocation, inappropriate direction, virtually no accountability and inadequate service delivery.

**Government and NGO staff consider posting in the haor upazila level as punishment posting:** Due to little government attention, poor resource allocation or service delivery and insufficient modern amenities the GO and NGO staff think posting at the haor upazila level as punishment posting and they also work there with almost lack of initiative and drive.

**Haor Development Board:** The Haor Development Board was established in 1980s with a mandate to coordinate all development activities in the haor areas but it is not very effective due to lack of commitment by the government to allocate human and financial resources.

**Need-based and demand-driven agriculture research conducted in participation with farmers in the farmers' fields by BAU during the last three decades**

### **Crop Agriculture**

- Agronomic trials
- Quick-maturing short duration, early cold resistant varieties of boro rice to reduce exposure to early floods (HISAL Baseline Survey, 2007)
- Optimum use of fertilizers and organic manures
- Crop diversification
- Testing of new species of crop (FSES-BAU, 1980-95) which needs prior attention. It has been found that a number of crops including vegetables, maize,

groundnut, sweet potatoes, and chilies are grown on loamy ridge soils (FSRDP and FSES, 1980-95).

- Weed management in wet basin soil (HISAL, 2010)
- Soil management trials (HISAL, 2010)
- Improved land preparation on heavy basin clay soil
- Testing minimum and zero tillage
- Raising the thickness of cultivated clays above the plough pan
- Reclaiming peat soils or soils with peaty top soils
- Water management trial on irrigated and rain-fed land
- Study of techniques and crops suitable for agricultural rehabilitation on different soils and land types following natural or man-made disasters
- Studies to monitor and assess in fertility and physical properties of different soils
- Study related to the improvement of methods for seed/grain threshing, drying and storage adapted to the Sylhet Basin
- Socio-economic surveys to identify and assess the actual livelihood means and constraints on development in different localities and possible ways to reduce them
- Identifying existing cropping patterns and evaluating their input use and production technology
- Inventory on biomass energy situation
- Raising productivity of fruit trees through management
- Determination of micro-climate change/variations and their impact on crop, livestock, fishes and other flora and fauna.
- Most of the cow dung was used as fuel and there was no homestead waste management.

The LIFCHASA project initiated to adapt the farmers compost preparation by using homestead waste management through polythene pit method (LIFCHASA, 2010-2013).

During monsoon there were no income generating activities except fish catching.

Due to project activities cropping system is intensified, cultivation of diversified crops increased, men and women even school going boys and girls are involved in homestead production systems (LIFCHASA, 2010-2013).

Vegetables production in homestead fallow/waste land covering all households round the year such as during winter bottle gourd, country bean, red amaranth, cauliflower, cabbage, tomato, radish; spices like garlic and chili and during summer okra, ash gourd, ridge gourd, sweet gourd, snake gourd, Indian spinach, stem amaranth were found successful and the programme may be extended in the other haor areas for food and nutritional security as well as for income and employment generation of the poor and extreme poor people (LIFCHASA, 2010).

From the trial conducted by HISAL and LIFCHASA, it was clearly proved that double cropping of potato cv. Chollisha and boro rice cv. BRRI dhan28 can successfully be practiced in haor ecosystem where only one crop of boro rice is generally grown. This

cropping pattern can generate employment opportunities as well as an increased income for the extreme poor and poor households of the haor area. If boro rice is damaged by early flash flood or other disaster, farmers would be able to harvest at least one crop of short duration potato. This pattern needs to be disseminated in haor for uplifting the livelihood of the community people (HISAL, 2009-2010, LIFCHASA, 2010-2013).

In the trial conducted by LIFCHASA (2010-2013), it was found that Mustard (cv. BARI Sharisha-14)-Boro rice cv. BRRI dhan28 cropping pattern was successfully completed with excellent performance (LIFCHASA, 2010-2013).

Vegetable production in the field using different vegetable based cropping patterns revealed that more than one crop can be harvested from comparatively high land of the haor area with higher net income as well as employment generation with higher rice equivalent yield thus creating opportunity for alternative livelihood option for the poor. The vegetable based cropping patterns may be recommended for dissemination to other locations (HISAL, 2009-2010 & LIFCHASA, 2010-2013).

### **Livestock Agriculture**

- Identifying existing livestock systems with husbandry and productivity (FSSES, FSRDP and LIFCHASA, 1991-2010)
- Existing feed and fodder production and feeding management (FSSES, FSRDP and LIFCHASA, 1991-2010)
- Conducted vaccination program for poultry, duck, cattle and other domestic animals as and when necessary (LIFCHASA, 2010)
- Artificial hatching of duck eggs was a very profitable and promising technology
- Feasibility study of raising layer and broiler
- Inventory of productivity of existing duck farming. Exploring the possibility of raising quality milch cow through rearing cross bred heifer beef fattening
- Cattle breed improved through artificial insemination

### **Fisheries Agriculture**

- Inventory of fisheries resources water bodies (JalMoha)
- Fish species and other aquatic zoo species (Pearl cultivation)
- Modernizing capture (open water) fisheries
- Exploring the possibility of culture fisheries as mono culture/rice-fish culture in dry season and as cage culture in monsoon season
- Improvement of methods of fish drying and preservation

### **Socio-economic Studies**

- Production practices, profitability and resources use efficiency in different production systems.
- Value chain analysis of different agricultural products marketing.
- Monitoring of market prices of agricultural inputs and the price fluctuation impact on farm production and resource allocation.
- Economic analysis of farm and non-farm sectors and their market inter-linkages.
- Monitoring of labour utilization pattern and wages in different components of farming and non-farming activities and their impact on livelihood.
- Production, processing and household food and nutrition security.

### **Community Health and Nutrition**

- Identification of present nutritional status
- Identification of common nutritional diseases
- Identification of present housing and sanitation status
- Identification of major communicable disease

### **Some Recent Activities of the Government, International NGOs, National NGOs, and Local NGOs**

Some infra-structures like submersible road, rural electrification, connecting upazila headquarters, mechanization in agriculture, irrigation, cultivation of recently developed rice varieties, harvester etc. are some of the indications of visible development activities initiated by the government. The construction of rural road and village land erosion protection wall and organizing communities for development purpose are some of the major initiatives of NGOs.

However, some of the initiatives/activities have been taken by individual organizations and some in collaboration with GO-NGO as a partnership approach. The Bangladesh Haor and Wetland Development Board recently prepared a Master Plan of Haor Area for comprehensive development to address livelihood system and Haor infrastructure.

### **Improvement of Livelihood Systems of the Haor People through Systems Approach developed by BAU over the years**

Intervention of management, technology and enterprise combination by the Farming Systems and Environmental Studies (FSES) has created a great impact on the farming communities of Haor villages. The impact was measured in terms of yield, labour productivity, employment generation, nutritional upgrading, education and social status change. All these contribute towards the alleviation of poverty and thereby improving the living condition of the rural people. The impacts are summarized below:

- The production increased in crop like rice, papaya, potato, sweet potato, groundnut, mustard and some winter and summer vegetables.
- The production of egg, milk and meat increased significantly.
- Fishes like major carps, freshwater shrimp and exotic fish species like thai sarputi, mirror carp, silver carp and carpio were cultivated with increasing intensity and yield.

### **Ekti Bari Ekti Khamar**

The present government has been implementing the project entitled ‘Ekti Bari Ekti Khamar’ which is more or less synonym to Integrated Farming Systems. Studies were conducted in different villages of Dingaputa haor areas on Integrated Farming Systems in different categories of households. It was observed that gross margin was increased by 89%, 84% and 50% in landless, marginal and small and medium farms, respectively. This technology should be disseminated all over the haor of similar ecosystem for the success of the Project ‘Ekti Bari Ekti Khamar’.

### **Establishment of Haor and Char Development Institute**

BAU Syndicate approved to open a Haor and Char Development Institute which was duly approved by the UGC. It needs to be established in Haor and Char areas for direct communication with the farmers of these regions for comprehensive development.

The institute will train the farmers of the locality as well as disseminate the technologies developed by the University and Research Institutes to the farmers for their livelihood improvement. The training will be conducted in the outreach of the Institute where trainers will be the upazila respective officers, NGO experts and university teachers/researchers.

Thus a collaboration will be made with GO, NGO, other organizations and University through the institute. To continue this program a constant budget is necessary from GO, NGO and other agencies, specially a handsome amount of seed and money is needed which will be fixed and from its interest training program will be continuously continued.

### **The Main Objectives of the Institute:**

- To increase productivity of field crops, vegetable, livestock and fishes through appropriate technologies refined by the farmers for ensuring household food and nutritional security and raising income
- To diversify enterprises, mobilize resources and intensify farming and non-farming activities for employment of the generation
- To conserve farm environment through efficient management of natural resources for sustainable production systems
- To develop human resources for capacity building of the participants and improve livelihood through system approach.

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# Teachers' Code Switching in the Tertiary Level: A Sociolinguistic Study on Engineering-centric Classroom

Abdulla-All-Mijan<sup>1</sup>

Mohammad Harun Or Rashid<sup>2</sup>

## Abstract

*There has been a significant interest in the use of code-switching in the process of tertiary level teaching and learning. This interest has created a web of debates and disputes on the use of code-switching by the teachers and researchers in engineering-centric classrooms. This paper analyses the teachers' code switching in engineering-centric classroom at tertiary level and demonstrates it from a sociolinguistic perspective. Based on the empirical data, collected using a questionnaire and one-to-one interview of the teachers of different engineering programmes of four different universities of Bangladesh, this paper aims to analyze the frequency, patterns, attitudes, and factors of code switching. This article also explores the different code switching situations in which the teachers change language as the strategy of teaching in the engineering-centric classrooms.*

## 1. Introduction

The history of rise of English in Bangladesh is the history of British colony in India. *The Minutes of Macaulay* (Macaulay and Young, 1935) paved the system for western model of education and imposed 'the English Classroom' (Allender, 2009, p. 731). As a result, English was introduced as the medium of instruction. In *Linguistic Imperialism* Phillipson (1992) broadly explained the history of medium of instruction in Indian subcontinent. By citing the Phillipson's work, Evans commented on the influence of that minutes:

Macaulay's 'strategy' not only established English as the dominant language of instruction throughout the Indian subcontinent, but also had a 'seminal influence on language policy throughout the British Empire', where the 'job of education was to produce people with mastery of English. (2006, p. 294)

Bangladesh as a part of the subcontinent did not remain unaffected from *The Minutes of Macaulay*. After the independence, the teaching and learning environment and medium of classroom instruction were seriously affected. Bangladesh which has a sublime language history and dynamic cultural identity has gradually become a bilingual country by the dire influence of globalization and the technological expansion. Moreover, the course curricula from the primary to tertiary levels have been changed time and again. A debate was intensified—which language was to be given priority:

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Bangla or English. Problems went deeper in the case of science, engineering and technology based education. Ultimately, the medium of instruction became English at the tertiary level engineering classrooms. This phenomenon propelled diglossia and created a greater scope of code switching. In linguistic term, this shifting of one language to another is called code-switching (CS). In bilingual situations, code-switching is to be understood as a communicative strategy which is a mental formation to meet the communicative needs as well as to fill the communication gap. But this code-switching is not arbitrary at the universities of Bangladesh—Bangla and English language are used simultaneously. English is used in the engineering programmes as the academic language as well as medium of instruction. Bangla, being the native language, is used in conversational level and in some administrative procedure. This phenomenon leads and intensifies the code-switching of the users: students, teachers and others. This paper attempts to analyze exclusively teachers' code switching in the tertiary level of engineering programmes. Code-switching in Bangladeshi engineering classroom remains under-explored as not many studies have been conducted in the Bangladeshi context. Based on the empirical data, the main objective of this paper is to analyze the frequency, patterns, attitudes, situations and factors of teachers' code switching in the engineering-centric classrooms.

## **2. Literature Review and Theoretical Framework**

During the last twenty years, as Auer opined in his research, code-switching has grown a sharp rise of scientific interest in the bilingual speech (2013). Same has been retold by Shay (2015) 'code-switching has raised great scholarly interest during the last twenty years. Code switching has become an eminent feature of the bilingual speaker. Thus, the use of more than one language in the tertiary level classroom propelled code switching too. A good number of studies have been conducted to evaluate the situation of code switching in the science, engineering and technology based-classroom. Ling et.al. (2013) conducted a survey on undergrad students of software engineering to explore the lecturer's code-switching as a part of the learning process. Chitera (2009) directed a research on code-switching in a college mathematics classroom. Yarzebinski et.al. (2015) investigated how students used code-switching to provide explanations of algebra problem-solving.

In general definition, code means language, discourse, or speech. More particularly, code can be defined as 'any kind of system that two or more people employ for communication' (Gumperz, 1982, p. 59). As for the code switching Gumperz defines it as 'the juxtaposition within the same speech exchange of passages of speech belonging to two different grammatical systems or subsystems' (p.59). Cook (2001) opines that code switching is the process of 'going from one language to the other in mid-speech when both speakers know the same languages'. Adler (2001) defines code switching as 'the use of two or more languages in the same conversation'. Milroy and Muysken (1995) define code switching as 'the alternative use by bilinguals of two or more languages in the same conversation' (p. 7). So, code switching is the change of one language to another within a single speech.

Many researchers have given their efforts to classify code switching from various aspects. The followings are the well-discussed typologies related to code switching:

- Muysken: insertion, alternation, and congruent lexicalization (2000)
- Blom and Gumperz: situational and metaphorical (1972)
- Auer: discourse alternation and participant alternation (1998)
- Valdes and Fallis: situational, metaphorical, and contextual (1978).
- Poplack: inter-sentential and intra-sentential, and tag-switching (1980)

But, one of the widely discussed classifications has been categorized by Poplack (1980). This research has adopted the Poplack's classification in order to identify the frequency of patterns used by the faculty members in the class. As the engineering classroom of Bangladesh is instructed in English, the faculty member may produce English to Bangla (E2B) code switching. If the English language is used as the medium of instruction as for the rules and academic norms, using the Bangla language in the class, in lieu of the English language, is considered as English to Bangla (E2B) code switching (Rashid, 2014). Based on the Poplack's classification of code switching, Rashid (2014) exemplified the typology with Bangla examples:

**Tag Switching:** Tag switching is the insertion of a tag phrase from one language into an utterance from another language. For example: We will meet next Sunday, *thik ase?* (We will meet next Sunday, shall we?)

**Inter Sentential:** Inter sentential switching occurs at a clause or sentence boundary where each clause or sentence is in one language or another. For example: stop writing. *somoy ses.* (Stop Writing. Time is up)

**Intra Sentential:** Intra sentential switching takes place within the clause or sentence and is considered to be the most complex form of switching. For example: *tahole* enzyme *holo* one type catalyst, *jeita* reaction ke fast *ba* slow *kore* (Enzyme is one kind of catalyst, which speeds up or slows down the reaction).

### 3. Research Methodology

The research is exploratory in nature and aims to understand the actual condition of teachers' code switching in the tertiary level on engineering-centric classroom. The study consolidates both qualitative and quantitative research approaches in an exertion to attain accurate outcomes and sufficient information from the respondents. The study is based on primary data and data were collected using one to one interview based on a questionnaire (Appendix 1). The questionnaire has been parted into two visible segments: first segment deals with respondents' personal background and second segment consists of seven research questions—a mixture of open and close ended multiple-choice questions. The questionnaire has been designed from researcher's personal expertise and from previous sterling studies of code switching.

Participants of this research, who have been chosen randomly, are the faculty members of four universities of Bangladesh who taught in the different engineering programmes. All the teachers who participated in this study are Bengali-English bilinguals.

Table 1: Information Related to Participants of the Study

Academic Rank		Teaching University	
Professor	01	Rajshahi University of Engineering and Technology	25
Associate Professor	03	Notre Dame University Bangladesh	06
Assistant Professor	13	European University of Bangladesh	12
Lecturer	27	American International University	01
Total	44	Total	44
Participant's Study Background			
Educational Background		Civil Engineering	02
PhD.	06	Electronics and Electric Engineering	05
Master's	34	Mechanical Engineering	03
Bachelor	04	Glass and Ceramics Engineering	04
Total	44	Industrial and Production Engineering	02
		Math	04
		Chemical Engineering & Polymer Science	02
Language Profile		Electronics & Telecommunication Engineering	01
English (L2)	44	Computer Science Engineering	03
Bangla (L1)	44	Mechatronics Engineering	01
Gender		Chemistry	01
Male	27	Economics	03
Female	17	English	13
Total	44	Total	44

Table 1 illustrates the background information of the participants of this research. Participants of this research have diverse backgrounds in terms of academic ranks and degrees. Participants' academic ranks may vary from professor to lecturer. Male-female ratio and other ratios of the participants were not maintained as these were not aligned with the research objective. The data are analyzed from the responses of particular question given in the questionnaire. Data are shown in the tables and organized in the order of the questions' appearance (Appendix 1) and these tables help to reconnoiter the aspects of findings of this research.

## 4. Data Analysis

### 4.1 Frequency of Code Switching

The Frequency of occurrence of code switching is a major objective of this study. In order to determine the frequency of code switching of the participants, a question is asked: 'In one hour class, how many times do you change your language i.e. English to Bangla?' In response to this question, most of the participants answered that they often switch their codes. Details are given below.

Table 2: Frequency of Code Switching

Frequency of Code Switching: Bangla to English ( Per Class)	Number	Percentage
Never	03	07%
3-5 times (Sometimes)	07	16%
6-10 times (Occasionally)	08	18%
11-15 times (Frequently)	09	20%
More than 15 (Always)	17	39%
Total	44	100%

From the above table (Table 2), it is vivid that the teachers' code switching occurs during their lectures. As table 2 indicates that 39% of teachers always change their languages and 20% of the teachers switch to Bangla frequently. On the other hand, a few number of teachers (07%) restrained themselves not to switch in Bangla at all.

#### 4.2 The Patterns of Code Switching:

In order to find the code switching patterns of the teachers', Poplack (1980) typology has been used: tag, inter sentential and intra sentential switching. To find out which pattern of code switching is used frequently, a question is asked to both the teachers, 'Which types of code switching do you use in the classroom?'

Table 3: Patterns of Code Switching:

The Pattern of Code Switching	Number	Percentage
Inter-sentential code switching	34	77%
Intra-sentential code switching	06	14%
Tag Switching	01	02%
N/A	03	07%
Total	44	100%

As it is seen in table 3, intra sentential code switching occurs frequently (77%) in the classroom and it is the dominant of all. Inter sentential code switching seems to occur occasionally (14%), and tag switching is very rare in terms of frequency of occurrence.

#### 4.3. Attitude towards Code Switching/ Strategy

A question is given to evaluate the attitude towards code switching: "How far do you agree to use **Bangla in English** instructed class?" In response to this question, the teachers provided a mixture of opinions and attitudes:

Table 4: Attitude towards Code Switching

Attitude Towards Code Switching	Number	Percentage
Extremely Agree	00	00%
Agree	23	52%
Disagree	19	43%
Strongly Disagree	02	05%
Total	44	100%

According to the Table 4, a high percent of the teachers (52%) agree with the matter ‘code switching’, while a smart number of them, almost half of the participants, showed their disagreement on the use of Bangla in the class. On the other hand, a small percentage of the teachers (05%) showed strong disagreement and negative attitude toward code switching. It is thus tough to reach to a single line conclusion as more than half of the participants express affirmative and rest of the participants (almost half) show negative attitudes towards code switching.

#### 4.4 Code Switching Situations

In engineering teaching, teachers cannot limit themselves only in lecture delivery. There are a good number of teaching methodologies are used in the engineering classroom other than lecture delivery. Teachers need to handle different situations in order to carry on outcome based learning. It is import to judge in which situations the teachers change the languages. That’s why a question was asked to extract the code switching situation: ‘In which situation do you switch the language?’

Table 5: Situations that Influence Code Switching

Situations that influence Code Switching	Number	Percentage
When you write in the whiteboard.	08	14%
When you present your lecture using power point/slide/video.	08	14%
When you instruct and explain the students about the chapter/study matters	34	58%
When you instruct student about non-academic matters i.e. roll calling, class control etc.	05	09%
In different purpose	00	00%
N/A	03	05%
Total	58	100%

The table 5 shows that the majority of the teachers (58%) switch their codes when they instruct and explain the students about the chapter/study materials. Similar numbers of teachers (14%) change the languages in both situations: writing in the white board and presenting lecture using power point/slide/video. On the other hand, a small number of teachers (09%) prefer to use Bangla when they talk to the students about non-academic matters i.e. roll calling, class control etc.

#### 4.5 Factors that influence Code Switching (Reason for Code Switching)

In order to determine the reasons for code switching in the engineering programmes, an exclusive question was asked to the teachers, “Why do you switch the code/shift the language in the class?” The teachers show various responses regarding the factors of code switching.

Table 5: Factors of Code Switching

<b>Factors that influence Code Switching</b>	<b>Number</b>	<b>Percentage</b>
For Teachers' Own Aptitude and Proficiency	01	02%
For Teachers' Own Performance	00	00%
Students' Language Proficiency(student can understand it better in Bangla)	39	89%
Lesson Contents and Materials	01	02%
N/A	03	07%
<b>Total</b>	<b>44</b>	<b>100%</b>

The percentage in table 8 indicates that 'Students' Language Proficiency' is the most significant variable influencing code switching. As it is seen from the table, 89% of the teachers claim that "Students' Language Proficiency" is the first factor that leads them to alter the codes. On the other hand, a very small percent of the teachers (02%) consider 'lesson contents and materials' to be a factor that influences code switching in the class. Side by side, same number of the teacher, literally only one, claims it is his own aptitude and proficiency that leads him/her switches the code. It is important to note that no teacher marked and caused "Teachers' Own Performance" as the reason for code switching.

## 5. Research Findings and Conclusion

This research outlines the following findings regarding teacher's code switching in the university classroom, particularly for the engineering classroom:

It is clear that the teachers conducted class in the engineering classes shift language during their lectures. During the English based lectures, nearly half of the teachers shift their language to Bangla with a difference frequency. It is very important to mention that a small number of teachers do not use Bangla during their lectures. Intra sentential code switching occurs frequently in the classroom and it is the mostly-used pattern in terms of frequency of occurrence. Inter sentential code switching is used occasionally. In terms of frequency of occurrence, the use of tag switching is very rare.

A high percent of the teachers agree with the use of Bangla in the English instructed classroom, while the same number of them, almost half of the participants, showed their disagreement regarding code switching in the engineering class. On the other hand, a small percentage of the teachers showed negative attitude toward code switching. It is thus tough to reach to a single line conclusion as more than half of the participants express affirmative and rest of the participants (almost half) show negative attitudes towards code switching.

In different situation, teachers of engineering class change the language. The majority of the teachers, those who switch the code, switch English to Bangla when they instruct and explain the students about the chapter/study materials. Some teachers talk and switch to Bangla when they write in the white board and present their lecture



using power point/slide/video. On the other hand, a limited number of teachers prefer to use Bangla when they talk to the students about non-academic matters i.e. roll calling, class control etc.

Most of the teachers opine that they change their language so that students can understand their lecture better. So it is students' language proficiency which is the most significant factor that influences teachers' switching.

This paper is a sociolinguistic study of code switching in the context of tertiary level—specified for the engineering classroom. More researches are needed to justify whether to use the code switching in the tertiary level's engineering classroom.

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## Appendix 1

Primary Title of the Research: Teachers' Code Switching in the Tertiary Level: A Sociolinguistic Study on Engineering-centric Classroom.

### The Questionnaire

We assume that the medium of instruction of your university is English as the degrees of technology and engineering related disciplines in Bangladesh are offered and taught in English. In the classroom, teacher may change the language of instruction to another language for different purposes. In linguistic term, **the shifting of one language to another is called code switching (CS)**. For example, **if English is officially circulated as the medium of instruction, using the Bangla language in the class, in lieu of English, will be considered as Code Switching**. In this research, we will address this situation as English-Bangla (E2B) Code Switching.

We expect you will partake in this research and help to fill this questionnaire by selecting the options using tick mark or writing the open-ended questions. Please mark more than one marks if is applicable to the particular question and if it is matched with your own situations.

#### Part A: Personal Background

Name:	
Department:	
University	
Last Academic Degree:	a) Bachelor b) Masters c) PhD
Academic Rank:	a) Lecturer b) AP c) Associate Professor d) Professor
Gender:	a) Male b) Female
Language Profile:	a) First Language : b) Second Language:
Email Addresses	(optional):

#### Part B: Questions

- In one hour class, how many times do you change your language i.e. English to Bangla?
  - 3-5 times
  - 6-10 times
  - 11-15 times
  - More than 16 times
  - Never
- Which types of code switching do you use in the classroom?
  - Intra-sentential ( within single sentence)
  - Inter Sentential (switch the full sentence)
  - Tag switching
  - N/A
- How far do you agree to use **Bangla in English** instructed class?
  - Extremely agree
  - Agree
  - Disagree
  - Strongly Disagree
- In which situation do you switch the language? (If necessary mark more than one)
  - When you write in the white board.
  - When you present your lecture using power point/slide/video.
  - When you instruct and explain the students about the chapter/study matters.
  - When you instruct student about non-academic matters i.e. roll calling, class control etc.
  - In different purpose. Please Specify.....
- Why do you switch the code/shift the language in the class?(Factors)
  - For your own aptitude and proficiency
  - For your own performance
  - Students' language proficiency (student can understand it better in Bangla)
  - As materials cannot be explained in English

## Milk Marketing Channels and Efficiency of the Channels in Bangladesh: A Case Study of Sirajgonj and Bagerhat Districts

Dr. Manish Sarker<sup>1</sup>

### Abstract

*The study focuses on the efficiency of milk marketing channels through cooperative and non-cooperative tropical dairy farming in Bangladesh. With the increase of non-farm population in the country, marketable surplus of food and non-food crops has increased, as the major portions of the demands are met from the domestic production. Therefore, an efficient marketing system can play a vital role in dairy milk industry. In general, the milk marketing system in Bangladesh is characterized by two major sectors such as informal or traditional sector and organized or formal sector. In formal sector, there are dairy cooperatives and private companies. In informal sector, there are different agencies such as milk vendors, retailers and sweet shops. The informal sector is the most important sector but difficult due to scattered and small-scale rural based nature of milk production in Bangladesh. In most of the regions of Bangladesh, milk is produced in rural areas and a significant portion of this milk is consumed by the rural households. The surplus milk is supplied to urban areas through different marketing channels. Thus the main concern of this research is to examine the efficiency of different milk marketing channels and to explore the milk marketing structures in the study areas.*

**Keywords:** Tropical Dairy Farming, Milk Marketing Channels, and Efficiency of the Channels.

### 1. Introduction

The efficient marketing system can play an important role in the pace of economic growth of the developing economy like Bangladesh. One of the characteristics of dairy-milk production system with varying farm economic condition is the regional specialization. Thus, one region may have comparative advantages over others in the production of a particular product. Under free market economy such regional specialization would result an optimum use of land, labor, and other resources through the operation of an effective marketing mechanism (Rajagopal, 1986). An efficient and unrestricted flow of goods and services is ensured from the producers to the consumers through marketing channels. Marketing efficiency is a complicated terminology which carries different meaning to different persons. Kohls and UhI (1980) defined marketing efficiency as the maximization of input output ratio, where input refers to various factors of production which are employed for performing various marketing services and output means the satisfaction derived from those goods and services. According to Rajagopal (1986), marketing efficiency means lowering of marketing costs and margins and passing the advantages to both the producers and consumers. Sarker Manish and Hideki Tanaka (2006) studied that the dairy farming in South Asian countries is tropical dairy farming. Tropical dairy farming is characterized by small scale farmers, local

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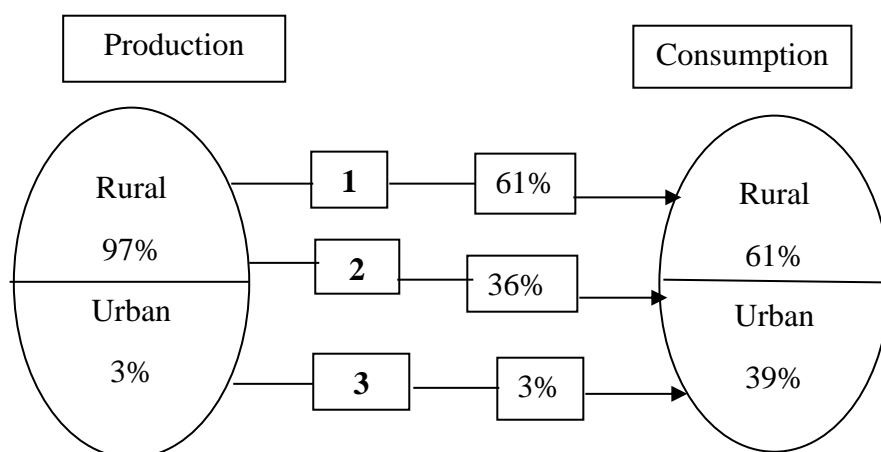
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cows, buffalos, multifunction, low productivity, women farmers taking care of the dairy farming, hot humid, mixed farming system etc.

The characteristics of tropical dairy farming is located at hot humid area. For instance, South Asian countries like, Bangladesh, India, and Pakistan belong to very hot humid high temperature of 35 to 40 degree Celsius.

Bangladesh is a densely populated country having a total land area of about 147,540 square kilometers and a population of 160 million with an annual growth rate of about 2.08 percent (CIA, 2018). With the increase of non-farm population in the country, marketable surplus of food and non-food crops has been increased, as the major portions of the demands are met from the domestic production. So, an efficient marketing system can play a vital role in dairy milk industry. Bangladesh has 24 and 0.8 million cattle and buffalos respectively, over two and a half as many bovines as New Zealand, one of the major dairy exporters worldwide. Unlike in India and Pakistan, milk production from bovines in Bangladesh relies heavily on cattle rather than on buffaloes. The total number of bovine stock distributed over 7.26 million households constitutes 52.5 percent of total households. About 66 percent of farm households and 16 percent of non-farm households have bovine animals. Annual milk production is about 1.76 million metric ton of which 73% is from cows and the balance 27% from buffaloes and goats. Out of the total milk production, 97 percent comes from rural areas and the remaining 3 percent from urban areas (BBS, 2002).

Figure 1: Milk production-consumption structure and the major marketing channels in Bangladesh



Source: Bangladesh Bureau of Statistics, 2002.

Figure-1 indicates that rural households consume 61 percent of the total milk. The rest 36 percent is marketed to the urban consumers. In general, the milk marketing system in Bangladesh is characterized by two major sectors such as informal or traditional sector and organized or formal sector. In Formal or organized sector, there are the dairy co-operatives and private companies. Informal or traditional sector consists of different agencies such as milk vendors, retailers and sweet shops. The traditional sector is the most important sector but difficult due to scattered and small-scale rural based nature of milk production in Bangladesh. In most regions of Bangladesh, milk is produced in rural areas and a significant portion of this milk is consumed by the rural households.

The surplus milk is supplied to urban areas through different marketing channels. Figure-1 shows that in general the three major milk marketing channels in Bangladesh are: 1) Rural producers to rural consumers, 2) Rural producers to urban consumers, and 3) Urban producers to urban consumers. As Ashrafuzzaman (1995) indicated that “the characteristics of informal milk marketing system is widely scattered and there is small-scale rural based dairy production in Bangladesh, marketing is one of the major problems to link the rural producers with the urban milk consumers”. The milk marketing and processing systems in Bangladesh are not developed yet. The perishability of milk and necessity of timely and special attention to makes the marketing more difficult (FAO, 1990). Thus, the main concern of this research is to examine the efficiency of different milk marketing channels and explore the milk marketing structures in the study areas.

## 2. Objectives and Location

The study was conducted in two districts in Bangladesh—Sirajgonj and Bagerhat. Sirajgonj is one of the milk surplus areas, and nearly half of the milk of Bangladesh is produced in the northern region, where Sirajgonj district is located. The total milk production obtained from local cattle increased by about 20 percent from 1996 to 2005, whereas milk obtained from crossbred cows increased by 14 percent over the same period. Good availability of fodder and multiple dairy farming programs were the main reasons for the higher milk production from this area. On the other hand, Bagerhat is one of the milk deficit areas where informal/unorganized milk marketing system is being operated, as there is no dairy co-operative in this region. A total of 160 dairy farmers (90 farmers in Sirajgonj and 70 in Bagerhat) of different size of groups were selected randomly. The milk plant of the dairy co-operative, 15 milk vendors, 20 sweet shops in the area were selected for data collection. The major objective of the present research is to examine the milk marketing channels and their efficiency in the study area.

## 3. Methodology

The secondary data were collected from the official records, research papers, and publications. Primary data were collected through a field survey. The data were collected by interview and observation from the dairy cooperatives' members and non-cooperatives' members. Interview was conducted through a structured questionnaire.

The collected data were both qualitative and quantitative. The statistical data were used to interpret the quantitative data. The data were tabulated according to the objectives of the research. The efficiency of a specific marketing channel can be attributed to many factors like lower marketing cost, quality product at minimum price to consumer etc. In evaluating the economic efficiency of different marketing channels, several performance indicators were used for research. These are as follows: (1) producers share ( $I_1$ ), (2) marketing cost ( $I_2$ ), (3) middleman's margin ( $I_3$ ), (4) peak period seasonal price variability, i.e., differences of maximum and minimum prices in a month ( $I_4$ ), (5) lean period seasonal price variability ( $I_5$ ) (Chauhan *et al.*, 1994).

The final ranking of all the six indicators of all channels has been computed by using the composite index formula.

$$R = \frac{R_i}{N_i}$$

Where,  $R_i$  = Total value of ranks of all indicators ( $I_1$ .....  $I_5$ ) of all channels.

$N_i$  = Number of Indicators

The lowest mean represents relatively the most efficient channel.

#### 4. Findings and Discussions

Table-1 shows the average livestock herd size by number of cows of each farmer. The table represents that in Sirajgonj area 56.7 percent of the respondents belong to the landless category, while 19.8 percent belongs to the small farm category, 13.3 percent belongs to medium farm category and the rest 12.2 percent belongs to large farm category. On the other hand, Bagerhat study area represents that 68.6 percent of the respondents belongs to the landless category, while 25.7 percent belongs to the small farm category, and 5.7 percent belongs to the medium farm category. The data reveal that landless and small farmers are absolute majority in both study areas.

Table-1: Type of farmers and productivity of milk in Sirajgonj and Bagerhat districts

In Sirajgonj area					In Bagerhat area			
Type of farmer	No. of farmer	No. of dairy cow	Dairy cow/ farmer	Production On/day/ Liter	No. of farmer	No. of Dairy cow	Dairy cow/ Farmer	Production On/day/ liter
Landless	51(56.7)	78	1.5	3.9	48 (68.6)	54	1.2	1.9
Small	16 (19.8)	41	2.6	4.2	18 (25.7)	39	2.2	2.4
Medium	12 (13.3)	43	3.6	4.8	4 (5.7)	13	3.2	2.7
Large	11 (12.2)	81	7.4	5.1	0	0	0	0
Total	90(100.0)	243	1.9	4.5	70(100.0)	106	1.5	2.4

(The figures in the parentheses indicate percentage.)

#### Marketing pattern of surplus milk in the study area

Table-2 represents the disposal or marketing pattern of milk of the producers in the district of Sirajgonj. From Table-2, it can be seen that the major share of 70.6 percent of total milk was sold to dairy co-operatives followed by milk vendors 11.9 percent, rural consumers 6.9 percent, sweet shop 6.3 percent, and retailer 2.3 percent only.

Table-2: Production and marketing pattern of milk in Sirajgonj (Liter/day/farmer)

Type of farmer	A-B=C			Quantity sold to				
	Production (A)	Consumption (B)	Marketed Surplus (C)	Dairy Coop	Milk Vendor	Sweet Shop	Retailer	Consumer
Landless	5.9	0.7	5.3 (100.0)	1.4 (27.1)	1.5 (28.6)	0.8 (15.7)	0.6 (10.8)	0.9 (17.6)
Small	9.8	1.9	7.9 (100.0)	3.6 (45.9)	1.6 (19.6)	1.2 (15.6)	0.5 (5.9)	1.0 (12.9)
Medium	17.3	3.5	13.8 (100.0)	9.4 (68.3)	1.9 (14.0)	1.6 (11.3)	0.4 (2.7)	0.5 (3.7)
Large	37.1	4.1	32.9 (100.0)	27.8 (84.4)	2.1 (6.4)	1.3 (4.0)	.	1.7 (5.1)
Total	70.2	10.2	59.9 (100.0)	42.3 (70.6)	7.1 (11.9)	4.9 (6.3)	1.4 (2.3)	4.2 (6.9)

(The figures in the parentheses indicate percentage.)

From Table-3, it can be seen that the major share of 70.8 percent of the total marketed surplus milk was sold to milk vendors, followed by sweet shop 18.3 percent, rural consumers 8.8 percent, and the rest 2.1 percent to retailers. As there is no dairy co-operative, as well as formal or organized marketing channels, milk vendors are the main sources of milk marketing.

Table-3: Production and marketing pattern of milk in Bagerhat (Liter/day/farmer)

Type of farmer	(A-B)=C			Quantity sold to			
	Production (A)	Consumption (B)	Marketed surplus (C)	Milk vendor	Sweet Shop	Retailer	Consumer
Landless	2.1	0.5	1.5 (100.0)	1.1 (70.8)	0.2 (13.6)	0.09 (5.8)	0.15 (9.7)
Small	5.1	1.1	4.0 (100.0)	2.6 (64.6)	0.7 (16.7)	0.07 (1.7)	0.68 (16.9)
Medium	8.7	1.6	7.1 (100.0)	5.3 (74.3)	1.4 (20.1)	0.11 (1.5)	0.29 (4.0)
Total	15.9	3.2	12.2 (100.0)	8.9 (70.8)	2.3 (18.3)	0.27 (2.1)	1.1 (8.8)

(The figures in the parentheses indicate percentage.)

In Sirajgonj district, disposal pattern of milk was also found to vary according to the size of farms. In case of large farm, there was a positive relation between the quantity sold to co-operatives and the size of the farm. As the farm size increases, share of milk sold to co-operatives also increases. However, the opposite relation can be seen in case of medium, small, and landless farms. The main reason for large farmers to choose co-operatives is that they can sell any quantity of milk to the co-operatives as the co-operatives operate milk business on a large scale. But the milk vendors cannot buy a large quantity of milk every day due to the small scale of milk production and lack of preservation facilities. In case of direct selling to consumers, large farm owners cannot sell all milk to local consumers due to less demand, and also time and labor which becomes insufficient when large quantity is to be sold.

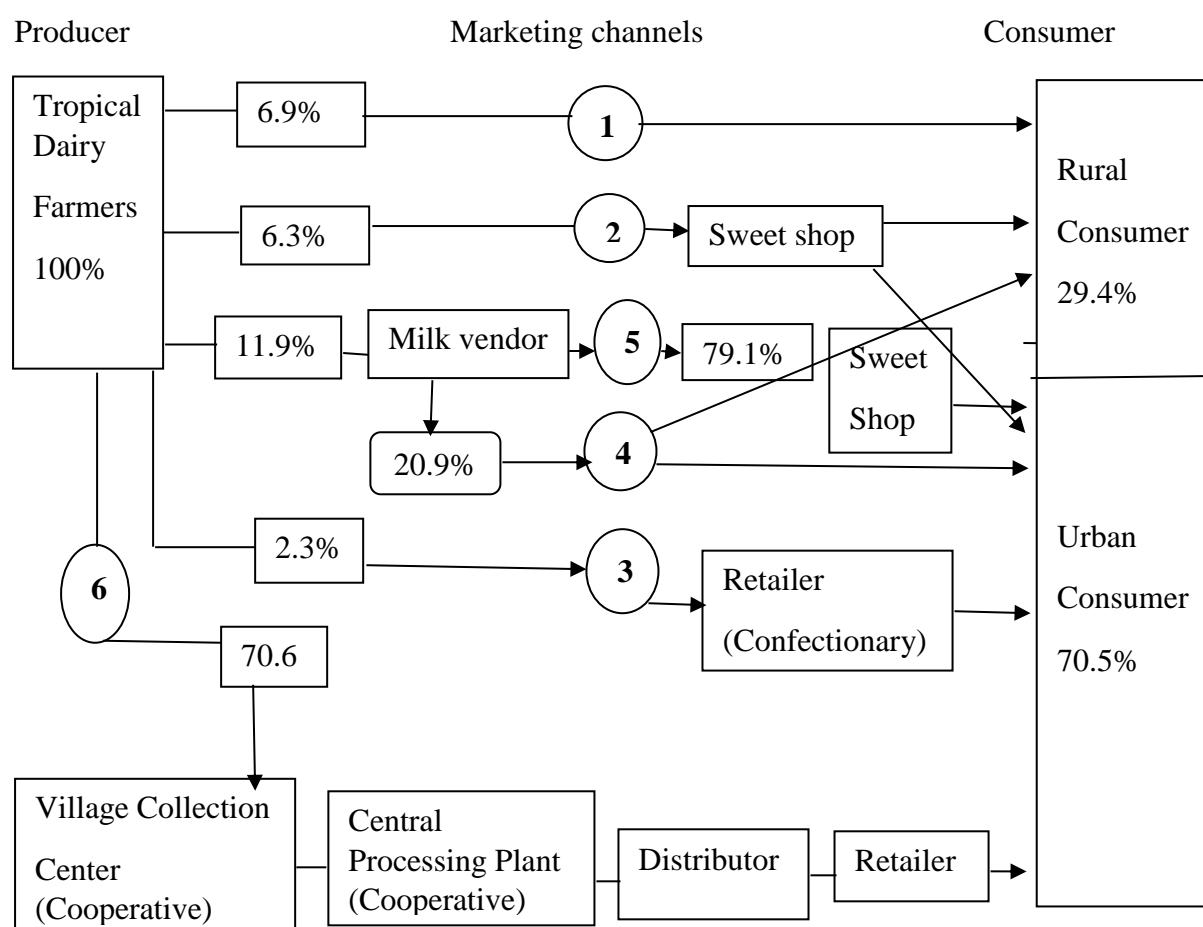
On the other hand, small farmers prefer to sell milk to milk vendors because of higher price than co-operatives and advance money facilities given by the vendors to needy farmers. Having these kinds of situations, still there are many small and landless farmers who want to join dairy co-operatives for the stable price of milk and the facilities offered by the co-operatives. A co-operative member usually gets different types of service from the co-operative authority, like artificial insemination, medical facilities for dairy cow, buying quality fodder for the livestock etc. These facilities attract the small and medium farmers to be a member of dairy co-operative.

### **Milk marketing channels and their structures in Sirajgonj and Bagerhat**

According to the respondents of the study area, there prevailed several marketing channels of milk. But all the channels were not equally significant. Some channels handled only a negligible portion of surplus milk of the region. According to the volume of milk handled and durability of participation of the middlemen in the various channels, the following six channels were identified in the Sirajgonj study area. The milk marketing channels in the Sirajgonj are given in Figure-2.



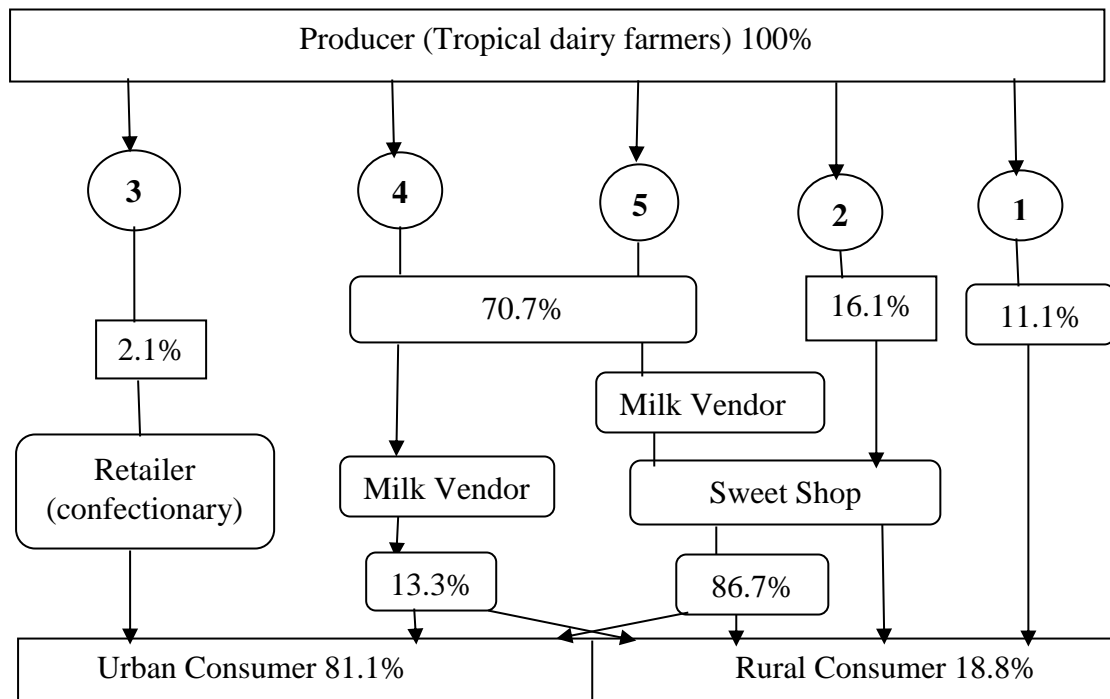
Figure-2: Milk marketing structure and channels in the Sirajgonj study area



Milk producers of selected villages at Sirajgonj sell milk to dairy co-operatives, milk vendors, local consumers, and sweet shops. The milk marketing channels were identified to be involved in the collection and distribution of milk in the study area, of which channel 1 to channel 5 were traditional and unorganized sectors and channel 6 was modern and organized sector. The channels were as follows: 1) Producer - Consumer; 2) Producer - Sweet Shop - Consumer; 3) Producer - Retailer (confectionary) - Consumer; 4) Producer - Milk Vendor - Consumer; 5) Producer - Milk Vendor - Sweet Shop - Consumer; 6) Producer - Dairy Co-operatives - Distributors - Retailers - Consumer.

In Bagerhat district, milk production is low and there are no dairy co-operatives; all the milk marketing channels were found informal or unorganized which is same as the marketing channels (1-5) in Sirajgonj. The channels were as follows: 1) Producer - Consumer; 2) Producer - Sweet Shop - Consumer; 3) Producer - Retailer (confectionary) - Consumer; 4) Producer - Milk Vendor - Consumer; 5) Producer - Milk Vendor - Sweet Shop - Consumer. The milk marketing structure of this area is given in Figure-3.

Figure-3: Milk marketing structure and channels in Bagerhat study area



About 29.4 percent and 18.9 percent of total marketed surplus was sold to rural consumers in Sirajgonj and Bagerhat district respectively. The rest 70.5 percent and 81.1 percent was marketed in urban areas. Dairy farmers sell liquid raw milk to rural consumers through channel-1 and sweet shop through channel-2. Under channel 3 and 4, the farmers sell raw liquid milk to milk vendors. The milk vendors sell that raw liquid milk to consumers and sweet shops. In Sirajgonj study area, the milk vendors sell 79.1 percent of the raw liquid milk to the sweet shops and the rest 20.9 percent to the both rural and urban consumers.

On the other hand, in Bagerhat study area, the producers sell 86.7 percent of the raw liquid milk to the sweet shops and the rest 13.3 percent to rural and urban consumers. In Sirajgonj study area, the dairy farmers sell milk to dairy co-operatives from the channel 6. The dairy co-operative collects milk through village primary milk producers co-operative society (VPMPCS) organized by the cooperative dairy farmers at the village level. From the village collection center, milk is transported to the local dairy plant for partial processing. The partially processed milk is then transported to the central dairy plant for final processing. In this central processing plant, processed milk and milk products are manufactured, and the products are marketed to urban consumers through distributors and retailers. The milk vendor is an intermediary who collects milk from each farmer and sells the collected milk in villages as well as in urban areas. In others words, the milk vendor is an intermediary engaged in the business of milk marketing. The retailer is an intermediary engaged not only in the milk business but also in selling other items like confectionery, sweet meat, readymade foods etc. Sweet shops are also an important intermediary who buy raw milk from the farmers and milk vendors.

## 5 Efficiency of Different Marketing Channels in Milk Marketing

### 5.1 Producers' Share

Table-4 shows the producers' share of final product in different marketing channels. It was observed from the findings that the producers' share in the final product (in consumer price) in different marketing channels was the highest in channel 1 (100%) due to direct sale to the consumer without incurring any marketing cost. However, it could not be much practiced due to less local demand for milk in village areas. Sometimes in village areas the demand of milk goes very high for a short period, especially during religious (Ramadan, Eid, Durga puja etc.) festivals. As the demand of milk in villages is not stable, the producers cannot rely on this channel for a longer period. The next best channel was channel 3 where producers' share is high 85.7% followed by channels 4, 2, 6, and 5.

Table-4: Producers' share in the consumers' price in different marketing channels (taka/liter)

Agencies	Marketing Channels					
	1	2	3	4	5	6
Producers	20.8 (100.0)	19.7 (69.7)	21.0 (85.7)	17.0 (72.3)	17.0 (59.6)	15.7 (60.5)
Sweet shop	.	8.7 (30.7)	.	.	7.5 (27.5)	.
Retailer (confectionary)	.	.	3.5 (14.3)	.	.	.
Milk vendor	.	.	.	6.5 (27.7)	4.0 (14.0)	.
Dairy coop	.	.	.	.	.	7.7 (29.5)
Distributor	.	.	.	.	.	1.0 (3.8)
Retailer	.	.	.	.	.	1.6 (6.1)
Consumers Price	20.8 (100.0)	28.5 (100.0)	24.5 (100.0)	23.5 (100.0)	28.5 (100.0)	26.0 (100.0)
Rank 1/1	1	4	2	3	6	5

(The figures in the parentheses indicate percentage.)

Milk vendors' share in consumer price was highest in channel 4 followed by channel 5. The share of milk vendors in channel 4 was higher because of direct selling to consumers. However, in channel 5 the milk vendors sell their milk to sweet shops; as a result they do not get higher price compared to channel 4. In channel 5, the sweet shops' share is higher than the milk vendors' share. On the other hand, in channel 2 the sweet shops' share was higher than in channel 5, as the sweet shops buy their milk from the dairy farmers. The dairy co-operatives' share in channel 6 was 29.5 percent that was the highest compared to other intermediaries involved in milk business.

## 5.2 Marketing Cost

Marketing costs represent the costs of performing various marketing functions which are necessary to transfer a commodity at different stages of marketing. Marketing costs are the actual expenses incurred in marketing process. Table-5 represents the marketing cost of different agencies incurred in different marketing channels. It appears that the cost of marketing (taka 3.7) was the highest in channel 6 incurred by the dairy co-operative among all other agencies. The next highest marketing costs are in channel 2 and channel 5. The sweet shops cost high because they are used to handle a small quantity of milk per day due to small scale of business. In channel 3 and channel 6 the retailers have no marketing cost.

Table-5: Marketing cost of various agencies (taka/liter)

Agencies	Marketing Channels					
	1	2	3	4	5	6
Producers	0.31 (100.0)	0.52 (30.0)	0.51 (47.2)	.	.	.
Milk vendor	.	.	.	1.37 (100.0)	0.39 (24.4)	.
Sweet shop	.	1.21 (69.9)	.	.	1.21(75.6)	.
Retailer (Confectionary)	.	.	0.57 (52.8)	.	.	.
Dairy Coop	.	.	.	.	.	3.7 (93.1)
Distributor	.	.	.	.	.	0.27 (6.8)
Retailer	.	.	.	.	.	0.0
Total	0.31 (100.0)	1.73 (100.0)	1.08 (100.0)	1.37 (100.0)	1.60 (100.0)	3.94 (100.0)
<b>Rank 1/2</b>	<b>6</b>	<b>2</b>	<b>5</b>	<b>4</b>	<b>3</b>	<b>1</b>

(The figures in the parentheses indicate percentage.)

## 5.3 Margins of Middlemen (intermediaries) in Different Channels

Table-6 represents the margins of middlemen under different channels. Among all the marketing channels, sweet shop was the highest in channel 2 having taka 7.54 per liter, and the second highest margin of milk vendor with taka 5.13 per liter was in channel 4. The milk vendors got a net margin of taka 5.13 and taka 3.61 per liter in channel 4 and channel 5 respectively. In channel 4, as the milk vendors sold their milk directly to the consumers; they used to charge high price from the consumers. In channel 6, the dairy co-operative got a margin of taka 4.0 per liter that is lower than sweet shops' or milk vendors' margin. The cause of lower margin is attached to the higher marketing costs, dairy co-operative uses modern transportation to maintain high quality preservation facilities. Although the milk processing cost as well as the marketing cost is lower in other channels, the traditional milk processing system is not hygienic. There is a very common malpractice among the milk vendors and sweet shops to adulterate the milk and milk products.

Table-6: Margins of middlemen in different channels (taka/liter)

Agencies	Marketing channels					
	1	2	3	4	5	6
Producers	0.0	.	.	.	.	.
Milk vendor	.	.	.	5.13 (100.0)	3.61 (36.5)	.
Sweet shop	.	7.54 (100.0)	.	.	6.29 (63.5)	.
Retailer (Confectionary)	.	.	2.93 (100.0)	.	.	.
Dairy coop	.	.	.	.	.	4.0 (63.2)
Distributor	.	.	.	.	.	0.73 (11.5)
Retailer	.	.	.	.	.	1.60 (25.3)
Total	0.0	7.54 (100.0)	2.93 (100.0)	5.13 (100.0)	9.9 (100.0)	6.33 (100.0)
<b>Rank I/3</b>	<b>1</b>	<b>5</b>	<b>2</b>	<b>3</b>	<b>6</b>	<b>4</b>

(The figures in the parentheses indicate percentage.)

#### 5.4 Seasonal (peak season) Price Variability in Different Channels

The entire season has been divided in two periods. Peak period represents from April to November as in this period religious festivals fall frequently. As a result, the demand of milk as well as the price of milk goes high. And the lean period represents the rest of the months of the year. The seasonal price variations in peak season of different channels are shown in the following table. The table represents that the lowest price variation occurred in channel 6 followed by channels 3, 4, 5, and 2.

Table-7: Deviation between maximum and minimum price (taka/liter)

Months	Marketing channels					
	1	2	3	4	5	6
August	1.00	1.50	1.00	0.50	0.50	0.0
September	1.47	1.50	1.10	0.70	0.80	0.0
October	1.78	1.65	1.25	1.00	1.00	0.50
November	2.35	2.00	1.25	1.50	1.50	0.50
December	3.67	2.00	1.35	1.75	2.80	0.50
January	3.32	1.80	1.47	2.00	2.00	0.50
Total	13.59	10.45	7.42	7.45	8.60	2.00
N	6	6	6	6	6	6
Average	2.26	1.74	1.20	1.24	1.43	0.33
<b>Rank1/4</b>	<b>4</b>	<b>6</b>	<b>2</b>	<b>3</b>	<b>5</b>	<b>1</b>

#### 5.5 Seasonal (lean season) Price Variability in Different Channels

Table-8 represents the price variation during the lean season in different channels. Data revealed that in lean season, the price variation was the highest in channel 1 and the lowest was in channel 6.

Table-8: Price variability of lean seasons (taka/liter)

Months	Marketing Channels					
	1	2	3	4	5	6
February	0.50	0.45	0.30	0.35	0.35	0.00
March	0.50	0.00	0.25	0.40	0.40	0.25
April	0.50	0.25	0.20	0.37	0.37	0.10
May	0.80	0.55	0.45	0.44	0.44	0.30
June	0.75	0.40	0.40	0.50	0.50	0.45
July	0.77	0.50	0.50	0.48	0.48	0.45
Total	4.32	2.15	2.1	2.54	2.54	1.55
N	6	6	6	6	6	6
Average	0.72	0.36	0.35	0.37	0.42	0.31
Rank 1/5	6	3	2	4	5	1

## 6. Conclusion

The efficiency of different marketing channels has been drawn on the basis of ranks of different performance indicators in different channels using composite index formula. Through the indepth analysis and interview of the respondents, this paper revealed that milk marketing channel 6, Producer – Dairy Co-operatives – Distributors – Retailers – Consumer, possesses the highest marketing efficiency followed by channel 3, 4, 1, 2, and 5. This channel is controlled by dairy co-operatives, and has greater influence in milk marketing. The dairy co-operative gives a competitive price as well as dividend and bonus, and supportive services to the co-operative members. Channel 6 is also efficient, and maintaining the highest market share. However, by enhancing the activity of dairy co-operative, it will be possible to increase milk production as well as efficiency of milk marketing. From the producers' and consumers' point of view, channel 1 was the most efficient, as producers get the highest price from their milk, on the other hand, the consumers get milk in the cheapest price. Considering the producers' share in consumer price the best channel was 1, followed by channels 3, 4, 2, 6, and 5.

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## **In Pursuit of a Noble Death: Call for Universal Brotherhood**

**Prof. Doctor A.N.M. Naushad Khan<sup>1</sup>**

### **Abstract**

A feature or quality of a person or a substance to identify them is called characteristic. Every person, substance or living being has characteristics of its own. For instance, oxygen saves life and helps firing; water makes cool; fire burns and produces heat; flower spreads smell. Then what is the characteristics of human being? The purpose of human being is, as expected, to gather knowledge and spread it, love and help other human beings and also have some belief, do good deeds to comply with the belief (Chawdhury). Human being is the best creature of God because he conceives the shadow of God and it is said in Surah 'Shams', Ayah 27-28. That is why the existence of human being in this world will be memorable forever, if something is done for human being (good deeds-amelosowaliha).

**Keywords:** universal, brotherhood, noble death.

### **Background**

Killing worldwide is going on without considering children, women and aged persons due to clash of one religion with another, between black and white, lower and higher caste. Unlimited greed for money and wealth is making us conscienceless; our sense of morality has reached at the bottom; and we are turning near to beast.

### **Objective**

After reading this article, readers will be able to know the causes of cruel killing around the world and racial conflicts that are occurring worldwide. One will also understand the way of peace in this unstable world and the best way of exit from human life to be memorable forever.

### **Design and Method**

A number of articles from journals and newspapers related to the present topic have been reviewed. References have been taken from the Holy Quran, other religious Scriptures and books supporting the topic.

### **Discussion**

Universal brotherhood is the union with the ultimate goal as like as rivers unite with the sea or birds go back to their nests or roads meet up in the highway. It is the belief

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that human being shares a relation of brotherhood with each other as same blood flows through human body from one source.

The belief in brotherhood is usually confined to a nation or a religion or a caste. But Islam believes in universal brotherhood. Islam does not differentiate among human beings. It is said in Surah Hujurat, Ayah-13, "O mankind, indeed we have created you from one male and one female and then have made you nations and tribes, that you may know one another. Verily, the most honorable of you to Allah is that who has 'Taqwa' (Fear of God). Verily Allah is all knowing, aware of everything" (Quran, 262). This ayah means mankind was created from a pair of man and woman and all are descendants of that male and female. Allah will not judge by caste or nation or religion rather judgment will be on righteous deed and fear of only Allah.

In Surah Ar-Rum, Ayah-22, it is said that "And among his wonders is the creation of the heavens and the earth and the diversity of your tongues and colors. Surely in that are indeed signs for knowledgeable men" (Quran, 201). So, this diversity is made by Allah Himself, and we should not hate anyone on the basis of this diversity. In the 70<sup>th</sup> Ayah of Surah Isra, Allah has dignified us as children of Adam not as children of Arabs or Americans. Today many religions believe that mankind has come from single pair of human.

The best Ayah of the Holy Quran in support of universal brotherhood is Ayah-64 of Surah Al-Imran which states, "Come to that point or talk which is similar between you and us- first thing is worship no one except Allah" (Quran, 25). "No one can share Him", is also said in Chandogya Upanishada 6:2:1 (Naik 00:51:00-10). "No one is equal to Him." (Yajur Veda 32:3) (Naik 00:52:04-12). In Old Testament, "I am only God, no other one is there." (Bible Isahaea 43:11). "I am only God, and no other one is similar to me." (Bible Isahaea 46:9). In New Testament, "Our God is single one only." (Mark 12:29). "You will not accept anyone as God parallel to me. You will not make a statue for you. Don't make anyone similar to me in the sky and in the earth. You will not worship any one as I am the only God." (Bible Exodus. 20:3-5 and Bible Deuteronomy 5:7-9) (Naik 01:02:46-03:00).

All the statements above of the Holy Scriptures are echoing the statement of Surah Huzurat-13 and Surah Nisha-1 that "Fear only Allah who created mankind from one soul." If everyone goes through his or her Holy Scriptures, chaos and conflict among us will be less.

To preserve the universal brotherhood, Islam has some moral obligations and regulations. Surah Maidah, Ayah-32 says, "If anyone kills anybody without any reason, as though he had killed all the human beings on the surface of the earth; and whoever will save a life shall be regarded as if he gave life to all the human beings" (Quran, 49). The ayah applies to all human whether he is a Muslim or non-Muslim and his race and nationality does not matter (Shaheed, 90-91). This moral obligation is the vital key for sustaining universal brotherhood.

Islam has emphasized on loving and helping one's neighbor. Surah Maun, Ayah 1-7 says, "Have you seen the one who denies the Day of Judgment? It is he who drives away the orphan (with harshness) and does not encourage feeding of the poor. So, woe to those who offer Salah (prayers) (but) are heedless to their prayer; those who want only to be seen and praised, yet refuse small kindnesses (neighborly needs)" (Quran, 324). The Messenger of Allah (SM) said, "He is not a believer who eats his full stomach whilst his neighbors remain hungry" (Bukhari). Then our Prophet (SM) was asked who is a neighbor? He answered, "Your neighbors are forty houses ahead of you and all side." (Bukhari)

In Islam, neighbors are not prioritized on the basis of religion or caste. Surah Bakarah, Ayah-188 says, "Don't engulf anyone's property unlawfully and don't give bribe to the judges with intent to engulf wrongfully and knowing a little of (other) people's property" (Quran, 13). This ayah is applicable to all human being, not only Muslims.

Islam not only talks about universal brotherhood but also shows ways to implement this. Establishing Salah (prayer) five times a day helps rearing this brotherhood. According to Abu Dawud Sharif, Hadith-666, Abdullah Ibn Umar narrated, that our Prophet (SM) said, "Set the rows in order, stand shoulder to shoulder, close the gaps, be pliant (influenceable) in the hands of your brethren and do not keep openings for the devil. If anyone joins up a row, Allah will join him up but if anyone breaks a row, Allah will cut him off" (398). Here devil comes in the form of discrimination whether it is ethnic or rhetorical or class-based discrimination. Whether a person is rich or poor or a king or a fakir, when all stands together shoulder to shoulder to offer prayer it strengthens brotherhood.

The most appropriate example of universal brotherhood in Islam is performing holy hajj. Every year about 2.5 million people come from every corner of the world to Makkah. They come wearing unstitched two pieces of white cloth. Here no one can identify who is rich and who is poor. (Naik 00:42:38-43:46)

Our beloved Prophet (SM) said in the Farewell Hajj, "All mankind is from Adam and Eve, an Arab has no superiority over a non-Arab nor a non-Arab has any superiority over an Arab; also a white has no superiority over a black nor a black has any superiority over a white – except by piety and good action. Know that every Muslim is a brother to every Muslim and that the Muslims constitute one brotherhood. Nothing shall be legitimate to a Muslim which belongs to a fellow Muslim unless it is given freely and willingly; do not therefore do injustice to yourselves." (Barkati, 09)

## **Conclusion**

All human beings are equal to Allah. Those who do not follow his own will but the will of the Almighty and surrender to Him is beloved by Allah and is called Muslim. Only having names like rahim or karim or having beard or wearing long gown does not

make one a Muslim. Obviously having this spirit of Islam (Universal Brotherhood) one can be a noble human being to be remembered by all after death.

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# Marketing of Poultry Products: A Study on Potentiality and Constraints

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## Abstract

*The present study is an attempt to determine the marketing practices of commercially produced live broiler in some selected areas of Kishoregonj district, Bangladesh. It also describes the existing opportunities and challenges of poultry farms in the country. The findings of the study are based on the analysis of both primary and secondary data. The sample size of the study was 40 broiler farms. Farms are selected purposively. In broiler marketing system five important channels are identified consisting of Aratdar, wholesaler, retailer, supplier, and institutional buyers. Statistics show that the total production of poultry protein is increasing very progressively each year. And at the same time, as with the increase in population, the market of poultry products is expanding very rapidly. The existing production of poultry is lagging behind in proportion to the existing amount of need of people of Bangladesh. The huge gaps between the demand and supply of poultry products have opened the immense opportunity of this sector to grow more.*

## 1. Introduction

In general, poultry means domestic fowls and these types of domestic fowls are fulfilling various types of meat demand. A farm where poultry or domestic fowls are confined or bred is called poultry farm. Poultry industry consists of eggs, chickens, turkeys, ducks, geese, emus and game birds. Although these are distinct commodities, they have had similar production process and marketing trends.

The poultry industry is considered as one of the most potential industrialized sectors of agriculture. Poultry in Bangladesh plays a pivotal role in the economy of the country. In Bangladesh the poultry sector has turned into very dynamic and proficient industry with huge potential for rapid poverty reduction through income generation and employment creation.

Poultry industry as an emerging agribusiness started practically during eighties in Bangladesh. It is now a transitional stage of production, with the beginning of small scale layer and broiler farming. In the early 1990's the production stage took up the shape of an industry.

Socio economic condition of a country depends on the people's literacy, per-capita income and occupation. Bangladesh is an agricultural country where about 80% people directly or indirectly depend on agriculture but with limited education and farm land.

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In our agriculture livestock encompasses a strong position where poultry farming and chicken rearing is a common practice in the rural area. It is found that more than 70% of rural households are involved in poultry keeping. But they face serious constraints, as the mortality of poultry is said to be as high as 25%, due to a combination of improper feeding practices, ignorance of management needs and poor distribution of vaccines.

There was a time when poultry was considered as a small means of little part-time income for the poor living especially in the rural areas of Bangladesh. But now, as we stand at the outset of 21<sup>st</sup> century, it has appeared as a very promising and flourishing arena of the country's economic development. The emerging poultry industry has received the attention of investors and has been getting remarkable changes since the last decade.

### **1.1 Review of Literature**

A brief review of literature regarding poultry marketing in home and abroad has been presented in this section.

Kabir (1974) conducted a study on poultry marketing in Mymensingh Town with particular emphasis on consumer demand analysis and found that poultry had a shorter marketing channel consisting of traditional Beparis and Retailers in Mymensingh Town.

Hasan (2003) described broiler marketing system in Dhaka city with hints of policy measures for WTO provisions in export of poultry products from Bangladesh.

Rahman (2003) observed poultry production to be a viable source of employment generation and poverty alleviation herein Bangladesh and urged Government to take effective steps for the expansion of this industry.

Seel (2003) conducted a study on poultry marketing in Dhaka city and observed that to increase the demand, the products should be presented to the customer in new and attractive forms and packing.

Islam (2003) studied poultry products processing and marketing system in Bangladesh and observed that dressed chicken is easy and convenient to the consumer, relieves bothering of processing and saves time.

Jobber (2007) in his report emphasized mainly on the different types of formal and informal contract farming in poultry in Bangladesh and implication of contract types thereof.

Faruque, Rahman & Islam (2010) showed that indigenous chickens have not attained their full production potential due to exposure to risks that influence against their survival and productivity under extensive management conditions.

Chowdhury (2011) in a study focusing on the scenario of commercial poultry sector in Bangladesh observed the farmers, the key elements of production, as the worst sufferers resulting from price instability of chicks and feeds and threats from diseases in particular.

Sarker (2011) in a study on value chain analysis of small and medium scale broiler farms in selected areas of Bangladesh attempted to describe that the actors involved in marketing make a better profit than actors involved in operational and management process of broiler farming in the country.

Saleque and Saha (2012) in their study claimed that small scale farming of sonali chicken is getting popular among the rural farmers and has made immense change in the livelihood in Bangladesh.

But no detailed study on the marketing of poultry products in Bangladesh has been conducted so far. In the present study some attempts have been made to analyze some important aspects of the poultry marketing in Bangladesh. Attempts have also been made to identify the potentiality and constraints regarding the poultry sector.

## **1.2 Objectives**

The objective of this paper is to gain better understanding about the marketing practices of broiler farms. The specific objectives are –

- a) To state the future potentiality of poultry products.
- b) To identify the constraints associated with the marketing process of poultry products.
- c) To suggest some recommendations for the development of the sector.

## **1.3 Methodology of the Study**

The findings of the study are based on the analysis of both primary and secondary data. The sample size of the study was 40 farms from Kishoreganj district. The farms were selected purposively. Keeping the specific objective in mind, the stated farms have been visited over a period of two weeks along with its top level executives and field level workers in order to find facts around the farm. Therefore, personal observation and informal interview with the field level workers were followed in process of collecting primary data. Relevant books, publications, magazines, journals and articles have been studied in the phase of collecting secondary data. Sampling techniques applied to the study have been designed with utmost care with a view to making the study free from bias.

## **2. The Current Scenario of Poultry Sector in Bangladesh**

In Bangladesh poultry industry has been recognized by all concerns as a profitable enterprise and most popular income generating activity for the rural poor particularly women and unemployed youths. Broiler production has become a specialized and speedy business at present time for the people of the country. Although the farms initially concentrated in Dhaka and Gazipur districts, at present, the poultry farms are scattered all over the country.

The number of poultry farmers is approximately 150,000 producing 570 million MT of meat (after extraction), and 7347.45 million eggs per annum. Recent statistics shows that about 60 commercial feed production companies produce a total of about 300,000 metric tons of poultry, cattle and fish feeds of which 59% is produced by the top 10 companies. Similarly 22 companies produce 1.1 million Day Old Chicks per week, of

which 60% is produced by the top 10 companies (Poultry Khamar Bichitra, January, 2017, p.53)

**Table-1:** Poultry Industry in Bangladesh at a glance

SL NO.	Particulars	Quantities
01	Number of Poultry Farmers	150,000
02	Number of Grand Parent (GP) Farms	08
03	Number of Parent Stock (PS) Farms	80-90
04	Number Feed Mills	60-65 ( 15-20 Major Producers)
05	Meat Production	570 million MT (per annum)
06	Egg Production	7347.45 million eggs (per annum)
07	Foreign Companies in Bangladesh	07 (Indian 5, Thailand 1 & China 1)

Source: Poultry Khamar Bichitra, January, 2017, p.53

There is a huge gap between availability and requirement of meat (78.91% and 65.38%) in the country which may lead the industry to vast production. The fulfillment of the deficit will create a lot of opportunities for employment. Only 50% of the fulfillment of the deficit will create the employment for new 14 million people (Ansary, 2012).

**Table-2:**

Product	Requirement Person/Year	Availability Person/Year	Deficit in amount	Deficit in %
Meat (Kg.)	43.25	9.12	34.13	78.91
Egg (No.)	104	36	68	65.38

Source: Ansary, 2012

Poultry sector studies and baseline surveys conducted by Chand et al. (2009) categorized the farms of Bangladesh in size and number of birds which is given below-

Small Scale	3000 birds or less
Medium Scale	above 3000-20000 birds
Large Scale	above 20000 birds

**Table-3:** The approximate investment in the above mentioned three types of poultry farms operating in Bangladesh

Categories	No. of Birds	Investment		Total
		Fixed	Variable on 30 Days	
Small scale commercial farms	up to 1000	200,000-250,000	155,000-165,000	355,000-415,000
Small scale commercial farms	1000-3000	500,000-750,000	450,000-500,000	950,000-1,250,000
Medium scale commercial farms	up to 10000	2,500,000-3,000,000	1,500,000-1,800,000	4,000,000-4,800,000

Source: Field survey, 2018

It is also found that these figures of investment on the mentioned categories of poultry farms may vary on regional basis.

### 3. Marketing of Poultry Products

Poultry is marketed in a variety of product forms. Prior to the year 2000, most poultry was sold to consumers in live. Now a day a few of broiler and turkeys are sold in frozen-packet or ready to cook state. This product is available with varying degrees of built-in convenience services. This product diversity contributes to consumer satisfaction and gradually sales are being increased, but it also increases complexity and cost of the marketing process.

#### 3.1 Prices

Marketing system remains still in traditional and heterogeneous condition. As a result, products are not getting remunerative price and the consumers are paying more price for per unit products. Reasons for non-remunerative price to small producers are:

- a) Producers are unable to establish a marketing system without having government policy.
- b) Producers are too far from consumers.
- c) Producers are not able to find out the actual need/want of the consumers.
- d) Producers do not have vehicles to bring their products to consumers.
- e) Most of the consumers are not habituated to eat broiler meat.
- f) Live chicken marketing is popular in Bangladesh, because of trust on dressed birds for slaughtering method (Halal or not), diseased or dead birds.

Seasonal or regional variation in poultry meat is a common factor. In Kishoreganj District during November, 2018 the price of per kg broiler meat was BDT 115.00 to supplier where dealers adding BDT 2.00 sold per kg broiler at BDT 117.00 to retailers. Retailers sold per kg broiler at BDT 123.00-130.00.

#### 3.2 Storage of Poultry Products

One of the principal marketing decisions of the poultry products whether the producer is to sell at production time or to store for sale at later time. If it is decided to store the products, the next questions are where and how long it should be stored. In answering the question of storing, the farmers must balance the cost of storing chickens and Day Old chicks. Eggs cannot be stored for long time.

In commercial farms birds are reared in such a way that almost covers the storage of it. Broiler farms are special type in structure. Birds require special nursing, care and processing. Eggs are collected from these broiler farms. Hatching eggs also require separate or distinct storage.

#### 3.3 Marketing Channel

A complex marketing channel exists in the country through which live poultry and their products are carried from farmers to the consumers. In the channel of poultry products from producers to consumers various middlemen are involved. They are local assembly traders, distribution traders, wholesalers, retailers, corner shop retailers and hawkers.



### **3.4 Market Development**

The poultry industry engages in extensive market development and demand expansion programs. The growth of the processed egg product industry and development of further-processed poultry meat products are examples. The development and promotion of year-round turkey products is another example. The rapid growth of the fast-food chicken industry has also influenced poultry markets. Chicken plays an important role in grocery store and restaurant marketing strategies. Chickens and chicken part are often featured as price special by grocers in order to differentiate the retail store and attract customers. Restaurant managers have also found that adding chicken to menus can improve sales and profit.

### **4. Potentialities**

The conditions now prevailing in the sector give us the presumptions that the industry has a lot of opportunities. The poultry sector is making progress despite bird flu, price rises of raw materials, market aggression from neighboring countries and lack of support from the government.

The country is environment-friendly for poultry industry and free from various diseases like bird flu. On an average a Bangladeshi takes a very little amount of meat against the minimum standard of requirement. This is the situation where the industry has the potentialities to evolve. Looking at the present growth of poultry industry in our country it is observed that if we could reduce the gap of protein deficiency through poultry products (between existing and standard) by 10%, then the existing employment generation of 6 million will raise to 12 million.

The price of poultry meat is very much lower than that of other meats available in the country. In November 2018 the retail price of 1 kg mutton is BDT 650.00 -700, beef is BDT 450-500 while the price of 1 kg broiler meat is BDT 123.00-130.00. The lower price of poultry meat may be considered as a strong cause for increased demand.

Although more than five million people are directly or indirectly involved with commercial poultry production for their livelihood, more production will generate more employment in various sub-sectors like feed industry, hatchery, breeder farms, sales and marketing, pharmaceuticals etc.

Now food safety is a global issue and is everybody's responsibility. It is the foundation stone for the future of poultry industry.

Bio-gas plants can create a new era in the energy production sector in Bangladesh. Some leading groups are trying to set up the largest and most powerful biogas plants. The successful completion of this effort may claim the vast expansion of poultry industry. Companies get marketing opportunities when all forms of marketing activities are properly carried out to increase market share. Distribution may be considered as one of the significant marketing activities. It is certainly said that although the distribution system of poultry products in Bangladesh is not well arranged or organized it is gradually going ahead.

The sector is going to be very important for Bangladesh because of its vast population, and their rising income that warrant more eggs and meat. Despite the vast population of Bangladesh, their per-capita consumption of meat is one of the lowest in the world. Therefore, there is a potential market and there is no alternative to the poultry products.

## **5. Constraints**

The poultry industry has undergone remarkable changes and growth over the past 30 years and it seems, this will continue over the next 10 to 20 years. The meat industry has undoubtedly been the most successful, yet the egg industry is now making strides in new product development. In spite of all the progress that has been achieved the industry faces various challenges which are discussed below.

### **5.1 Effects of Avian Influenza**

Bangladesh experienced first outbreak of highly pathogenic avian influenza (HPAI) in early 2007 and the National Reference Laboratory for Avian Influenza (NRL-AI) confirmed the presence of virus on March 2007. Up to September 30, 2010 a total of 358 H5N2 and 3 H9N2 positive cases were reported by NRL-AI. Bangladesh has a long close border with India and Myanmar. So it was considered a high risk country for introduction of Avian Influenza since the outbreak in early 2006 in the neighboring countries.

### **5.2 Lack of Organized Marketing System**

The ultimate goal of the farmers is to market their products at a price that permits reasonable profits. Commercial broilers are sold as live birds to the middlemen on weight basis and the table eggs are marketed by fixing a rate for 100 eggs. Since the farmers are not well organized and there is no regulatory body for them, they have to follow the traditional system of marketing which allow them little bargaining. The middlemen exploit them too much that hardly permit profits and even losses are reported.

### **5.3 Hike in Feed Prices**

Another constraint for poultry farms in Bangladesh is the price hike of poultry feed and day old chicks. This price hike sometimes goes beyond the capacity of the farmers.

For protesting price hike of poultry feed and day-old chicks several programs were organized in the country, for example, members of Manikganj Poultry Farms and Dealers Association formed a human chain in the district on 23 February, 2012.

### **5.4 Small Size of Business**

There is no denying fact that size of the business affect cost benefit ratio and therefore profitability. The cost benefit ratio for broiler production is widened as the flock size is increased (Kawsar et al., 2011). A report indicated that about 50% commercial farms had flock sizes of between 100 to 500 birds (BRAC, 2005).

### **5.5 Variability in Chicks Quality**

Although commercial hatcheries owned by the industrialists are leading distributors of day-old chicks in the country, quality of chicks sometimes becomes questionable. The

chicks are delivered to dealers and agents after so called grading. Such grades are A, B and C which means that chicks of grade B are inferior to those of grade A and chicks of grade C are inferior to both grade A and B. this fact admits inherent variability in the quality of chicks.

## **6. Recommendations**

This industry faces significant obstacles and constraints that need to be overcome. The following recommendations may be considered for the betterment of the poultry industry:

### **6.1 Control of Avian Influenza**

Avian Influenza (AI) which is caused by influenza A viruses, can affect domestic and wild bird species. The reasons identified are lack of bio-security measures in the poultry farms and unorganized wet market system. The vaccination can be an effective measure to get rid of this problem in this situation. Awareness among consumers, retailers, wholesalers and related public level to keep the market clean and not wet can be another strong effective step in this regard.

### **6.2 Market Control and Exploring Export Potential**

Broiler bird trading is very volatile where prices are determined based on demand and supply in a given market for the day. The broiler prices fluctuate widely and even short surpluses result in a very wide fluctuation in market prices. So, fixed price system might be established throughout the country to control price fluctuation and remove bargaining. Packing of different sizes should be materialized to categorize the price as well as quality products. Finally processing, packaging, transportation, storage and shipment should be developed to enter into export market.

### **6.3 Government Support**

Although individuals involved in this industry are highly expecting the role of the government to flourish poultry sector, the role played by the government is not appreciable. More government support is needed to improve the poultry industry, which can contribute not only to feeding a growing population but also reducing unemployment.

### **6.4 Training and Education**

Small and medium scale farmers in Bangladesh are either illiterate or have little educational background. It is found that most of the farmers are having only primary level of education. This problem creates difficulty in understanding scientific production and rearing, even they cannot understand the cost benefit ratio for broiler production. Farmers should have a minimum level of education and training which will allow them to understand scientific production method, technology related chick rearing and improved marketing system.

### **6.5 Reduction of Intermediaries from Marketing Channel**

A lot of agents, middlemen and brokers are involved from producers to ultimate consumers. They are making their business profitable but at the same time prices of poultry products are increasing for consumers. Unnecessary middlemen might be

reduced by which prices could be reasonable for consumers. Producers may get maximum value of their products.

## 7. Conclusion

Poultry industry in Bangladesh has made remarkably rapid progress in the last two decades. Its development has not only been in size but also in productivity, profitability, technology, upgradation and quality of its product. However, In Bangladesh all of the farmers are rearing fast growing white feathered broiler, but many people prefer colored chicken with tough meat and often pay premium price than fast growing white feathered broiler. So, colored chicken with somehow tough meat will be more demandable than that of present commercial broiler. We can certainly say that a bright future is waiting for our poultry sector and its linkages, if we can properly utilize the potentialities existing in the country.

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## Innocent Camouflage in the Face of Established Ruthless Religion: A Comparative Study of *Saint Joan* and *Mother Courage and Her Children*

Md. Al Mursalin Samrat<sup>1</sup>

### Abstract

The play *Saint Joan* by Bernard Shaw and the play *Mother Courage and Her Children* by Bertolt Brecht are two different plays but both of them have the religious influence in terms of thematic issues. The play *Saint Joan* develops not with the conflict between the two persons, rather it develops with the conflict between the individual judgment and inspiration against the established authority – the Roman Catholic Church. The protagonist, Joan is influenced by religion that instructs her to raise the siege of Orleans and to crown the Dauphin. Finally she is crushed by the merciless hand of established religion. On the other hand, *Mother Courage and Her Children* develops with the great themes – the war and motherhood. The war that brings about a great havoc to Mother Courage, is authorized by the religious institution on the sense that people are made to believe that it is a religious war. So, in the field of the thematic issues, we notice that both of the plays have a great religious influence. This paper will make a comparative analysis of religion vs the values of human lives with reference to the two above mentioned dramas.

To start with, in the play *Saint Joan*, we notice that Joan stands by her consciousness. Early in 1429, Joan left her home in Domremy believing that voices from God had instructed her to raise the siege of Orleans, and to crown the Dauphin as future Charles VII of France in Rheims Cathedral. This consciousness arises out of her religious belief. Moreover, we notice her as a quite religious woman throughout the play. In the second scene, she bows before the Archbishop when the Dauphin introduces him to her. In the third scene, she is willing to go to the church with Dunois to pray for changing the flow of the wind. In the fifth scene, she is praying before the station of the cross in the ambulatory of Rheims Cathedral. In the sixth scene, she tells Cauchon, “I am a faithful child of the church. I will obey the church provided it does not command anything impossible.” (Shaw 128). So, throughout the play, it is seen that Joan stands by her conscience against the pressure of authority and is crushed by the authority at last. In truth, Goodness, truth, and purity make the world uncomfortable and the world destroys them if it can. In this context D.N. Pathak says,

"Joan questioned the supreme authority of the Church fathers in handling man's spiritual life. As a result she had to fight against the Church single handed. She was singularly assisted by her liberal religious convictions and also by her iron will." (Pathak 115)

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Also, the play *Saint Joan* shows a great human being winning a spiritual victory in the midst of the worldly disaster. So, the play is a record of what mankind does to its saints and geniuses. Joan was a “vital genius” who was crushed between two mighty forces, the feudalism and the medieval church, because she would not submit before them. What matters to Joan is not whether her ideas are true or not but she believes them to be true. So, she goes by the dictates of her conscience. She refuses to compromise where her self is concerned, and for these she prefers death to imprisonment, and is willing to undergo the place of burning rather than denying her beliefs.

On the other hand, the play *Mother Courage and Her Children* focuses on the theme of war which is associated with religion. But here religion is totally misguided and corrupt because of the capitalism. In the name of religion, the religious authority takes the benefit from the common people and that is the issue which Brecht tries to criticize through this play. This play actually exposes the futility of war and, more than that, the destructiveness of war and the merciless slaughter of innocent civilians, apart from the premature deaths of countless soldiers. The havoc wrought by the Thirty Years War is indicated to us in the stage-directions of scene 9. Here we read, “The great war of religion has lasted sixteen years and Germany has lost half of its inhabitants.” (Brecht). Tragic indeed is the ultimate plight of Mother Courage, who has lost all her children in the course of war and because of the war.

Similarly, in the play *Mother Courage and Her Children*, religion is used as a cloak to hide the real motives behind the war and thus it pursues the theme of war throughout the play. The first appearance of the chaplain in the play clearly reveals to us the absurdity of the view, generally held in those days, that the war was being fought for the sake of religion. Of course, the common people did actually believe that it was a war of religion and the clergymen also held the same view. But the politician and the army commanders knew very well that there were political and economic motives behind the war and, the religion was being used only as a cloak to cover the real motives so that the support and cooperation of the people in general could be obtained and retained.

Likewise, we notice in the play *Saint Joan* that Joan has a great conflict with the established religion as the religious people are highly corrupt. Joan hears voices and sees visions. They command her to free her country from foreign invasion and to crown the Dauphin at Rheims Cathedral. While obeying these commands, she is in sort of spiritual trauma so much that she seems to have her own private religion which clashes with the established religion of those times. In this circumstance J.L. Wisenthal precisely observes:

Like Joan the ecclesiasts see themselves as agents of God's purpose with a sacred mission to compel others to serve that purpose. Since their view of God's purpose is different from Joan's and wholly incompatible with it, a conflict between them and Joan is inevitable. (Wisenthal 196)

The Pope of the Roman Catholic Church was considered God's representative on earth. Any dissent was thought to be a heresy which was punishable with death. Poor Joan, while doing a good turn to her people, unwillingly becomes the target of the wrath of the religious protagonists and is burnt to death. So this conflict is the main theme of *Saint Joan*. In the *New Statesman and Nation* for April, 1924, Desmond MacCarthy, in discussing the theme of the play, wrote:

As the epilogue, to which several dramatic critics objected, shows, the essence of the theme is the struggle of religious inspiration against established religions, against the patriot, the statesman and the indifferent... (Griffin 12)

According to Shaw, the struggle is always essentially the same whether it is the case of Jesus, Joan, Hun, Galileo or anybody else in their place. This struggle never comes to the end. So, one strain of the manifold theme of *Saint Joan* is religion and its conflict with the individual conscience and thought.

Furthermore, it is implied that the church of those days was an all-powerful force which demanded obedience from the king and self alike. So, in both of the plays, we notice that the society is fully dominated by the religious institution. In the play *Saint Joan*, it is seen that the Archbishop tells Joan in the scene 5, "The voice of God on earth is voice of the Church Militant; and all the voices come to you are the echoes of your own willfulness." (Shaw 110)

The church with the accumulated stock of its wisdom of over fourteen centuries was considered the wisest on the earth. No single individual could have any comparison with it. On the other hand, the similar thing happens in the play *Mother Courage and Her Children*. We notice that once the chaplain appears in the play, he comes with a message for Mother Courage from her son, Eilif.

In response to the message, Mother Courage gives the chaplain some money to be passed on to Eilif though she gives the money reluctantly. On this occasion, in reply to a remark by the cook, the chaplain says that the present war is not a misfortune but a blessing because it is war of religion. He says further that this war is not just any war but a special one, a religious one, and therefore "pleasing unto God". Thus, the chaplain here speaks like a true clergyman of the time. It suited the clergyman to use the slogan "a war of religion" in order to add to their own importance.

Moreover, in the course of war of religion, people would naturally turn to the clergymen for advice, for solace and for inspiration. This becomes all the more clear to us when, on a later occasion, the chaplain speaks of himself as a great preacher with the capacity to inspire his listeners with courage and with a readiness to fight. On that occasion, he says that he possesses the gift of oratory and that he can, with a single sermon, fill a whole regiment with the desire to plunge into a battle, regardless of any danger to their lives. This only means that the clergymen of the time did not mind all the bloodshed and the slaughter if these took place in the name of religion and God. So it is seen that both of the plays have a common scene that those who belong to the church are misguiding the people around in order to achieve their own benefit.

Both of the plays, thus, have the claim that the society where people are belonged to should be changed soon. In the play *Saint Joan*, Joan, the protagonist, is portrayed as a reformer. Joan advised Charles and other Kings to hold the land in the name of God and manage it as God's bailiffs. Such a practice would have changed the entire social structure. Moreover, the condition of poor serfs would have been ameliorated. They would have ceased to be exploited by their barons. Similarly the drama, *Mother Courage and Her Children*, focuses on the dark and evil consequence of the exploitation of capitalist class to the society. The Marxist view of history holds capitalism responsible for war and for the damage which any war does to the common people, while benefiting the capitalist class. Brecht's purpose was to impress upon his audiences the evil consequences of a war which always results from the ambition of the capitalists class, further to enhance their wealth and their power, and it was also his



purpose to stimulate his audience to think about how capitalism impoverishes the common people. In Brecht's terms:

The war is the business of the big men who manipulate politics for their own advantage, exploiting mankind, making man's relationship with man primarily a business relationship. (Bloom 39)

Brecht thought that by making his audience think about this important aspect of the life of the common people, he could compel them to revolt against the rich capitalist class and to bring about the necessary change in the social and political conditions so as to prevent the exploitation of the common people by the capitalists. Thus, Brecht chose the Thirty Years War as only a symbol of war in capitalist governing classes. When Brecht wrote this play in 1938, he was already a confirmed Marxist, and he could also witness the growing menace of the outbreak of another World War; this time with Hitler as the prime mover behind it. As a Marxist, Brecht was already finding himself at logger-heads with Hitler and the Nazis.

Once again, in the play *Mother Courage and Her Children*, we see that Mother Courage loses all of her children because of the war of religion. On the other hand, in the play *Saint Joan*, we notice that Joan's tragedy at the final level takes place because of the established religion that was wrongly corrupt. In *Mother Courage and Her Children*, we see Mother Courage is a mother who loves her children too much. She is found as a model of motherhood. Once in the text, we notice that she decides to sacrifice the very means of her own survival in order to save her son's life. So, Mother Courage deserves our admiration for the manner in which she endures all her misfortunes. She does not collapse.

On the other hand, in the play, *Saint Joan*, we see that Joan's doctrine clashes with the feudal social structure. The Earl of Warwick who represents feudalism considers her ideology as a cunning device to supersede the aristocracy and make the king sole and absolute autocrat. So, Joan's doctrine goes as "the protest between the private man and his God". Thus Joan clashes with the political authority of the middle ages too. Finally we see Joan's tragedy due to the established authority. So, in the field of thematic issues, both of the plays have the similarity that is religion is differently connected with the thematic issues.

Finally we can say that in both of the plays, *Saint Joan* and *Mother Courage and Her Children*, the thematic issues are connected with religion differently. Religion at that time was in the dominant position. The kingship had to have the religious authentication. The religious people especially the church people were usually selfish. So, Joan stood by her conscience against the pressure of authority and was crushed by authority finally. Bernard Shaw portrays Joan as a reformer of the society. On the other hand, in the play *Mother Courage and Her Children*, the people belonged to church were highly selfish and corrupt. They made people believe that the Thirty Years War was a war of religion. This is because of their becoming capitalist class. In the name of religion and God, they exploited the common people. Mother Courage and her children were the very common labours who were exploited by the hands of the capitalist class. Mother Courage loses all her children because of the cruel war. She had to endure all her misfortunes. So it can be said that the ruthless nature of religion is differently connected with the thematic issues of both of the plays – *Saint Joan* and *Mother Courage and Her Children*.

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## **Drawbacks of Arranging English Teaching and Learning Activities at Higher Secondary Level in Bangladesh: A Pragmatic Overview**

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### **Abstract**

This paper investigates into the teaching and learning activities in English classes in different colleges both in urban and rural areas of Bangladesh. It unfolds the realities that students in secondary level are concerned about their academic examinations not about learning in real sense. The data show a survey where it is evident that Communicative Teaching Method is hardly maintained in Communicative English classes. It also discloses students' tendencies towards exam-oriented learning and proves teachers' lacking in following teaching methodologies in English classes at higher secondary level in Bangladesh. There is a gap between the prescribed task and activities and real practices in classroom. Since this issue is not being perceived by policy makers and authorities, its effects are becoming rigorous in tertiary level and in their professional life in future as well. Initiatives to some extent are being taken to combat the drawbacks but the survey shows its failure for a variety of reasons. The study is an endeavor to mitigate the gap between the methods of arranging classroom activities and real practices done by the learners and teachers at this level.

### **Introduction**

Secondary and higher Secondary levels are the phases where the learners form the habit of reading, writing, listening and speaking—the four basic skills in English. Basically students are taught grammar in English classes at secondary and higher secondary levels. The importance of English class at these levels is to some extent greater than that of other classes for a pretty variety of reasons. Some of the relevant points of differences are:

- i. English is a subject of panic to the learners of these levels because they hold the notion in mind that it is quite impossible to do better than other subjects.
- ii. The learners and probably we all know the disaster in SSC or HSC results is the disaster in English.
- iii. English is a subject which is difficult to learn in the houses because a large number of students are still found running to tutors and privately run English aid centers.
- iv. The students have the experience that they cannot make answers themselves like other courses.

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The students are expected to bring about a drastic change on the issues mentioned above. But the dream is being futile. The causes behind this are many. Firstly, it is hearsay from predecessors that the subject is a tougher one and this is why the learners lose their interest in studying English. Secondly, the tendency of exam-oriented study refuses their mind to go through it. Our traditional criterion is that those are called good students who can make better results in academic examinations.

Moreover, our students get encouraged because they can easily guess the question patterns as conventional questions are set in different public examinations. Finally, they get the notes prepared by their tutors. The situation is entering into a critical juncture in such a way that it should be curbed immediately.

### **Literature Review**

Mahroof Hossain (2014) opines that the classroom size of Bangladesh is not large but the number of students is vast. Therefore, when a teacher attempts to segregate such a large class into several groups, it ultimately gives supervisory difficulties. It will not only create difficulties to manage the class but also it will make difficulties in monitoring the pair or group activities and we cannot attain our desired goal. Creating meaningful communicative activities will be a matter of imagination then.

“Interaction is the collaborative exchange of thoughts, feeling or ideas between two or more people, resulting in a reciprocal effect on each other. Theories of communicative competence emphasize the importance of interaction as human beings use language in various contexts to get an idea out of one person’s head and into the head of another person and vice-versa” (Brown, 2001).

To save classroom time and to manage large classes, Dalton (2009) implied from his research result that “teachers should change their role into ‘facilitator’ rather than the ‘giver-of-knowledge’ and promote more group work and relaxing learning environments” (As cited in Kalasi, 2014). He also suggests the teachers to engage learners through online task-based learning or discussions. This eliminated the general chatting time better than face-to-face discussion. (Dalton 2009)

Tomlison (1998) points at several areas where education research has reported increased levels of motivation for students in relation to pedagogical practices. Among those, varying the activities, tasks, and materials is an important one. However, lessons which always consist of the same routines, patterns, and formats have been seen to decrease attention and increase boredom. It is necessary to bring variety to the activities, tasks, and materials in order to increase students’ interest levels.

Again, Afia Zahin (2015) shows that Bangla and English medium schools’ teachers have no practice of the most common techniques of CLT and that is why students find it too difficult to develop four skills of English.

Brown (2001) also agrees with the view that arranging activities for a large classroom creates monitoring problems. In a large class, students will simply reinforce each other's errors where the teacher gets bare chances of correcting them being the victims of the other adverse administrative and managerial circumstances.

The literatures show that arranging perfect EFL communicative classroom is a bit challenging for the teachers. The researcher examines the present realities of EFL classroom regarding perfect interaction based on English.

### **Methodology**

The objective of the empirical investigation of this research is to sort out shortcomings in teaching and learning process in English classes at higher secondary level in Bangladesh. For this reason an empirical investigation has been carried out in English classes in different colleges where the methods of textbooks have been applied by teachers.

The researcher selected two colleges both in rural and urban areas where English is taught as a compulsory subject according to the curriculum of the NCTB. The research tool is designed as semi-structured questionnaire with Yes/No to examine the response of the students regarding their activities. The main research instruments were:

- i. Questionnaire for students
- ii. Interview for teachers, and
- iii. Class observation checklist.

The survey was conducted among 200 students of two classes; one in rural area college and the other in urban area college where the number of students is 90 and 110 respectively. Instruments for the research were orderly designed and administrated with proper care. The researcher observed six English classes in these two colleges, collected data from six teachers and 200 students through questionnaires. The researcher also interviewed these six teachers regarding this and wrote down notes.

### **Present Situation of Teaching and Learning in Bangladesh**

In Bangladesh, English is taught as a compulsory subject at all schools and colleges across the country at secondary and higher secondary levels. In schools, English grammar is there to build the foundation of the schools' science, humanities and commerce groups. The reason of offering this course is to make the students efficient in the use of English language so that they can have a minimum knowledge in English for their smooth study in tertiary level as the medium of instruction of this level is English.

### **Course Plan and Design**

In Bangladesh, according to NCTB all secondary and higher secondary schools under 7 education boards offer English: Paper-I and English: Paper-II in the classes IX, X, XI and XII where each course carries 100 marks. The contents of the first course include passage comprehension for reading skills while the second course consists of grammar items. Both the courses have half-yearly test, year final and final test but they do not have quizzes, presentation, assignment and final examination. Half-yearly test varies from college to college but both the courses are taught in first and second years simultaneously; class duration is 45 minutes for each but 10-12 minutes is consumed if the teacher calls over rolls. Besides, the class size is unusually large.

### **Present Teaching Method in Bangladesh**

Teaching and learning methods have a history in our country. The term ‘teaching and learning method’ means a coherent set of links between actions and thoughts in language teaching and learning. As a teacher of English, one has thoughts about one’s subject matter- What English language is, what culture is –and about his students- who they are as learners and how they learn. He/she also has thoughts about himself/herself as a teacher and what he/she can do to help his/her students learn. It is very important to be aware of the thoughts that guide teacher’s action in the classroom.

As interactive teaching is a method of communicative language teaching (CLT) that refers to both method and goals of classroom learning. Classroom activities may include role play exercise, games and other communicative activities according to CLT materials. According to Savignon (1974), learners will connect their experience of communication in the interaction. Teachers are motivated to give learners activities and this would help them participate in understanding meaning. But there are a lot of constraints of interactive teaching in Bangladesh.

It is important to have bridge between the beliefs of CLT and the classroom tasks and activities. Moreover, it is a matter of investigation whether or not the prescribed tasks and activities are really done by the teachers and learners.

Communicative language teaching is a process on a set of beliefs or principles which involve students and teachers for language transfer. Here students should have a desire to communicate something with all. They should focus on the content of their saying or writing rather than a particular language form. They should use a variety of languages rather than just one language structure. The teacher will not intervene to stop the activity and the material or lecture manuals will not be given priority. Here some students will be found more communicative whereas some others will not be. A contrasting situation may arise which can be shown as ‘communication continuum’.

Non-communicative activities	Communicative activities
# no communication desire	# a desire to communicate
# no communicative purpose	# a communicative purpose
# form not content	# content not form
# one language item only	# variety of languages
# teacher intervention	# no teacher intervention
# materials control	# no materials control

Based on the ideas of Richards and Rodgers (2001), principal characteristics of Communicative Language Teaching can be briefly discussed in this way:

- i. Meaning is paramount
- ii. Dialogues are not normally memorized.
- iii. Contextualization is a basic premise.
- iv. Language learning is learning to communicate.
- v. Effective communication is sought.
- vi. Drilling may occur, but peripherally.
- vii. Comprehensible pronunciation is sought.
- viii. Any device that helps the learners is accepted- varying according to their age, interest, etc.

With this awareness, a teacher will be able to examine why he does, what he does and perhaps choose to think about or do things differently. Present textbook material (*English for Today*) of English is formed in the light of Communicative Language Teaching. Thus, it is important to identify the gap between the CLT prescribed tasks and activities in the textbook and the realities.

The method of teaching in both urban and rural colleges seems to be the same and the teachers are found not adopting any of the methods discussed earlier. Teachers just enter the classroom and start reading passages (Paper I) and the students remain as silent listeners. Sometimes they translate in Bangla and sometimes not. They do not form sample questions on the topic. They are reluctant to discuss anything which is not in the text. As a consequence, the students do not get the scope to ask any question. Question-answer and feedback session is not seen in their classes. Nothing is asked from the previous classes to assess the students rather than speaking and listening. Students are found less interested in speaking English in front of their teachers. Besides, teachers do not get inspired because of the large class size. No pair work or group work is given; as a result of this, students' participation is seen rare in the classroom. Sometimes, practices are given from the text but they cannot correct them for lack of time. Students are advised to follow the board questions of previous years for their



better preparation as questions are many times found common in the H.S.C final examinations. As a consequence, their learning goal becomes in vain in real sense.

Similarly in respect of English (Paper II), grammar is taught deductively and there is no contextual grammar teaching. One teacher conducts a class on a particular topic but in the following day another one (same course is assigned on more than one teacher) conducts a class with a different topic. Since sequence of classes cannot be maintained, students easily forget what they were taught in the previous day and what they will be taught in the next days. To improve communication skill nowhere did the researcher see using projector or other technological devices by the teachers. Therefore, after the college hours students are running after private tutors to compensate for their loss though this is also questionable about their (the private tutors) teaching standards.

Pragmatic observation of class at colleges in rural-urban areas in our country gives a different scenario. The researchers had practical knowledge of visiting two colleges in both the regions. In college-1 (urban), the researcher entered into a class of language with the teacher. The teacher asked the students what was the lesson of the previous class. One of the students showed it and he gave some questions based on the lesson to write answers. The students became silent and tried to follow each other for his/her answer. A few students showed their scripts and the teacher corrected them. In college-2 (rural), the teacher is found reading the text only and the students were only the listeners. The classroom became chaotic and the teacher was just passing his scheduled time. No feedback from the students is maintained.

### **Presentation of the Result of Students' Questionnaire Survey**

	<b>Teacher's Activity</b>	<b>Yes</b>	<b>No</b>
1.	Did the teacher teach grammar in class?	60%	40%
2.	Did the teacher teach language skills in class?	30%	70%
3.	Was the class interactive and interesting?	20%	80%
4	Are you actively involved in class activities?	20%	80%
5	Do you enjoy practices in class?	30%	70%
6	Do you like the lecture method of your teacher?	65%	35%
7	Are the lessons related to your needs?	55%	45%
8	Do you have any limitation to make the class successful?	80%	20%
12	Was there any limitation to make the class successful from institution's side?	70%	30%

13	Was the class size suitable for you to conduct with the teacher?	15%	85%
14	Does the teacher arrange listening activities?	10%	90%
15	Did the teacher ensure feedback at the end of the class?	42%	58%
16	Did the teacher clarify the meaning in Bangla?	100%	0%
18	Was English the medium of instruction?	10%	90%

### Findings and Analysis

The above chart questions about different activities of classroom in which majority of the learners responded in a negative way. Common problems of classroom arrangement include large classroom size, institutional inefficiency, lacking of proper materials, introvert learners, lacking of aids to make the classroom interactive etc.

As the researcher mentioned above, CLT is the common method that is followed to arrange the textbook tasks and activities in Bangladesh. However, the above data show that the teachers are still following GTM (Grammar-Translation Method). (Question no. 1, 14, 16, and 18) They usually deliver lecture and learners are supposed to listen to teachers. The skills are not taught by the teachers and oral skills are lagging behind. (Question no. 2, 13)

Again, there is a gap between the learner's perception about teaching and the present classroom practices of the classroom. Majority of them do not enjoy the classes but they do like teachers' lecture, grammar based teaching methods. (1, 3, 6) Moreover, they do not like to participate in the class actively. (Question no. 4, 5, 8) This is because of the contextual barriers of Bangladesh. Naturally, they are a bit reserve and less communicative.

In present situation the class was neither student-centered nor interactive. Technological devices were not used to make the class effective, attractive, and vibrant. In the rural college (college 1) technological devices like laptop, projectors were unexpected as the authorities did not have them. Unusual large class size also hampered teaching and learning activities in both the colleges.

### Findings and Analysis of Teachers' Interview

The teachers who joined the interview belong to the age group of 35-55 years old and have an experience of 10-25 years of teaching students. They have also identified some problems of arranging perfect communicative classroom for their students. They face difficulty managing large classroom where the amount of learners is more than 100. It becomes impossible to provide feedback to each and every student. They believe if they

take initiative of communication in target language, same learner responds repeatedly. One response is quotable:

“I try to make the classroom interactive and when I ask a question in an open mood, the same persons reply repeatedly. Others only can say ‘yes’, ‘no’, ‘alright’, ‘okay’. These are not enough to achieve competence in target language.”

Another teacher says-

“Our socio-cultural context does not allow perfect learners’ autonomy in the classroom. Teacher is the central figure here. When you ask the learners, they will say that they are enjoying communicative classroom but they are not learning anything.”

The interview of other teachers also has commonness in their attitude but all of them believe that they should arrange communicative classroom. Classroom interaction should be enjoyable to the learners. They should be given perfect exposure to the target language. The relationship between teacher and learners should be friendlier. One of the teachers defends his position by saying that:

“I generally try to make the classroom interactive and find the learners very spontaneous. Our learners are advanced and I facilitate their activities. We are in such a position now that we should arrange interactive classroom by our authority. The learners will perform under the guidance of the teacher.”

From the interview of the teachers another thing is very clear that active participation of both the learners and teachers is a must to make the classroom playful. There is no other alternative of teachers training in this case.

### **Recommendations**

From the above study, it can be suggested that upgradation of the English class course design is a must. Teachers must be aware of students’ needs and academic requirements. Teachers must emphasize the importance of teaching English and the students have to be made understand that learning is not for passing, it is for enhancing the domain of knowledge what they need for self and career development. Classes should be interesting and student-centered. Teachers should pay attention to develop students’ motivation. They should follow at least one of the teaching methodologies in the classes to make their classes a vibrant place. They should also ensure students’ feedback at the end of the class. Besides, they should be given proper teaching devices or equipments so that the students can familiarize themselves with the modern technologies by learning through it. Teachers of respective departments should make the students aware of their use of language in academic work; namely in understanding printed course materials, classroom discussion, answering exam questions, giving oral presentations and preparing assignments. Efficient teachers who are self-motivated and

innovative should be assigned so that they can make the language classes interesting and contextual for their students. Teachers' training should be arranged to keep the teachers updated about the new happenings in the language teaching field. To manage the large class, the researcher is suggesting more than one teacher in a single class. Teachers should be aware about the fear of the students and they should create a friendly environment in the classroom so that nobody is mocked if error occurs.

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### **Class Observation Checklist (2 colleges in rural and urban areas)**

Observer:	Teacher Observed:	Date:
Time:	College:	Group:
Course:	Year:	Year:
Details of lesson observed:	Aims of the lesson:	
Skills focused:	Materials used:	

## Power of “Judicial Review” and Protection against Constitutional Transgression: Critical study on Bangladesh Constitution

Mohosin khan<sup>1</sup>

### Abstract

Constitutionality of any legislative function, executive action or judicial decision is examined by the Supreme Court of Bangladesh through using the power of judicial review. The power of judicial review is one of the prime means to protect the citizen's right from its violation. This study is an attempt to analyze critically the power of judicial review of the Supreme Court in Bangladesh. It deals with the various forms of judicial review, from its substantive and procedural aspects. However, there are some constitutional limitations and accepted principles regarding the application of the power of judicial review. Furthermore, opportunity of filing petition under judicial review is only limited to higher judiciary. In this perspective, it recommended some amendments on constitutional provisions for effective application of the power of judicial review to ensure citizen's right.

### 1. Conceptual Understanding

Constitution is made with set of principles to govern the state. In modern democratic system every government exercises their functions through its three distinct and separate institutions namely, legislative, executive and judiciary. And the Constitution, whether codified or un-codified, confers executive, legislative and judicial powers in the government. At the same time, it puts some limitations on it so that the government does not become an autocratic one. This check on the power is exercised by judiciary that is called the power of ‘judicial review’. Thus, judicial review implies the power of the court to determine the validity of legislative and executive action. The role of the court in judicial review is essentially supervisory as it is explained in the case, *Marbury v. Madison* (1803), which showed that “...if there is one principle that is fundamental in the constitutional system, it is that of having the judiciary as the ultimate arbiter on all domestic constitutional question.” The concept of “judicial review” which is the most dominant concept to uphold constitutional supremacy was first introduced in USA. However there is no direct provision in USA constitution conferring the power of judicial review. ‘Judicial Review’ power was first introduced in 1803 in the historic case *Marbury v. Madison* (1803). Introduction of this power gives the judiciary a responsibility “to see whether two organs of the government act in accordance with the constitution”. This idea is better explained by Chief Justice Marshal in the case, *Marbury v. Madison* (1803):

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“It is emphatically the province and duty of the judicial department to say what the law is .... If two laws conflict each other courts .... Must decide on the operation of each .... If then, the courts are to regard the Constitution and the Constitution is superior to an ordinary Act of legislature, the Constitution and not such ordinary Act must govern the case to which they both apply. To decide otherwise would be subversive to the very foundation of all written Constitution, would force the judges to close their eyes to the Constitution .... All laws repugnant to the Constitution are void and courts as well as other departments are bound by that instrument (Constitution).”

Further in *United States v. Butler* (1936), the US Supreme Court held-

“The Constitution is the supreme law of the land ordained and established by the people. All legislation must conform to the principles it lays down.”

Indian Supreme Court also incorporates the principle of “judicial review” in their constitutional jurisprudence. Supreme Court of India formulated various doctrines on the basis of Judicial Review like “Doctrine of Severability”, “Doctrine of Eclipse”, and “Doctrine of Prospective Overruling” etc. (Prashant 2010). In India, Judicial Review is based on three important dimensions, these are “Judicial Review of Constitutional Amendments”, “Judicial Review of Legislative Actions” and “Judicial Review of Administrative Actions” (Prashant 2010). Like USA constitution no direct provision is expressly provided in Indian Constitution about the power of judicial review. However various provisions implicitly express the power of judicial review to the courts such as Art. 13, 32, 131-136, 141, 143, 226, 227, 245, 246, and 372 (The Constitution of India 1950).

UK has no written Constitution. It has a constitutional system with parliamentary sovereignty. This is why there is no judicial review in strict sense in Britain.

The famous dictum of Lord Campbell in *Edinburgh and Dalkeith Railway Co v Wauchope* (1842) was-

“All that a court of justice can do is to look to the parliamentary roll; if from that it should appear that a bill has passed both the Houses and received the Royal Assent, no court can inquire into the mode in which it was introduced into parliament, nor into what was done previous to its various stages through both the Houses.”

However, the principle of judicial review can only be applied in narrow sense upon administrative action and delegated laws in UK. Judicial Review in UK is basically exercised on procedural ground which is largely related to Administrative actions (Prashant 2010). Thus the concept of judicial review is not followed strictly in UK Constitution.

## 2. “Power of Judicial Review” implied in Constitutional Provision: Critical Study of Bangladesh Constitution

Protection of the citizen’s right is one of the prime roles for a government. However, in Bangladesh the government cannot exercise their functions properly and thus, the citizen’s right is hampered. A number of procedures have been given in different laws of Bangladesh to reduce or control the vast arbitrary power of the government. The doctrine of judicial review is one of such measure. The doctrine of judicial review requires that governmental activities should be within their power, limited by the Constitution and other statutory laws. In this context this part only evaluates constitutional provision of Bangladesh legal system. In doing so, first it analyses some basic provisions of the Constitution of Bangladesh regarding the power of judicial review of the Supreme Court of Bangladesh.

### *Outline of the Constitutional Provisions*

Unconstitutionality of any executive action or legislative function or judicial decision is declared by the Supreme Court of Bangladesh by exercising the power of “judicial review”. Though the term “judicial review” is not provided directly in any provision of the constitution, this power is granted through different constitutional provisions like Articles 7, 26, 44, 101, 102, 103 and 104 (The Constitution of Bangladesh 1972).

If we scrutinize the above provisions of the Constitution of Bangladesh, we may evaluate the judicial review functions of the Supreme Court from three distinct dimensions, i.e. judicial review of legislative action, judicial review of administrative action, judicial review of judicial decisions.

**Judicial Review of Legislative Action:** Legislative power, i.e. law making power, of the Republic of Bangladesh is vested to the parliament (The Constitution of Bangladesh 1972, Art. 65). This legislative power of the parliament can also be exercised by any person or authority, but must be empowered through Act of Parliament (The Constitution of Bangladesh 1972, Art. 65). Thus power of making law is exercised by the supreme legislative body called parliament or the delegating body, i.e. person or authority empowered by Act of Parliament. The Constitution of the Republic of Bangladesh is based upon the principle of “constitutional supremacy” (The Constitution of Bangladesh 1972, Art. 7). One of the major characteristics of the “constitutional supremacy” that the Bangladesh Constitution accepts is that, it is the constitution, and not the parliament, which is supreme (Islam 2012). This principle implies that, on the perspective of legislative function, all activities of legislature are subject to constitution. However this control mechanism power, namely “judicial review”, over all legislative function is exercised by the Supreme Court of Bangladesh (Islam 2012). All laws must be made in conformity with the provision of the constitution as reflected on the following provision (The Constitution of Bangladesh 1972, Art. 7):

‘All powers in the Republic belong to the people, and their exercise on behalf of the people shall be effected only under, and by the authority of, this Constitution’.



This Constitution is, as the solemn expression of the will of the people, the supreme law of the Republic, and if any other law is inconsistent with this constitution and other law shall, to the extent of the inconsistency, be void (The Constitution of Bangladesh 1972, Art. 7). Besides the article explicitly speaks of as stated in the case, *Anwar Hossain Chowdhury v. Bangladesh* (1989)—

- 1) Sovereignty of the people and the republican character of the state
- 2) Supremacy of the Constitution as the solemn expression of the will of the people and
- 3) Voidability of other laws inconsistent with the supreme law, ‘The Constitution’
- 4) Limited government with three organs performing functions by and under the authority of the Constitution,
- 5) Separation of powers between the three co-ordinate organs of the State as a corollary of designated functions and
- 6) Enforceability of the supremacy of the Constitution by the Supreme Court.

Another most important Article through which the Supreme Court can exercise its ‘judicial review’ power in case of violating any provision incorporated in fundamental rights part (The Constitution of Bangladesh 1972, Part III). Article 26 of The Constitution of Bangladesh 1972 provides that “All existing law inconsistent with the provisions of fundamental rights part shall, to the extent of such inconsistency, become void on the commencement of this Constitution. The State shall not make any law inconsistent with any provision of this Part (fundamental rights), and any law so made shall, to the extent of such inconsistency, be void (The Constitution of Bangladesh 1972, Art. 26). Whenever any violation of fundamental rights is held, the victim has the right to move to the Supreme Court for the enforcement of this right. Right to move to the Supreme Court is itself a fundamental right (The Constitution of Bangladesh 1972, Art. 44). The person whose right is violated is allowed to file a petition under article 102(1) of the Constitution.

**Judicial Review of Administrative Action:** Any executive action which ousters the constitutional provisions, exceeds or abuses the power vested upon it, fails to exercise its duty by violating natural justice or procedural fairness, will come under the jurisdiction of judicial review power of the Supreme Court. On the base of following way the Supreme Court ensures the constitutionality of administrative actions of the executive. Through exercising this power namely “judicial review” the Supreme Court may declare any executive action ultra-virus by issuing certain orders on the following circumstances, like, The Supreme Court may direct to do anything he is required by law. By issuing this writ the court can make a public official bound to do something. The High Court Division of the Supreme Court may give an order to refrain from doing anything he is not permitted by law to do. The Supreme Court may declare that functions in connection with the affairs of the Republic or a local authority has been done or taken without lawful authority and is of no legal effect. The Supreme Court may direct that a person in custody within the territorial jurisdiction of the Court be brought before it so that the Court may satisfy itself that he is not being held in custody

without lawful authority or in an unlawful manner. The High Court Division of the Supreme Court may require a person within the territorial jurisdiction of the Court holding a public office to show under what authority of law he claims to hold that office. If any public official acts without proper authority, refuses to do something which is bound by law and possesses a public position without lawful authority will come under the writ jurisdiction of the Supreme Court. It is to be noted that only when there is no efficacious remedy available, a petitioner can file a petition (The Constitution of Bangladesh 1972, Art. 102).

**Judicial Review of Judicial Decisions:** Constitutionality of judicial decision is upheld through exercising the power of ‘judicial review’. Power of judicial review is exercised not only over legislative or executive action but also over the activities of judiciary itself. The Supreme Court on the basis of its power upholds the constitutionality of any decision passed by a subordinated court. The High Court Division shall have such original, appellate and other jurisdictions; powers and functions are or may be conferred on it by this Constitution or any other law (The Constitution of Bangladesh 1972, Art. 103). The Appellate Division shall have power to issue such directions, orders, decrees or writs as may be necessary for doing complete justice in any cause or matter pending before it, including orders for the purpose of securing the attendance or any person or the discovery or production of any document (The Constitution of Bangladesh 1972, Art. 104). Thus it can be acclaimed to ensure the rights of the citizen the Supreme Court can pass any order to do “complete justice”.

***Fundamental “axioms” followed by the court in ‘Judicial Review’***

In the case, *Anawar Hossain Chowdhury v. Bangladesh* (2012), the court states:

“Ours is a controlled constitution with entrenched provisions which has circumscribed the power of Parliament in making laws and has reposed on the Supreme Court the constitutional responsibility to adjudicate upon the validity of the laws”

The power of judicial review is explained by K. Hossain in *Jamil Huq vs Bangladesh* (34 DLR) that—

“...judicial power has been conferred by Bangladesh Constitution on the supreme judiciary as an independent organ of the state. It has power to declare a law passed by the legislature inconsistent with the constitution or fundamental rights its *ultra vires*.”

It is further explained that:

“The supreme judiciary has also been conferred with the power of judicial review of executive acts and other judicial acts and proceedings of subordinate courts or tribunals under Article 102”

The Supreme Court of Bangladesh can exercise the power of judicial review under Article 102. However in deciding the constitutionality of any law, executive action or judicial decision under that respective provision it needs to follow certain principles. Judicial review power exercised by the Supreme Court of Bangladesh can be discussed from two dimensions. One is ‘fundamental rights dimension’ (Islam 2012) and another is ‘matters other than fundamental rights’ (Islam 2012). In case of exercising power of judicial review on enforcing fundamental rights the court requires to fulfill two fundamental qualifications such as there should be an “application” and the application must be made by “any person aggrieved” (Islam 2012). On the other hand, in exercising the power of judicial review on “matters other than fundamental rights” (Islam 2012) initially the court needs to satisfy that “no other equally efficacious remedy is provided by law” (The Constitution of Bangladesh 1972, Art.102). Thus, if there exists any proper forum for that particular dispute to resolve, the court will be ineffective to exercise its power of judicial review. On that response the Court in *Shafiqur Rahman vs Certificate Officer* (1977), held that “...if the alternative remedy is adequate and equally efficacious, in that case such an alternative remedy is a positive bar to the exercise of the writ jurisdiction...” In response to “efficacious remedy” Pakistan Supreme Court in *Mehboob Ali v. West Pakistan* case (1963) answered that it should be judged in relation to three distinct considerations: the nature and extent of the relief, the point of time when that relief would be available and the conditions on which that relief would be available.

Another important principle to be followed to exercise judicial review is the principle of “*locus standi, e.i. standing before the court*”. Judicial review is available to “any person aggrieved” under Article 102. It implies that the court can only exercise its power of judicial review if the party or parties to a dispute have legal standing. It was held that “a citizen may prefer a writ petition only when his right has been affected by any law or by an act of a person performing functions in connection with the affairs of the Republic or any local authority, except in *hebeas corpus* and *quo warranto* matters” (*M. G Bhuiyan v. Bangladesh*, 2012). Besides the above, judicial review power is not applicable where one has availed himself the benefit from such statute or action and then turns back to challenge its legality or where an impugned law or action if left unchallenged without reasonable delay or where disputed issues only availed with question of fact or mere technicalities- not substantial one (Islam 2012). Besides the above limitations on judicial review power there lay some other fundamental exceptions against the power of judicial review like fundamental rights are not available to any provision of a disciplinary law (The Constitution of Bangladesh 1972, Art. 45), certain laws are specifically excluded from the purview of judicial review (The Constitution of Bangladesh 1972, Art. 46), certain authorities are not amenable to judicial review (The Constitution of Bangladesh 1972, Art. 105.2), person holds a civil post in the service of the Republic or person holds military post not subject to or controlled by an court in respect of their service as stated in *Major Hafizur Rahman vs Government of Bangladesh*, (29 DLR) “...our military law is system of law or jurisprudence which

exists separate and apart from the law which governs our judiciary in its ordinary and general jurisdiction”.

### 3. Procedural Strategy Followed in “Judicial Review” Power

When the Supreme Court enforces its judicial review power it has to maintain certain procedures. On the other hand, the petitioner has also to perform certain procedures at the time of filing petition. In this context this part evaluates the procedures for filing and disposing petition under the judicial review power. In doing so first it analyses the procedure of judicial review related to writs, public interest litigation and *suo moto* jurisdiction of the Supreme Court.

#### *Procedural aspect on “Writ petition”*

Writ is a legal instrument by which one is summoned or required to do or refrain from doing something (Halim 2006). This legal instrument is one of the major means of exercising judicial review power of the Supreme Court of Bangladesh. This writ petition may be filed by aggrieved or any person in two circumstances, i.e. one is writ petition for the enforcement of fundamental rights, and another is writ petition for the enforcement of matters other than fundamental rights (Islam 2012).

The power of writ jurisdiction for the enforcement of fundamental rights is exercised by the High Court Division under Article 102(1) of the Constitution of Bangladesh. This Article (102.1) of the Constitution of Bangladesh gives the High Court Division the power to pass necessary orders to enforce fundamental rights and under Article 44 (1) of the Constitution of Bangladesh specifies the right to move the High Court Division under Article 102 (1) of the Constitution of Bangladesh for seeking remedy when fundamental right is violated. Power exercised by the High Court Division under Article 102 (1) of the Constitution of Bangladesh is not discretionary rather it's a constitutional obligation to grant the necessary relief if fundamental rights are violated. The connotation as enshrined in Article 102 (1) of the Constitution of Bangladesh that “give such direction or orders to any person or authority, including any person performing any function in connection with the affairs of the Republic” may create an impression that fundamental right can be enforced against any private person or body (Islam 2012). In response to that Islam (2012) replied that ‘the mandate of Part III of the Constitution is directed against the departments which are entrusted with the power and duty of enacting and enforcing the law.’ The right to move to the High Court Division for enforcement of fundamental right is itself a fundamental right under Article 44 (1) of the Constitution of Bangladesh, so that no law can be passed by Parliament curtailing this right. The power to enforce fundamental rights is vested to the High Court Division (The Constitution of Bangladesh 1972, Art. 44) and any other court empowered by Parliament (The Constitution of Bangladesh 1972, Art. 44). The delegating power to enforce fundamental right is given to any other “court”, not “tribunal” as in Article 152 of the Constitution of Bangladesh states ‘court’ means ‘court of law’ and it does not include a tribunal and this power must be exercised “without prejudice to the powers of the High Court Division” shows that any such court

cannot be granted exclusive jurisdiction, nor can finality be attached to the decision of such court (Islam 2012). In matters of enforcement of fundamental right the person aggrieved has to apply and it is the obligation of the High Court Division to adjudicate upon and enforce fundamental rights. The only limitation placed by the Constitution is that the High Court Division cannot *suo motu* declare any law or action violative of fundamental right (Islam 2012).

Writ petition for the enforcement of “matters other than fundamental rights” (Islam 2012) is exercised by the High Court Division under Article 102 (2) of the Constitution of Bangladesh. Writs available for the enforcement of non-fundamental legal rights under Article 102 (2) of the Constitution of Bangladesh may be classified on the following subheadings: Habeas Corpus, Certiorari, Prohibition, Mandamus and Quo Warranto (The Constitution of Bangladesh 1972, Art. 102).

### ***Procedural aspect on “PIL (Public Interest Litigation)”***

PIL is another most important instrument of the Supreme Court for exercising its judicial review power. An explanation of PIL is given by Islam (2012) that “PIL is representation for unrepresented groups and interests. It is not litigation in the real sense of the term. In fact, it is a challenge and an opportunity to undo historical injustice done by a few to many.” Article 102 of the Constitution of Bangladesh gives the right to “any person aggrieved” to enforce his fundamental rights or to seek judicial review in the High Court Division. The expression ‘any person aggrieved’ first tried to get its golden shape in *Kazi Mukhlesur Rahman v. Bangladesh* (26 DLR), before public interest litigation gained a foothold in India. While delivering the judgment Justice A.S.M. Sayem replied on the question of “locus standi” by explaining the concept of “aggrieved person”,

“we heard him in view of the constitutional issue of grave importance raised in the instant case involving an international treaty affecting the territory of Bangladesh and his complaint as to, an impending threat to his certain fundamental rights guaranteed by the Constitution, namely, to move freely throughout the territory of Bangladesh, to reside and settle in any place there in as well as his right to franchise. Evidently, this rights attached to a citizen are not local. They pervade and extend to every inch of territory of Bangladesh stretching up to the continental self”.

The court further held:-

“It appears to us that the question of locus standi does not involve the court’s jurisprudence to hear a person but of the competency of the person to claim hearing. So, that the question is one of discretion which the court exercise upon due consideration of the facts and circumstances of each case”.

Latter the question again raised in famous FAP (Flood Action Program) case, *Dr. Mohiuddin Farooque v. Bangladesh* (1997) where CJ Chowdhury responded that

“It is unthinkable that the farmers of the Constitution had in their mind that the grievances of millions of our people should go unrepressed, merely because they are unable to reach the doors of the court owing to object poverty, illiteracy, ignorance and disadvantaged condition”.

His Lordship further observed: “The expression “person aggrieved” means not only any person who is personally aggrieved but also one whose heart bleeds for his less fortunate fellow...”

Poverty and disadvantageous position is one of the major bar to go to the court for seeking justice. Thus major portion of our country is deprived of protecting their rights. This problem gets a proper solution by introducing a new concept, i.e. Public Interest Litigation. This procedural aspect of judicial review materializes and will try to materialize the dream of thousands of people. It will ensure proper justice by giving rights to those people who are always deprived of taking the taste of justice.

#### **4. Limitation on Exercising the Power of Judicial Review**

Power of judicial review is applicable where countries have written constitution. Bangladesh is one of them. Dominant character of the power of judicial review is that the citizen's rights are being protected against the arbitrary power of the government. However, this power is not unlimited. Limitation on exercising the power of judicial review creates hindrance against the protection of the citizen's rights from the government's interference. Protection of fundamental rights of the citizen of Bangladesh is guaranteed under part-III of the Constitution of Bangladesh. The power of judicial review against the inconsistency of fundamental rights is exercised through Article 27 of the Constitution of Bangladesh. However, there are some limitations in this regard, to that extend (1) Fundamental Rights are not available to any provision of a disciplinary law (The Constitution of Bangladesh 1972, Art. 45). (2) Certain laws are specifically excluded from the purview of judicial review (The Constitution of Bangladesh 1972, Art. 46) and (3) certain authorities are not amenable to judicial review (The Constitution of Bangladesh 1972, Art. 102.5). Article 102(1) of the Constitution of Bangladesh empowers the High Court Division to enforce fundamental rights against “any person or authority, including any person performing any function with the affairs of the Republic”, but the ‘judicial review’ under Article 102(2) of the Constitution of Bangladesh applies to “a person performing any function with the affairs of the Republic or of a local authority”, not to “any person or authority”. Article 102(5) of the Constitution of Bangladesh includes and excludes from the operations of Article 102(1) and 102(2) of the Constitution of Bangladesh. Certain kinds of authorities are found in the following words:

In this article, unless the context otherwise requires, "person" includes a statutory public authority and any court or tribunal, other than a court or tribunal established under a law relating to the defense services of Bangladesh or any disciplined force or a tribunal

to which article 117 applies. The inclusionary provision brings within the ambit of Article 102(1) and (2) both "a statutory public authority" and "any court or tribunal", not just a court or tribunal subordinate to the High Court Division under Article 109. It enlarges the area of judicial review. But the exclusionary provision qualifies the words "any court or tribunal". A court or tribunal established under a law relating to the defense services of Bangladesh or any disciplined force or a tribunal to which Article 117 applies will not be amenable to the jurisdiction of the High Court Division under Article 102(1) and (2). This exclusionary provision in Article 102(5) has been noticed in a number of decisions of the High Court Division and Appellate Division. Thus, Bangladesh Rifles is a disciplined force within the meaning of Article 152 of the Constitution and the Riflemen are governed by the Bangladesh Rifles (Special Provisions) Ordinance 1976.

In *Jamil Huq's* case the conviction and sentence of death passed by a court Martial on a charge of mutiny under the Army Act (1952) was challenged. The Appellate Division observed:

"When such a question is agitated before the Court, the Court is first to see the provisions of the law as well as the provisions of the constitution. The nature of the proceeding and the purpose of the Act are to be considered to see the jurisdictional infirmity of the order complained of. When the challenge is from an order of a Court Martial set up under the Army Act to enforce the Military law, the jurisdiction to interfere is narrower than in the case of other Court or Tribunal. It is consistent not only maintenance of strict discipline demanded from the Defense Force, but also to the Constitutional protection given to the laws relating to the disciplined force, and also their action from any challenge in the Court. The first protection is given under Article 45, and the second in Article 102(5). So to make a balance both the sections should read together under the former, the law is protected, and under the latter the action under the law is protected. Keeping all these factors in view, all that can be said is. The ground on which a decision of a Court Martial set up on the Army Act can be challenged by habeas corpus petition will be analogous to one we have already conceded to be available under sub-article (5) of Article 102 of the Constitution and so this point need not be dwelt on any further." The bar of judicial review is also applicable to "a tribunal to which Article 117 applies".

In the case of *Mujibur Rahman vs Bangladesh* (44 DLR),

"It has been held that an Administrative Appellate Tribunal is also a tribunal to which Article 117 applies and so no writ petition lies against a judgment of the Administrative Appellate Tribunal."

On the basis of above constitutional limitations, following recommendations are mentioned:

- 1) Article 47(A) and 46 are the clear violations of fundamental rights particularly right to property under art. 42 and right to life under art. 32. Besides, there many vague terms in art. 46 like 'restoration of peace' and 'other act done in any area',

which should be specifically defined, otherwise there will be a great chance for misappropriating those terms.

- 2) Preventive detention is another provision which should be modified. Because, in this system there is no chance of representation by lawyers which is gross violation of art. 35 and art. 33 of the Constitution.
- 3) Under article 44(2), the Parliament can set up any other court to enforce the fundamental rights. As the High Court Division cannot give proper relief expeditiously for the backlog of cases, I will recommend that any other court should be immediately set up.
- 4) Injunction may be declared by the Supreme Court at the time of passing interim order. But this shall not be declared for prejudicing any development programme or work harmful to public interest. In this case, there might be great possibility arising to misappropriate those terms like development work or public interest. So I will recommend to determine certain features of those terms.
- 5) The definition of aggrieved people should be more liberalized.
- 6) Efficacious remedy is a vague term in the article of 102 (2). So this term may be properly defined.
- 7) Vast discretionary power should be exercised with utmost care by the Supreme Court at the time of disposing judicial power.
- 8) In criminal jurisdiction inherent power is vested only on the High Court Division. As backlog of cases is so acute in our country, this power may be given to the district court in their respective jurisdiction.
- 9) Review system may be inserted in criminal procedure.

## 5. Conclusion

“Power corrupts, absolute power corrupts absolutely”. Judicial review acts against the arbitrary power of the government. It is the procedure of the court to uphold the rule of law of a state nation. Thus, judicial review is the most important weapon of the judiciary to protect the citizen’s right. It is fundamental principle of law that every power must be exercised within legal limits. And if the power is exercised beyond its legal limits, judicial comes to play its role. In response to the power of judicial review, Chief Justice John Marshall replied “Judicial Review is the power given to the Supreme Court justices in which a judge has the power to reason whether a law is unconstitutional or not”. It was further stated in *Marbury vs Madison* (1803) case that “if there is one principle that is fundamental in the constitutional system, it is that of having the judiciary as the ultimate arbiter on all domestic constitutional question.” The Constitution of the Peoples Republic of Bangladesh accepts the principle of judicial review in its constitutional provisions. Bangladesh Supreme Court, in *Jamil Huq vs Bangladesh* (34 DLR), held that “the supreme judiciary has been conferred with the power of judicial review of executive action and other judicial acts or proceedings of subordinate court or tribunal under Art. 102”. In *Kudrat-E-Elahi Panir and others v. Government of Bangladesh* (1992) the court upheld the constitutional construction of local government, one of the administrative units of Bangladesh, through elected



representation, as set forth in the constitution (Panday 2017). In *Secretary, Ministry of Finance v Masdar Hossain (1992)*, the court curbed the government's power in judicial appointments and ordered for the creation of the Bangladesh Judicial Service Commission. In *Bangladesh Italian Marble Works Ltd. v. Government of Bangladesh*, the Supreme Court of Bangladesh upheld constitutional supremacy by declaring martial law illegal and void as it supersede constitutional supremacy. Sixteenth amendment is another glaring and recent example of using the power of judicial review against the using of government's unfettered power (Government of Bangladesh and others vs. Advocate Asaduzzaman Siddiqui and others, 2016). Thus, many leading judgments were introduced by the Supreme Court of Bangladesh through using the power of judicial review. Lastly it is expressed that judicial review is the best weapon to uphold the rights of the citizen and to control the exercising of excessive power of the government.

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## Preaching of Love towards Nature through the Characterization of the Ancient Mariner in S. T. Coleridge's "The Rime of the Ancient Mariner"

Md. Abdullah Bhuiyan<sup>1</sup>

### Abstract

*Advocating the beauty and power of Nature is considered as one of the most common features to be found in the writings of the romantic poets. Marching a little bit ahead of the contemporaries, Samuel Taylor Coleridge reached the level of preaching love towards Nature and all natural elements. This view is intensified with the analysis of the character of the Ancient Mariner. The Mariner is exploited by Coleridge as his spokesman to express his philosophy about Nature. The vivid and flattering description of the elements of Nature in the Mariner's voice reflects the true love for Nature in his heart. His love for the water-snake is viewed as the result of his realization that he has committed a great crime by killing the albatross, and consequently breaking the harmony of Nature. The final redemption of the Mariner results from his being able to pray to God, and it happens only when he feels love for the water-snakes in his heart. The present paper is designed to focus on the issue of Coleridge's characterization of the Ancient Mariner which helps him enhance his own vision of love for Nature. The specific intention of the study is to discover the spiritual journey of the Ancient Mariner from the position of a hater of Nature to that of a lover of Nature.*

**Keywords:** Nature, Love, Water-snakes, Redemption.

### Introduction

Samuel Taylor Coleridge has successfully portrayed the character of the Ancient Mariner as a preacher of love towards Nature; and the view that all characters, large and small, deserve love of humankind is established by him through the creation of the Mariner and Water-snakes Scene in his masterpiece poem titled "The Rime of the Ancient Mariner". Every vivid and flattering description of the elements of Nature, like water-snakes, skylark's song, the sun, the moon etc. in this poem refers to the real and true love for all elements of Nature in the Ancient Mariner's heart. Love for the water-snakes is a part of his love for Nature at all. The Mariner's realization of his sin and repentance after killing the albatross has brought a great change in his attitude. Now, his changed attitude towards Nature persuades him to love every single element of Nature. As a part of this realization, the Ancient Mariner loves and blesses the water-snakes that ultimately makes him get rid of the mental agony and physical punishment

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given by God. His ability to pray to God derives from his ability to love the elements of Nature.

### **Realization of Harmony in Nature**

The Ancient Mariner's love for the water-snake is the result of his realization of his unlawful action towards Nature and repentance for it. At the beginning, we find that he possesses a sense of devaluating every element of Nature as he says, "Yea, slimy things did crawl with legs/ Upon the slimy sea." (Coleridge 433). These lines convey the Mariner's expression of hatred towards the small creatures of God. Actually, his narrow-mindedness results in his stingy vision of Nature. That is why, a wide sea appears to be slimy in his narrow eyes. Moreover, his considering the sun as bloody sun and the sky as hot and copper sky implies his negligence of the beauty of Nature. His underestimating attitude towards Nature leads him to kill the albatross cruelly. D.W. Harding (1941) marks this act of the Mariner as a sin and remarks:

The Mariner wantonly obliterated something which loved him and which represented in a supernatural way the possibility of affection in the world. (78)

Harding adds to it saying that the Mariner's rejection of the albatross's affection "was the most terrible possibility among the sins" (78). By killing the albatross he interferes in the harmony of Nature since the albatross is considered to be a significant part of Nature. As a result, the Mariner along with other sailors experiences the terrible change and disorder in Nature and encounters severe punishment from God. This experience helps the Mariner realize that pity and love are the law of Nature and those who violate this law deserve punishment. As Stopford Brooke (1898) says:

The world is on the side of pity and love, and men who violate these are punished by hardness of heart. They cannot pray, they cannot be wise, they cannot bless the living things of the land and sea and sky. Nature for them is dead; and if there be powers bound up with Nature, those are their enemies till they change their hearts. (38)

Perhaps, this feelings also rises in the Mariner's heart. The same expression is reflected when the Mariner says:

"I looked to Heaven, and tried to pray;  
But or ever a prayer had gusht  
A wicked whisper came, and made  
My heart as dry as dust." (Coleridge 436)

This state of not being able to pray happens when he discriminates among the creatures of God in the previous stanza as—

The many men, so beautiful!  
And they all dead did lie:  
And a thousand thousand slimy things  
Lived on; and so did I. (Coleridge 436)

Here, the Mariner's hatred towards these slimy and negligible creatures might have intensified his sufferings, which he expresses saying—

But oh! More horrible than that  
Is the curse in a dead man's eye!  
Seven days, seven nights, I saw the curse,  
And yet I could not die. (Coleridge 437)

So, not being able to die has brought the utmost suffering in the Mariner's life. Now, for getting redeemed from this situation he had to change his attitude towards Nature. Then he concentrates on Nature and observes the water-snakes which are moving in 'tracks of shining white' and 'the elfish light is falling off 'in hoary flakes' along with their rearing. He also feels attracted by their 'rich attire' in blue glossy green and velvet black. (Coleridge 437)

These happenings persuade him to change his attitude and turn his mind from a hater of Nature to a lover of Nature. Then he starts observing the beauty hidden in Nature and starts loving them. Thus, the beauty of the water-snakes and their wonderful movement attracts him and fills his heart with love and bless. He expresses, "O happy living things! No tongue/ Their beauty might declare:" (Coleridge 437). Such an exaggeration regarding the beauty of the snakes implies the Mariner's true love for them rather than mere appreciation. So, here is an indication that the Ancient Mariner's changed attitude towards Nature makes him love the water-snakes.

### **Christianity and Coleridge**

Christian religious view has imposed less impression on the character of the Ancient Mariner for his loving the water-snakes. Though Coleridge has used a lot of Christian elements such as the Biblical references of supernatural machineries, the angels, faith on God, mercy of God, Christian soul etc., at the same time he keeps the Mariner apart from the influence of Christianity. He shows God more as a pantheist than as a Christian. It is evident in the Mariner's speech:

He prayth best, who loveth best  
All things both great and small;  
For the dear God who loveth us,  
He made and loveth all. (Coleridge 446)

It is mentioned here that to love all the creatures of Nature is to pray to God, because God exists in Nature. This is very much relevant to the pantheist concept of God and we find the Mariner's belief in such God. On the other hand, we see the Mariner's less faith in Christianity when he kills the albatross in spite of its being considered as a Christian Soul. That is why, though snakes are considered in Christianity as creatures to be hated, the Ancient Mariner loves and blesses the water-snakes.

### **The Redemption of the Mariner**

The redemption of the Ancient Mariner comes when he becomes able to pray to God and it has been possible only for his showing love and blessing for the water-snakes from his heart. After a long period of punishment, the Mariner's broken heart is relieved of its agony and dejection by observing the magnificent exhibition of the water-snakes. That is why, a spring of love arises from his heart for them. The Mariner says:

A spring of love gushed from my heart,  
And I blessed them unaware:  
Sure my kind saint took pity on me,  
And I blessed them unaware. (Coleridge 437)

William Norman Guthrie (1898), in one of his reviews, commented on this feeling of the Mariner saying, "His sin had been an unconscious one. His atonement, too, was unconscious." (204)

The selfsame moment he is able to pray and attract the mercy of God. His ability to pray, obviously, is administered by his unconscious love for natural elements. In the Mariner's words:

The selfsame moment I could pray;  
And from my neck so free  
The Albatross fell off, and sank  
Like lead into the sea. (Coleridge 437)

Actually, Coleridge has been influenced by Wordsworth's doctrine of Nature in designing the picture of the water-snakes' scene. Wordsworth's view that Nature lives her own life, and heals and soothes human in his or her sorrows and sufferings is perfectly imposed in this scene. So, it can be said that love will come unconsciously from heart for that part of Nature which helps one get rid of mental agony and all kinds of dejection.

### **Conclusion**

In fine, the Ancient Mariner's love for the water-snakes is more than mere appreciation of their beauty. Appreciation for something comes from a sudden sight. But, the Mariner's love does not come suddenly. His close observation of many blows and counterblows of Nature for disturbing its harmony, and his bitter experience during a period of time changes his heart and creates love and pity for all in it. John Beer (1977) says—

Through experiencing the ultimates of suffering and mental alienation, he (The Mariner) has come to believe that the supreme human accomplishment is to be found in the exercise of love. (Beer)

The final redemption of the Mariner is also caused by his respect and true love for the slimy creatures of the sea, the water-snakes, rather than only appreciating their beauty.

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## Impact of Advertisement on Consumer Behavior of FMCG in Kishoreganj: With a Focus on the Consumption of Beauty Soap

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### Abstract

*The study was conducted with an objective to find out the advertisement effectiveness on the behavior of the consumers towards fast moving consumer goods in Kishoreganj. The research was done on a representative sample of 200 people (quantitative research) among the population of Kishoreganj. A questionnaire was thoroughly prepared to measure the advertisement effectiveness. The study aimed to generate the perception and awareness of people about the (FMCG) beauty soap brands. 5 brands of beauty soap were selected in this present research. The findings indicated that people change their brand in order to try the new brand. Results are also proposed that consumer behavior changed to the type of income and male were more receptive to advertisement in comparison to female. The consumer buying behavior can be changed through advertisement.*

**Keywords:** Advertisement, FMCG, Brand, Consumer Behavior

**JEL Classification:** M37

### I. Introduction

Advertising is often used as an attempt to increase sales of a product or the use of a service. A related second reason for advertising is to improve the firm's "corporate image": to persuade people that the company is benevolent and trustworthy. Most image advertising is designed not to challenge bad images but to change people's perceptions of the company. Advertising tries to stimulate and motivate people to find out more about a product or service (Brierley, 1995).

Advertising has, perhaps, lagged somewhat behind the broader field of consumption as a focus for social research. Advertising is, though, an 'integral part of twentieth-century consumption' and an 'important form of representation in the contemporary'. As a form of representation, advertising takes signs and meanings extant in non-advertising culture and transforms them, creating new representations in juxtaposition with marketed brands. Advertisements can be seen as 'dynamic and sensuous representations of cultural values'. The ways in which we consumers interpret advertisements can reflect our own culturally-derived values and our culturally-learned fantasies and aspirations (Hackley, 2005).

Adverting is a paid mediated form of communication from an identifiable source, designed to persuade the receiver to take some action, now or in the future (Shimp, 2007).

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Advertising is seen as influencing consumer attitudes and purchase behavior in a variety of interlinked ways. An ad exposure can increase brand familiarity, communicate brand attributes and benefits, develop an image and personality for the brand, associate specific feelings with the brand, link the brand to reference groups such as peers and experts, and directly induce action (Batra *et al.*, 1999).

According to (Haroon *et al.*, 2010) various scholars, researchers' focused separately on television advertisement impact on consumer buying behavior. Advertisement is the paid form of communication to influence the targeted consumers, in effective and efficient manner, towards specific products and services.

Advertisement plays an important role in modern era as it shapes the attitudes and perceptions of individuals and society which strikingly influences the customer buying behavior along with advertisement. This study helps to investigate the impact of advertisement and consumer perception on consumer buying behavior. Both advertisement and consumer perception have a significant positive relationship with consumer buying behavior and the impact of advertisement on consumer buying behavior is greater than the impact of consumer perception (Malik *et al.*, 2014).

In today's era, advertisement is of great importance. Advertisement can be done through different media. Some of the majorly used are print media (newspapers, magazines, and brochures), outdoor media (billboards, events) and broadcast media (television, radio, the internet). Internationally, advertisement is considered the prime factor for the success of any business (Malik *et al.*, 2014).

Advertising is seen as a potent vehicle for achieving acceptance of desirable and useful concepts or ideas where the profit motive is minimal or missing altogether (Deborah *et al.*, 2015). Advertising is considered an important determinant of new product success and extension of acceptance. Compared to traditional TV commercials, at present online advertising works interactively, which has been found to be more efficient than one way advertising as interactivity improves comprehension of the message the advertisement tries to convey (Nabi *et al.*, 2016).

## **II. Objectives**

- a. To study how the sample surveyed got information to different brands of beauty soap.
- b. To identify the factors that influences the brand choice of different beauty soap.
- c. Does consumer behavior change with regards to gender?
- d. Does advertisement of brands affect the buyer behavior?

## **III. Literature Review**

Advertising is one of the key activities for potential business and is equally important as producing something using raw material, or as capital, manpower, planning, organizing etc. of products or services (Nabi *et al.*, 2016).

The present marketing era shows large dependence on television advertisements which have created serious social and ethical problems due to their materialistic focus. These

problems are particularly seen in many Muslim countries including Pakistan in terms of diversion from their cultural and religious values (Anjum *et al.*, 2015).

Internationally, advertisement is considered the prime factor for the success of any business. It ranges from simple words of mouth to the full blown marketing campaigns. Enormous efforts and money are invested in composition of a persuasive and compelling advertisement (Malik *et al.*, 2014).

Online advertising is one kind of digital advertisement that has become an effective means of marketing communication because Internet access is widespread. It is the newest and fastest growing way to advertise. The internet now provides everything from links on sites, to banner ads on sites, to small ads on sites, to pay per click advertising. Internet advertisements are unique in the way that consumers visit the advertisements, when compared to traditional print and TV media, where advertisements are placed in front of the viewers (Harshini, 2015).

According to Deborah *et al.* (2015), the concept of purchase decisions is usually interlinked with the buyer's behavior. This is because it is difficult or impossible to separate the psychological aspects of a consumer from purchase decisions. It is at this junction that advertising becomes an invaluable support for promoting goods and services.

Advertisements are sometimes spoken of as the nervous system of the business world. As our nervous system is constructed to give us all the possible sensations from objects, the advertisement which is comparable to the nervous system must awaken in the reader as many different kinds of images as the object itself can excite. Advertising effectiveness means different things to the groups responsible for its different effects. Effective advertising must achieve all four goals, delivering messages to the right audience, thereby creating sales at a profit (Si, 2014).

Online advertising refers to the type of marketing strategy that involves the use of internet for promotion of products by delivering the marketing messages to the larger consumers (Kalia & Mishra, 2016). It includes delivering ads to internet users via websites, e-mail, ad supported softwares and text messaging and internet-enabled cell phones. The majority of people does opt for online advertising but prefer ecommerce sites for buying as compared to web portals and company website. In comparison to movable and immovable ads, netizens prefer movable advertisements that include visuals, music, graphics and animations.

According to G. Dinu & L. Dinu (2012), advertising on the behavior of buying and consuming plays an important role in selling products. Also most of consumers are interested in brand products. Consumer behavior and advertising are dynamic fields, in terms of practice and scientific training. For example, the television commercials that appeared in the year 2012 have little in common with those from the 1970s. Advertisements from this earlier period used modern techniques and were primarily informative.

Online advertising appearing in the internet got good perception of internet users. It deals with how the look and design of advertising can form a good perception of online advertising.

Online advertising has a significant influence on consumer attitudes. Consumers often develop a desire to behave based on the possibility of an attitude or action taken. Attitude has a significant effect on the interest in buying online (Aqsa & Kartini, 2015).

Advertising is a way of communication to convince an audience for taking purchase decision about a product or service and delivering information to viewers (Khan *et al.*, 2012).

Advertising is to create understanding, liking, and selection of product or services. The most influencing theory in marketing and advertising research is attitude-towards-the-ad. However, the attitude that is formed towards the ad helps in influencing consumer's attitudes toward the brand until their purchase intent (Goldsmith & Lafferty, 2002). Consumer buying behavior is based on the concept and idea that he/she simply decided to purchase a product or service at the spot (Adelaar *et al.*, 2003).

Media advertising plays a vital role in the promotion of each and every product or service of the companies. As we all know that advertising is the only way to communicate the information of the product to the end user, this is the best way to generate awareness of the product or brand in the market. Now as far as the current scenario is in concern the technology is increasing dramatically. Everyone has television, internet, mobile phones, radio, etc. Online advertising is the latest method of media advertising as well (Pallav, 2016).

#### **IV. Methodology**

The study has been an analytical study from April 2018 to May 2018. A questionnaire was designed to know the point of view of people in Kishoreganj regarding the impact of advertisement in changing their consumer behavior. The questionnaire was designed in a way that the first part of questionnaire contained information regarding demographic while the second part contained a series of close-ended indirect questions. To complete the survey, 200 respondents were selected from different areas of Kishoreganj to form the sample. The questionnaires were asked to be filled by every age person.

The primary data was collected through questionnaires served to 200 people from different age groups. Out of 200 customers, 62 customers were between age group of 20-30, 85 were in the age group of 30-50 and 53 were above 50. The sample consists of people such as housewives, students, professionals and day to day labors of the village under the study. To analyze the data and derive results from it, percentage method was used. This method is easy to use and taken as a suitable method to compare, keeping in view the objective of the study.

#### **V. Limitations of the Study**

The study is limited to Kishoreganj only.

The sample is limited to 200 and it may not represent the behavior of all the consumers of the area under study.

The survey was conducted for a very small time period i.e. from April 2018 to May 2018.

## VI. Findings of the Study

### Q.1: How did they come to know about the different Brands of beauty soap?

Majority of the respondents have got information from the TV Ad, Radio Ad, Newspaper, and other sources about different beauty soaps. The responses are given in the table no: 1.

Source	Age group between 20-30	Percentage	Age group between 30-50	Percentage	Age group above 50	Percentage
TV	20	32.26	30	35.29	10	18.87
Radio	2	3.22	2	2.35	5	9.43
Newspaper	20	32.26	20	23.53	25	47.17
Relatives	5	8.07	15	17.65	5	9.43
Friends	10	16.12	10	11.77	5	9.43
Others	5	8.07	8	9.41	3	5.66
Total	62	100	85	100	53	100

Table- 01: Source of information for brand selection by different age groups

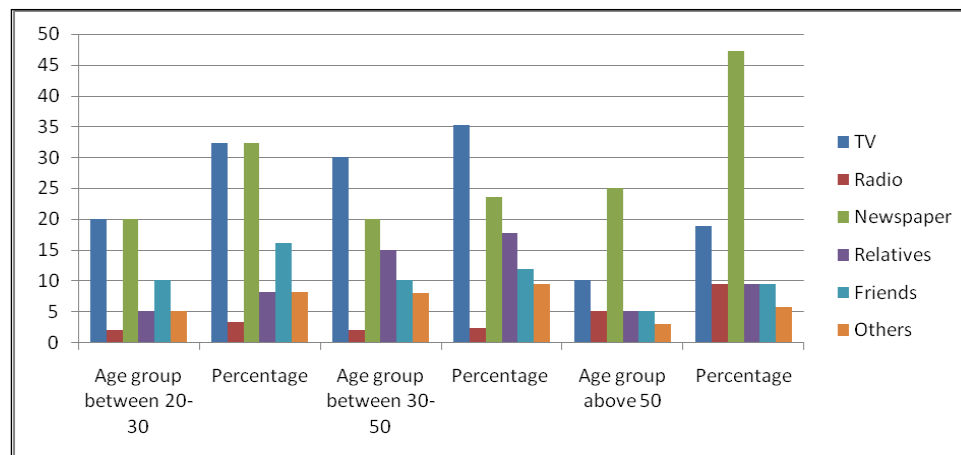


Fig.-1: Source of information for brand selection by different age groups

**Interpretation:** From the respondents of the age group 20-30, 32.26% got information from TV. 35.29% of the age group 30-50, also got information from TV. On the contrary, of the age group of 50 and above it is 18.87%. Table no.-1 shows that Radio as a source of information comes second, while newspaper, friends, relatives and others come next. Thus it was observed that TV and newspaper had a great impact on minds of the consumers irrespective of the age groups.

### Q.2: What are the factors influencing the brand choice or the brand preference of various beauty soaps?

Brand Preference	Age group between 20-30	Percentage	Age group between 30-50	Percentage	Age above 50	Percentage
Quality	10	16.13	15	17.65	8	15.09
Quantity	5	8.07	12	14.12	12	22.64
Attractive Packaging	13	20.97	24	28.23	10	18.87
Price	15	24.19	22	25.88	11	20.75
Brand Image	12	19.35	7	8.24	7	13.21
Availability	7	11.29	5	5.88	5	9.44
Total	62	100	85	100	53	100

Table-02: Brand preference on the basis of attributes

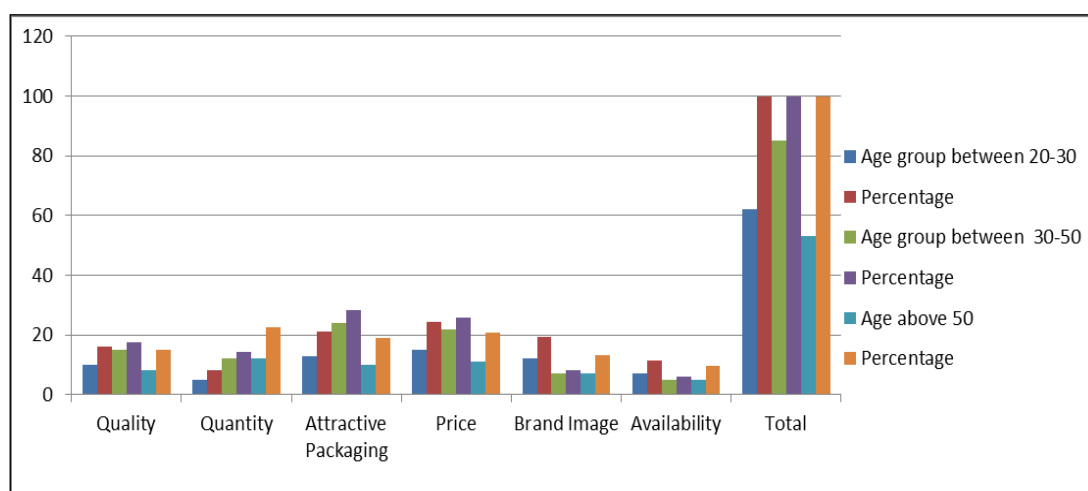


Fig-2: Brand preference on the basis of attributes

Consumers prefer products with attractive packaging, price and brand image. It is shown in Table-02.

**Interpretation:** From above table-02, it is seen that majority of the consumers prefer mostly the following attributes like attractive packaging, price and brand image. In the age group between 20-30, quality comes in the 4<sup>th</sup> position, in case of age group 30-50 the quality comes in the 3<sup>rd</sup> place, quantity comes 4<sup>th</sup>, and availability comes last. From age group 50 and above, quality comes 3<sup>rd</sup>, brand image 4<sup>th</sup> and availability comes last.

### Q.3: Does consumer behavior change in regards to Gender?

Consumer's preference towards goods change with respect to Gender that is shown in Table-03.

Gender Preference	Age group between 20-30	Percentage	Age group between 30-50	percentage	Age above 50	Percentage
Yes	45	72.58	65	76.47	30	56.6
No	17	27.42	20	23.53	23	43.4
Total	62	100	85	100	53	100

Table-03: Consumer behavior changes in regards to gender

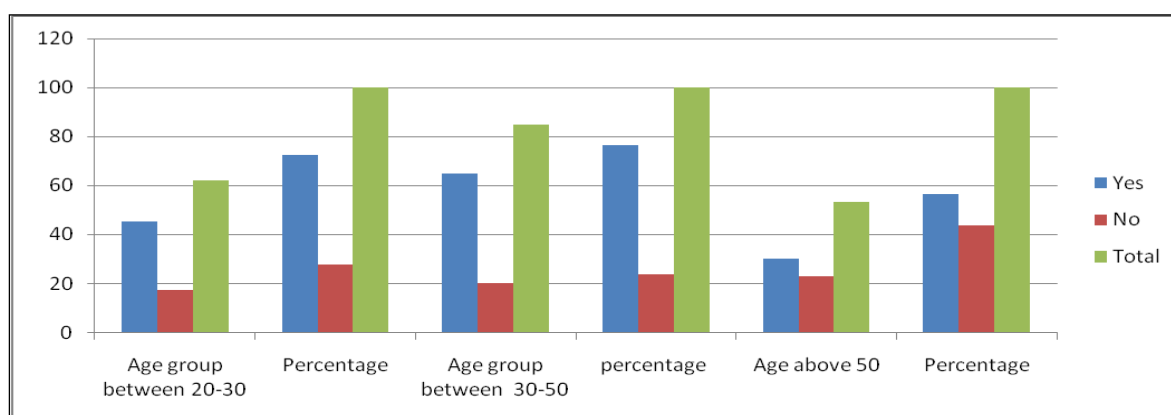


Fig-3: Consumer behavior changes in regards to gender

**Interpretations:** From the above Table-03, it is found that in the age group 20-30, 72.58% of the respondents prefer that consumer behavior change in regards to gender

greatly, and gender plays an important role in the change of consumer behavior. On the contrary, in age group 30-50, 65% of the respondents predict that gender plays an important role and within the age group 50 and above, 56.6% of the respondents have got an important role of gender in the change of consumer behavior.

#### Q.4: Does brand plays an important role in the change of buyer behavior?

Brand Name	Age group between 20-30	Percentage	Age group between 30-50	Percentage	Age above 50	Percentage
LUX	30	48.39	50	58.82	20	37.74
Sandelina	16	25.81	20	23.53	23	43.4
Keya	8	12.9	7	8.24	5	9.43
Dove	5	8.06	6	7.06	3	5.66
Meril	3	4.84	2	2.35	2	3.77
Total	62	100	85	100	53	100

Table-04: Role of brand in the change of consumer behavior

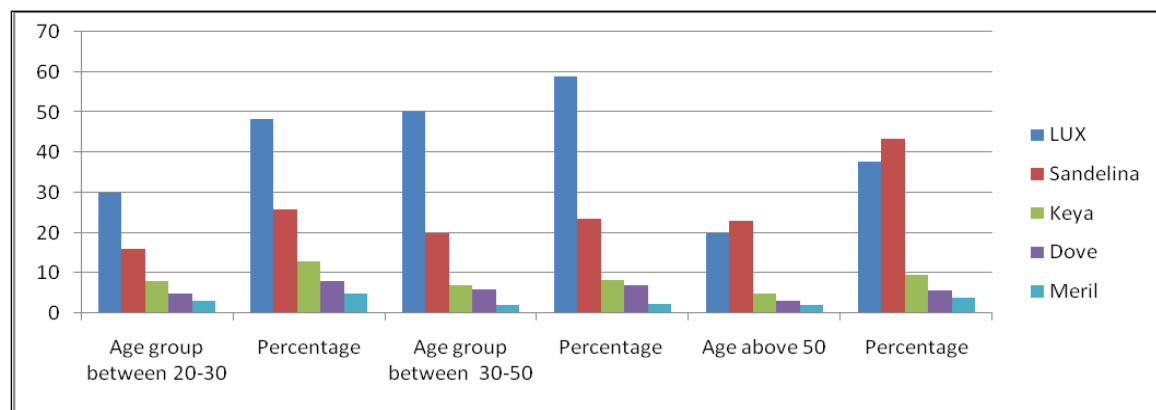


Fig-4: Role of brand in the change of consumer behavior

**Interpretations:** Table-04 shows the classification of sample beauty soap according to their brand. Table:04 depicts that from the age group 20-30 and 30-50 Lux is the highly preferred brand followed by Sandelina, Keya, Dove and Meril. In the age group above 50 Sandelina is the preferred brand followed by Lux, Keya, Dove and Meril.

## VII. Conclusion

The research brings to light that advertising plays an important role in the change of consumer behavior. Consumers are very sensible of their product quality and the following attributes like attractive packaging, price, and brand image. The TV advertising has a great impact on the mindset of the consumer. In case of age group 20-30 and 30-50, Lux is the highly preferred brand for them. In the age group above 50 Sandelina is their first choice.



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## Death Obsession in Sylvia Plath's 'Lady Lazarus' and Pablo Neruda's 'Nothing but Death'

Farjana Khanum<sup>1</sup>

### Abstract

Sylvia Plath and Pablo Neruda took their lives at the peak of their career. Except some of his love poems, most of the poems of Pablo Neruda express his deep anguish for politics. The crisis of Sylvia Plath is quite personal rather than political. Not only to lead a sound life but also to embrace death an oversimplified idea of gender works in both of them. The way in which a male poet treats 'death' in a poem or in a literary work varies from a female one. Pablo Neruda, a dominant male poet of Latin America demands attention through his death poems. Plath is well known in world literature for her multiple suicide attempts and her confessional poetry. Plath searches for a room of her own and that is nothing but a grave. Neruda, being a male and Plath, being a female, approach death from different perspectives. Plath's craving for death is in a way to achieve something impossible; she has the strong desire to achieve something. Perhaps she wants to achieve something through death. This paper will give an insight to the theme of 'Death' in Sylvia Plath and Pablo Neruda. Sylvia Plath expresses suicide wish in her poems while Neruda, being a powerful political representative of society, approaches natural death. Thus, in a patriarchal society, there is a gap between dying as a male and dying as a female. Selecting one of their recurring themes 'death' this paper aims to read Plath's "Lady Lazarus" and Neruda's "Nothing but Death" in order to illustrate contrastive perspectives in the works of these poets.

### Introduction

Pablo Neruda was born in July, 1904 in Parral, Maule Region, Chile. Though he was known as a poet when he was 13 years old, he was not less renowned as a Chilean poet-diplomat. In his lifetime he occupied several political positions and became prominent as a Senator for the Chilean Communist Party. Neruda was hospitalized with cancer but it was reported that he died of heart failure in 1973. Till now his death is a matter of dispute which shows that he was killed. Two years before his death, Neruda was awarded most prestigious Nobel Prize in literature.

However, almost 28 years after Neruda, Sylvia Plath was born in Boston, Massachusetts, US in 1932. After her marriage with Ted Hughes, she was clinically depressed in most of her life. She is famous for confessional school of poetry e.g. *Ariel*;

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and also for her semi-autobiographical novel, *The Bell Jar*. Plath attempted suicide for several times and succeeds at her 30 in 1963.

Freud (1971) defines 'Death Drive' in "Beyond the Pleasure Principle" as the coexistence of opposing feelings in one's mind that is of Eros and Thanatos: and it "is the 'true result' and to that extent, the purpose of all life". There is a paradox in committing suicide that is to take one's life is more active and erotic than to observe helplessly as one's life is taken away by mortality. Women are generally passive in their mortal life because of physical, social and environmental reasons. In a way suicide proves the courage of women. At least women like to attain power over their bodies through suicide. Paradoxically enough, committing suicide is equally feminine and masculine to women.

Both Lacan (1977) and Derrida (1985) claim that women write with their emotions, because they suffer from the lack of the phallus that represents masculinity. This is based on Freud's theory of psychoanalysis where boys and girls get different roles and identities according to the Oedipus complex.

Cherry (2013) explores Sigmund Freud's theory which proposed that a death instinct causes an unconscious desire to die whereas a life instinct pertains to survival. An internalized death instinct could cause aggression in the self, leading to self-destructive behaviors.

Jane Marcus (1981) denotes on suicide, "Suicide, in some sense, is perhaps the only solution masochistic enough to satisfy the pacifist when the politics and the violence of war become too much to bear".

One of the most fiercely debated poems of Plath is "Lady Lazarus". Early critics such as M.L. Rosenthal (1988), who used the word "confessional" to describe the late poems of Robert Lowell, have identified "Lady Lazarus" as an extremely personal reflection of Plath's dreadful suffering.

According to Beauvoir (1997), the "viciousness" of woman turns into a murderer, ruining all the vigor, creativity, prospect and potentiality of woman. This underestimates women and deteriorates their position in the society because "Woman is not called upon to build a better world: her domain is fixed and she has only to keep up the never-ending struggle against the evil principles that creep into it; in her war against duty, stains, mud, and dirt she is fighting sin, wrestling with Satan. But it is a sad fate to be required without respite to repel an enemy instead of working towards positive ends, and very often the housekeeper submits to it in a kind of madness that may verge on pervasion, a kind of sadomasochism."

Some of the feminists recognize that suicide is often a literary device for examining other issues, including the affirmation of a woman's power over her body and psyche. (Cribbs, 2008). Diana George identified those as feminism and protest. George's analysis focuses on "the connection of the death wish to a feminine desire for power and control; and deeper still, an ironic relationship of the death wish with a protest

against human mortality” (as cited in Cribbs, 2008). Therefore, suicide becomes a way of protesting the female condition. This is the way how the slow painful death is associated with the male figure and the quick, self-controlled death with female figure (Cribbs, 2008).

Solitude in man and solitude in woman is quite different we see. “Nothing but Death” also explores a man’s fear of death and how one can face it. The first half of the poem is full of pain, isolation, alienation from the world but suddenly he rises from his own ashes like a phoenix in the second half of the poem. Neruda also realizes his helplessness at the hand of death. However, Neruda’s death feeling and Plath’s death feeling are never similar. This is well expressed through different poetic devices. Though death and rebirth is found in both of their poems, their approach and context are different. Alienation in men is often existential but alienation in women is often related to domestic incidents.

If we approach Plath’s ‘Lady Lazarus’ from Derrida’s deconstructive ‘double reading’ (Dobie, 2002) point of view, in the first process of going through the direct meanings of the poem, the feeling of committing suicide is expressed vividly; but in our second reading we discover that suicide is not cowardly or feminine rather the power of woman is shown here. Plath wishes to be born again after her death only to eat men like air. It is magical like to die and be born with a new flesh and blood. The binary opposition of being a coward and courageous, therefore, is formed.

Plath’s poetry is worldwide celebrated for their diversity in meaning. Though apparently they deal with common day to day issues their implications are different. It is the reader who can discover variations in multiple meaning through the very common themes of death, love, motherhood/womanhood, domestic issues etc.

### **Death in Private and Death in Public**

“Nothing but Death” basically explores the helplessness of man at hands of death. This poem of Neruda gives the reader an elegiac feel and very skillfully the author portrays the impressionistic picture of the grave. Death is tyrannical to Neruda but man has the capacity to energize themselves against death. His deep anguish, pain, isolation and alienation are expressed through the poem. He is dying privately and quite alienated from the world. If this can be connected to the biographical incidents, this can be his isolation from politics, from the country, his exile etc. Neruda is expecting death privately. Still he has no fear to prove his masculinity. He will be remembered by the rest of the world. He should never feel the necessity to prove his masculinity.

In contrast to Neruda, Plath is dying publicly. “Lady Lazarus” gives her readers a very daring picture of a big ‘strip tease’. Being a woman, death should be bold enough. At least death should prove her courage. Her death is self-controlled. The association of a strip tease with death is really odd. Death is seen as a very romantic term. Plath’s colloquialism has also removed the fear of death in the poet. Stereotypically, women feel an urge to be masculine even when they are dying. To Plath, freedom should be achieved through death and that should be done by pleasure and serenity. The grave is

the final room for woman to create art when she says in “Lady Lazarus”, “Dying is an art, / Like everything else. / I do it exceptionally well.” (Plath, 2000) Moreover, in “Tulips” she portrays death as a blessing. Only the grave is the secured place which women should achieve courageously.

Both Plath and Neruda use the grave and coffin imagery repetitively in “Lady Lazarus” and “Nothing but Death”. The speaker of the former depicts herself as having “a sort of walking miracle, my skin bright as a Nazi lampshade” (Plath, 2000) and as being “a featureless, fine Jew linen”. The imagery used by Plath in this poem is quite feminine; most of them are related to the parts of the female body. Neruda depicts the image of death this way,

“like a shipwreck we die going into ourselves,  
as though we were drowning inside our hearts,  
as though we lived falling out of the skin into the soul.” (Neruda, 1942, pp. 1035)

The image of shipwreck is mostly associated with the male voyage to the unknown. This is so dominating as well as courageous in approach. The speaker is dying privately still he is concerned with such daring options of life. In contrast to the ‘Nazi lampshade’ or the skin color of Plath, he repeatedly uses the word ‘darkness’.

“Nothing but Death” has got omniscient narrator who is in a dream-like state and also takes the reader into this stance. Moreover, the poem is replete with dark allegorical imagery, which at times is almost corporeal. The oxymoron (silence-sound) is used to create the rhetorical value.

“Death...  
Comes and shouts with no mouth, with no tongue, with no throat.  
Nevertheless its steps can be heard.” (Neruda, 1942, pp. 1036)

In case of simile the reader may also find the difference between Plath and Neruda. Where Neruda compares death to the barking dogs, the image of a cat is presented vividly in Plath. She, like the cat, has nine lives—or, in her darker version of the adage, “nine times to die”. The image of ‘cat’ is used to stereotype a woman. Plath could not come out of her femininity even through the masculine attempt. Society imprints such images to the mind of a woman.

### **Rebirth: Depression or Celebration?**

Rebirth and regeneration is seen as the common phenomenon in both Plath and Neruda; especially in “Lady Lazarus” the lady speaker recovers her mental illness. But the attitude of regeneration varies from male to female. Both of them express their tendency to portray death positively.

As a female, the approach of Plath is to transform into a monster, an image that a woman does not contain herself. This is perhaps out of her bitter domestic life and multiple suicide attempts. She is optimistic that exposes her mental strength and energy to take revenge. Instead of being ended by death she likes to regenerate with the power of a monster. But this is quite feminine in nature that only expresses her anger towards male folk. So, after her death she likes to wear a masculine mask that is terrific to the male folk. After being transformed to such a terrible figure she likes to eat man like air—"I rise with my red hair/And I eat men like air" (Plath, 2000, pp. 1178). Sylvia Plath is celebrating her death by warning man through a dreadful figure. The speaker here is marginalizing herself by taking the figure of a witch. May be the speaker wants to embrace the masculine aggressiveness. She was less confident with her present situation that is why she craves to achieve monstrous power after death. Plath's experience of a nervous breakdown and painful methods of its treatment became a material contributing to poem "Lady Lazarus", especially when the speaker comes back to life after mental illness through decomposition and then regeneration.

However, Neruda is also very depressed at the beginning stanzas but suddenly he receives quick transformation as a kind of regeneration. A male image is imprinted in the mind of the speaker and he changes the tone suddenly. There is no agony, depression and hopelessness rather he rises like a phoenix. Death is like an 'admiral' with whom he is going to fight to be the winner. Through the metaphysical picture of doom, Neruda portrays the death as a tyrant. Death is friendly, a green signal is found in death—

"...the face of death is green,  
and the look death gives is green,  
with the penetrating dampness of a violet leaf  
and the somber color of embittered winter." (Neruda, 1942, pp. 1035)

In contrast to the image of a strip tease of Plath, the image of a commander or 'admiral' creates Neruda's sense of masculinity. To be a female one must accept or adjust to the behavioral norms for her sex. The unhappy feeling of a female is evident in "Lady Lazarus". Even after her death she is unable to come out from the social construction of her femininity. There is no problem with the image of the male-female binary itself, but how historically determined connotations define them. The association of "Nazi lampshade" and "Jew linen" indicates that she herself is the victim like the Jews killed by the Nazis. Thus, while portraying death with metaphor, man receives heroic identities while women the victim.

## Conclusion

In the world of male and female literature, readers find variation not only in the treatment of death but also in the social construct of masculinity and femininity. The treatment of death in Neruda is quite masculine and in Plath quite feminine. In most of the cases, their perspectives are alike but as a part of their social identity they differ. In "Nothing but Death" Neruda personifies 'death' to prove that man has the strength to



cope up with death, to fight with death and to wait for the death. On the other hand, Plath shows Lady Lazarus needs to be born again to fight against men. Even she needs to commit suicide in order to prove her strength. But to man, suicide is cowardice. The poems imply the socially constructed femininity and masculinity through their portrayal of universal 'death'.

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# Epidemic English Pronunciation in Bangladesh: A Study of Comparative Phonetics as a Remedy

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## Abstract

*Basic knowledge of English pronunciation along with its usage in spoken language is a fundamental issue in teaching and learning English language. Teaching pronunciation is certainly among the least prioritized concern in teaching English language in Bangladesh. But, it should have been given more priority. We have a long history of not teaching English pronunciation in primary, secondary and even in tertiary level of education in Bangladesh. As a result, we have produced a class of learners or users of English who have achieved a hazardous form of English pronunciation in their oral utterances. The aim of this article is to explore this hazardous form of English pronunciation by the Bangladeshi learners/users of English as a second/foreign language. This hazardous form of English pronunciation has been termed as 'Epidemic Pronunciation'. This paper will also attempt to diagnose the causes of this epidemic form of English pronunciation by a comparative study of Bengali and English Phonetics and finally attempt to show how the study of 'Phonetics' can be a remedy of this problem.*

**Keywords:** *pronunciation, epidemic pronunciation, comparative phonetics*

## 1. Introduction

Teaching pronunciation is one of the important sub-skills in teaching a second/foreign language. English has long been the foreign language in our country since the establishment of British colony in the Indian subcontinent. English has been and is being taught in our country as a compulsory subject from primary level to higher secondary level. The reason is mainly to cope with the fast-changing world and to meet the demand of English language in global arena. But, it is a matter of great regret that, after completing graduation or even post-graduation, most of the learners of English in Bangladesh cannot use English either in written form or in spoken form moderately let alone competently. So, the government is trying its best to provide the learners with a method that can be effective in teaching English and the ELT trainers and teachers are struggling to implement the government's effort. Teaching English language means teaching all the skills and sub-skills of English. However, pronunciation is perhaps the most important feature of oral language. So, without teaching English pronunciation, all other efforts to teach English will, supposedly, go in vain. And, this is exactly what has been happening in our country for a long time. Pronunciation teaching is the most neglected area in teaching English language. The result is that, the Bangladeshi learners have developed a hazardous form of English pronunciation which has been termed as 'Epidemic Pronunciation' in this article. The problem of English pronunciation spreads from sound level to the continuous deliverance of utterances via sentence level. It is

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high time we focused on this problem. We must find out what the problems in English pronunciation of the Bangladeshi learners are and what the possible solution could be. Throughout this article, an effort will be seen to find out the problems of English pronunciation in Bangladesh providing a comparative study of Bengali and English sounds.

As 'Phonetics' is the study of sounds of speech organs, the researcher will also try to show that studying of 'Phonetics' can be one of the most effective remedies of this problem.

## **2. Literature Review**

### **2.1 History of (not) Teaching English Pronunciation in Bangladesh**

The use of English officially began in Indian subcontinent with the establishment of colonial rule by the British in the 18<sup>th</sup> century. (Mumeneen, 2011). Day by day, the demand of English increased to an unimaginable extent with different steps taken by the British Government. And thus, English Language Teaching (ELT) became a subject of academic and non-academic study in the Indian subcontinent and other parts of the world.

After the Great Partition of 1947, there was Language Movement in 1952 for the recognition of 'Bangla' (Bengali) as one of the state languages of Pakistan (other was Urdu, supported by the government as the only state language of all Pakistan). But, English, though a foreign language, continued to preserve its position as a demanded second language for commercial, social and political purposes. It is also a reason that English has established itself strongly as an international language or Lingua Franca by the middle of the 20<sup>th</sup> century. So, with the demand of English, the need for developing English language teaching methods and techniques was the demand of time.

Despite a number of steps to improve English language teaching in Bangladesh, a survey report by National Curriculum and Textbook Board (NCTB) in 1990 provided a disappointing picture of English proficiency in Bangladesh (Ara, 2009 as cited in Mumeneen, 2011). By the beginning of the 21<sup>st</sup> century, English Language Teaching (ELT) has become a subject of teaching in major public universities in Bangladesh. Institute of Modern Languages (IML) was established in 1974 that functions under the executive and academic authorities of the syndicate and the academic council of the University of Dhaka. Since its establishment, it has been working for teaching English and other modern languages to the different levels of learners in Bangladesh.

But, up to these days, English Language Teaching (ELT) focuses basically on the four major skills of English language. These are listening, speaking, reading and writing. And, there are some sub-skills of English language (i.e. vocabulary, spelling, grammar, pronunciation etc.). It is believed that if major skills are taught or learnt properly, the sub-skills should be automatically learnt. For example, developing writing skill requires developing the structures of language (commonly known as grammar) and vocabulary as well. Again, developing speaking skill requires developing pronunciation of the target language.

The reality in Bangladeshi context is that among the four major skills only 'Reading' and 'Writing' are taught and assessed through written examination in all levels of Education. 'Speaking' and 'Listening' are not taught or assessed even to a little extent.

Among the sub-skills, according to Amanullah (2010), teaching pronunciation is not only the most neglected but also totally absent in the teaching of English in our country. Neither the Government nor the ELT researchers, trainers, or academicians become successful in providing, more importantly, implementing (taught and assessed) the approaches, methods and techniques for developing all four major skills of English language let alone pronunciation.

## **2.2 Definition of Pronunciation**

Pronunciation can be defined in different ways though all of them will provide us with the same abstract idea. It can be defined simply as the way of uttering or articulating a sound or word of a language accurately and intelligibly. Oxford Advanced Learner's Dictionary (7<sup>th</sup> ed.) defines pronunciation in two different ways:

[1] 'The way in which a language or a particular word or sound is pronounced'

[2] 'The way in which a particular person pronounces the words of a language'

We can now, from the above definition of pronunciation, infer that pronunciation of a particular language means the way of making or uttering a sound or word of that language by a particular speaker. Pronunciation in language learning can also be defined as the practice and meaningful use of the target language's phonological features in speaking, supported by practice in interpreting those phonological features in a target language discourse. So, pronunciation means to make or produce the phonological features of a language accurately. We can infer that 'English Pronunciation' means the ability of a speaker to perform these features of English pronunciation competently.

Pronunciation also refers to how we produce the sounds that we use to make meaning when we speak. In a word, pronunciation of a language includes the segmental (i.e. consonant and vowels sounds) and suprasegmental (i.e. stress, intonation, rhythm, linking, phrasing) aspects of that language. Again, pronunciation includes all those aspects of speech which we make for an easily intelligible flow of speech, including segmental articulation, rhythm, intonation, and phrasing, and more peripherally even gestures, body language and eye contact. So, it can be claimed that pronunciation is an essential ingredient of oral communication which also includes grammar, vocabulary, choice of cultural considerations and so on.

## **2.3 English Pronunciation & Contemporary Users of English in Bangladesh**

Global language, considering various factors (i.e. social, political, historical, economic, geographical), is English. Whatever the reasons may be, it is a fact that through the passage of time, English has achieved the crown of becoming the language of the world. Besides, with the astonishing development of technology, English has become the most dominant language of communication all over the world and it is used to perform different activities like, browsing internet, using social media, researching, googling etc. Moreover, as English is the common language of communication among the citizens of the world, it is important not only to be able to speak in English but also to be able to make others to comprehend one's speech in English. If speaking English is a difficult task, it is more difficult to make someone else to make the speaker him/herself comprehended by other if he/she has incomprehensible pronunciation. And, here lies the importance of pronunciation in spoken English.

With the globalization of English language, the pronunciation of English has automatically been globalized; somewhere, it has been modified, somewhere, it has been corrupted; somewhere, it has been mixed with the local and national accent and somewhere, it has been changed, partially and totally. Now, here lies a question, “by English pronunciation, which varieties of pronunciation do we refer to?” The reason of such question is, English, itself, has a huge number of accents all over the world. And, as David Crystal (2010) claims, English is not a language of the English only, it is everyone’s language now. With the development and extension of English over the time, a very many kinds of accents/varieties of English are available now. The most common varieties are the Educated South-eastern British, Educated Scottish, General American, Educated Canadian, Educated Australian and South African (Amanullah, 2010). Even, Indian English is becoming popular these days. These varieties of English are different from one another in different perspectives. So, when we generally utter the phrase ‘English Pronunciation’, we most probably refer to ‘English’ of the British. And, we accept RP (Received Pronunciation) as the standard pronunciation of English. But, the world is changing rapidly and with the development of internet and technology, American English has already become a strong competitor against the British English. Thousands of learners are now learning American English. The pronunciation patterns and differences of British English and American English are quite noticeable. In a word, we, now, cannot declare any single accent of English to be standard. But, for our research purpose, we will accept RP as the standard form and compare Bengali sounds to the English sounds of RP. The IPA (International Phonetic Association or International Phonetics Alphabet) symbols are the standard sounds followed by RP. We will consider the 44 English sounds of IPA to compare to Bengali sounds to find out the problems of Bangladeshi learners or users of English.

#### **2.4 What is Phonetics & What does It Deal with?**

To be over simplified, ‘Phonetics’ is the study of speech sounds. It is a branch of linguistics that scientifically studies the production, transmission and reception of speech sounds of all human language (Varshney, 1985). It focuses not only on how the sounds are produced but also on how the sounds are used in a specific language (phonology of that language). It also studies the process of transmission and reception of speech sounds. Besides, the fields of phonetics are, presently, divided at least into two major categories.

- (i) Segmental Phonetics
- (ii) Suprasegmental Phonetics

Segmental Phonetics deals with the production of individual speech sounds, formation and functions of syllable, formation of word clusters, word stress, assimilation, elision and other functions of sounds up to word level. Segmental Phonetics of a particular language (Phonology) discusses the change of pronunciation of the same phoneme at different positions of the words. Again, it also discusses the effect of a sound to its near-by sounds of that language. Suprasegmental Phonetics deals with the behavior of sounds beyond word level. Sentence Stress, Intonation, Connected Speech etc. are the subject matters of suprasegmental phonetics. In a word, Phonetics deals with a remarkable number of areas all of which are significant for the development of speech sounds or pronunciation.

### 3. Major Discussion

#### 3.1 A Sketch of Epidemic Pronunciation in Bangladesh

‘How is the pronunciation of the Bangladeshi learners of English?’ The first problem in answering this question is to find out how much they speak or how much opportunity they have to speak in English. If the job providers did not need well qualified speakers of English for different reasons, perhaps, none would think of speaking in English all through his/her life let alone English pronunciation. Obviously, pronunciation is a very tangible thing and problems in pronunciation can be classified into two categories at least.

(1) When inaccurate pronunciation leads to change of meaning of the word or create an unintelligible word for the native listeners. For example, most of the Bangladeshi learners of English pronounce the word ‘head’ as /hæd/ but, actually the word ‘had’ is pronounced as /hæd/ which has different meaning.

(2) When inaccurate pronunciation does not change the meaning but it does not follow Standard English pronunciation. For example, an unimaginable percentage of learners pronounce the words, about, was, walk and bury etc. as ‘/æ’baʊt/, /wʌz/, /wʌk/ and /bʊri/’, instead of ‘/ə’baʊt/, /wəz/, /wɔ:k/ and /beri/’. Though, this change in pronunciation does not change the meaning, obviously, these are inaccurate pronunciation.

While studying about the pronunciation problems, we, most of the time, highlight the first one and try to avoid the second one because in the second case the inaccurate pronunciation does not change the meaning. But, the fact is, these are inaccurate pronunciation and we cannot avoid it. And, if we consider them as wrong pronunciation, we will find that the learners of English in Bangladesh and other learners as a whole pronounce a major number of words incorrectly subconsciously thinking that they are pronouncing correctly. And, unfortunately, if we consider both types of pronunciation problems as wrong pronunciation, obviously, an epidemic form of pronunciation will appear in front of us.

S M Amanullah (2010) in the 6th edition of his book “*A Guide to Correct Speech*” enlisted about two thousand (1970 to be more exact) words in part-5, under the title ‘The most commonly mispronounced vocabulary’ where he showed how the Bangladeshi speakers of English mispronounce the daily used words and they think that they are pronouncing correctly. In the following table, I have enlisted a few number of words from his list and followed his arrangement to show what the general Bangladeshi speakers of English pronounce and what the correct form of pronunciation of the word is.

Words and their meanings	Incorrect Pronunciation by Bangladeshi Learners of English	Correct Pronunciation
Able	æbl	’eɪbl
Apex	æpeks	’eɪpeks
Ancient	ænʃɪənt	’eɪnʃənt
Basic	bæsɪk	’beɪsɪk
Bi-cycle	baisaɪkel	’baɪsaɪkl
Blew	blju	blu:
Cable	kebl	’keɪbl



Cadre	kædɑr	'kɑ:də
Cover	kəvɑr	'kʌvə
Data	dʌtɑ	'deɪtə
Deaf	dɪf	def
Dengue	denɡu	'dengi

### 3.2 Causes of Pronunciation Problems

The causes of the problems can be classified onto two major categories:

- (i) Pronunciation problems in the segmental level &
- (ii) Pronunciation problems in the suprasegmental level.

This article will limit explaining the pronunciation problem in the segmental level.

Bengali and English Language has different phonological patterns. English has 44 IPA sounds (20 vowels and 24 consonants) but 26 letters and Bengal has 37 sounds (30 consonant sounds and 07 vowel sounds) but 50 letters (Huq, 2013). Morshed (2018) listed 30 consonant sounds and 07 vowels sounds which we will take here to do a comparative study of Bengali and English Phonetics in this article. According to Hayat Mamud (2014) and Niranjana Odhikari (2014), letters are the written signs of the sounds. This may be partially true for Bengali sounds but, still, we must not forget that, even in Bengali language, there are 50 letters with 37 to at best, 38 sounds (Hai, 2017, 19<sup>th</sup> ed.). This is still an unresolved area in Bengali language but it will not be raised or solved here. Rather, we will make a comparative study of Bengali and English sounds to identify which English sounds are causing pronunciation problems among the Bangladeshi learners.

#### 3.2.1 Problems with Vowel Sounds

##### (a) Comparing the vowels sounds of Bengali and English

English has 20 vowel sounds. Among them, there are 12 Monophthongs (single and indivisible sounds) which we will consider here. We will not consider the diphthongs as two monophthongs create a diphthong. And, in Bengali language there are 07 monophthongs and there are two diphthongs (Mamud, H, Morshed, A K M). But, Muhammad Abdul Hai pointed 8 monophthongs in Bengali language. But, for this research, we will consider 07 monophthongs which is the result of recent study. First of all, we will have a look at the Bengali and English Monophthongs in the Cardinal Vowel diagram. Then, we will analyze and find out the problems of the Bangladeshi learners of English in the production and usage of English vowel sounds.

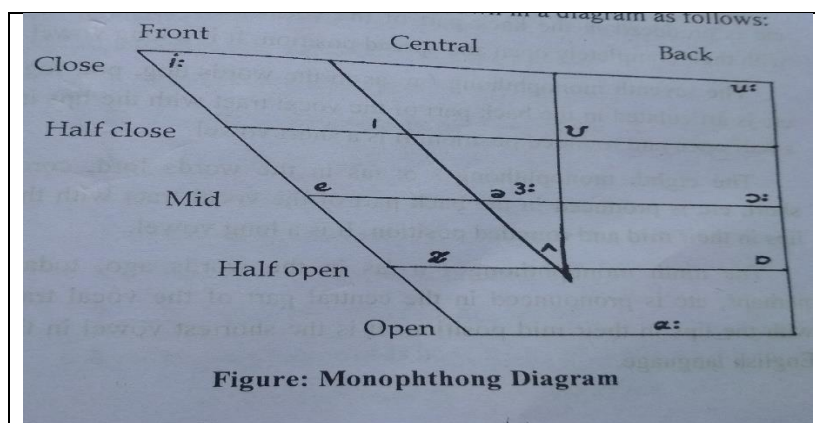


Figure: English Monophthong Diagram

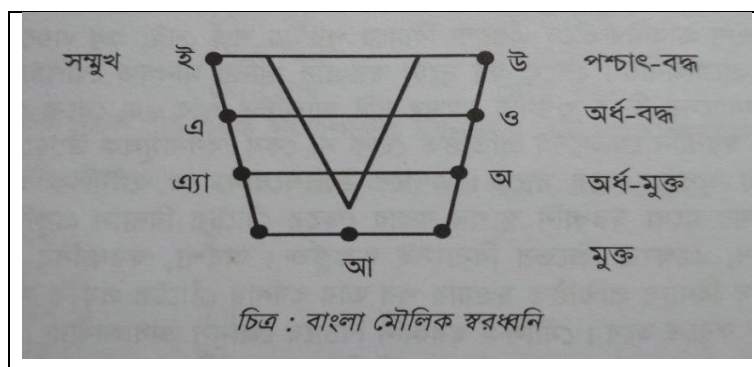


Figure: Bengali Monophthong Diagram

## (b) Analyzing the problems with vowel sounds

### 1. Problems with close front and close back vowels (/ɪ/, /i:/, /ʊ/ and /u:/)

English has two /i/ sounds while Bengali has one (not letters). In Bengali, it does not create any problem but in English it does. The length of sounds does not change the meaning in Bengali but, it changes meaning in English. For example, বাড়ি (/bəri/) or বাড়ী (/bəri:/). This short /i/ or long /i:/ doesn't change the meaning in Bengali but in English the meaning changes. For example, /sit/ (sit) and /si:t/ (seat) have different meaning. While the first one means 'to sit', the second one refers to 'the place to sit'. As the Bangladeshi learners have instinct or from the experience of using their mother tongue, belief that short or long /i/ does not change the meaning, they subconsciously apply this to English words and they don't differentiate these two sounds and it creates pronunciation problem for the Bengali speakers of English. The same case is applicable to /ʊ/ sound. In Bengali, there is one /ʊ/ sound as the length does not change the meaning but in English it does as /pʊl/ and pool /pu:l/ have quite different meanings.

### 2. Problems with mid and half open front vowels (/e/ and /æ/)

Both in Bengali and in English, /e/ as in bed (/bed/) and /æ/ as in bad (/bæd/) are available. But, many of the Bangladeshi learners are not aware of using these two different sounds. For example, many learners pronounce /hæd'mɑ:stə(r)/ instead of /hed'mɑ:stə(r)/ that represents the word 'headmaster'. Sometimes, it becomes really difficult to teach the learners these two sounds as they are very close to each other.

### 3. Problems with half open front and half-open back vowels (/ɒ/, /ɔ:/)

(i) Both English and Bengali has /ɒ/ as in hot (/hɒt/) and /ɔ:/ as in ball (/bɔ:l/). Though both sounds are available in both of the languages, many of the learners use /ɒ/ instead of /ɔ:/ in many of the words like:

Words	Pronunciation that most of the Bangladeshi learners do	Correct Pronunciation
All	/ɒl/	/ɔ:l/
ball	/bɒl/	/bɔ:l/
call	/kɒl/	/kɔ:l/
tall	/tɒl/	/tɔ:l/
small	/smɒl/	/smɔ:l/
always	/'ɒlweɪz/	/'ɔ:lweɪz/
also	/'ɒlsəʊ/	/'ɔ:lsəʊ/
caught	/'kɒt/	/'kɔ:t/
bought	/'bɒt/	/'bɔ:t/

#### 4. Problems with half open and open central vowels (/ə/, /ʌ/, /ɑ:/ and /ɜ:/)

The most problematic sound is /ɑ:/ because in Bengali Language, there is only one /ɑ:/ but in English there are four. These are, /ə/ as in the word 'about' (/ə'baʊt/), /ʌ/ as in the word 'but' (/bʌt/), /ɑ:/ as in 'hard' (/hɑ:d/) and /ɜ:/ as in 'shirt' (/ʃɜ:t/). As Bengali Alphabet has only one /ɑ:/ sound, most of the Bangladeshi learners place single /ɑ:/ in replacement of these four /ɑ:/s. It creates meaning and stress related problems. In English, the first two are short /ʌ/ while the last two are long. It changes meaning in English. For example, Most of the Bangladeshi learners of English language pronounce 'bard' and 'bird' in the same way. But, these are two different words with different pronunciation and meaning.

Perhaps, the most problematic sound is /ə/ which is known as the shortest sound in English, also called 'schwa' sound (Peter Roach, 2010). This is the shortest sound and pronounced in the unstressed position. But, Bangladeshi learners replaced this sound with /æ/ or /ʌ/ sounds or any other sounds, in many words like:

Words	Pronunciation that most of the Bangladeshi learners do	Correct Pronunciation
aback	/ebʌk/	/ə' bæk/
about	/æ'baʊt/	/ə'baʊt/
above	/æbəʊb/	/ə' bʌv/
adjust	/æ'dʒʌst/	/ə'dʒʌst/
ally	/eli/	/'ælai/
American	/ʌ'merikən/	/ə'merikən/

(Source: S M Amanullah, 2012)

In the above listed words, /ə/ sound has been replaced or misplaced with other English sounds and as a result incorrect pronunciation has occurred. These are the major problems with vowel sounds at segmental levels. But, there are many more problems those demand thorough study of Bengali and English sound patterns.

#### 3.2.2 Problems with Consonant Sounds

##### (a) Comparing the consonant sounds of Bengali and English

Before discussing the problems regarding consonant sounds, it is better to have a comparative look at the consonant sounds of English and Bengali language. The following table has been modified and the terms have been translated for the easy comprehension of comparative sounds.

English Consonant Sounds

Place/ manner of articulation	Bilabial দ্বিগুণ্য	Labio- dental দন্তৌষ্ঠ্য	Dental দন্ত্য	Alveolar দন্তমূলীয়	Post alveolar পশ্চাতদন্ত- মূলীয়	Palatal তালব্য	Velar জিহ্বামূলীয়	Glottal কণ্ঠনালীয়
Plosives স্পর্শধ্বনি	p b			t d			k g	
Fricatives উষ্মধ্বনি		f v	θ ð	s z		ʃ ʒ		h
Affricates ঘৃষ্টধ্বনি						tʃ dʒ		
Nasals নাসিক্য	m			n			ŋ	
Lateral পার্শ্বিক				l				
Approx.	w			r		J		

Table: English Consonant Sounds (IPA)  
[Source: Roach, P (2010), p. 52, modified and translated]

### Bengali Consonant Sounds

উচ্চারণের স্থান /উচ্চারণের রীতি	জিহ্বামূলীয় Velar	প্রশস্তদন্তমূলীয় Palate- alveolar	পশ্চাদ্দন্তমূলীয় Post alveolar	দন্তমূলীয় Alveolar	দন্তমূলীয়মূর্ধন্য Alveolar Retroflex	দন্ত্য Dental	ওষ্ঠ্য Labial	কণ্ঠনালী Glottal
স্পর্শধ্বনি Plosives	ক খ গ ঘ	চ ছ জ ঝ			ট ঠ ড ঢ	ত থ দ ধ	প ফ ব ভ	
ঘৃষ্টধ্বনি Fricatives								
উষ্মধ্বনি Affricates			শ	স	ষ			হ
নাসিক্যধ্বনি Nasals	ঙ			ন			ম	
পার্শ্বিকধ্বনি Lateral				ল				
তাড়নজাতধ্বনি Flapped				র	ড়			

Table: Bengali Consonant Sounds

[Source: Morshed, A K M. (2018) 11<sup>th</sup> ed. (p.244) Modified & translated]

#### (b) Analyzing the problems with consonant sounds

The problems regarding consonant sounds have basically three sources:

- There are some English sounds that Bengali language doesn't have
- There are some Bengali sounds that English doesn't have
- There are some sounds or phonemes that both languages possess but they are different either in place of articulation or in manner of articulation or voicing and aspiration.

Firstly, English has 24 consonant sounds (not letters) and Bengali has 30 consonant sounds (Morshed, 2018). Still, there is a sound in English that Bengali language has completely missed. It is /z/ as in the word 'vision' (/ˈvɪʒn/). Almost all of the Bengali speakers of English mispronounce this sound unless he/she is well aware of it. And, all of them replace this sound with /ʃ/ which is equivalent to Bengali /শ/ as in 'শান্তি' or 'আশা'. This is one of the most problematic consonant sounds for the learners of English in Bangladesh.

Besides, two approximants of English sounds, /w/ and /j/ are not available in Bengali consonant sounds. But, these are considered as semi-vowel in English and they are gliding vowels in Bengali sounds. As these sounds are available wherever they are, these sounds do not cause any apparent problem while speaking in English.

Secondly, there are some Bengali sounds that English language (or, more specifically, English phonemes) does not have. For example, two alveolar-retroflex flapped sounds are not available in English. The sounds are /ড়/ and /ঢ়/.

Two dental plosives among four Bengali sounds are not there in English. The sounds are /ত, থ/. But, these sounds are not supposed to create problems for Bangladeshi learners of English, rather, these sounds should be problematic for the English learners of Bengali language which is not the researcher's concern right here!

Thirdly, and probably, most important area remains untouched yet. There are many sounds which are different in one of the four below-mentioned criteria. These sounds are also problematic or at least slightly different in pronunciation.

1. Difference in place of articulation
2. Difference in manner of articulation
3. Difference in voicing
4. Difference in aspiration

### 1. Problems with plosive sounds

English has six plosive sounds. These are /p/, /b/, /t/, /d/, /k/ and /g/. But, Bengali language has 20 plosives. Some of the Bengali plosive sounds have been replaced by the allophones of English phonemes, but, still, this is a problematic area in pronunciation.

In English, /p/ and /b/ are bilabial plosives but in Bengali, there are four labial plosives. These are /প/, /ফ/, /ব/, /ভ/. Though /প/ and /ব/ are bilabial and equivalent to /p/ and /b/ but, /ফ/, and /ভ/ are neither bilabial nor equivalent even to English /f/ and /v/. As /f/, /v/ and /ফ/, /ভ/ seem similar according to the manner of articulation but they are different in place of articulation. These little differences create problems for the Bangladeshi learners of English pronunciation. They pronounce /f/ and /v/ using two lips (thus, bilabial) rather than using upper teeth and lower lip. So, they mispronounce the words that have /f/ or /v/ sounds in English words.

In English there are two alveolar plosive sounds i.e. /t/ and /d/. In Bengali language, there are four alveolar retroflex, not purely alveolar. These are: /ট/, /ঠ/, /ড/ and /ঢ/. Among these four sounds /ট/ and /ড/ are, more or less, equivalent to /t/ and /d/. Even, There is an aspirated allophone of /t/ which is almost equivalent to /ঠ/. But, the Bangladeshi speakers of English do not, usually, use aspiration in producing or pronouncing English sounds. On the other hand, /ঢ/ is not available in English phonemes or allophones. So, the Bangladeshi learners are not supposed to face any problem rather if any English speaker wants to learn Bengali, he/she may face problems as we do in producing some English sounds.

In English there are two velar plosive sounds i.e. /k/ and /g/. In Bengali language, there are four velar sounds. These are: /ক/, /খ/, /গ/ and /ঘ/. Among these four sounds /ক/ and /গ/ are equivalent to /k/ and /g/. Even, There is aspirated allophone of /k/ (/k<sup>h</sup>/) which is almost equivalent to /খ/. But, the Bangladeshi speakers of English do not usually use aspiration in producing English sounds. On the other hand, /ঘ/ is not available in English phonemes or allophones. Sometimes, it is seen that if any English word has 'gh' together, the Bangladeshi speakers of English tend to pronounce the cluster as /ঘ/. But, English phonology does not allow it to pronounce it as /g<sup>h</sup>/, rather it is pronounced as /g/. For example, the native speakers of English pronounce 'Ghana' as /'gɑ:nə/, while the Bangladeshi learners pronounce it as /'g<sup>h</sup>ɑ:nə/ which is a wrong pronunciation due to inappropriate use of aspiration.

There are three aspirated sounds in English; these are /p/, /t/ and /k/. Aspiration means that the sounds are, in stressed syllable, pronounced with a strong puff of air while

delivering the sounds and it is represented with a /h/ sound with them. When, /p/, /t/ and /k/ are aspirated, they are almost equivalent to Bengali /ফ/, /ঠ/ and /খ/. But, The Bangladeshi speakers of English are not aware of it. So, they can not use aspiration while using aspiration in stressed syllable is a must.

## 2. Problems with fricative sounds

In English, there are 9 fricative sounds but, in Bengali there are no pure fricatives. Actually, there are some fricatives in Bengali as well, but, some of them are placed in plosives and the others are in affricates.

The nine fricatives of English are /f/, /v/, /θ/, /ð/, /s/, /z/, /ʃ/, /ʒ/ and /h/. Among these nine phonemes/sounds, the first two have been placed to Bengali plosive. But, the manner of articulation together with the place of articulation has been changed. This has been described in the previous section.

There are two dental fricatives in English. These are /θ/ and /ð/. But, there are four equivalent sounds in Bengali with difference in place of articulation and manner of articulation as well. But, I called them equivalent because they are uttered or seemed to be uttered same. The Bengali equivalents are /ত/, /থ/, /দ/ and /ধ/. In English, There is no /ত/ and /ধ/. The other two are almost similar to /θ/ and /ð/. But, the Bangladeshi speakers of English change the pronunciation (in case of place of articulation) of these to sounds to dental from labio-dental. English /θ/ and /ð/ are labio-dental. But, the Bangladeshi speakers pronounce them as dental like their own dental /থ/ and /দ/. As a result, we can not say that the Bangladeshi speakers of English are pronouncing the words like, thank, that, those, think correctly.

There are two alveolar fricatives in English. These are /s/ and /z/. These two phonemes are replaced consecutively by /স/ and /ষ/. But, the first one is pronounced as /ছ/ but as written symbol, it is written as /স/. And the second one has simply been replaced by /ষ/. But, /ষ/ is not given in the chart. It is something like unaspirated /জ/ which is similar to /dʒ/. Whatever, for developing English pronunciation, these two sounds are very much easy to realize and pronounce. So, it does not or should not matter where they belong to in the chart. The Bangladeshi speakers of English can pronounce /s/ as in see, saw, side, sought; they can also pronounce /z/ as in zoo, zebra, and other words. /z/ sometimes creates problems, because, some speakers confuse /z/ and /dʒ/ in some cases. But, careful drilling can solve this problem easily.

There are two palatal fricatives. These are /ʃ/ and /ʒ/ as in the words shirt (/ʃɜ:t/) and vision (/ˈvɪʒn/) consecutively. /ʃ/ is replaced by Bengali /শ/ but there is no Bengali equivalent sound of /ʒ/. So, almost all of the Bengali speakers of English cannot pronounce this (/ʒ/) sound. They, rather pronounce it as /ʃ/. For example, most of the Bengali speakers pronounce ‘mission’ and ‘vision’ using /ʃ/ as /ˈmɪʃn/ and /ˈvɪʃn/. But, the pronunciation of the second one is /ˈvɪʒn/. There are many words in English where the Bengali speakers subconsciously do this. So, this is one of the most problematic consonant sounds in English for the Bangladeshi speakers.

### 3. Problems with nasals and other sounds:

There are three nasal sounds in English (/m/, /n/ and /ŋ/) and so is in Bengali (/ম/, /ন/, /ঙ/). As the place and manner of articulation are same for these sounds, they create insignificant problems in learning or using them in speaking.

Among other consonants, /r/ is sometimes problematic for the Bengali speakers of English. Because, in English phonology, /r/ is pronounced only before vowel sounds, and in clusters. But, The Bangladeshi speakers tend to pronounce it everywhere. This minimizes the naturalness of English Speaking.

In short, Among the 24 vowel sounds in English, the most problematic sounds are highlighted above. Other sounds are not so much problematic. So, while teaching pronunciation at segmental level, the teachers should teach the sounds very carefully. Teaching sounds will build up the basic of English pronunciation. So, this is a very important area in teaching pronunciation.

### 3.3 Study of Phonetics as a Remedy of Epidemic English Pronunciation

Phonetics is defined as the scientific study of production, transmission and reception of speech sounds (Varshney, 1985). And, interestingly, according to Daniel Jones (1962), spoken language consists of succession of sounds emitted by the organs of speech. Pronunciation is, perhaps, one of the most important elements of spoken language. So, logically, any problem regarding pronunciation demands the study of Phonetics that covers production, transmission and even the reception of speech sounds.

Daniel Jones (1962) outlined five major pronunciation problems and provided solutions. The major pronunciation problems of the learners are:

- i. Problems with sounds that s/he hears.
- ii. Problems with the speech organs in producing the sounds of a foreign language.
- iii. Problems in ordering the sounds to make intelligible words or sentences.
- iv. Problems in the suprasegmental level as in pitch, tone, stress and intonation etc.
- v. Problems in catenation that means learners can pronounce single sounds but s/he faces problems in producing sequences of sounds rapidly and without stumbling.

These are some of the major problems of pronunciation of English for the speakers of other languages. Daniel also provided us with the solutions of each of the problems. For the first problem mentioned above, Daniel suggested that a learner must have a good ear. It indicates that a learner must be a good receiver of sounds. And, phonetics deals with the reception of sounds along with production and transmission. Second problem demands the training of speech organs. The biological structure of the English and the non-English are not similar. For this reason, the non-native speakers of English, sometimes, cannot pronounce some sounds that the English can pronounce easily and without any extra effort. For example, it is very difficult for the Bangladeshi speakers of English to pronounce /ʒ/ not only because this sound is not available in Bengali sounds but also because our biological structure of the oral cavity does not allow to pronounce this sound so easily. Oral training can be useful for an effective outcome. A thorough study of 'Articulatory Phonetics' can be very useful in this regard. A careful study of English syllable formation, cluster formation, allophonic variations can be a very good solution of the third problem mentioned above. Phonetics discusses in details all of the above-mentioned topics. Nowadays, Phonetics deals with not only the

production, transmission and reception of speech sounds but also the use tone, pitch, stress and intonation in the continuous utterances. So, for the fourth problem, Phonetics can be the most reliable solution.

Phonetics also discusses ‘Connected Speech’ (how the sounds are connected with each other while speaking), ‘Assimilation’ (joining to sounds to make another sound), ‘Elision’ (the deletion of certain sounds from the words), ‘Linking /r/’ (use of /r/ sound in speech deliverance), ‘Morphophonemic Alternations’ (changing of sounds for the change of word class) etc. All of these processes explain the usage and changes of sounds in spoken English. So, a study of all of these processes (part of Phonetics) can be a very good solution to the problems of pronunciation.

Again, According to Penny Ur (1991), the concept of ‘pronunciation’ may be said to include: (i) the sounds of the language, or phonology, (ii) stress and rhythm and (iii) intonation. Contemporary Phonetics deals with all of these issues. Developing pronunciation means developing the sounds, stress, rhythm and intonation of that language.

Peter Roach (2010) further clarifies that sounds of the language are discussed in segmental elements of the language whereas stress, rhythm and intonation are the suprasegmental features of that language. From the above statement, Maniruzzaman (2006, p.47) concludes that both segmental and suprasegmental elements play an unavoidable role in speech production and perception in the English language. So, it can be said that to develop English pronunciation or to solve the problems regarding pronunciation, these elements should be prioritized at all stages of teaching pronunciation. Modern Phonetics covers both segmental and suprasegmental features and thus, ‘Phonetics’ can be the most effective solution of pronunciation problem in any language.

### **3.4 Limitations in Teaching ‘Phonetics’ & Pronunciation in Bangladesh**

Phonetics is not taught as a separate subject at any level of education in our country. But, developing pronunciation strongly demands the thorough knowledge of Phonetics. Before tertiary level, English is a compulsory subject in schools, colleges, madrasas and other educational institutions. The Communicative Language Teaching (CLT) has been misconceptualized from its emergence in Bangladesh. It has been considered that communication in English is important, structural accuracy and correct pronunciation are not so important in CLT. This misconception about a language teaching method paves the way not to emphasize teaching pronunciation. And, with the emergence of CLT, pronunciation teaching lag behind. But even before CLT, Grammar-Translation Method (GTM) has long been used to teach English. Even in GTM, pronunciation has not been given priority. So, teaching pronunciation remains untouched in our country. Teaching, or learning pronunciation should be given topmost priority. Even if, we, now, want to start teaching pronunciation at primary, secondary or higher secondary level, there will be multiple problems in teaching pronunciation.

Firstly, the teachers who will teach pronunciation, was not, when they were students, taught Phonetics or Pronunciation. So, it is assumed that they will not be able to teach properly.



Secondly, there are lots of Grammar books available in the Market. But, appropriate materials for our context are not easy to find. Our teachers are not willing, (perhaps because, they are not qualified enough) to prepare materials for teaching pronunciation.

Thirdly, our testing system does not assess skill of pronunciation. So, it will be difficult to motivate learners to learn pronunciation because they won't be assessed pronunciation in the exam.

Fourthly, there is no training for the teachers to develop their own pronunciation and to develop the skills to teach pronunciation.

Finally, both the teachers and the learners have built in conception that speaking more or less is enough in our context, pronunciation does not matter. So, this misconception should be eradicated from the mindset of teachers and learners.

#### **4. Recommendations**

##### **4.1 For the teachers of English pronunciation**

- a. The teachers are expected to study and research comparative Bengali and English Phonology.
- b. They should attend English Language Teaching (ELT) training programs arranged by different universities.
- c. They should, if training is not available (which is very probable in Bangladesh), learn phonetics themselves using online materials at home.

##### **4.2 For the Learners of English pronunciation**

- a. The learners can use a standard dictionary to learn pronunciation while reading textbooks.
- b. To use dictionary, they need to have basic idea about IPA symbols which they can learn in the dictionary or they can consult their teachers.
- c. The learners can use online materials to develop their English pronunciation.

But, it should be kept in mind, as Jones (1962) asserted, that some features of pronunciation can only be learnt with the aid of a teacher; others can be learnt from books. Both, a skilled-teacher and materials are necessary to solve the problem of pronunciation of a second/foreign language.

#### **5. Conclusion**

From the sketch of English pronunciation in Bangladesh, it is very certain that English pronunciation has taken an epidemic form in Bangladesh. To develop the standard of teaching English, it is mandatory that everything should be re-structured. And, the teaching of English pronunciation has not been stated separately in Bangladesh. It is taught, (if it is really taught) as a sub-skill here but the technique of teaching should be revised. Teaching 'Phonetics' can work as a homeopathic (works slowly but effectively and without any side effect) treatment for pronunciation problem. But, for that, we must, first of all, create a class of teachers who can teach phonetics. The responsibility

is, obviously, to the government. But, the teachers of English also should be updated and attend the training programs arranged in Bangladesh by some organizations like, public and private universities, IML, BELTA etc. If the teachers are aware of the causes of pronunciation problems of Bangladesh, and if they have the capability to teach pronunciation to the learners, the pronunciation problems can be solved.

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## Crowdfunding: A New Idea for Financing Startups

Imran Ahmed Shakeer<sup>1</sup>

### Abstract

*Crowdfunding is an alternative financing method for startups where small amount of funds are collected from a large number of people through an online platform. The main objective of the paper is to illustrate the concept and models of crowdfunding and global market condition as well as the growth of the crowdfunding industry. Among different models of crowdfunding, lending-based model has gained popularity. To foster economic growth through young entrepreneurship, crowdfunding can be a feasible alternative of traditional financing methods.*

JEL Classification: G32

**Keywords:** crowdfunding, startups, SME financing, economic growth, developing country.

### Introduction

Small and medium enterprises (SMEs) are considered as the most important part of a developing economy like Bangladesh. Policymakers around the world are giving SMEs the highest priority as they have a multidimensional contribution to the economy. Furthermore, SMEs are easy to start requiring small capital to produce goods and services that meet local demand and contribute to export earnings but employ a higher number of people in comparison with large businesses (Abdin, 2017). The 2013 National Economic Census shows that there are 7.81 million economic entities in Bangladesh and about 88% percent of them are cottage enterprises whereas a study by ADB Institute in 2016 shows that about 99 percent of formal businesses in Bangladesh are SMEs and they have contributed 75 percent of non-agricultural employment and 25 percent to the national GDP. So, the role of small business is inevitable in the developing countries like Bangladesh. In spite of high contribution, these small firms have to face a lot of problems from its inception where lack of fund is one of the important reasons why startups fail. Many of the startups fail due to starting with the inadequate fund (Graham, 2006). On the other hand, there are limited funding facilities for small firms. Bhattacharya et al. (2000) and Sia (2003) identified that banks do not consider SMEs as profitable rather they consider SMEs as high-risk borrowers due to low and insufficient assets, low capitalization and high mortality rates. Even banks charge high-interest rate on SME loans due to high supervision costs.

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Again, Bangladesh is a populous developing country and nearly 25% of the youth population is inactive who are in between 15-29 years in the country (Haque, 2017). He added that the number is around one crore and ten lakhs. The reason behind this unemployment is frictional that is a mismatch between the skills of the job seekers and the requirements of the employers. In this case, young entrepreneurship is a solution to this problem. But the matter of disappointment is that the traditional financing sources do not provide sufficient funds to the startups.

In this scenario, crowdfunding can be a feasible alternative and that is why the study attempts to look for the opportunities and pitfalls of crowdfunding so that the policymakers can use the findings to pave the way for young entrepreneurs.

### **Objectives of the Study**

The main objective of this study is to describe the different models of crowdfunding; a relatively new trend in alternative financing in Bangladesh as a developing country.

Thus, the specific objectives of the study are as follow:

- i) To illustrate different models of crowdfunding;
- ii) To enrich the existing information about crowdfunding;
- iii) To study the process how crowdfunding works;
- iv) To evaluate the strengths, weaknesses, opportunities, and threats of crowdfunding; and
- v) To examine the global market for crowdfunding and the rationale of businesses to crowdfund their new ventures, given the challenges of capital access for fledgling enterprises.

### **Methodology of the Study**

The study solely used secondary data where secondary data are collected from various published articles, different books, newspapers, and websites of different related organizations. The study is basically descriptive in nature but some quantitative data have also been used and these data have been presented with the help of tables and charts.

### **Limitations of the Study**

Crowdfunding being notably a newer term, to conduct a study about crowdfunding especially based on a developing country like ours have some limitations. The major limitations are –

- i) There was no funding facility to conduct the study. Researchers had to depend on own funding.
- ii) No primary data were used in this study, rather the study used only secondary data.
- iii) The study is mainly descriptive in nature. No major quantitative study has been conducted.

## Literature Review

Crowdfunding is a way of financing a project or small business directly by a large group of individuals who are called the ‘Crowd’ providing a small amount of fund. But the traditional sources like banks, business angels, and other investors provide a large amount of fund. In crowdfunding, transactions take place via online platforms without the presence of an intermediary between funders and the funded (Belleflamme *et al.*, 2012).

Crowdfunding is “the practice of funding a project or venture by raising many small amounts of money from a large number of people, typically via the Internet” (Prive, 2012). This new form of financing emerged after 2008 financial crisis as small business firms faced difficulties in obtaining funds from the traditional banking system (Adhikari & Kursuna, 2015). The concept of crowdfunding comes from the notion of crowdsourcing which is the use of creativity and expertise of a large number of people, subcontracted to perform some tasks traditionally performed by an employee in a company (Howe, 2006).

Crowdfunding platforms raised \$34.4 billion in 2015 which is 112.34% more over the \$16.2 billion in 2014. Though North America comprises the largest market but in 2014 Asia crossed Europe to a small extent (crowdexpert.com, 2015). Today crowdfunding activities are majorly carried out online in the form of equity and lending-based projects for financial returns or as a reward and donation-based funding for cause-based projects (Massolution, 2012).

Crowdfunding can solve four key problems of a start-up namely gate keeping, coordination, inexperience, and patronage (Younkin & Kashkoli, 2016). Lambert and Schwenbacher (2010) began by extending the definition of crowdsourcing developed by Howe (2008); for them crowdfunding is “an open call, essentially through the internet, for the provision of financial resources either in form of donation or in exchange for some form of reward and/or voting rights in order to support initiatives for specific purposes”.

Belleflamme (2011) again explained that the idea of crowdfunding is to raise capital from a large audience where each individual provides a very small amount though there is a small group of sophisticated investors. Simultaneously, Kappel (2009) defines the new phenomenon crowdfunding as the process of distributing funds collected informally usually through online from a group of people for specific personal, social, entertainment or other special purposes.

Bechter *et al.* (2011) claimed that although crowdfunding is still in its infancy, it is growing fast in both the variety of sectors to which it is applied e.g. charity, music, games and the overall value of transactions.

Sigar (2012) states that startup companies are traditionally riskier and have a higher rate of failure in comparison with other businesses. Uncertainty about the development of unproven products and services arises. Sullivan and Ma (2012) also

express the fear that many crowdfunding investors will be sadly disappointed when the business they invest in fails since many do in the first five years. This may cause not only disappointment but also lawsuits might be started as well.

Moreover, Gobble (2012) draws attention to the fact that getting financing through crowdfunding is easier, in comparison with venture capital. Entrepreneurs might misjudge by choosing an easier way, despite venture capitalists offer help—mentorship, advice, useful contacts—in addition to money. Sometimes such help can be crucial for a small company to succeed.

### **Financial System of Bangladesh**

There are three sets of financial intermediaries in Bangladesh to support the financing needs of the businesses. These are commercial banks, stock markets, and several NGOs. There are fifty-seven (57) scheduled banks, six (6) non-scheduled banks currently operating in Bangladesh. Among them, there are six (6) state-owned commercial banks (SOCBs), thirty-two (32) conventional private commercial banks (PCBs), eight (8) Shariah-based private commercial banks, two (2) specialized banks and nine (9) foreign commercial banks (FCBs) in Bangladesh. All the financial institutions follow Basel II guideline to determine capital adequacy ratio (CAR) and also follow the risk assessment guideline of Bangladesh Bank to maintain quality collateral, higher cash flow, and sufficient capital to extend credits. Again, all the commercial banks are to maintain a statutory liquidity reserve (SLR) and cash reserve ratio (CRR) with the Bangladesh Bank to protect the depositors. Such a tight regulation increases the loan rationing.

### **Crowdfunding Concepts and Models**

The word “Crowdfunding” comes from the term “crowdsourcing” that means the process of getting needed services, knowledge, assets, or ideas from a large number of people called “crowd” basically from online sources skipping the traditional employees. The crowdfunding follows the same process but the objective here is to raise funds for a particular purpose like financing a project. Lambert and Schwienbacher (2010) noted that crowdfunding involves an open call through the internet for acquiring financial resources as a donation (without rewards) or in the form of reward and/or voting rights to support initiatives.

There are three factors in crowdfunding: trust, willingness of people and internet technology. At first British rock band “Marillion” collected \$60,000 as a donation from their fans through internet calls to support its US concert tour in 1997 (Adhikary and Kutsuna, 2015). However, crowdfunding as a business tool to finance the small firms and startups emerged just after the financial crisis in 2008. Proper crowdfunding concept came into reality when online platforms like Kickstarter.com, Sellabang.com, Zopa.com, IndieGoGo.com etc. were established in the years of 2005-2009.

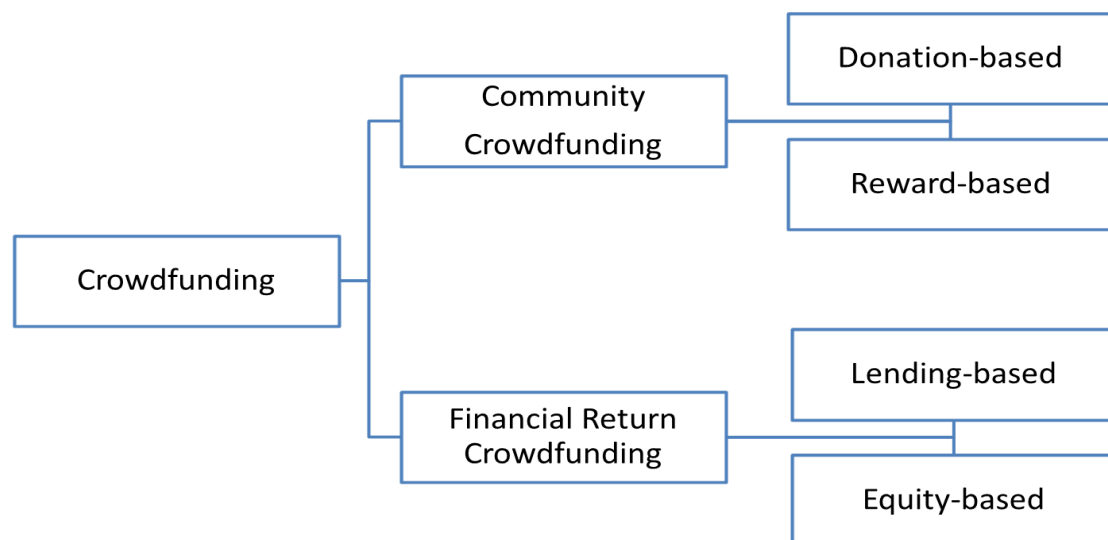
## Crowdsourcing vs Crowdfunding

Though crowdfunding derives from the term crowdsourcing, these two terms are not same. Crowdsourcing can be applied in both commercial and non-commercial purposes. One of the best examples of the non-commercial application of crowdsourcing is Wikipedia. Pazowski and Czudec (2014) identified four different ways of how crowdsourcing can be used; i) to have access to large online labor force, identify selected workers, post work and letting workers find it, ii) finding a solution of a problem from the crowd, iii) to find existing knowledge and to organize the same and iv) to get ideas and opinions from the crowd.

Crowdsourcing focuses on problem-solving offering particular benefits like access to talent, access to flexible workforce, increased cost-effectiveness, faster work delivery etc. On the contrary, crowdfunding provides the fund for a special purpose from a large number of people with special benefits like easier sources of capital, introducing potential customers and an opportunity of advance sales.

## Crowdfunding Models

Crowdfunding can mainly be divided into two groups: community crowdfunding and financial return crowdfunding whereas community-based crowdfunding can be “donation-based” and “reward-based”. At the same time, financial return crowdfunding can be categorized into “lending-based” and “equity-based” crowdfunding.



*Figure 1: Types of Crowdfunding*

Donation-based and reward-based crowdfunding can be used to raise funds for a philanthropic purpose. Donation-based crowdfunding provides no financial return to the funder whereas reward-based crowdfunding provides a gift to fund supplier as gratitude. On the contrary, lending-based and equity-based crowdfunding are usually used keeping the commercial motive in mind to raise fund selling securities against the assets of the firm. In lending-based crowdfunding, fund suppliers are the investors and



receive fixed interest periodically or on maturity with principal according to the contract. But in case of equity-based crowdfunding, investors receive dividends.

### Community Crowdfunding

In community crowdfunding, an entrepreneur creates a blog in his/her website to ask for funds or can go to a crowdfunding platform (CFP) like Indiegogo or Kickstarter to mobilize funds on his behalf.

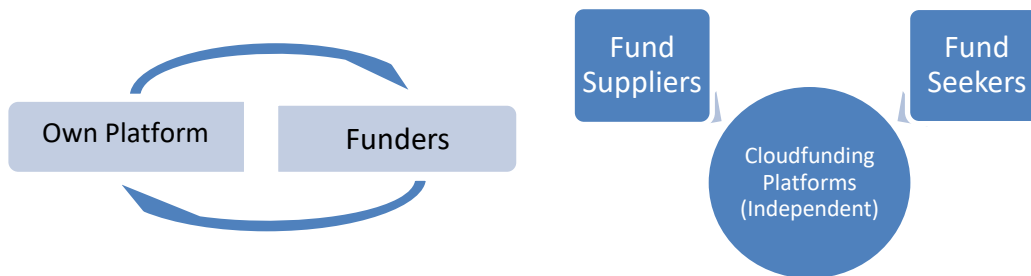


Figure 2: Self-initiative Crowdfunding

Figure 3: Independent Crowdfunding

### Donation-Based Crowdfunding

Donation-based crowdfunding is the most used community crowdfunding model to collect fund for a particular, philanthropic purpose. Here, the fund suppliers do not receive any financial reward. The fund suppliers do this type of funding just for social and intrinsic motivation. The GoFundMe is the pioneer in donation-based crowdfunding which was established in 2010. The platform takes five percent of each donation as it works as an intermediary with a processing fee on each transaction.

### Reward-Based Crowdfunding

The reward-based crowdfunding (also called sponsorship model) allows people receive non-financial rewards as they contributed to the project. This is the most popular crowdfunding model to date which has grown remarkably in funding the social, creative and entrepreneurial projects. In reward-based crowdfunding model, the more the funder donates the more the reward he/she receives. Generally, artists crowdfund the production cost of their projects like music albums, movies, games or products and give the products first to them as the reward. Indiegogo in 2008 and Kickstarter in 2008 are the pioneers in this case. There are lots of reward-based crowdfunding platforms to finance campaigns for social causes like animals, community, environment, education, politics, health etc. and small businesses like sports food, gaming, technology or publishing).

### Financial Return Crowdfunding

Financial return crowdfunding is used to raise funds for a business as to finance. Financial return crowdfunding can be of following types depending on the characteristics of fund provider and socio-economic dynamics of the country.

- 1) **Lending-based crowdfunding:** Lending-based crowdfunding model (also known as peer to peer lending) allows the borrower to get loans not backed by collateral.

In this model, borrower receives money from the crowd and pays it back with interest. Peer to peer platforms take a percentage of the total loan amount as their revenue (a one-time charge) from the borrower and a loan servicing fee either as an annual fee or a one-time percentage form investors. The borrowers can apply for loan without any fee. This method emerged in the United States in 2016 and a year prior in the UK (Freedman and Nutting, 2015). Lending Club is the pioneer in peer to peer lending.

- 2) **Equity-based crowdfunding:** equity-based crowdfunding is the model where borrowers collect money from the crowd through an online platform taking the investors as the owner of the firm or profit/revenue sharing in business. Investors are rewarded with an equity stake in the company in return for their investment. There are two models of equity-based crowdfunding. These are: a) collective investment: accumulates the assets of different individuals and organizations to make a well-diversified portfolio and investors are rewarded with dividends or share in future profit. These angels require a high rate of return due to their high riskiness b) securitized model: can be defined as the supply of fund to purchase securities where investors own and control their shares. This model shows a slow growth due to high regulatory restrictions.

- i. Collective investment model is suitable for the young firms and startups as they are able to collect a large amount of money within a short period of time to foster growth. Crowdcube is the best example of collective investment model. It seems closer to stock exchange functions but it needs proper compliance of the security law of the country.

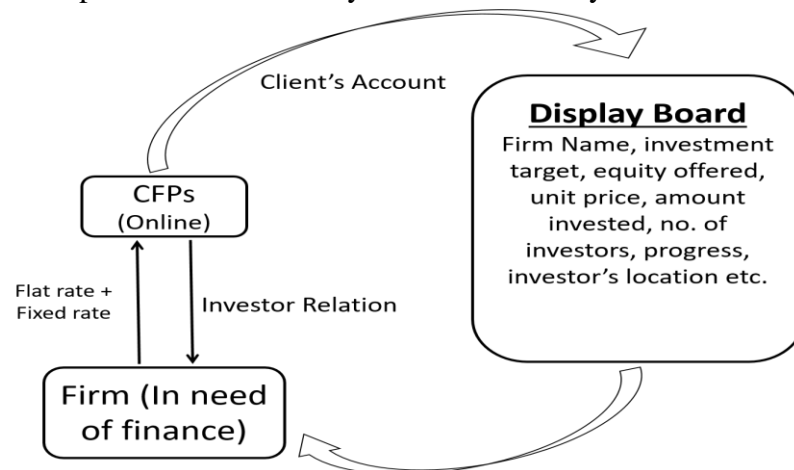


Figure 4: Collective Investment Model

- ii. In the crowdfunding securitized model, loan assets are converted into marketable securities to link them into the secondary security market. For that purpose, CFPs establish a special purpose vehicle (SPV) to issue such securities. SPV can transfer the job of issuing securities to a merchant bank for a fixed commission. This model is very complex in nature.

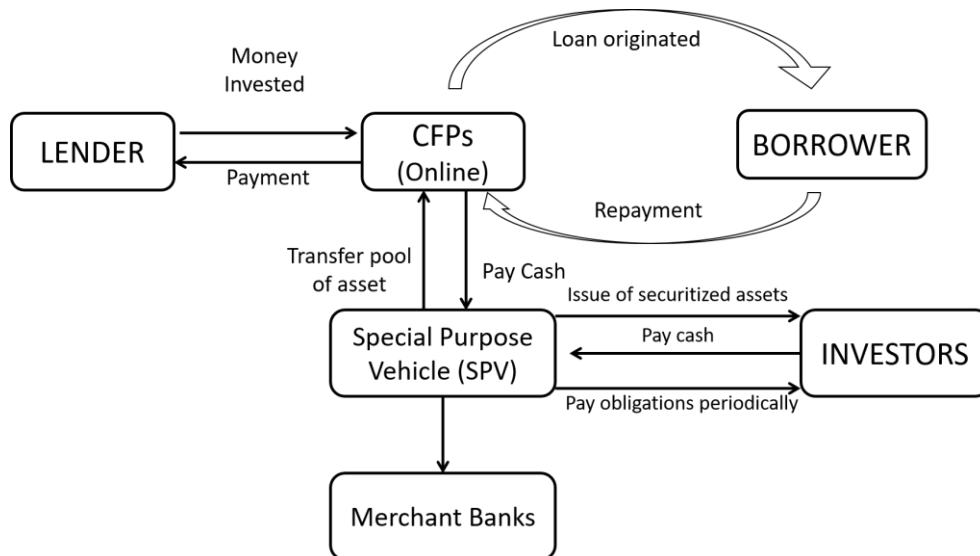


Figure 5: Crowdfunding Securitized Model

Again lending-based or equity-based crowdfunding can follow the following models:

1. Client Segregated Model
2. Notary Model
3. Guaranteed Return Model
4. Equity-based Crowdfunding Model

#### **Client Segregated Model**

In this model, a crowdfunding platform (CFP) works to bring a fund supplier and a fund borrower together. Fund supplier meets with individual borrower through CFP. Lender and borrower settle down the contract with a little participation by the CFP where CFP offers automated bidding option that facilitates the lender to bid on loans like an auction. But the funds are kept separate into a client account so that the conflicts between platform's assets and funds with borrowers and lenders can be avoided in the case of bankruptcy. This facilitates the existence of the contract even after the failure of the platform. In this model, platform charges a loan origination fee from the borrower as a percentage of the total fund or in a flat rate. While the lender has to pay an assessment fee for assessing the creditworthiness of the borrower and to get the repayments collected. Sometimes the lenders want to sell the loan portfolio on a secondary market and then they are also charged an additional fee. Following chart shows the client segregated model.

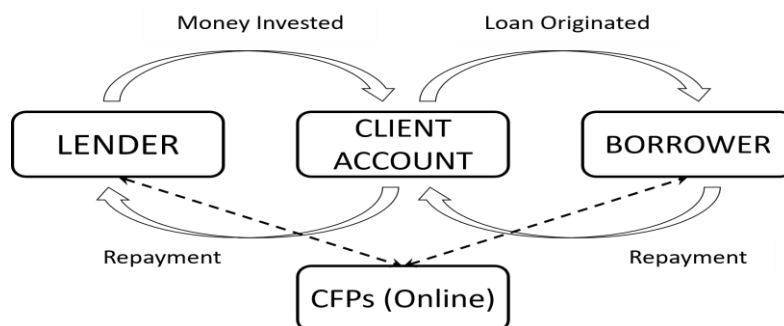
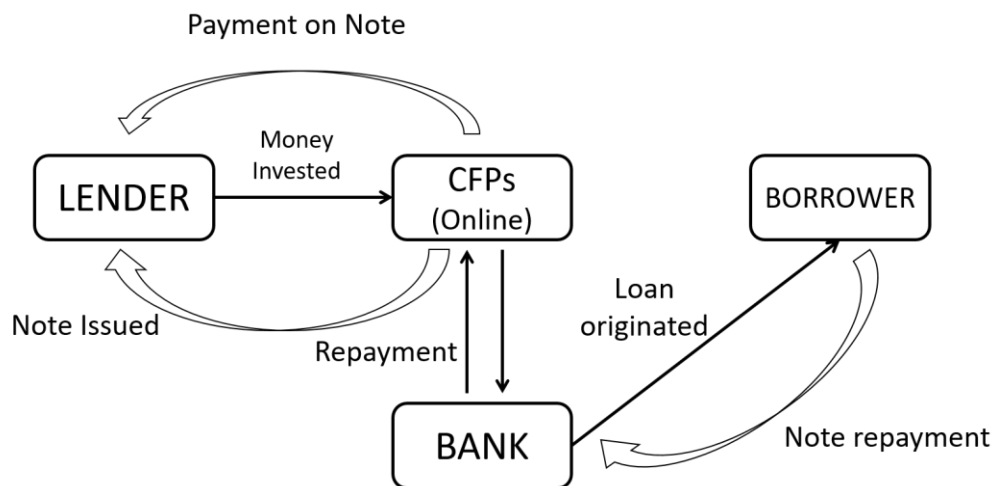


Figure 6: Client Segregated Model

### ***Notary Model***

In this model, an individual lender is introduced by CFPs to a borrower so that the lender can bid on the loans. The loan is originated only when required amount of fund is collected. But most importantly, CFPs do not originate the loan rather a bank originates the loan. On the other hand, CFPs issue a legal note (notary) to each lender to acknowledge his contribution to the loan. In this model, CFPs charge the same fee like client segregated account model. This is a very popular crowdfunding model in the USA used by the Prosper and Lending Club Platform (Kirby and Worner, 2014).



*Figure 7: Notary Model*

### ***Guaranteed Return Model***

In this crowdfunding model, CFPs provide a guarantee of a fixed rate of return to the investor to be paid by the borrowing firm assuming the risk of non-repayments. This model is categorized into “offline guaranteed return model” and “automated guaranteed return model”. Offline guaranteed return model allows the investors to look for the potential borrower in their community for face to face communication and assess the creditworthiness. If the conditions are settled down, the loan is listed on the CFPs as the CFPs provide guarantee and investor provide the loan. Credit Ease platform uses this model which is very popular in China (Kirby and Worner, 2014). On the contrary, in automated guaranteed return model, investors provide their fund to the CFPs in advance and CFPs take the responsibility to find out the potential borrower and invest the money. Normally a loan in this model charges 12% interest rate to the borrower with a grace period of two weeks and the borrower is charged a fixed fee for administering the loan. This is a popular method used by Trust Body International in Norway (Kirby and Worner, 2014).

### **Crowdfunding Trends and Volume**

Though crowdfunding is a very recent phenomenon, it is gaining a world-wide acceptance which is followed by the total volume of crowdfund. Figure-8 shows the volume of crowdfund from 2012 to 2015 where there is a remarkable increase and in 2015, the amount is more than 4 times.

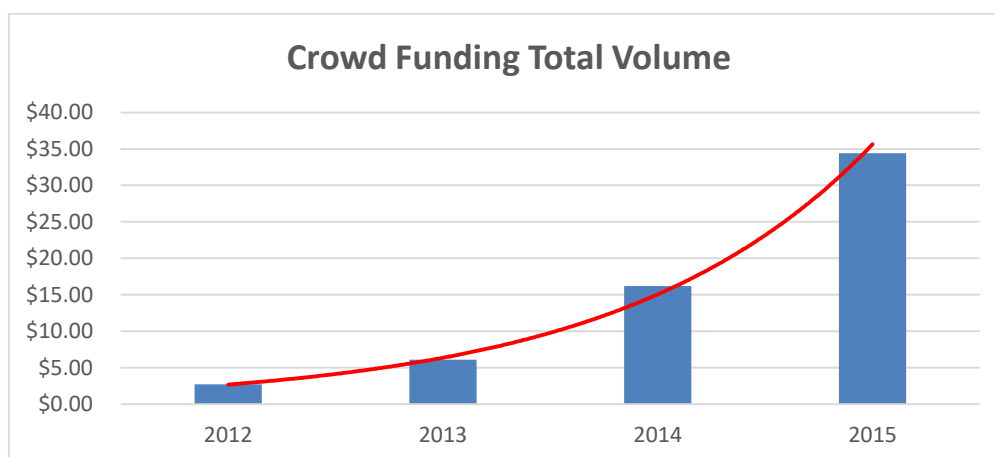


Figure 8: Crowdfunding volume

### Model wise volume

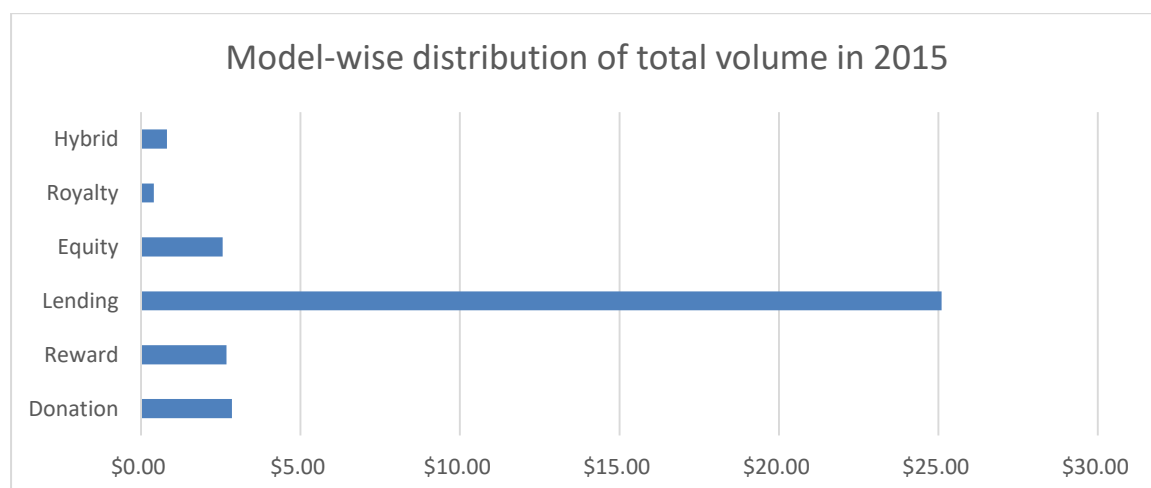
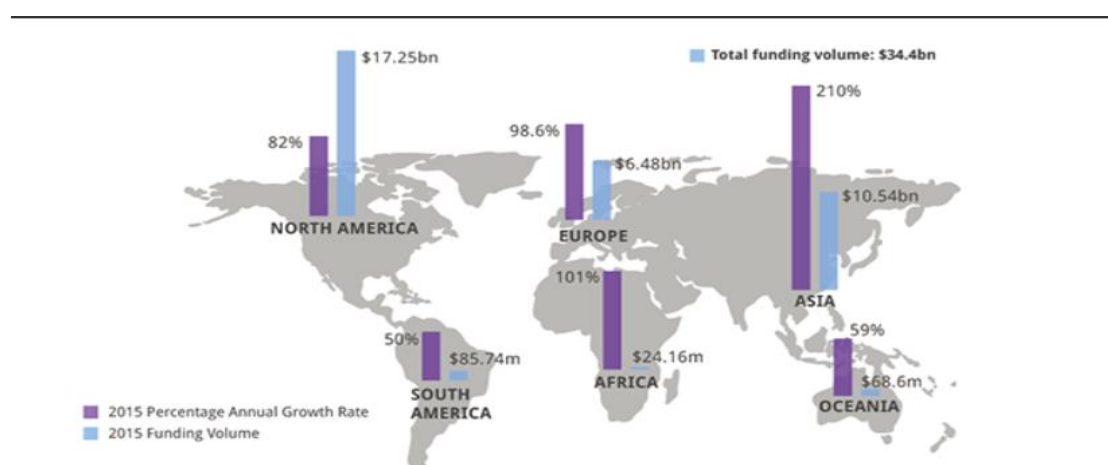


Figure 9: Model-wise volume of crowdfund, Source: Crowdfunding Industry Report 2015

### Region-wise Growth



Source: Massolution Crowdfunding Industry Report 2015

## Conclusion

Bangladesh is a populous country and there are a lot of unemployed youths. To grow economically, young entrepreneurship can be a solution. But traditional funding sources like banks, non-banking financial institutions do not provide sufficient loans to the startups. So, new ventures are not getting funds to start and they need an alternative funding source. Crowdfunding is that alternative and it has different models like equity-based or lending-based models. Bangladesh can use these models to contribute to the GDP.

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# Indispensability of Human Resource Management (HRM) for Government Primary Schools (GPS) in Bangladesh

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Mohammad Toriqul Islam Jony<sup>2</sup>

## Abstract

*Poor education quality of government primary schools (GPS) has a negative impact in the long run on destitute people in terms of economy and social disparity. This paper is to explore the rationality behind applying Human Resource Management in GPS to improve education quality. In addition to secondary sources, a survey using questionnaire was conducted in three districts to collect primary data. Reference of teachers gives the validity of the survey and information. Data of the survey has been analyzed to explore recruitment, training, leadership, and motivation of GPS. On the basis of the analysis, HRM for GPS model shows that incongruous recruitment at GPS plunders the effort of training programs. Again, the performance of quality teachers is affected by wrong leadership and lack of motivation. Major recommendations of this paper are to augment educational requirement of teachers, continuous training, and most important one is non-financial reward such as recognition, the delegation of authority with moderate control to motivate teachers. The notion of this paper is that Human Resource Management can create a sense 'teaching is a passion and it is more than a profession' which is the precondition of quality education of government primary schools in Bangladesh.*

**Keywords:** GPS, HRM, Leadership & Motivation, Quality teachers, Recruitment, Training.

## 1. Introduction

The government of Bangladesh is working to augment an integrated and standard elementary education for all children through the expansion of education and quality improvement. The government primary schools have almost achieved the goal of expansion, as current net admission rate is 97.94%. But the goal of quality improvement is still now questionable. Primary education is the cornerstone of the education system in a country. Bangladesh is a developing country with limited resources. Majority of people live in rural area and belong to the lower group of income disparities. Government primary school is regarded as the last resort for compulsory education for the people who cannot afford education for their children from a private institution. People with moderate or high economic power and consciousness about proper education are losing their belief in government primary schools and prefer kindergartens and private institutions. Students who receive poor education from government primary schools cannot compete with the students who receive proper

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education from private institutions at secondary or higher education levels. The consequence is that a large portion of students drop out or cannot receive higher education to upgrade their social and economic status. Ministry of primary and mass education has taken a range of programme such as PEDP-3, reaching out of school children programme, PTI and digitalization providing a computer lab and all of these activities convey the commitment of our government towards primary education. As a developing nation enough priority, effort, and commitment have been given to GPS but at the end of the day, the output is not satisfactory. What is going on?

Though the government hires potential quality teachers, the educational requirement and quality of the teachers are much lower in case of achieving the goal of quality education. Moreover, adequate training facilities may not develop high-quality teachers because of poor input in recruitment. Lack of appropriate leadership in government primary school may be responsible for the poor learning environment for desired learning to occur. Inappropriate leadership has a negative impact on the motivation level. Motivation is the process of knocking the right drives to generate commitment of teachers. Teachers may have good quality but lack of motivation can influence them not to transfer that quality. This paper is to extract how the lack of Human Resource Management is plundering the government's effort towards quality education and as a social institution, why, in government primary school, application of Human Resource Management as an applied science is indispensable.

## **2. Objectives of the Study**

This research paper has committed to clarifying the necessity of Human Resource Management for 'Government Primary School' in Bangladesh. To solicit this overall objective, the study has incorporated some specific objectives.

### **Specific objectives are:**

- To explore the recruitment and selection process of teachers in GPS;
- To inquire into the level of training facilities and its impact on performance and
- To trace the degree of leadership and motivation & its impact on quality education.

## **3. The Methodology of the Study**

This section is to mention the whole techniques and procedures through which this research has been completed. These include the source from which data have been collected, type and size of the sample, the technique of questionnaire design, and mechanism of analysis.

**3.1 Sources and technique of data collection:** This is an exploratory research. Both primary and secondary sources provided qualitative and quantitative data. The literature review was the largest source of secondary data. Beside it, newspapers and journals have been used. A survey using questionnaires has been conducted to collect primary data.

**3.2 Population & Sample size:** Teachers of government primary schools in Bangladesh are the population of this research. To interpret the whole population, a sample of 36 teachers from 12 government primary schools were selected from three districts including Netrokuna, Nilphamari, and Mymensingh.

**3.3 Questionnaire Design:** The questions were concise, clear, brief and very much structured. Questions were developed to reveal the reasons for the poor quality education of GPS and why Human Resource Management is vital for government primary school.

**3.4 Technique of Data Analysis:** Primary data from field survey have been grouped on the basis of a subject area. Then each group has been tabulated under a subject area to make problem statement clarify. The arithmetic mean of the primary data gives the average condition of government primary school in Bangladesh. To make tabular data more vivid, qualitative information from various secondary sources has been used to support the argument. On the basis of analysis, Human Resource Management for government primary school (HRM for GPS) model has been proposed to find the pitfalls which are responsible for poor quality education and to provide the recommendations.

## 4. Literature Review

### Native Literature Review

The World Bank (2014) accentuated that the rate of enrolment in primary schools has increased and this progress has a tremendous contribution to the reduction of illiteracy. However, they expostulated that among the students who complete primary education, one-third of the students are left with poor knowledge in basic letters and number. The World Bank suggested to the authority to increase the nutrition of students, increase the standard of education and financial incentives. (BBC Bangla, 2014).

**Unicef Bangladesh (2009)** stated that majority of the students who have completed primary school fail to attain a minimum learning achievement in Bangladesh. This sector has almost attained enrolment and gender parity goal. Now, it is time to increase the quality of primary education. “The quality of a teaching-learning process, school’s environment, and children’s learning achievements are the challenges for the government primary school. Poor qualifications and lack of teacher’s motivations are major challenges.” (pp. 1-2)

Gyanendra Nath Biswas (2015) told that the winning in the improvement of primary education has now come down due to the newly nationalized schools. Two types of schools became united. Now it will take time to bring balance to these schools. The achievement of primary education in the last 10 years has been delayed by the merger of nationalized schools. (Naya Diganta, 2015, Page1, Para3)

Saleha Akhter (2015), the general secretary of the Government Primary School Teachers Association, stated that the qualifications of nationalized teachers were questionable long before. If their educational qualification is not brought into consideration of training, then there will be a major fall in the quality of primary education. (Naya Diganta, 2015, Para6)

### Outdoors Literature Review

According to Strain (2007), The United States Department of Education has given a definition of “High-Qualified Teachers”. High qualified teachers are effective, efficient and more responsible for better education. This also mentioned some requirements: a minimum of teacher training in a graduate course, full teacher certificate from the state, teaching practice and experience. Glatthorn, Jones & Bullock (2006) stated, before hiring teacher, the ability of lesson planning, assessment and

feedback to the students must be tested. This will facilitate future training and application of learned skills from training. (Mattavarat, Viseshsiri & Siribanpitak, 2017, Para 3)

European Parliament's Committee on Education and Culture (2014) requested Johan Bokdam, Inge van den Ende, and Simon Broek (2014) to conduct a research on "Primary Teacher Training in Europe". They concluded that the quality of primary school teacher requires training at three levels and those are 'Initial teaching education, early career period and continuous professional development'. European Union working group on teacher training drawn conclusion that "a new professional profile needs to be created for teacher training, and training practices should meet the new challenges and tasks." (pp. 13-14)

Letellier (2006), "The school organization has a principal or headmaster as its primary leader, and a classroom organization has a teacher as its primary leader. A leader is someone who models, motivates, and initiates acts of leadership". (p.1)

Christie (1990) stated that "The school like any organization has a head teacher to guide and determine the programmes that take place from day to day for the achievement of its goals."

Blasé and Blasé (1994) considered governance strategies and participative management system as a powerful technique to influence teachers, to feel them motivated, and to develop a sense of ownership. (Report by Johari Musa, 2014).

## 5. Analysis of Findings

### 5.1 Exploration of recruitment and selection of teachers in government primary school

The ultimate aim of recruitment and selection process is to hire quality teachers or high potential teachers. Quality teachers should be hired for receiving the best service from them from the beginning of their appointment. High potential teachers are hired because they have the high potentiality to become highly qualified after receiving training. On the other hand, if the recruitment and selection process fails to achieve any one of these two goals, the process itself losses its validity. Because teachers with less quality cannot give quality education to the students and teachers who do not have high potentiality will never be qualified teachers after receiving appropriate training. Now, the question arises, "Which of the two above mentioned policies has been adopted by Bangladesh Government to recruit teachers for GPS?"

Table-1: Frequency distribution of respondents to the questions on recruitment and selection

Questions	Mymensingh		Nilphamari		Netrokona		Average	
	Yes	No	Yes	No	Yes	No	Yes	No
The educational requirement for teachers must be increased to augment quality teaching.	83%	17%	91%	9%	100%	0%	91%	9%
Is certificate in teaching and experience asked in selection?	0%	100%	0%	100 %	0%	100%	0%	100 %
Do you think that subject-wise teachers should be hired?	84%	16%	81%	19%	91%	9%	85%	15%

Source: Field survey.

91% of the interviewees agree that to increase the quality of education, teachers' education level in terms of result should be increased. According to this survey, no certificate in teaching, practice, and experience is strictly needed for teacher's recruitment in government primary school. Moreover, subject-wise teachers are not adequately hired in government primary school like secondary and higher secondary levels. It seems that principle of specialization is being ignored. 85% of the sample thinks that subject-wise teacher is vital for planning lesson, giving the lecture and right evaluation of the students. If we compare the present condition and features of primary school teachers with the features of high-quality teachers as given by United States Department of Education and Culture, It will not be unreasonable to agree with the statement that government primary school in Bangladesh does not hire high-quality teachers.

Now the option is high potential teachers. Head-teachers are required to be graduated from any university with a minimum second class result and the same rule is applicable to a male assistant teacher. Though the government has taken steps to amend requirement for women teacher, the requirement for women was HSC with a second class result and it was SSC with 60% quota just a few days ago. The scenario has a long way to see. In 2016, the rate of the female teacher was 60%. According to World Bank, around 50% population of our country are women. Total development of our country is not possible without proper utilization of these resources. So, it is good news that women have been empowered by giving teaching opportunity in GPS. But the matter is a large portion of teachers with secondary level education. 54,841 teachers of GPS are SSC holders and 96,046 teachers are HSC holders. Especially the teachers of nationalized schools have less potentiality. Experts think that to recruit teachers for nationalized school standard selection procedure was not followed. Again, the competitive exam examines general ability rather than subject knowledge, lesson planning, good assessment, and feedback abilities of potential teachers. Moreover, the second class result for recruitment indicates less potentiality. It seems that job specification and selection criteria of teachers do not have the affinity to the goal of high-quality education for government primary school (GPS).

## **5.2 Inquiry into the level of training and its impact on performance**

From the previous section, it is clear that Bangladesh Government emphasizes on training to develop high-quality teacher rather than taking quality teachers through recruitment. The selected teachers have to go through a number of training programmes arranged by different institutions. Under the supervision of NAPE, 56 primary teachers training institutes in Bangladesh provide 10 month training and give a certificate of education. Upazila Resource Centre arranges training for model school. All primary schools have been brought under sub-cluster training where assistant Upazila education officer arranges training on the selected topic. Before arranging training, assistant education officer assesses the training need that is the area in which the training programme should focus on. 58,752 head teachers of government primary school have received training on leadership under the PEDP-3 program. 43,912 teachers have been trained on ICT in education.

Table-2: Frequency distribution of respondents to the questions on training facilities of GPS

Questions	Mymensingh		Nilphamari		Netrokona		Average	
	Yes	No	Yes	No	Yes	No	Yes	No
Are training facilities adequate to increase quality education?	100%	0%	91%	9%	84%	16%	91%	9%
Are the need and effectiveness of training assessed?	100%	0%	100%	0%	100%	0%	100%	0%
Do you think that continuous training is important?	100%	0%	91%	9%	100%	0%	97%	3%

Source: Field survey.

91% teachers think that the government provides adequate training facilities to augment teaching skill and 100% mentioned that the training programmes are effective. According to the respondents, need assessment of training ensures its effectiveness. 97% teachers agree with the statement that continuous training programme is essential for better education quality of GPS. Especially for the teachers of the nationalized schools, there is no alternative to continuous training.

From the information and survey data, it is clear that the government is highly committed to teacher's training. At a time, teachers are satisfied with the training programme. Then, training programmes should have been able to develop high-quality teachers. Actually, there is no clear measure to assess training output. The results of students can be used as a measurement tool. High-quality teacher means high-quality teaching and high teaching quality is bound to increase the result and basic knowledge of the students. But the result of government primary school is not delightful and quality of education in GPS is questionable. So, the training programmes have failed to develop high-quality teachers because of poor input from recruitment or, highly-qualified teachers have been developed through training but the problem exists elsewhere which affect the teachers' performance.

### 5.3 Tracing the degree of leadership and motivation and its impact on quality education

It is the leader who is responsible for leading the staff (teachers) and achieving the goal of quality education. Without effective leadership, other activities are meaningless. Leadership can define the vision and strives to achieve that vision. Not only that, a teacher who exerts the role of leadership can influence the levels of motivation of the teachers which determine either a teacher teaches spontaneously or not. A teacher may have good lesson planning ability, assessment ability, and feedback skill but without proper drives, they will not implement that ability.

In government primary school, leadership is practiced at two levels. These are school level and corporate level. At school level head teacher exerts the role of leadership and at corporate level DPEO, TEO, ATEO, and school committee are responsible for leading, coordinating, and motivating teachers.

Table-3: Frequency distribution of respondents to the questions on leadership and motivation system of GPS.

Questions	Mymensingh		Nilphamari		Netrokona		Average	
	Yes	No	Yes	No	Yes	No	Yes	No
Do you think, decentralization of power can increase your commitment toward teaching?	84%	16%	42%	58%	50%	50%	59%	41%
Does the controlling system of authority inspire you?	9%	91%	33%	67%	58%	42%	33%	67%
Does the school committee co-operate with teachers?	16%	84%	50%	50%	50%	50%	39%	61%
Are you satisfied with salary?	8%	92%	33%	67%	42%	58%	28%	72%
Will housing facility, reward, and recognition influence you to perform better?	100%	0%	100%	0%	100%	0%	100%	0%

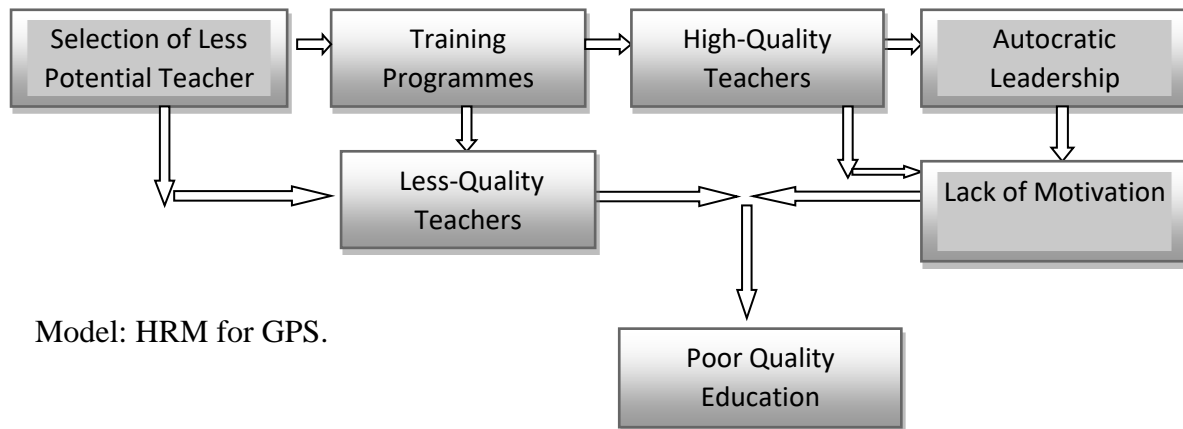
Source: Field survey.

According to the survey and interview, most of the head-teachers lead assistant teachers at their school effectively. They have training in leadership. The decision is taken on the basis of majority. Head-teacher encourages assistant teachers towards the achievement of the goals. But the problem exists in corporate level leadership style. According to the survey, sometimes autocratic leadership style is practiced from the higher level. Unreasonable control, excess pressure, rigid centralization of power, and rude behaviour were described as part of the leadership style of corporate level. 67% teachers mentioned that this kind of leadership never encourages them to work effectively. 59% of teachers said decentralization of power and active participation in the decision-making process can increase their commitment and a feeling of ownership. The major problem of the school committee was found in Mymensingh area. 84% argued that the school committee forgets their commitment after the election.

Moreover, both financial and non-financial forces work as drives for teachers' motivation. 72% of sample study is not satisfied with their salary. The demand for money has no boundary in the developing countries like Bangladesh. Sometimes the social need is more important than anything else. So, human aspect and social needs of the teachers should be considered rather than money to motivate them. 100% of the survey viewed housing facility, recognition, skill-based promotion, well behaviour from the authority, participation in decision-making, meaningful contribution, cooperative attitude, and reward as forces which can motivate them to work more efficiently.

#### 5.4 Discussion with the help of 'HRM for GPS' model

On the basis of the analysis, a model 'HRM for GPS' can be used to show the reasons for the poor quality education of government primary school (GPS). The red shape is to indicate areas which have been found as responsible for the poor quality education of GPS.



**Source:** Brainstorming from analysis.

The main notion of ‘Human Resource Management for Government Primary School’ model is that lack of perfect implementation of HRM is responsible for poor quality education in GPS. Non-specialized teacher, second class result, and general test rather than testing teaching ability during the selection process indicate that GPS recruits less potential teachers. Thus, training has two outcomes including less-quality teachers and high-quality teachers. With weak input from recruitment, training programmes come up with less-quality teachers. So, blame goes to the recruitment process for the poor quality education of GPS. Another outcome is high-quality teachers whose performance is affected by improper leadership and lack of motivation. Autocratic leadership in terms of the role of thump, rude behaviour, and rigid centralization of power has a negative impact on the performance of high-quality teachers. On the other hand, financial and nonfinancial factors including promotional issues are responsible for lacking in teacher’s motivation. What is the benefit of hiring highly qualified teachers, arranging high effective training programmes and 360-degree controlling system if teachers are not motivated to give their fullest effort?

This model has demonstrated that each activity is being influenced by other activities. We cannot expect high-quality teachers from training without taking high potential teachers in recruitment. Again, the expectation of high commitment of teachers is meaningless without proper leadership, feeling of ownership, co-operation, and motivation. So, appropriate application of HRM is the ultimate solution to improve education quality of government primary school.

## 6. Findings

### Positive Finding:

- ❖ Arrangement of adequate training facilities for the teachers of GPS is laudatory.

### Negative Findings:

- ❖ Recruitment & selection process of GPS appoints neither quality teachers nor potential quality teachers;
- ❖ Autocratic leadership style has destroyed the co-operative environment of GPS; and
- ❖ Lack of motivation fuels the teachers’ poor performance in GPS.

## **7. Recommendations**

- ❖ The quest for quality has no boundary. Continuous training programmes must be arranged to augment the ability of lesson planning, good assessment, and feedback to the students. Authority ought to arrange special training programmes for the nationalized school teachers to make them equal in quality;
- ❖ Teachers' job specification should be revised according to the outcome of job analysis. Graduation on specific subject, first class result, state-level teaching certificate, and experience should be included in job specification;
- ❖ The government of Bangladesh should introduce participative management system in GPS. Decentralization of power with moderate control and required authority to perform duty can develop a sense of ownership, commitment, and co-operative attitudes among the teachers; and
- ❖ More emphasis should be given on human aspect and social needs of teachers. Teaching is a profession of prestige. A feeling that comes from the inner side of the heart can stimulate a person to dedicate his best. Teachers must be recognized as respectable and treated with reasonable respect from higher authority.

## **8. Conclusion**

In fine, overall development of our country, in terms of society and economy, is not possible without the development of the life of destitute people. The development of these people depends on quality education. Poor quality education of GPS has a long-term and fearsome impact on people who live in the lower class of social disparities. Proper application of HRM can ensure recruitment of quality teacher for government primary school. Again, motivation at proper level can augment education quality of GPS by influencing the sleeping motives of teachers and contribute to overall development of our country. It can also create a sense among the teachers that teaching is a passion which is more than a profession. After sleeping on it, this is like the back of our hand that proper application of Human Resource Management as an applied science is indispensable for government primary school in Bangladesh.



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## Quasi-judicial Functions: From *Tahsil* Office to ADC Land Revenue

Md. Iqbal Hossen<sup>1</sup>

### Abstract

*To strengthen public service the government of Bangladesh has taken some steps for ensuring a responsive and dutiful service. Issuance of a circular for land offices is a step forward in this regard. The Ministry of Land issued the circular for fixing service procedure, time and fees required for various functions in land reform and management offices in June 2015. According to the direction of Ministry of land, all land revenue offices are implementing the land related functions. Questions were formulated to explore the problems faced by the citizens. The officers of AC Land office, ADC (Revenue), DC and all the service seekers were selected as population. The qualitative and descriptive analyses were followed to analyse the data relating to land reform and management. The study found that, the implementation of the functions of the land offices is not satisfactory. Service providers are not following the instructions of the circular properly and people even do not know about the procedure of those functions. The complexity of land management system, citizen unawareness, shortage of resources, conflicting rules and regulations, colonial approach, lack of training, lack of freedom of opinion, workload, lack of logistic support, corruption in land sector etc. are working as barriers to speedy works. Those factors, therefore, have stood against satisfactory service from land revenue offices relating to land reform and management.*

**Keywords:** Land, Revenue, Circular, AC (Land), Administration.

### Introduction

Bangladesh, a South-Asian developing country, is characterized by a very high population growth and scarce land. It spills out jumbled and spontaneous land development within urban areas as well as other areas within the country. The rapid increase of population is continuously reducing the land-man ratio of the country. The rate of the land transfer and land conversion is also very high in Bangladesh. Rapid population growth combined with fast rate of land transformation urges for an effective land administration and management system. However, the conventional land administration system cannot keep pace with the growing demand. Inappropriate land administration and management system generates lots of problems in the community life. Many types of disputes relating to land reform and management arise regularly, especially in case of mutation, *khas*-land, land development tax, classification of land, rectification of records etc. For solving these problems, quasi-judicial power has been given to the land reform and management authority. This power focuses on the steps of solving that disputes relating to land reform and management.

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**Statement of the Problem**

In AC (land) offices, or District collector offices, mass people frequently go for various purposes. The AC (land) office is at Upazila level, and District collector office is at District level. Both offices provide many services to citizens regarding land. In most cases, it takes long time to get services from land offices due to some practical problems. A service receiver does not know where to go, to whom to talk, who is the assigned officer or staff for the service. Difficulty to collect application form, difficulty to know the procedure, difficulty to fill in the form and write application, inability to comprehend the document and papers required for the service, difficulty in collecting required papers, delay in getting service, loss of time, harassment by brokers etc. trigger the lengthy procedure in getting required service.

**Objectives of the Study**

The main purposes of the study are as follows:

1. To know about the quasi-judicial functions of the land reform and management offices
2. To study the current land reform and management structure
3. To find out on which grounds the victims are harassed.

**Review of the Literature**

The present study is to identify the major problems in case of land reform and management. People are facing many problems in conducting the cases related to land reform. This research may give some essential imputes in covering up the deficiencies in the practice of quasi-judicial power exercised by the land officers. Still now there is no comprehensive research done by any person in this respective field. Attempts are made in this topic to suggest reforms where necessary and update the existing procedure for solving disputes so that an effective and efficient land reform dispute procedure is ensured in a fruitful way. A lot of books, journals, articles, newspapers, documents, statutes and periodicals have also been reviewed to complete this research work.

**Methodology**

In this study, survey, descriptive, and analytical research method have been maintained. Sampling techniques have been used for selecting the interviews of survey.

The study is based on both primary and secondary sources. These are:

a) Primary sources: Primary data for this study have been gathered by interview of the citizens, service providers and the specific higher officers relating to land who are responsible for looking after the dispute relating to land reform and management.

b) Secondary sources: the secondary sources are-

- i. Books of different authors.
- ii. Journal published by different publishers.
- iii. Annual reports.
- iv. Articles published by NGOs and writers etc.
- v. Internet browsing
- vi. Newspapers, media etc.

### Scope of the Study

This study discusses the quasi-judicial functions of the land officers under land reform and management. It will clarify the various steps for solving the dispute of the land reform. This study examines the duties and liabilities of the land officer in case of exercising the quasi-judicial power. On the other hand, this research study has some limitations, too. Difficulties in having access to land officers, non-availability of documents, limited time, accuracy of data and no fund for research are the limitations of this study.

### Quasi-Judicial Functions in Land Reform and Management

Quasi-judicial power is the partial power of officers. The point discuss about the quasi-judicial power and its holders in land reform and management system of Bangladesh and also mention the hierarchy of those officers.

#### Quasi-Judicial Functions:

The word 'quasi' means 'not exactly'. Generally, an authority is described as 'quasi-judicial' when it has some of the attributes or trappings of judicial functions, but not all. In the words of the Committee on Ministers' Power, "the word 'quasi', when prefixed to a legal term, generally means that the thing which has some of the legal attributes denoted and connoted by the legal term, but that it has not all of them", e.g. if a transaction is described as a quasi-contract, it means that the transaction in question has some but not all the attributes of a contract.

#### Hierarchy of the Land Administration in Bangladesh:

The hierarchy of administration of land reform and management system in Bangladesh from Top to bottom stands as such —

1. Union Land Office or *Tahsil* Office.
2. Upazila Land Office or AC land Office
3. District Collector or Office of the ADC (Land).
4. Collector of the Divisional Commissioner.
5. Board of Land Administration-
  - (a) Land Reform Board
  - (b) Land Appeal Board
6. Ministry of Land.

The above government departments are basically entrusted with the following tasks: collection of taxes, maintaining Record of Rights, looking after and administering government lands such as markets, fisheries etc., preparing and maintaining maps, exercising quasi-judicial power with regard to land disputes, and assisting the government in formulating policies and laws.

**Revenue Courts:**

Generally, Revenue Courts are courts which handle the revenue matters of the state. Every state is assumed to be the owner of all the land that geographically falls in the boundary of that state; therefore, the state is entitled to charge a rent or tax on use of that, irrespective of whether is freehold in the name of the owner or leased. Land rent or land revenue is fixed by the state depending on the nature of the land— irrigated or non-irrigated etc. Revenue courts deal with matters such as non-payment of land revenue, land ceilings, tenancy laws, agriculturists' and peasants' dispute etc.

In Bangladesh, Revenue Court is established by the Code of Civil Procedure, 1908. According to section 5 of the CPC, 1908, "Revenue Court" means a court having jurisdiction under any law to entertain suits or other proceedings relating to the rent, revenue or profits of land used for agricultural purposes, but does not include a civil court having original jurisdiction under the Code of Civil Procedure to try such suits or proceedings as being suits or proceedings of a civil nature.

Where any Revenue Court is governed by the provision of this Code in those matters of procedure upon which any special enactment applicable to them is silent, the Government may, by notification in the official Gazette, declare that any portions of those provisions which are not expressly made applicable by this Code shall not apply to those courts, or shall only apply to them with such notifications as the Government may prescribe.

**How the land officer functions:****In the AC land office:**

**In case of Mutation:** The following procedure has to be maintained in case of mutation *khatian*:

**First step:** The applicant has to file a petition to the AC land office with 20 tk court fee stamp.

**Second step:** After the petition being filed, the AC land officer looks over the petition and presents in the order sheet.

The followings are needed for presentation:

- 1) Photocopy of that *khatian*/certified copy.
- 2) Photocopy/ certified copy of the main deed
- 3) Certified copy of *baya*/pit deed (from last survey)
- 4) *Dakhila* of LD tax
- 5) Certified copy of judgment/order/decree of the court (if applicable)
- 6) Schedule

**Third step:** When the presentation will be completed by the AC land officer, he will sign the order sheet. After the order sheet being signed by the AC land officer, it is to be sent to the *Tahsil* office for checking the registered *khata*. After checking the Regis.

(1)/Regis. (2) khata, the *Tahsil* officer will make a *khatian* and will send to the mutation department in the AC land office.

**Fourth step:** Then the AC land officer serves the notice to the seller or transferor or donor or testator or sharer or others etc. (if applicable). After receiving the notice, the receiver has to sign the notice and to contain objections, if any. If there comes any objection, then the AC land officer may call the parties for hearing.

**Fifth step:** The survey officer will go for inspection to particular land for the reason of—

- 1) Inspection in *Sharejamine*.
- 2) To know about the lands.
- 3) To know title of the seller or others.
- 4) To know the SF (statement of facts)

**Sixth step:** After completion of the inspection by the survey officer, the *kanungo* will examine the whole order sheet. Depending on satisfaction, he will make a recommendation to the AC land officer for approval.

**Seventh step:** When the order sheet is approved by the AC land officer, the applicant has to take DCR from the Najir department of the AC land office by giving 1150tk fees. After taking the DCR, the applicant has to go the *Tahsil* office with *Khatian* and DCR and the *Tahsil* officer will rectify the registered *khata* according to the applicant's *khatian*.

**In case of Miss. Case:** When any civil court pronounces judgment/order/decree on land reform and management, the judgment/order/decree holders have to file a miscellaneous case before the AC land office for executing the judgment /order/decree. The following procedures have to be followed by judgment/order/decree holders for filing a Miss. case.

1) Application: At first, an application has to be filed before the AC land office in a prescribed form.

2) *Tahsil* office: The AC land officer will send the application to the *Tahsil* office for checking the registered *khata*. After checking the Regis. (1) / Regis. (2) *khata*, the *Tahsil* officer will resend it to the AC (Land) office.

3) Notice: Then the AC land officer serves the notice to the parties for hearing. Then the judgment/order/decree holders have to take DCR from the Najir department of the AC land office by giving 1150tk fees. The judgment/order/decree holders have to go the *Tahsil* office with *Khatian* and DCR and the *Tahsil* officer will rectify the registered *khata* according to the applicant's *khatian*.

4) Suspend: During the hearing, the judgment/order/decree debtor may file an application to the AC land officer to suspend the hearing and execution on the ground

that he wants to file an appeal to higher court. Then the AC land officer may suspend the proceedings of the miscellaneous case.

**Appeal:**

According to the section 147 of the SAT Act 1950, an appeal shall lie from every original or appellate order relating to land reform and management made by a revenue officer as follows:

- (a) When the order is made by the revenue officer under the collector then to the collector of the district.
- (b) When the order is made by the collector of the district then to the commissioner of the division.
- (c) When the order is made by the commissioner of the division then to the board of land administration.

**Limitation of Appeals:**

According to section 148 of the SAT Act 1950, the period of limitation for appeal shall run from the date of the order appealed against and shall be as follows:

- a) When the appeal lies to the collector ..... 30 days.
- b) When the appeal lies to the commissioner of the division.....60 days
- c) When the appeal lies to the board of land administration.....90 days.

**Bar of Court:**

When any proceeding is running under the revenue officer relating to land administration and management, no suit can be filed in the civil court relating to same subject matter. But, a person is allowed to file a suit as to establish the title of that subject. Another remedy is always open for all that is, when any person is deprived of fundamental rights related to the same land which is pending before revenue officer, the aggrieved person may file a writ petition to High Court division.

**Data Analysis of the Study**

The researcher has tried to describe the findings after analyzing those data received relating to quasi-judicial function. At the very beginning of the study, it was found that the AC land officer remains absent in the office for most of the time. The officer is a very busy person to perform other works rather than land related functions. For this reason, the land related disputes take long time to get solved. Through observing the office premises and analyzing citizens' responses, the researcher found that, no citizen charter or any other methods of display were used to make citizens aware of the procedure. Other findings are also available in the land revenue offices which are as follow:

**Not Separation:**

On the researcher's visit to AC land office or ADC land revenue for the purpose of collecting data for this study, the officers were found absent from office and they were

busy for mobile court operation, or attending meeting in land department or other departments.

### **Contribution of Circular:**

While interviewing the general people regarding to a circular in the **Boalia** thana, Rajshahi, the researcher found out that most of the people did not know about the circular that triggers the effectiveness of the circular into almost zero percent. It is pertinent to mention here that most of the people do not go to land office in person for his own work, they complete their work by another relatives or touts.

### **Following the Case Serial:**

All the service providers say that they are disposing cases serially. But most of the citizens who are interviewed by the researcher do not agree with it. Citizens opined that the reasons behind not following time and serial are;

- 1) Lack of will
- 2) Shortage of manpower
- 3) Overloaded work
- 4) Lack of funds.

### **Departmental Proceedings:**

There are a number of departmental proceedings lodged against land officials .That is increasing for the unskilled and uneducated manpower. For this reason, the general people suffer the major problem relating to land dispute.

### **Digitalize:**

In Bangladesh, digitalized system is not inserted in almost all the revenue offices. In modern era, digital process is very much needed for ensuring speediness of adjudication relating to land reform and management. For implementing the digital process in land offices, the government should take necessary steps.

### **Taking of Feedback:**

The AC land office or ADC revenue office fail to provide the qualitative and effective service. It is observed by the researcher by interviewing that people are showing apathy to go the land officers for getting land related services.

### **Controlling Power:**

Superior officials' supervision and the government's regulation is continuing to ensure better service in land reform and management accordingly. In spite of such types of regulations, very poor controlling is shown in the land ministry. And, no coordination is found among the land revenue officers in practice.

### **Publication of Circular:**

The circular was issued in several times. Last circulation was issued on 30 June 2015. But complete practice of the circular is not found through the study. Most of the people are not aware of the circular. Even, they do not know when the circular is published in the government notification of the official gazette.



**Socio-economic Issues:**

The researcher found some socio-economic issues as to the functioning of revenue officers throughout the study. Some political factors like political will, public support and citizens' awareness play important role in the implementation of a policy.

**Capability:**

Organizations' capability of proper functioning of land revenue offices is far from satisfactory level because the land office does not have sufficient funds, logistics and manpower to implement the circular successfully. Lack of proper training to staffs acts behind their incapability of providing satisfactory service.

**Implied Tradition:**

It has become an implied tradition that without giving bribery to the land revenue office staffs, no speedy work is functioned. Almost all the land revenue office staffs take bribery from the service seekers for providing the service.

**Level of Education:**

Service providers of land offices are educated, but service receivers' level of education is not strong enough. So they trust on the people who are touts in solving the matter relating to land reform and management. For this, they need more amount for solving the dispute or getting any service.

**No Law Background:**

The land related dispute is mostly related to law, but most of the service providers are not from law background. Nonetheless, they give the service in revenue offices. If they came from law background, they could provide better service to people.

**Transfer:**

The land officers are transferred regularly by the government within short period. They cannot develop themselves or cannot gain expertise for their official functions. Even they cannot complete a specific function relating to land reform functions. That is a great bar to provide service within the time limit.

**Awareness:**

Most of the citizens, interviewed by the researcher in the area of Boalia thana, Rajshahi, do not know what the circular is. They even did not hear about it. Whoever knows about the circular do not know its effectiveness to get better service.

**Consciousness about Procedure:**

The researcher interviewed 22 service seeking citizens in Zero point, Boalia thana, Rajshahi. Among them 5 persons know how to apply for mutation and 17 persons do not know. Besides, many people do not know where to go for giving LD tax or other functions relating to land reform and management. No consciousness programme is held in Upazila level or district level for spreading awareness about the functions of land revenue officers.

**Service Providers' Approach:**

Service providers' approach to the citizen is not matching with any one of the governance theory. More or less employees are bearing the colonial approach. They do not want to give service on time. Traditionally, they take more time to provide service.

**Statistics:**

The researcher has collected the information from the **Boalia AC (land) Office**, Rajshahi. The statistics is on the main three functions regarding the number of suit filed, number of disposal of suit, number of review filed etc. in AC land office. The statistics is only on the month of April, 2017. These are as follows:

Functions name	Suit filed	Disposal of the suit	Review	Appeal
<u>Mutation</u>	484	405	08	05
<u>Miscellaneous case</u>	18	09	01	02
<u>Certificate case</u>	03	01	-----	-----

**Findings of the Study**

The study shows that due to lengthy process in solving the land dispute, performance is not up to the satisfactory level. As a result, the public show apathy to go the land office. The researcher found some facts as regard to the functions of AC land office and ADC land revenue office throughout the study. Here some of the findings are presented briefly:

- 1) AC land officers are interested with the functions of mobile court which interrupts the smooth operation of land reform and management office.
- 2) People do not know the amount of required fees in case of mutation, miscellaneous case or certification case etc.
- 3) The land revenue officers are always busy with attending meeting under land ministry, ministry of public administration, law ministry etc.
- 4) People are very much unaware of the circular gazetted from time to time. They even do not hear about it regarding the land management.
- 5) Employees of land revenue office are bearing different services.
- 6) Land office does not have sufficient funds, logistics and manpower to implement the functions of land revenue offices under land reform board successfully.
- 7) Time limit is not sufficient for all offices. More time is needed to deliver the service, particularly for busy land revenue offices.
- 8) The revenue courts sit only two days in a week i.e. Monday, Wednesday.
- 9) Implied tradition has been created that, without giving bribery to the land revenue office staffs, service seekers cannot expect speedy solution.
- 10) Service providers of land offices are educated, but service receivers' level of education is not up to the mark for understanding the functions.

- 11) The majority of service-seekers are farmers or illiterate.
- 12) Income level of service-seeking people is not higher in most cases.
- 13) Most of the miscellaneous cases get suspended in AC land office for judgment debtor.
- 14) People do not know about the certificate case and its consequences.
- 15) It is expensive to go to the ADC revenue for appeal or other grounds.
- 16) Satisfactory level of service receivers is not mentionable.
- 17) The circular is not followed and practiced properly in land office.
- 18) Holder of Local Political power often contributes in hampering smooth functioning of AC land office or ADC land revenue.
- 19)) Till now analog system is applied in AC land offices or ADC land revenue offices for various purposes.

Most of the employees emphasized on citizen's awareness. Because they found that citizens do not know the process. Another thing they emphasized is lack of resources: both economic and human. The land office is suffering from shortage of manpower.

### **Recommendations**

The researcher has got some suggestions to overcome the hurdles and develop the quality of service through the study. The recommendations found for better service and implementing the circular are:

- 1) Establishing record room in every land office to preserve all records.
- 2) Making sure of strict supervision of superior officials on land revenue offices.
- 3) Separation of land officers from the pure administrative function is very much needed.
- 4) To increase the government's regulating steps.
- 6) Reorganizing the manpower structure in land revenue office according to work volume of the office.
- 7) Conducting digital land survey
- 8) Land management system should be updated according to the need of the situation and time.
- 9) Establishment of circle land offices to redistribute workload.
- 10) Allocation of logistics, equipment, vehicles and sufficient budgetary resources.

11) Arrangement of training for staffs and officials. Orientation program should be arranged to make the officers and staffs well aware about the circular and the procedure.

12) The land system of Bangladesh is typical as well as complex and for this reason the working system of land offices are also distinct. Service process for land offices should be prepared considering these facts.

13) Initiatives should be taken to build awareness of citizens:

- a. Expansion through mass media (radio, TV, newspaper, website, religious leaders),
- b. Expansion by billboard, poster, public notice boards, and door to door campaigns through loudspeakers and,
- c. Inclusion of land laws in text books of educational institutions.

14) Ensure frequent and effective inspection in land offices.

15) Staffs from law background need to be appointed for this office.

16) Online system may run for speedy adjudication.

17) Transfer of the land officer has to be reduced for proper functioning relating to land reform and management.

## Conclusion

The study, eyeing to its objectives, has shown that the land offices are invested with a number of the quasi-judicial functions and the service seekers routinely face harassment while going with the hope of getting their problems solved. To develop a comprehensive model for ensuring smooth and proper functioning of the quasi-judicial functions of AC land office and ADC land revenue office, the recommendations made in this study should be handed in practical shape.

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## Appendix

- List of Statutes:

1. The Citizen Charter 2008
2. The Code of Civil Procedure 1908
3. The Enemy property Act 1965
4. The Government Estate Manual 1958
5. The Land Reform Ordinance 1984
6. The Land Reform Board 1989
7. The Land Appeal Board 1989
8. The Land Use Policy 2001
9. The Land Administration Manual 2003
10. The Permanent Settlement Regulation 1793
11. The Pitts India Act 1784
12. The Presidential Order No. 98 of 1972
13. The Survey Act 1875
14. The State Acquisition and Tenancy Act 1950
15. The State Acquisition Rules 1951
16. The State Acquisition and Tenancy Order 1972
17. The Tenancy Rules 1955
18. The Last Circular- 30 June 2015

## **Reforming Civil Justice System in Bangladesh: Special Measures on Backlog in Rajshahi Court**

**Md. Monjurul Islam<sup>1</sup>**

### **Abstract**

The People's Republic of Bangladesh has a long tradition of judicial system to meet the need of the litigants. But it is a matter of concern how much the present legal and judicial system is capable to do so. Now the confidence in the present civil justice that the people possess is very much vexatious. Delay in the disposal of suits, limited access to formal justice for the poor, questionable integrity and honesty of the judges and lawyers, insufficient logistic support, politicization of legal sector, burden of cases, complexity in court process, high expense of civil litigation, corruption etc. make the people becoming apathetic towards the courts or its decision. This scenario is seen both in higher and subordinate judiciary, and for this reason the backlogs of civil suits are increasing day by day. The faith of mass people cannot be retained without solving the problems for the betterment of our legal and judicial system, and, for the sake of justice. Backlogs in civil suits are very harmful not only for the poor people but also for the rich people. Backlogs create delay which creates injustice; it is contrary to the rule of law and also the violation of natural justice. Delay in disposal of cases in one way makes justice expensive and in the other way long pendency contributes to the material change of the subject matter of the disputes and lack of both oral and documentary evidence resulting in justice being either impossible or valueless which ultimately indulges corruption. Delay in disposal of cases makes room for non-confident attitude of the people towards the judicial system of the country. There is no other alternative to make the judicial system meaningful and trustworthy to the people without ensuring speedy and fair dispensation of justice. For which some valuable reforms are needed.

### **Introduction**

The People's Republic of Bangladesh follows the common law legal system. The code of civil procedure which was enacted more than a century ago in 1908, is governing the civil suits of the People's Republic of Bangladesh. We have sufficient laws for civil suits but the civil justice system of Bangladesh is more time consuming in accessible for the vast majority of people. People come to the court for seeking remedy which they are entitled to get, but never had they got that when they ask for that. A Civil suit takes on average ten to fifteen years long time to be disposed of. Gladstone says "JUSTICE DELAYED IS JUSTICE DENIED". Delay process of civil justice system not only discoloring true meaning of justice but also it is increasing backlogs of civil suits. More than 3.3 million cases are now pending with the higher courts and lower courts across

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the country, according to a statistics placed by Law Minister Anisul Huq in parliament.<sup>2</sup> To reduce this backlogs government should take necessary steps.

### **Central Focus**

After the enactment of the Code of Civil Procedure 1908, a little change has taken place. The code is not completely self-determining in its function because it has to take help of the other laws, e.g. the Evidence Act 1908, the Civil Courts Act 1887 etc. Hence, as a whole it can be said that the civil legal system of Bangladesh is backdated. So, the backlogs of civil suits are increasing day by day. For reducing the backlogs of civil suits, we should take sufficient reforms of present civil justice system in Bangladesh.

### **Statement of the Problem**

Civil justice system of Bangladesh has not grown in a day. Bangladesh was a province of Pakistan from 1947 to 1971 and before that period it was a part of British and Indian empire. Most of the civil procedural laws of Bangladesh originated in the British period. After independence, Bangladesh has made little change in that law for which civil justice system is delayed. There are also some other reasons for delaying civil justice system such as- politicization of legal sectors, low quality of judicial officers, etc. And for this reason, backlogs of civil cases are increasing day by day in civil courts, especially in Rajshahi District Court. So, with a view to getting back people's confidence over civil justice system, there is no way other than reforms of existing civil justice system in Bangladesh.

### **Research Questions**

Giving emphasis on the problems of backlogs of civil cases in Rajshahi Court -failure of existing civil justice system of Bangladesh- the following research questions is founded as regards to this research;

- I. What is the present condition of civil justice system of Bangladesh?
- II. Why is the court of Rajshahi overburden with backlogs of civil cases?
- III. How can the civil justice system in Bangladesh be speedy?
- IV. What reforms of civil justice system will be adaptable?

### **Objectives**

#### **General Objectives:**

The general objective of this research is to find out possible ways to get rid of backlogs from civil suit in civil justice system in Bangladesh, especially in Rajshahi Court.

#### **Specific Objectives:**

- a. To examine the present condition of civil justice system in Bangladesh.
- b. To identify the reasons of backlogs of civil suit in civil justice system in Bangladesh, especially in Rajshahi Court.
- c. To ensure the justice in civil suit.
- d. To get back confidence of people on civil justice system.

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<sup>2</sup> Published in Dhaka Tribune at 08:37 pm January 16th, 2018.

- e. To find out the effective reforms for removing the backlogs.
- f. To save time, money and talent of the state.
- g. To reduce the burden of civil cases.

Overall this study will help to ensure an effective civil justice system in Bangladesh.

### **Literature Review**

This research may give some valuable inputs in covering up the deficiency in the study of reforms of civil justice system. Though there are some other articles and researches which dealt with this issue, these are not viable enough to help to reduce the backlogs of civil suits. To find out the defective loopholes of civil justice system in Bangladesh and give certain recommended reforms for getting rid of backlogs of civil suits, surely some books, article, journals, reports, and research have been studied thoroughly. Sk M Tofayel Hasan (2013) in his study “Critical scanning on civil litigation: Bangladesh perspective” analyses the main barriers to dispose a civil litigation. He has tried to show the changes and amendments, which have been made in Code of Civil Procedure by our neighboring country India. Ashutosh Sarkar (2013) in his study “Backlogs of Cases” made a comparative study on backlogs of cases of both civil and criminal nature, focusing the adverse effect on the judiciary as well as common people, plaintiff, defendant, victim and accused. He also presented ratio of the number of judges and pending cases, by which he clarified the scarcity of judges in proportion to the number of pending cases. Sarkar Ali Akkas (2004) blamed the reluctance of the judges for delay in disposal of cases. He also pointed finger to this undue delay as intolerable injustice to the litigants. To focus on the necessity of alternative dispute resolution, Abdul Halim (2015), in his book “ADR in Bangladesh issues and Challenges” mentioned the undue delay as a barrage of justice. C.K. Tskwani (2007) in his book “Civil Procedure” mentioned the procedure of civil litigation but not mentioned suggested reforms for speedy trial of civil litigation. V. D. Kulshershta (2005) in his book “Landmarks in Indian Legal and Constitutional History” mentioned the history of legal system and constitution.

So, all the aforementioned studies manifest that a comprehensive study should be made in this field.

### **Scopes and Limitations**

Depending on secondary data analysis is a limitation of this research. When any information is sought from the officials of the civil courts, they become unwilling as there is no benefit. Non-availability of related articles in this regard is a great problem. Visiting court for several times to collect related articles, case and data is also a limitation. There is lack of journals, lack of related books in Bangladesh perspective regarding this issue. This research does not cover the criminal justice system in Bangladesh. This research was done only on one district.



**Methodology**

For any good research, different methods for collecting information and data are applied. Here, in this research analytical method was applied. In this regard, both primary and secondary sources were used for collecting data. To complete this research work, the researcher followed some critical and effective processes through studying books, article, journals, newspapers, different websites etc. This research is based on both theoretical and practical approaches of research.

**Primary Sources**

Primary data were collected from judges, advocates, litigants, members of law commissions, secretary of law and parliamentary affairs, relevant laws for disposal of civil cases and reports, monthly and yearly statement of the Supreme Court, law Ministry and Rajshahi District Judge Court.

**Secondary Sources**

The secondary data were collected from relevant books, journals, articles, research, reports, official publications, and thesis works.

**Data collection Tools**

To collect data from the tools like Key Informants Interviews (KII), in depth interview and Questionnaire survey were conducted. The researcher himself conducted and moderated the interview and a checklist was prepared by him. Three sets of questionnaires were prepared by the researcher- one for ten judges, one for twenty advocates, and one for twenty litigant people.

**Data Presentation**

For the completion of this research tables, diagrams and charts were prepared in order to present the collected data.

**Present Scenario of Backlog in Civil Courts: Special Measure on Rajshahi Court**

The number of total pending cases lying with the High Court Division till March 31, 2016 were 3,99,303; Law Minister Anisul Haque said here today. Replying to a scripted query raised by Selina Begum (women seat-6), the law minister said, of the pending cases, the number of civil cases is 87,964; criminal cases 2,41,015; writ cases 63,250 and old cases 7,074.<sup>3</sup> In 2012, approximately 2,15,369 civil cases were pending in different courts of Bangladesh.<sup>4</sup>

Findings from the Appellate Division of the Supreme Court show that a huge number of cases were pending at the beginning of 2010. Civil cases comprised around 80% of these cases. The scenario is similar for the 'number of cases filed in the year 2010' (total: 5,464, civil: 4,133, criminal: 1,277), 'number of cases disposed' (total: 1,583, civil:

<sup>3</sup> Source: <http://www.theindependentbd.com/post/47872>

<sup>4</sup> Statement of December 2012 of Dhaka, Chittagong, Khulna, Rajshahi, Sylhet, Barisal and Rangpur Court.

1,327, criminal: 246) and 'number of cases pending at the end of year' (total: 9,141, civil: 6,922, criminal: 2,169). The pattern is very similar for the years of 2011, 2012 and 2013. Regarding proportion of cases disposed out of total cases newly filed (not out of total pending and newly filed cases combined) it is found that, overall, about 29 percent of the cases of both types were disposed of during the year 2010 compared to the number filed in the same year, where the proportion was higher for civil cases (32.1%) compared to that of criminal cases (19.3%). However, in the later years (2011 to 2013), the proportion of cases disposed of is higher for the cases related to criminal offences compared to cases related to civil matters.<sup>5</sup>

### **Present Scenario of Various District Civil Courts in Bangladesh**

At the time of December 2012 the breathtaking figure of pending civil cases in the districts of Bangladesh was mounting gradually. Up to December 2012, the total number of civil litigations pending in the divisional districts is been given below:<sup>6</sup>

<b>District</b>	<b>Number of suit pending</b>	<b>Number of Court</b>
Dhaka	62,250	38
Chittagong	75,010	39
Khulna	21,118	21
<b>Rajshahi</b>	<b>15,339</b>	<b>17</b>
Sylhet	6,664	22
Barishal	25,760	18
Rangpur	9,228	14

### **Present Scenario of Rajshahi District Court**

Annual Report of Civil Cases of Rajshahi District Judgeship:<sup>7</sup>

<b>Courts' Name</b>	<b>Ex-patrimony</b>	<b>Field Suits</b>	<b>Total Suits</b>	<b>ADR</b>	<b>Total Disposal</b>	<b>Pending Suits</b>
District judge	1232	475	1707	-	155	903
Add. District judge 2nd	328	-	340	-	18	322
Add. District judge 3rd	148	2	158	-	13	145
Joint District Judge 1st	2353	499	2889	01	552	2337
Joint District Judge 2nd	727	153	1002	09	203	799
Add. Joint District Judge	233	-	341	-	80	261
Senior Assistant Judge Sadar, Rajshahi	1747	860	2613	33	719	1894

<sup>5</sup> Source: Statistical Reports by Bangladesh Supreme Court, Years: 2010, 2011, 2012 and 2013;

<sup>6</sup> Statement of December '2012 of Dhaka, Chittagong, Khulna, Rajshahi, Sylhet, Barisal & Rangpur Court.

<sup>7</sup> Source: Statement of Rajshahi Court Administration Office, 2016

Senior Assistant Judge, Godagary, Rajshahi	1678	379	2064	06	312	1752
Senior Assistant Judge, Poba, Rajshahi	1606	318	1951	29	290	1661
Add. Senior Assistant Judge, Sadar, Rajshahi	36	-	36	-	07	29
Assistant Judge, Bagmara, Rajshahi	1494	358	1852	19	286	1566
Assistant Judge, Bagha, Rajshahi	794	166	960	06	116	844
Assistant Judge, Durgapur, Rajshahi	696	195	900	14	158	742
Assistant Judge, Chargat, Rajshahi	649	298	943	09	77	866
Assistant Judge, Mohonpur, Rajshahi	1171	285	1456	08	348	1108
Assistant Judge, Tanor, Rajshahi	907	255	1165	05	122	1043
Assistant Judge, Putia, Rajshahi	1011	170	1187	06	136	1051
Total	16810	4409	21564	145	3592	17523

## Major Defects of Civil Justice System in Bangladesh: Special Measures on Rajshahi Court

### Defects in the Procedural Law

Much of the backlogs occurs because the provisions of the Code of Civil Procedure are not properly observed and leaves room to escape speedy disposal. Defects and complexity in the procedural law are also major defects of the civil justice system.<sup>8</sup>

### Absence of Specialized Type of Court

Scarcity of specialized court is one of the defects of the civil justice system in Bangladesh, especially in Rajshahi District Court. **Specialized courts** are **defined** as tribunals of narrowly focused jurisdiction to which all cases that fall within that jurisdiction are routed. Judges who serve in a **specialized court** are considered specialists, even experts, in the fields of the law that fall within the **court's** jurisdiction.<sup>9</sup>

<sup>8</sup> Chowdhury, Mohammad Mizanur Rahman. (2013). A Study on Delay in Disposal of Civil Litigation: Bangladesh Perspective. The International Journal of Social Sciences, 14(1), p.28.

<sup>9</sup> Sources: [www.iacajournal.org/article/download/URN%3ANBN%3ANL%3AUT%3A10-1.../92](http://www.iacajournal.org/article/download/URN%3ANBN%3ANL%3AUT%3A10-1.../92)

### Presentation of Complaint without Legal Process

A complaint is not examined by the judge on the date of registration to see whether a *prima facie* case has been made out or not. Automatic issuance of summons is a point from which delay ensues. There may also occur some delay between the filing of the complaint and its placing before the court for a direction to register.

### Delay in Execution of Decree

After traveling the most tedious way costing much time and money when the plaintiff gets the long-cherished decree finally decided by the court, in view of the unusual lengthy and clumsy procedure many decree holders give up the hope of getting the fruits of the decree; and in the execution stage many decrees die or are being foiled or frustrated to the utter disappointment of the unfortunate decree holders.

### Politicization of the Judiciary

Very often judiciary is the last hope of an aggrieved person to get justice and the legal sector of a country has usually been considered as the utmost source of accountability. However, in recent years, the particular phenomenon ‘politicization’ has been involved in this very sector. It seems that the very concept of the Caretaker Government has opened a floodgate for politicization where the ruling parties are playing their part to ensure that the last retired chief justice is someone who can be termed as politically employed<sup>10</sup>.

### Number and Position of the Lawyers

The position and the qualification of the lawyers in case of creating backlogs of civil litigation is very much questionable. The pleaders appointed on behalf of Bangladesh Government do not handle the suit cautiously and therefore backlogs in the litigations is taking place indiscriminately. Though the Government pleaders are taking remuneration from the Government, rarely do they render their best effort to protect the interest of the Government. In the present day, lawyers are incredibly in a critical position. Different public and private universities and the law colleges are producing law graduates every year. Consequently, the number of law graduates are increasing phenomenally in the country. At present, the number of enrolment in the Supreme Court Bar and different divisional Bar Associations are as follows<sup>11</sup>:

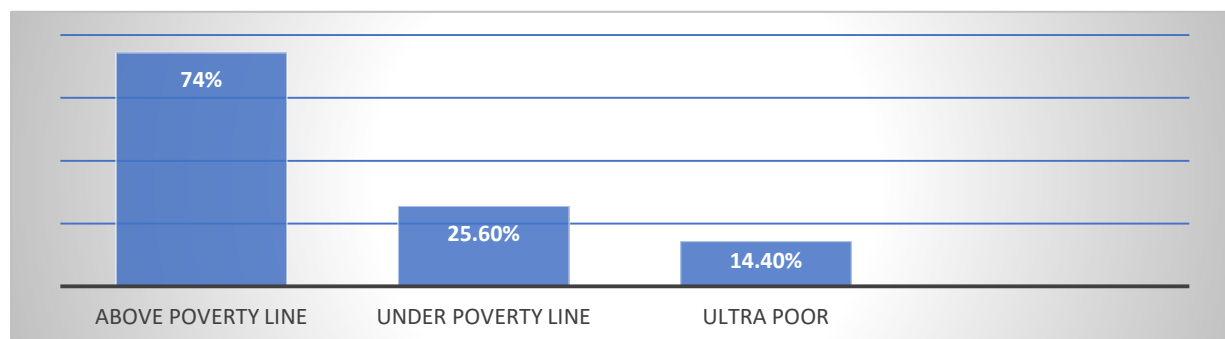
Name of the Bar Association	Number of Advocates
Supreme Court	4,771
Dhaka	16,556
Chittagong	3,336
<b>Rajshahi</b>	<b>681</b>
Khulna	1,159
Sylhet	1,094
Rangpur	440

<sup>10</sup> Source: Supreme Court Annual Report 2012.

<sup>11</sup> Source: Enrolment Register of the Supreme Court, Dhaka, Chittagong, Rajshahi, Khulna, Sylhet and Rangpur Bar Association (2012)

### Scarcity of Legal Aid

Legal aid may help to relieve the backlogs by providing free services by lawyers and subsidizing other court officials. Although we have a legal aid law and a national network of legal aid committees, its benefits hardly reach the target groups.



### Corruption

In a slide of performance, Bangladesh has been ranked 14th in the global graft index, according to a Transparency International report.<sup>12</sup> The country scored only 25 out of 100 points in the list of least corrupted country. Bangladesh pointed itself 145<sup>th</sup> rank out of 175 countries, where a rank of 1 is least corrupted.<sup>13</sup> In a survey regarding the corruption in the judiciary of Bangladesh, 52.4% of accused or plaintiffs reported that they had to bribe the court officials. The proportion of rural household paying bribes to court officials was 54.5% compared to 28.6% of urban households. Cash bribes were paid by 65.1% to the lawyers, 27.9% to court officials, and 7% to judges.<sup>14</sup> Amnesty International reports that corruption among the police and lower judiciary results in violation of human rights and impedes justice for those who are without money and political influence.<sup>15</sup>

### Lack of Modern Facilities

Bangladeshi civil courts lack the modern facilities enjoyed by the courts of developed countries, and for this reason backlogs of civil suits are increasing. The modern world is living in the age of science and technology and Bangladesh in this view is not in reverse. The vision of the Government is to digitalize all the sectors. Almost all the private sectors have achieved it effectively but the public sectors are not able to optimize the vision due to the lack of effective policy making and ignorance about the useful operation of technology. The Supreme Court of Bangladesh has recently introduced computerized case list and archive system through LAN (Local Area

<sup>12</sup> Bangladesh 14th most corrupt country, *The Daily Star* online report, 1:38 AM, December 03, 2014

<sup>13</sup> [https://en.wikipedia.org/wiki/Corruption\\_in\\_Bangladesh](https://en.wikipedia.org/wiki/Corruption_in_Bangladesh)

<sup>14</sup> 'Survey on Corruption in Bangladesh' conducted by TIB, Dhaka, with the assistance of Asia Foundation, Bangladesh

<sup>15</sup> Amnesty International press release AI Index ASA 13/13/2003 (public), news service no. 120:16 May 2003. Bangladesh: 'Time for action to protect human right'

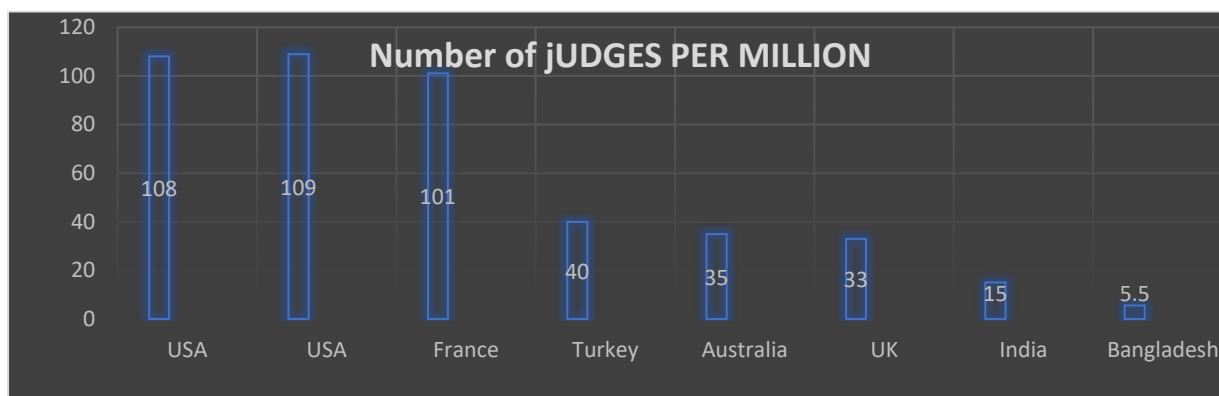
Network) and web portal through WAN (Wide Area Network) but local courts are still in a super analogous system.

### Dual Jurisdictions of the Judge

Under the present legal system of Bangladesh, the District Judge, Additional District Judge and Joint District Judge simultaneously exercise civil and criminal functions, which is one of the most important reasons for delay in disposal of cases. It is observed that the Judge often prefers to deal with criminal cases rather than civil matters.<sup>16</sup>

### Inadequate Number of Judges

The number of judges in our court is not sufficient enough to meet the pending civil litigation because the litigation is scattering in a disorderly manner. It is a matter to look forward that Bangladesh Government has recruited a few judges and some are in a pipe line to be appointed. It is a common experience that even existing vacancies in various HCD remain unfilled. Therefore, only 5.5 judges in the lower judiciary are serving per one million people in Bangladesh. This is still much less than the neighboring country India, let alone the developed countries. The scarcity can be better understood if we compare the figure of the judge to the population ratio of some other developed countries like US, UK, Australia, France, Canada and India. Here is an attempt to show the comparison in the following chart:<sup>17</sup>



### Other Defects

Judiciary of Bangladesh is caught in a vicious circle of delays and backlogs. Backlog of cases causes frustrating delay in the adjudicative process, which is eating away our judiciary. While delay in judicial process causes backlog, increasing backlog puts tremendous pressure on present cases and vice versa. This process goes on with no apparent remedy in view. Present rate of disposal of cases and backlog is alarming for justice, rule of law and economic development of the country. The reasons for delays

<sup>16</sup> Causes of Delay in the Administration of Civil Justice 107

<sup>17</sup> Source: Council of Europe Nov. 2010 paper on comparative litigation by J Mark Ramseyer & Rasmusen of Harvard Law School.

in our civil justice system are both systemic and subjective. They may be identified as follows:<sup>18</sup>

1. Common law oriented adversarial or accusatorial character of the civil process as against inquisitorial as practiced in continental Europe, meaning that the litigation is party-controlled which provides wide maneuvering power to the lawyers, and presupposes lesser initiative and relative passivity of the judges.
2. Slow process of service of the summons which can be further slowed down by the intentions of the parties concerned, indicating a poor state of court administration.
3. Too much reliance on the resort to interim injunctive relief and orders, leaving the hearing of the main contentions and issues to 'infinity'.
4. Frequent adjournments of the trial caused by the insistence of the lawyers, and reluctance of the judges to limit these adjournments, such reluctance being explained partly by heavy case-load and partly by their unpreparedness to continue and complete the process.
5. Vested interest of the lawyers for lingering and delaying the process, for they are often paid by their appearances in the court.
6. Commonly made interlocutory orders and appeals which fracture the case into many parts and effectively stay the trial.
7. Scope for frequent amendments of the complaints and written statements at any stage of the trial.
8. Reluctance of the judges, accentuated by their statutory non-compulsion, to use pre-existing rules and orders to expedite the trial, or to sanction the parties for failing to follow the procedural requirements, meaning that the judges do not take initiative to employ procedural power already within their reach, nor do they make use of their rule making power to achieve procedural effectiveness.
9. Absence of lawyer-client accountability giving the lawyer monopoly to conduct the case the way he considers best suited to his own interest.
10. Little scope for client to client interaction which hinders potentiality for alternative dispute resolution and intensifies conflictual nature of the proceedings.

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<sup>18</sup> Source: *The Daily Star*, Dhaka, 16 April, 2000

11. Failure of the parties to present the witnesses- sometimes genuine, sometimes deliberate.

12. Vagueness in the terms and wordings of the plaint and written statement, charging on the court time to clarify the issues, and the failure of the judges to impose costs for frivolous suits and pleadings.

13. Rotation and transfer of judges, often meaning that the same judge who heard testimony may not decide the dispute, taking away thereby much of his incentive to push forward the proceedings to judgement and seriously impeding the process of continuous trial; the new judge may have to repeat some of the procedural requirements already fulfilled.

14. Inadequate administrative and logistic support system, enormous work-load of the judges, poor salaries and poor working conditions - all having negative impact on the initiative and efficiency of the judges.

15. Insufficient internal discipline and accountability.

## Concluding Findings and Suggested Reforms

### Suggested Reforms

For securing effective administration of civil justice, some suggested reforms are made as follows:

1. The number of courts should be set up in comparison to number of cases and the quality of judges should also be increased through things on court management.
2. Specialized courts should be established up to the level of additional district and once courts are specialized the courts of additional district would be bifurcated and each court would be earmarked to try particular type of cases.
3. A separate court for execution of decree or order should be established in every district. To establish separate courts having exclusive jurisdiction of execution the relevant laws need to be reformed.
4. Official accountability and transparency of the court staff i.e. Serestadar, Bench Assistant, Office Pion, MLSS etc. should be ensured by the presiding judge.
5. Accountability of the judges should be ensured. The accountability provisions of a judge may be said to be good if it is properly implemented. Recommendation may, however, be considered in the following perspective:<sup>19</sup>
  - i. Judge having dual jurisdiction i.e. civil and criminal should include a certain number or percentage of disposal of civil suits in his monthly or weekly statement, failure to which makes him liable.

<sup>19</sup> Chowdhury, Mohammad Mizanur Rahman. (2013). A Study on Delay in Disposal of Civil Litigation: Bangladesh Perspective. The International Journal of Social Sciences, 14(1), p.34



- ii. Judge's monthly or weekly statement should include a column of disposal of suits through ADR.
  - iii. Regular and timely visit by the superior judicial officer over the inferior courts may ensure the accountability of the judges of the subordinate courts.
  - iv. Annual Confidential Report (ACR) should be made the main basis for promotion of a judge. It may also be suggested that, ACR should be considered a fundamental basis for promotion for the administrative judicial posts, e.g. District Judge, Chief Judicial Magistrate, and Chief Metropolitan Magistrate etc. Ranking of merit list of a judge should not be the only basis for promotion.
  - v. All judicial officers are should be provided with digital computerized office, well accommodation, transport facilities and handsome salaries.
6. All the methods of ADR mechanisms e.g. negotiation, conciliation, mediation and arbitration etc. should be made compulsory in the pretrial stage of a civil lawsuit. ADR works like an anti-biotic against the long process of disposal of suits. For effective ADR mechanisms, following suggestions are given:<sup>20</sup>
- i. Initiation of ADR should be made mandatory for the judge at the pre-trial stage and before the framing of issues.
  - ii. Separate ADR enactment with all its aspects would help the users to adopt it with full importance.
  - iii. An ADR committee may be set up under the chairmanship of the District Judge which shall also comprise of a panel of advocates, legal aid workers, NGO personalities etc.
  - iv. An advocate should be rewarded for each ADR disposal conducted by him.
  - v. Advantages of ADR should be disseminated among peoples through mass media.
7. There should be clear-cut provision that examination-in-chief and cross-examination of a witness must be completed on the same day or on the consecutive days.<sup>21</sup>
8. The time limit for filing written statement specified by the Code should be strictly followed.
9. No adjournment should be granted at the trial stage except on unavoidable grounds. The grounds for granting adjournment should be specified by the Supreme Court.
10. Administration of Civil Justice should be separated.
11. Courts should be computerized.
12. Effective management on the manner of service should be observed.

<sup>20</sup> ASA University Review, Vol. 6 No. 2, July–December, 2012, p.112

<sup>21</sup> **Section 137 of The Evidence Act, 1872** says that **examination in-chief** is the examination of a witness by the party who calls him and the examination of a witness by the adverse party shall be called his **cross-examination**. The examination of a witness, subsequent to the cross-examination by the party who called him, shall be called his **re-examination**.

13. The judges should dispose of uncontested suit on the date of first hearing strictly.
14. The rules relating to discovery, inspection and admission under Order 11 & 12 of the Code of Civil Procedure must be followed strictly by the parties.
15. The discretion of the court in amendment of the pleading should not be used leniently.
16. The presiding officer of the court should himself fix up the date of peremptory hearing and trial should take place chronologically in reference to the age and oldness of the suit.
17. Peremptory hearing should not be adjourned on flimsy grounds and piecemeal hearing should be discouraged.
18. Hearings should be precise.
19. The court must be vigilant in taking step for early argument of a lawsuit.
20. Restoration of dismissed and ex-parte suit should not be allowed on inadequate grounds.
21. The time limit for pronouncement of judgment and drawing up of decree must be followed strictly.
22. A provision should be made so that the original suit and the interlocutory matters of the original suit can be heard simultaneously.
23. Provisions regarding civil revision should be stricter.
24. There must be fixed judges for regular inspection of lower courts.
25. The District Judges must be more administrator than be judge.
26. Suits from the court having more cases ready can be transferred with post consent of the District Judge to the court having no case ready for hearing.
27. If, in the same judgeship, it is found that the number of suits in one court is higher than the suits of another court, then the District Judge should eventually distribute the suits among the judges.
28. The High Court must be cautious in giving stay order on the proceeding of a lower court.

If all the proposals stated above are implemented immediately, then backlogs in civil litigation will be reduced to a maximum level and moreover, it will ensure effective administration of civil justice because the suggestion are the accumulated result of practical experience of the judges and lawyers working at present in many courts.

### **Conclusion**

The State's prime responsibility is to protect, preserve and maintain the rights of its citizens through its machineries. Theoretically our present system of administering justice is structurally comparable to the system of administration of justice prevalent in any developed country. In spite of the same it is to be seen why complaints are being often made that our people are not getting proper and effective justice from our courts speedily. No doubt, a man comes to the judiciary not to lose his rights but to establish it. Judiciary is the last resort for establishing rights of an aggrieved person. But the judiciary is not proficient enough in delivering justice because of existing defective administration of justice due to procedural as well as practical loopholes. For, people

often lose their trust upon the judiciary and such a distrust creates social disorganizations. So, for the sake of proper disposal of civil suits in particular nothing should be done without giving proper thought over its true perspective. For this purpose, interaction among the judges, lawyers, academicians and other stake holders may be done occasionally in the form of seminars, symposium, workshop, round table conference etc. Because the more heads are put together, the better results are likely to come. It is high time for the Government, the NGOs and we ourselves, altogether to come forward and try all possible ways and make all our efforts to ensure justice.

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