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লোক প্রশাসন সাময়িকী



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সম্পাদক

মোঃ সানোয়ার জাহান ভূঁইয়া

সহযোগী সম্পাদক

সামসুল আলম খন্দকার

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A Study on Preparedness for Public-Private Partnerships (PPPs) Financing in Bangladesh

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Ariful Haque³
Taraferder A. Mahmud⁴

Abstract: Governments around the globe have faced increasing demands for modern, efficient and high quality public services. Given the magnitude of demand, in order to meet these challenges, a growing number of governments have ventured into Public Private Partnerships (PPPs). Yet, this new venture has raised the importance of the role of financing in developing countries like Bangladesh, which has not been examined. An empirical study will assist to investigate the preparedness for PPP financing and its implication on the public service provision as a policy tool. This study highlights preparedness for PPPs initiatives since its inception in Bangladesh. Both qualitative and quantitative methods had been applied in materializing this study. Institutional, financing and regulatory frameworks are found enormously supportive to Bangladesh's PPP initiatives. Considering the broad perspective based on investment climate, Bangladesh is found challenging somewhat for PPP venture. However, the perceptions from the people working in the Ministry and implementation agencies are rather conservative. The major issues those require substantial effort from the government in securing PPP prepared position include political commitment in successive government, financial arrangement for large projects, legal and regulatory framework, economic and financial viability of the PPP project, knowledge and skills in dealing with PPPs and land acquisition & resettlement program.

1.0 Introduction

The fast-changing policy environment because of globalisation, deregulation and economic crisis has increasingly led governments to recognize the important role of the private sectors. Moreover, budgetary constraints in the public sector have led to general agreement about the

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necessity of preparation of financial arrangements in public-private partnerships (PPPs). PPPs combine the deployment of private sector capital and sometimes, public sector capital to improve public services or the management of public sector assets focusing cost effective risk management and transformation of input based public sector procurement to output based public service delivery (Gerrard, 2001). Accordingly, governments around the world started taking initiatives towards a market-oriented approach in delivering public services. In recent years, there has been a growing appetite for PPPs in emerging economies. Bangladesh, in particular, has taken a clear lead in incorporating this approach as a policy tool for public service delivery and economic development.

Since 1971, Government of Bangladesh has taken several public sector reform initiatives. At the early stage of independence, Government started to play central role and nationalization of large industries took place. Reform efforts during 1972-1975 periods were also aimed at streamlining the public administration by integrating the different categories of civil services, abolishing elitism from the services and making the administration accountable to the political leadership (Azimuddin, 2011). However, changing political power changed the policy focus. During 1976-1982, denationalization initiative started and a coalition of civil and military bureaucrats developed (Maniruzzaman, 1981) (Azimuddin, 2011). Between 1982 and 1990, denationalization effort continued and emergence of private sector was encouraged. During this time, decentralization in the form of amalgamation of local government system and government bureaucracy took place, and greater trust was placed on the administrative elite in the decision making areas especially in the allocation of resources (Azimuddin, 2011). However, reform initiatives under democratic period after 1990s was not far from earlier but it got new insights, where administrative change and development in the light of New Public Management (NPM) were emphasized (Azimuddin, 2011, Sarker, 2004, Alam, 2006). Privatization of public enterprises, contracting out of public service, professionalism, performance standards, citizen's charter, market-based salary structure, devolution of authority of local governments, e-governance, and combating corruption reflected the spirit of NPM (Sarker, 2004).

Policy makers of democratic governments after 1990s realized the importance of collaboration with the private sectors. Consequently, several attempts have been initiated to capture the benefits of collaborative efforts. Such as Private Sector Power Generation Policy of

Bangladesh 1996, Bangladesh Private Sector Infrastructure Guidelines (PSIG) 2004, Policy Guidelines for Enhancement of Private Participation in the Power Sector 2008, and finally, Policy and Strategy for Public-Private Partnership (PSPPP) 2010 were introduced for developing and devising collaboration in Bangladesh. Moreover, to boost large scale investment on infrastructure and to keep pace with established PPP structure/process/skills, experiences & principles from other countries especially from India and other PPP leading countries have been transformed to our country context based on differences in socioeconomic, cultural, political and legal systems.

Introduction of collaborative arrangement has made the government flexible and cost conscious, the role of the government has been shifted from rowing to steering and public problems are being addressed through combining resources and expertise of the different segment of the societies (Rizvi, 2005). Thus the government globally is trended toward wide partnership with the private sectors. Australia and United Kingdom are mature in this collaborative arrangement and they have achieved through substantial number of PPP projects implementation in a very good operating environment with sophisticated framework and capacity building (EIU, 2012). Korea, India, Japan, Brazil, Chili and Peru are top-performing countries in this arrangement with strong institutional and regulatory framework but lack some sophistication either in operational environment or capacity building (EIU, 2012). Bangladesh, China, Pakistan, Thailand, Indonesia, the Philippines, Colombia, Costa Rica, Guatemala, Mexico, Panama, and Uruguay are emerging nations in collaboration due to their consistent effort for improving operating environment and developing institutional framework & capacity building, whereas some other countries those lack supportive environment, institutional framework and capacity building are treated as nascent state in Economist Intelligent Unit report of the Asian Development Bank.

Thus, excellent operating environment, sophisticated institution & regulatory framework and exact capacity building are required for developing partnerships. Based on those characteristics, it is possible to offer a strong footage of partnership government/ collaborative government.

1.1 Objectives of the study

This study attempts to address the status of those fundamentals to identify the preparedness of Bangladesh for financing infrastructure through public-private partnership initiatives. Specific objectives of the study are to:

- a. Examine legal, regulatory, institutional, financing framework of public-private partnerships and investment climate in Bangladesh to assess PPPs preparedness in Bangladesh;
- b. Extract perceptions on preparedness of public-private partnerships in both government sector and private sector officials and check whether there are any differences in perception level among organizations; and finally,
- c. Identify obstacles in implementing public-private partnerships projects in Bangladesh context those require both longer term effort and shorter term effort to overcome.

1.2 Organization of the paper

This paper is organized in the following way: Section two gives an overview of public-private partnership initiatives and PPP projects in Bangladesh. Section three deals with deeper understanding on PPP preparedness based on legal, regulatory, institutional & financial framework, investment climate and survey response. Survey responses derive the preparedness ratings based on both public sector and private sector preparedness. Uniqueness of this study remains on analysis where the preparedness was identified from both public sector and private sector context giving equal importance to private sector. Section four draws insights from the previous discussion as results and discussion. Recommendations based on survey response have also been presented here. Finally, section five offers concluding remarks.

2.0 Public-Private Partnerships (Ppps) Initiatives In Bangladesh

Government of Bangladesh, considering the challenges of financing infrastructure projects, adopted the PPP strategies in late 1990s through devising a private sector power generation policy in 1996. Later in 2004, Bangladesh Private Sector Infrastructure Guidelines (PSIG) was issued by the government to boost individual investment in the development and maintenance of infrastructure under public private partnership initiative. Private infrastructure Committee's (PICOM) was dedicated authority

with secretarial support given by Board of Investment (BOI) for PPPs and three government organizations were involved in the project financing and implementation by the private sector under this guideline. The Infrastructure Development Company Limited (IDCOL), a non-banking financial institution was established to facilitate project financing, Investment Promotion and Financing Facility (IPFF), a project under World Bank was established for project financing and the Infrastructure Investment Facilitation Centre (IIFC), a consultancy firm was established for assisting the government with advice on project formulation, design and development. Under this initiative, up to 2009 a total of 27 projects were implemented of which 18 projects were in the power & energy sector, 6 projects in telecommunication sector, 2 projects in port infrastructure sector and 1 project in the information technology sector whose investment amount were ranging from merely 5 million to 45 million BDT (GoB, 2009).

Since 2009, Bangladesh has started a journey towards achieving goal of 'Vision 2021' emphasizing positioning Bangladesh as mid income country within 2021 at Golden Jubilee of Bangladesh's independence. It requires sustained annual growth rate of GDP from 8 per cent by 2013 to 10 percent after 2017 (GoB, 2010). Accumulated capital will act as the major stimulus to growth for which gross investment rate needs to be raised at around 38 per cent of GDP by 2021. More specifically, the private investment will be growth driver which is currently around 18 percent whereas public investment which is currently at around 6 per cent will be restructured in promoting growth and development (GoB, 2010). Thus the focus of the government / national budget since 2009, is on effective public-private collaboration for investment in infrastructure development keeping eye on financing investment deficit of USD 58 billion to achieve 8 percent GDP growth by 2016. The initiatives to involve private sectors under public-private partnerships were articulated in successive year's budgets.

In 2009-2010 budget, TK 2500 crore was allocated under three new expenditure heads: TK 100 crore for PPP technical assistance, TK 300 crore for PPP viability gap funding, TK 2100 crore for creating infrastructure investment fund. During that period decision was taken on setting up an institution for preparation and implementation of PPP budget. Through initiation of PPP budget, Government of Bangladesh has shown its firm commitment toward PPP for the first time.

In 2010-2011 budget, TK 3000 crore was allocated whereas TK 1600 crore has been placed in the 'Bangladesh Infrastructure Finance Fund (BIFF) from earlier budget. Subsequently, Bangladesh Infrastructure Finance Fund Limited (BIFFL), a non banking financial institution was created with the aforesaid fund absorbed as paid up capital.

In 2011-2012 budget, TK 3000 crore was allocated under the following expenditure heads: TK 100 crore for PPP technical assistance, TK 300 crore for PPP viability gap funding, TK 2500 crore for creating additional infrastructure investment fund for BIFFL if needed. Within this budget period PPP office has been established, new policy and strategy and a set of guidelines for project scrutiny and approval procedures are issued and PPP unit has been created in Finance Division with the responsibility of managing government support in the form of fiscal and non fiscal incentives. However, Efficiency enhancement and capacity building for different ministries/ divisions were identified as requirements for successfully and speedy implementation of allocated budget.

In 2012-2013 budget again TK 3000 crore has been kept aside for supporting probable investment in PPP projects. A lot of initiatives have already been completed. The most notables are capacity building of the officials in different Ministries/ Division, establishment of PPP unit in Finance division, policy guidelines on technical assistance and Viability Gap Financing (VGF), a PPP law has been drafted and eight projects under five Ministries/ Divisions to be implemented on pilot basis have been identified. However, no PPP project has yet been implemented under this new framework.

Till February 2013, 25 proposals are received in PPP Office from implementing agencies as pipeline project. Among them 7 projects are at support stage, 6 projects are at Cabinet Committee on Economic Affairs (CCEA) approval stage and rest of them are at screening stage. Table-1 shows detail list of the projects.

Table-1: List of projects at different stages

Support stage	CCEA Approval stage	Screening stage
Dhaka-Ashulia Elevated Expressway	Mirpur Affordable Housing project	LPG bottling plant at Kumira (Jetty, pipeline and storage)
Hemodialysis Centre at NIKDU, Dhaka	Upgrading of Dhaka bypass to for line (Madanpur-Vulta-Joydebpur)	Construction to Laldia Bulk Terminal
Hemodialysis Centre at CMCH, Chittagong	Jatrabari Sultana Kamal Bridge-Tarabo PPP road	Cargo village (2 nd phase) and Multimode surveillance system at Hazrat Shahjalal International Airport
Abasar: Senior citizen health care and hospitality complex	Hemayetpur-Singair- Manikgonj PPP road	Fulchari Bahadurabad MG railway bridge
Five Economic Zones in Bangladesh	Flyover from Santinagar to Mawa road via 4 th bridge over Buriganga river	Dual gauge double line Bangabandhu bridge
Construction and operation of Mongla Port	3 rd Sea port at Rabonabad point	Modernization of Railway hospital in Dhaka, Khulna and Chittagong
Khilkhet water treatment plant		Five star railway hotel at Chittagong
		Commercial development of shopping and hotel facilities to expedite railway tourism
		Bus rapid transport support projects

Source: PPP Office, Bangladesh

3.0 Preparedness of Public Private Partnerships in Bangladesh

3.1 Preparedness for Public-Private Partnership Initiatives based on Legal, regulatory, institutional and financing framework of PPPs in Bangladesh

As policy alternative for public service delivery, Public-Private Partnerships policy has been able to attract consistently the top level policy makers of Bangladesh since late 1990s. However, till 2010 sufficient progress was not made through PPP initiative. Considering the weaknesses and limitations in the earlier guidelines, legal basis and institutional framework, and for accelerating PPP initiative, Government of Bangladesh formulate a Policy and Strategy for Public-Private Partnership (PPP), 2010, publish Scheme and Guideline for Public-Private Partnership Technical Assistance Financing (PPPTAF) to support PPP project development/ Guidelines for Viability Gap Financing (VGF) to Public-Private Partnership (PPP) Project, establish independent PPP office under Prime Minister's Office/ PPP unit in Finance Division/ Bangladesh Infrastructure Finance Fund Limited (BIFFL) and select focal points at the Line Ministries/Implementing Agencies. Some specific details of financing arrangement are discussed below:

By introducing Scheme for Public-Private Partnership Technical Assistance Financing (PPPTAF) Government of Bangladesh has decided to provide fund for financing project development costs to overcome

budget constraints of the implementing agencies in financing PPP project development costs. PPPTAF will only be used in In-Principle approved projects by the competent authority as per Policy and Strategy for Public-Private Partnership (PPP), 2010. Expenditure related to project development activities are i) project identification, ii) pre-feasibility studies, iii) detailed feasibility studies, iv) procurement procedures, v) documentation and evaluation, vi) technical, commercial, financial and legal support, vii) contractual and negotiations and other subsequent activities in relation to the project till signing the contract and achieving project financial close with the awarded tenderer. This also includes cost of engaging consultants, PPP capacity building and PPP awareness development. Initial contribution from the Government is Bangladeshi Taka 100 crore as grant. It is envisaged as revolving fund and would get replenished by the reimbursement through full or partial assistance recovered from successful tenderer. PPP office will manage and administer the fund as per Finance Division's guidelines and will send utilization report periodically to the Finance Division. Detail approval and monitoring procedures are specified in the Guideline for PPPTAF published by the Finance Division, Ministry of Finance.

Secondly, Guidelines for Viability Gap Financing (VGF) to Public-Private Partnership (PPP) Project shows innovation in government finance to the PPP projects. The Government of Bangladesh has decided to subsidize economically and socially viable PPP projects those will not be financially viable through charging affordable user tariffs or utility payments. The Government will make such PPP projects financially viable by providing a budget line. This budget line is known as Viability Gap Financing (VGF) and will be managed and administered by the designated PPP unit of the Ministry of Finance. VGF in the form of capital grant shall not exceed 30 per cent of the total estimated project cost and it will only be applicable for Build-Operate-Transfer (BOT) type PPP project. Moreover this VGF shall be disbursed on a periodic basis in the construction phase of the project only when total equity contribution of the private partner is already expended. To be considered for this type of public financing, the economic rate of return (ERR) of the project shall meet the threshold level as specified by the PPP unit. Not only that, the private partners for the PPP projects shall be selected through competitive tendering process and subject to fulfillment of all other requirements of the tender the required amount of VGF shall be equivalent to the lowest for this form of financing. The Government of Bangladesh has already

published Guidelines for VGF for PPP projects, 2012 covering approval, disbursement and monitoring procedures.

And finally, apart from VGF, Government of Bangladesh will offer extended catalytic support for arranging debt for the investors through Bangladesh Infrastructure Finance Fund Limited (BIFFL). Bangladesh Infrastructure Finance Fund Limited (BIFFL) is a public limited company with Authorized Share Capital of BDT 100 (One hundred) billion and the Subscribed Share Capital or Paid-up capital is BDT 16.00 billion. Initially, the Government will hold 100 percent ownership of the company. After the private sector invests in equity they will also get ownership of the company. The main objective of BIFFL is to provide predominantly long-term financing for PPP projects through issuance of bonds and debt instruments and equity offerings. BIFFL envisages attracting private investments from local & foreign investors and to invest companies that are implementing infrastructure projects in Bangladesh. This financing institution helps developing confidence among the investors and gives a signal to the local and foreign investors about the intention of the Government.

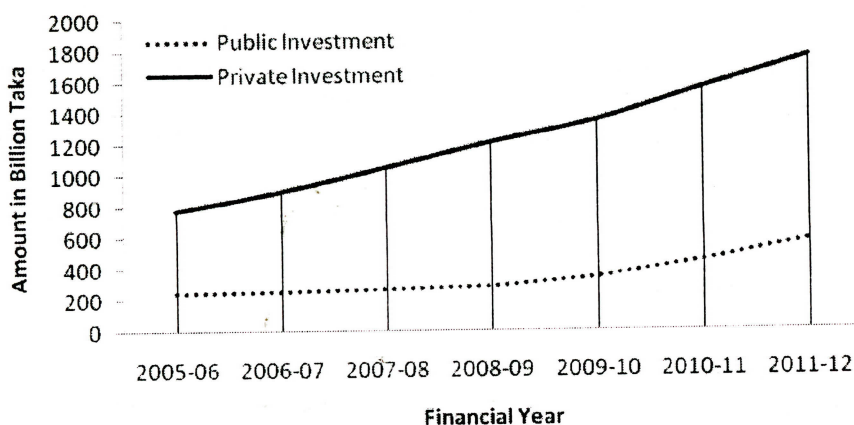
Besides these institutional and financial arrangements, the PPP office has already completed Draft PPP Law, Project Screening Manual, Project Development Manual, Tender Process Manual, Environmental and Social Safeguards Framework, and 4 Model Concession Agreements. Moreover, the PPP Office has identified eight pilot projects under different ministries and further projects are currently being screened for PPP selection. Thus, based on legal, regulatory, institutional and financial arrangement Bangladesh is fully ready to invest in projects through public-private partnership arrangement.

3.2 Preparedness for Public-Private Partnership Initiatives based on Investment Climate in Bangladesh

In the Sixth Five Year Plan (2011-2015) the Government of Bangladesh recognizes public-private partnerships as a strong catalyst for mobilizing additional resources and creating additional capacity with an expectation that it will help for implementing public programs. Thus primary interest of the government is to encourage private investment in energy and power, roads, waterways, railways, ports, water and sanitation, telecommunications/ICT, housing and tourism. Expanding the scope of PFP further in the social sector is also under government consideration. Against this backdrop, present investment scenario and investment

climate in Bangladesh needs to be discussed. Bangladesh, a transitional economic state, has been experiencing an accelerated economic growth where private sector is playing a leading role. Macroeconomic highlights shows a steady average annual GDP growth of 6.21 % and above during the last 5 years. Increasing investment is considered as a key variable for attaining such growth. Comparative figure of public and private investment during FY 2005-06 to 2011-12 periods is shown in Figure -1.

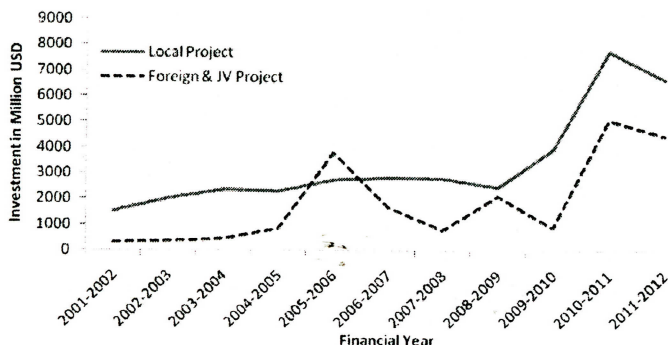
Figure-1: Public and private investment in Bangladesh



Source: Bangladesh Economic Review (2012)

Investment as percentage of GDP increased from 24.4% in FY 2010 to 24.7% in FY 2011. Whereas the private sector component as percentage of GDP increased from 19.3 % in FY 2010 to 19.5% in FY 2011, public sector component of investment as percentage of GDP however, raised from 5.3% in FY 2010 to 5.4% in FY 2011 (BOI, 2012). Besides, investment project registered with Board of Investment (BOI) shows that in FY 2001-2002, about 2964 private investment projects with proposed investment of 1833 million USD were registered whereas it reached 1955 projects in FY 2011-12 with proposed investment of 11148 million USD. Figure-2 shows private investment both local and foreign during the period of 2001-02 to 2011-12.

Figure-2: Private investment registration in the Board of Investment



Source: BOI (2012)

In sector wise analysis it is found that service sector has been registered as highest (29%) in FY 2011-12. Other major sectors were textile (19.74%), chemical (17.82%), and agro based (11.44%). From different regions of the world a total of 34 countries registered their project as foreign and joint venture projects in FY 2011-12. These countries are USA, Thailand, India, South Korea, Netherlands, China, UK, Japan and Singapore.

Bangladesh's most liberal investment climate in South Asia is the major factor in attracting private investment and achieving industrial growth. Government of Bangladesh has liberalized the industrial and investment policies by reducing regulatory requirements and offering substantial incentive program. A summary of incentives provided to the investors is presented in Table-2.

Table-2: Summary of incentives provided to the investors

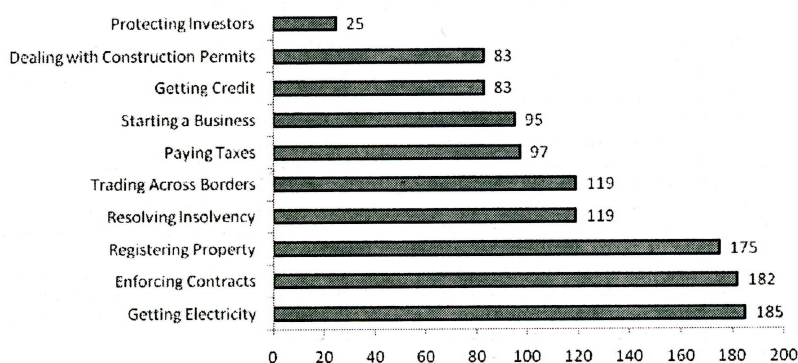
Major Fiscal Incentives	Major Non-Fiscal Incentives
1. Tax holiday facilities for 5-7 years 2. 1%-3% concessionary duty exemptions on imported machinery 3. Avoidance of double taxation based on bilateral Double Taxation Avoidance Treaties. 4. Accelerated depreciation allowance for new industrial undertakings instead of tax holiday 5. Restructuring depreciation allowance for better profitability 6. No discrimination in case of duties and taxes for the same type of industries set up by foreign and local investors and in public and private sectors 7. Tax exemptions on the interest on foreign loan under some conditions/ private sector power generation company/ capital gains from the transfer of shares	1. Remittance of royalty, technical know-how, technical assistance fee 2. Cent percent foreign equity allowed 3. Unrestricted exit policy 4. Full repatriation facilities of dividend and capital at the event of exit 5. Permanent residence permit on investing USD 75000 and citizenship offer for investing USD 500000. 6. Special incentive packages to export oriented and export linkage industries/ power sector investors 7. Privileges for selected commercially important person (CIP)

Source: BOI (2012)

Bangladesh is now the 27th most attractive investment destination. Goldman Sachs branded Bangladesh as in 'Next 11' list after the BRIC nations. JP Morgan Chase commented Bangladesh as the country ranks fourth in growth in economically active population. Recently Moody's has ranked Bangladesh at Ba3 in its sovereign ratings that reflects the macro-economic stability of the country. The rating is higher than Sri Lanka and Pakistan. Bangladesh has also higher than the average ratings of around 100 developing countries in the Country Policy & Institutional Assessment (CPIA) of the World Bank that assesses from broad areas like economic management, structural policies, policies for social inclusion and public sector management.

However, based on variety of indicators, grouped in 10 categories, a report entitled 'Doing Business 2013' published jointly by the World Bank and IFC, in which Bangladesh is ranked in the 129th position among 185 countries in ease of doing business. In case of protecting investors, arranging credit, starting business and paying taxes Bangladesh is ranked 25th, 83rd, 95th, and 97th. The ranking on the ease of doing business do not measure all aspects of the business environment that matter to firms/ investors or that affect the competitiveness of the economy, but high ranking does mean that the government has created a regulatory environment conducive to operating a business (Doing Business, 2013). How Bangladesh ranks on Doing Business topics is shown in Figure-3. With these rankings, Bangladesh is suitably positioned for doing business in South Asia, notably better than India and Afghanistan.

Figure-3: How Bangladesh Ranks on Doing Business Topics



Source: Doing Business, 2013

Moreover, the cost of doing business in Bangladesh is significantly competitive in comparison to other economies in the region. JETRO in its latest survey on the 33 cities of Asia found that almost in all elements, Dhaka is among the least costly place (BOI, 2013). According to BOI, business starting elements (such as selecting a business structure, incorporating a company, opening a liaison or representative office, securing trade license) require minimum cost, operational set up for industries/business the other steps/elements (such as registering with BOI, obtaining industrial plot, approval of foreign loan/ suppliers' credit/ PAYE scheme, obtaining utility connections, import of raw materials, work permit, registering with Factories Act, registering with Environmental Legislation, and finally remittance of royalty/technical know-how/technical assistance fee) incur competitive cost due to having government policy support and finally, in human resource & employment and foreign exchange transaction Bangladesh is much suitably placed.

Investment projects through PPPs will also have similar elements/steps and will work in similar investment climate. However, PPP projects are different as they mainly deal with public goods and services and the differences will be clearly visible while PPP projects will require financing from the government. Thus, based on investment climate, Bangladesh offer substantial conducive environment for implementing projects through PPPs however still there are both challenges and flexible opportunities.

3.3 Preparedness for Public-Private Partnership Initiatives based on survey response

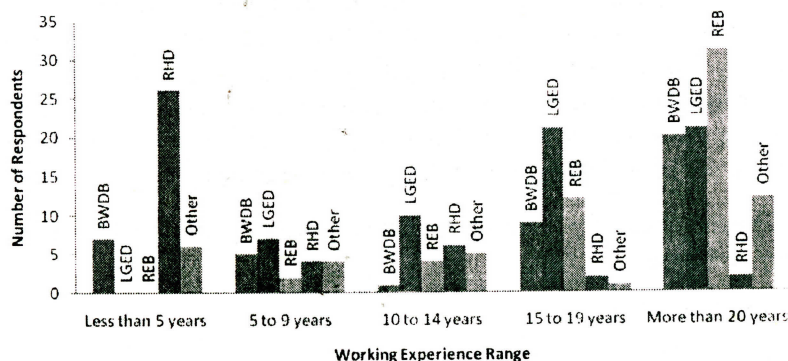
3.3.1 Method of Enquiry

In order to identify government officials perception on PPP preparedness in Bangladesh, a questionnaire survey was conducted during December 2012 to February 2013 period. This survey was based on 218 respondents from four major government organizations those are implementing agencies mainly involved in infrastructure construction and maintenance service and some other relevant Ministry/Division/Department Officials. The implementation agencies were Roads and Highways Department (responsible for the construction and the maintenance of the major roads and bridge network), Local Government Engineering Department (the largest public sector organizations devoted to construction of roads, bridges/ culverts and markets for social mobilization, empowerment and environmental protection in rural and urban areas), Bangladesh Water Development Board (the principal agency of the government for managing water resources of the country and responsible for executing

flood control, drainage and irrigation projects to increase productivity in agriculture and fisheries) and Rural Electrification Board (a semi-autonomous government agency responsible for electrifying rural Bangladesh). Besides RHD, LGED, BWDB and REB, there were also respondents from other Ministries, Division and Department.

Survey data were collected from 190 officials working in above implementing agencies and 28 officials working in Government Ministries/Division/ Department while they were in a training programme on Concession Agreement and Public- Private Partnership training conducted by Central Procurement Technical Unit (CPTU) at Bangladesh Engineering Staff College, Dhaka. A total of 12 courses were conducted taking 17 to 20 participants in each course with the participants from above organizations. Experience wise distribution of respondents was shown in Figure-4.

Figure-4: Experience-wise distribution of the respondents



Source: Survey conducted in December 2012-February 2013

3.3.2 Data Analysis

The major purpose of the study was to extract out respondents' true understanding on preparedness for PPPs in Bangladesh context. Thus, initially, we used the following question as general understanding and perception on Government preparedness in public-private partnership initiatives.

Question 1: Do you think Government of Bangladesh is currently prepared for implementing PPP projects and in this case would you please express your opinion where it fits best: 1) Not prepared at all, 2) Not very much prepared due to having large number of major obstacles, 3)

Partially prepared due to having some major obstacles and minor obstacles, 4) Nearly prepared with some minor obstacles and 5) Fully prepared. Table-3 shows perception on PPP preparedness in the Government of Bangladesh.

Table-3: Perceptions on PPP preparedness in Bangladesh (Percent distribution).

Perceptions on PPP preparedness	BWDB	LGED	REB	RHD	Other
Not prepared at all	0	2	0	0	0
Not very much prepared due to having large number of major obstacles	14	12	6	25	7
Partially prepared due to having some major obstacles and minor obstacles	57	47	55	48	54
Nearly prepared with some minor obstacles	29	34	33	25	36
Fully prepared	0	5	6	3	4
Total N= 218	100	100	100	100	100

Source: Survey conducted in December 2012-February 2013

The above table reveals that perception on PPP preparedness is encouraging but did not offer sufficient satisfaction. Around 35 percent of the respondents believe that Bangladesh is prepared for PPP venture whereas 52 percent is only skeptic due to having few major obstacles which require longer term effort to overcome. But the percentages of respondents, who see lots of major obstacles, are not substantial (around 13%). However, the major obstacles (needs longer time effort from the government) and minor obstacles (needs shorter term effort from the government) are shown in Table-4.

Table-4: List of obstacles identified the respondents

Major Obstacles	Minor Obstacles
1. Uncertainty about Political commitment 2. Finalization of legal documents/frameworks 3. Lack of large investor/ debt financing and budget deficiency of the government 4. Lack of capacity of implementing agencies/transparency/efficiency and lack of expertise in those organization 5. Political unrest 6. Lack of awareness about PPP and discriminatory knowledge between public and private sector 7. Lack of PPP expert in both public and private sector 8. Land acquisition problem 9. Incompetence in risk assessment 10. Inefficiency in project identification	1. All necessary sector specific guidelines are not fully prepared 2. Difficulty in financial arrangement and capital market 3. Lack of proper understanding on PPP and lack of general awareness on PPP 4. Institutional arrangement is not complete yet such as PPP cell in all Ministry/ PPP approval procedure / PPP contract management 5. Poor feasibility study of project and possibility in problem in fixing user fee 6. Land acquisition and other utility support 7. Identification of attractive project and quality private partner selection

Source: Survey conducted in December 2012-February 2013

Perception on preparedness of PPP in Bangladesh needs to be explained by the respondent's understanding about the related issues in PPP implementation initiatives. To explore the respondents' understanding about the PPP related issues the following question was asked.

Question 2: Would you please place your satisfaction level on the following issues regarding PPP implementation initiatives in Bangladesh context. The results are shown in Table-5.

Table-5: Satisfaction level of the respondents on issues related to PPP implementation initiatives (Percent distribution).

In general, issues regarding PPP implementation initiatives in Bangladesh (are)	Very /relatively satisfied	Slightly /not satisfied
1. Political unrest and instability in political environment any tenure	31	69
2. Good governance, transparency and efficiency of the government	35	65
3. Political commitment of the successive government	37	63
4. Availability of large investors for investing in public service delivery	37	63
5. Project identification, detail feasibility analysis and financial due diligence	37	63
6. Capacity of implementing agencies/ Ministries and general PPP awareness	40	60
7. Land acquisition and related utilities/ input supply facilities	40	60
8. Government budgetary arrangement and VGF facility	52	48
9. Institutional, legal and regulatory framework and document preparation	58	42
10. Capacity of the financial institutions and debt financing facilities	60	40
Average (percentage)	43	57

The overall satisfaction level of the respondents towards the issues related to PPP implementation in Bangladesh is 43 percent. The respondents were not satisfied in terms of political unrest, good governance, political commitment, availability of large investors and project identification, capacity of implementing agencies and land acquisition perspectives. However, in this study, it is found that government budgetary arrangement, institutional and document preparation and capacity of the financial institution is much more satisfactory than others.

We examine the patterns of perception for government organizations surveyed and how these patterns are related to the working experience of the respondents. It is found that officials from the Ministry/Division/Department who are not in the implementing agency have higher perception on PPP preparedness for Bangladesh Government with mean preparedness at 3.48. Rural Electrification Board personnel (mean preparedness is 3.39) are also more optimistic than Local Government Engineering Department (mean preparedness is 3.29) or

Bangladesh Water Development Board (mean preparedness is 3.14). According to Roads and Highway Division personnel, Government preparedness is still obstructed by both major and minor obstacles with mean preparedness at 3.05. On the other hand experience range analysis shows that higher the experience, perception on Government preparedness is high. It is found that young officials with service experience less than 10 years have low perception on government preparedness (mean preparedness is 3.13) whereas the officials with working experience more than 10 years have higher perception on government preparedness whose mean preparedness is 3.31.

Understanding preparedness on the Government side is not enough. As it is partnership with the private sector, we also need to know the preparedness of private sector. To explore the preparedness of private sector, we used the following question as general understanding and perception on private sector preparedness in public-private partnership initiatives.

Question 3: Do you think private sector is prepared to be a part of collaborative effort with the Government for developing infrastructure in Bangladesh? Would you please express your opinion where it fits best: 1) Not prepared, 2) Not very much prepared, 3) Partially prepared, 4) Nearly prepared and 5) Fully prepared. Here we also examine the patterns of perception in the context of private sector and how these patterns are related to the organization surveyed and to the working experience of the respondents. Table-6 shows perception on PPP preparedness in the Government of Bangladesh.

Table-6: Perceptions on PPP preparedness in private sector of Bangladesh (Percent distribution).

Perceptions on PPP preparedness in private sector	BWDB	LGED	REB	RHD	Other
Not prepared	0	3	2	10	0
Not very much prepared	18	12	2	30	18
Partially prepared	63	55	67	35	43
Nearly prepared	18	28	27	23	39
Fully prepared	3	2	2	3	0
Total N= 214	100	100	100	100	100

Source: Survey conducted in December 2012-February 2013

From the responses collected, it was found that private sector preparedness is not high as preparedness of government sector. Around 30% of the respondents believe that private sector is prepared for PPPs.

Similar to Government preparedness, around 52% responded thinks that private sector is partially prepared. Besides, 19% respondents found private sector not prepared. Perception on PPP preparedness in the private sector needs to be explained by the respondents' understanding about the related issues in PPP implementation initiatives. To explore the respondents' understanding about the PPP related issues the following question was asked.

Question 4: Would you please place your judgment on the following issues regarding capacity of private sectors for PPP project implementation. The results are shown in Table-7.

Table-7: General Perception on capacity and competency of the private Sector

Private parties are in general-	Strongly agree/ agree	Slightly agree/ not agree
1. Efficient in service delivery	79	21
2. Well communicative (formal & informal)	77	23
3. Reliable for quality service	76	24
4. Capable of arranging large fund	73	27
5. Friendly and easy access to	73	27
6. Capable of managing risks	72	28
7. Technological advanced	71	29
8. Obligated to follow legal bindings	70	30
9. Consider national interest	63	37
10. Corruptive nature	57	43
Average (Percentages)	71	29

Source: Survey conducted in December 2012-February 2013

All respondents were from the government sector and they have very good perception on the capacity of private sector in terms of PPP project implementation. On an average 71% of the respondent agree on the expected competency level for PPP project implementation. According to the respondents, private sector is efficient, well communicative, reliable, capable of arranging large fund, accessible, and capable of managing risk. However, still the respondents have some confusion about the role in serving national interest and the corruptive behavior of the private sector. It is revealed that private sector is well ahead with dealing with PPP project implementation but the respondents believe that they are not enough ready to be a part of collaborative effort for implementing PPP projects.

In preparedness of private sector, experience and organization based analysis were conducted. Ministry/Division/Department officials have comparatively higher perception on private sector preparedness (which is 3.2) whereas, the implementing agencies' perception varies. Mean preparedness for the private sector are 3.25, 3.12, 3.05, and 2.78 for REB, LGED, BWDB and RHD personnel respectively. Experience wise analysis shows that mid level and high level officials with service experience more than 10 years have comparatively higher perception on private sector preparedness in PPP project implementation, whose mean preparedness is around 3.12. On the other hand, young officials with service experience below 10 years are skeptical and have lower perception on private sector preparedness with mean preparedness of 2.98.

Our survey results were found nearly similar to Economic Intelligence Unit's PPP readiness assessment. Economist Intelligence Unit of Asian Development Bank (ADB) publishes an Index which is known as Asia Infrascopes Index for Asia Pacific countries. The Asia Infrascopes Index assesses countries' readiness and capacity for sustainable, long-term PPP projects. Based on the scores, countries were categorized into four groups: mature (score range: 80-100), developed (score range: 60-80), emerging (score range: 30-60) and nascent (score range: 0-30). A country's overall score comprises of weighted category score of the country's regulatory framework, institutional framework, operational maturity, investment climate, financial facilities, and sub-national adjustment. The most "PPP ready" countries are successful in attracting private sector investment. Bangladesh scores 39.2 out of 100 of the overall index with the highest 47.5 for investment climate among 16 Asia-Pacific countries and hold the status of Emerging country for investing through PPPs.

4.0 Results and Discussion

Bangladesh is on board of collaborative arrangement with two major objectives: developing infrastructure and boosting economic growth. As it reduces pressure on national budget and share investment risks, policy makers of successive democratic governments see partnership initiatives as an important strategy. With the assistance of some development partners e.g., World Bank and ADB, Government of Bangladesh has finalized regulatory, institutional and financial framework. Besides,

continued infrastructural support to the investment projects, capacity building in terms of good governance, transparency and expertise development is an ongoing process in this country. However, incessant effort of the Government for improving business/investment climate and substantial progress made in telecommunication & ICT service are often challenged by some constraints such as land and utility support, overall transportation system, weak legal enforcement. Initiatives for creating an informed civil service at the Ministry and implementation agency level indicates well but again transparency and accountability of the government require tangible attention. Side by side, capable private sector is a vital requirement for PPP governance. Well communicative, technologically advanced, and high quality private sector with capable of arranging large fund and managing risks can be a good partner but for effective collaboration, nation needs that type of private sector who will consider national interest and follow legal bindings.

Considering capacity of both public and private sector our survey result shows that government is prepared with mean preparedness of 3.25 and private sector is prepared with a mean preparedness of 3.08. From the survey, it is found that the government preparedness rankings nearly conform the satisfaction level on PPP related issues. i.e., 35 percent respondent thinks that government sector is prepared for investing through PPP project at the same time 43 percent respondent thinks that the necessary initiatives from the government is satisfactory. On the other hand, around 30 percent respondent thinks that private sector is prepared to be a partner whereas, 71 percent respondent thinks that the private sector of Bangladesh has necessary competencies and qualities. It means, the government officials believe that private sector has required competencies & qualities but they think the private sector is not prepared for collaboration. Government officials do not have sufficient confidence on the private sector, may be a reason for such perception of less preparedness of the private sector. In essence, based on our study findings, we claim that considering both public and private sector, Bangladesh is moderately prepared for project financing through public-private partnership.

The study also reveals another two important dimensions. A) Implementing agency officials have less perception on PPP preparedness in both government and private sector than the perception of the policy

level officials. Knowledge gap is one of the reasons but experience of facing problems and overcoming those problems may guide the implementation agency officials to be conservative. B) Young officials are much more conservative than the experienced officials. Thus the preparedness ranking is lower in case of officials who have less than 10 years of working experience than the officials who have more than 10 years of working experience. Young officials are observing political instability, confusing policy changes and inefficiency in the bureaucracy in the last 10 years since their joining in the government platform. Whereas experienced officials have long experience of both stable and unstable situation and thus have the capacity of making expectations more reasonable and achievable. Lower perception of preparedness can be explained in this way.

Recommendations based on survey response: Success towards achieving high PPPs preparedness and sustaining with this goal require lots of fundamental support from both public sector and private sector. Government has achievement in developing institutional, financing and regulatory framework but much have to do for increasing capacity and confidence in operational/business level. For the operational environment, business support initiative by the government is sufficient but much attention is required for improving governance. Besides, government should have sufficient confidence on private sector. It certainly requires continuous dialogue between public and private sector and improvement of corporate governance. Sharing experience on PPP implementation is highly regarded between Government to Government and also between private investors of one country to another. Side by side, environment should be created to allow international investors in PPPs, so that the national investors gradually become mature to take up PPP project and can make the initiative robust.

5.0 Conclusion

Bangladesh is embracing policy and strategies for promoting public-private partnerships since 1990 and transforming the governance toward collaborative arrangement. Transformation of governance was being adopted by all the government constituted by the two major political parties of Bangladesh. Thus political commitment has been observed almost in all tenures since 1990. However, the commitment has been robust by recently taken innovative financing initiatives in the form of

creating grant for public-private partnership technical assistance fund, arranging viability gap financing (VGF) and establishing non-bank financial institution for equity contribution. Based on survey responses and on the assessment of financing framework & other required indicators related to investment through public-private partnership, the study concludes that Bangladesh is at the moderately prepared level in financing projects through public-private partnerships. Secondly, Government is making constant effort for improving investment climate and PPP related capacity building. Thus Bangladesh is now an attractive destination for investing through PPPs with local and foreign investors.

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Initiatives towards Citizen Empowerment in Bangladesh through e-Governance: How far implemented

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Abstract: E-Governance is comparatively a new phenomenon where the ultimate objective is ensuring good governance. Government all over the world are taking e-government initiatives to promote government service and tap the potential synergy from the new technologies, an educated population and enabling environment to meet the challenges of globalization. In this regard, developing countries like Bangladesh are not far behind. A forward looking vision of building "Digital Bangladesh by 2021" emerged with a commitment of establishing a transparent, committed and accountable government. In this context, this study attempted analyzes extent to which the Government of Bangladesh (GOB) has incorporated e-governance mechanism through the web portals of the ministries and divisions to establish citizen empowerment. As this study largely emphasizes Government to citizen (G2C) perspective of e- governance as a means to ensure citizen empowerment, the scope of this study is limited to the analysis of information and facilities currently available on their websites as an attempt to incorporate e-governance and the study mainly relies on secondary data in obtaining the information. In this study, researchers found that mere 30% of the 50 web portals use Bengali content together with English; while 70% is created in English only. Only 18 (36%) website provide search facility where all most all of them are simple in nature. Out of the 50 ministries and divisions, only three (6%) web portals provide options for queries or complaints, 16 (32%) demonstrates Frequently Asked Question (FAQ) option and 6 web portals (12%) contains statistical information. Finally, this study has come up with some recommendations to enhance the features of the same.

1.0 Introduction

Openness and transparency are the two underlying properties of any democratic government. People want to know more about the activities of their government whom they elect as their representatives. Therefore, democratic process incorporates not only voting but also citizen participation and engagement in government. It is the second aspect

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which most readily offers the opportunity for empowerment by encouraging citizens to care about issues within their community and providing them with a feeling of ownership. Here the concept of e-governance emerges where the ultimate objective is to establish good governance. Electronic Government (e-government) has become a worldwide reality that public sector at both national and local level are dealing with for the last few years. Although, Government of developed countries has started to use Information and Communication Technology (ICT) long before, the concept of e-governance is comparatively a new phenomenon. The ultimate objective of implementing e-governance is to establish an integrated, cost effective and time saving approach which will result in good governance of a country. Government all over the world are taking e-government initiatives to promote government service and tap the potential synergy from the new technologies, an educated population and enabling environment to meet the challenges of globalization. Developing world is not far behind in this regard.

In this context, this paper has attempted to study the initiatives taken by the Government of Bangladesh (GOB) to incorporate e-governance mechanism through its web portals with a view to establish citizen empowerment. This paper has also come up with some major findings on the present condition of these web portals and recommendations to enhance the features of the same

2.0 Objective(s) of the Study

The objective of this study is to find out the level of interactive communication facilities provided by the Government of Bangladesh (GOB) to her citizens. In relation to this, the specific objectives are -

- (a) To identify e-facilities provided by the Ministries and divisions of Bangladesh Government to the mass people through their web portals.
- (b) To examine those e-facilities in terms of appearance and content, interactive functions and purpose and benefits.
- (c) To come up with some recommendations for improvements in the e-facilities to ensure an efficient e-governance mechanisms.

3.0 e-Governance

Okot-Uma has defined e-government as "e-government refers to the processes and structures pertinent to the electronic delivery of

which most readily offers the opportunity for empowerment by encouraging citizens to care about issues within their community and providing them with a feeling of ownership. Here the concept of e-governance emerges where the ultimate objective is to establish good governance. Electronic Government (e-government) has become a worldwide reality that public sector at both national and local level are dealing with for the last few years. Although, Government of developed countries has started to use Information and Communication Technology (ICT) long before, the concept of e-governance is comparatively a new phenomenon. The ultimate objective of implementing e-governance is to establish an integrated, cost effective and time saving approach which will result in good governance of a country. Government all over the world are taking e-government initiatives to promote government service and tap the potential synergy from the new technologies, an educated population and enabling environment to meet the challenges of globalization. Developing world is not far behind in this regard.

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3.0 e-Governance

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government services to the public" (Okot-Uma, 2001). Drucker defined e-government as "In its simplest sense, e-government can be said to about the use of emerging information and communication technologies to facilitate the processes of government and public administration. In reality, though, e-government is real about choice. It is about providing citizens with ability to choice the manner in which they wish to interact with the governments. And it is about the choices governments make about how information communication technologies will be deployed to support citizen's choices" (Drucker, 2001). In this study, e- Government refers to the electronic delivery of government information and services to the citizens.

4.0 Literature Review

Use of Information & Communication Technology (ICT) in government activities has become a common phenomenon in recent years. In the late 1990s, ICT introduced a unique concept--electronic government (e-government)--in the field of public administration (Hasan, 2003). E-Government is the use of information and communication technology (ICT) to enable more efficient, cost-effective, and participatory government, facilitate more convenient government services, allow greater public access to information, and make government more accountable to citizens (Rondinelli et al 2010). Morshed (2006) showed that a properly designed and implemented e-governance system has the potential to help government to fulfill both the efficiency criteria. Introduction of e-Government in a phased way, with clearly defined objectives, responsibilities of public officials, and performance evaluation systems can set the basics right for combating corruption and ensuring effective use of public resources, thus alleviating poverty. (Hossain et al, April 2004). In reality, availability and non-availability of information creates the digital gap among different segments of the people in a society which is the one of the major causes of non-equity and social injustice. If everybody gets the same extent of accessibility to e-Governance then the class distance among the different groups in the society will be minimized abruptly (Kabir, 2009). The single most important lesson learned during almost two decades of e-governance initiatives of the country is 'e-governance is a strategic choice not an operational alternative for service delivery'. A nation needs to be sufficiently 'ready' before shooting for e-governance objectives. Hossain et al (2004) showed, as the Government lacks adequate technical, managerial, or financial resources to venture into e-Government solely on

its own, for sustainability and strategic planning of e-Government, it is essential for the Government to establish partnerships with the private sector. According to the research, the most critical factors contribute to the failure of e-government implementation are lack of internal political desire, inadequate technological infrastructure and lack of overall vision/strategy (Hossan, Habib & Kushchu, 2009).

Seventh Global e-Government Study (2010) shows where we Bangladesh, out of 198 Countries Ranked Bangladesh now 155. The researchers have evaluated government Web sites based on two dozen criteria, including disability access, the existence of publications and databases, and the presence of privacy policies, security policies, contact information, and the number of online services. Bangladeshi web developers and IT companies who developed Bangladeshi e-Government web sites should pay attention to these criteria "disability access, the existence of publications and databases, the presence of privacy policies, security policies, contact information, and the number of online services, PDA access, user fees, and foreign language translation" to improve Bangladeshi e-government web sites (Rahman, 2007). As this Websites are not interactive, there is no scope for active participation of the concerned people. Moreover, as these Websites have not been updated regularly, they mislead public with backdated information. In e-Governance environment all governmental organizations should have networked and interconnected. But preconditions for initiating such a huge project, the government needs to be honest, transparent, and stable with a clear vision for future (Kabir, 2009).

Bangladesh has very poor infrastructure and service delivery mechanism to deliver e-government service. Contrary to assumption, the research noticed that willing users live not only in city areas but also in rural areas. This means government has to take active measures so that citizens would have get access irrespective of their place of living. One of the ways to overcome this problem is to provide e-government service through internet service by cellular phone which is now widely available in Bangladesh. Without considering the socio-economic background of her citizen, all the e-government efforts of the government would be ended in failure like the 85% of all the e-government efforts in developing world (Akther, Onishi & Kidokoro, 2009). Most of the e-governance initiatives so far have created islands of information, difficulties in data interchange, and inefficient communication among the government, the businesses and the citizens. Technology incompatibility

is only a piece of this "Interoperability Issues Puzzle" in e-governance initiatives in Bangladesh. According to Zaman (2010), we may need to organize and solidify our grounds based on the ground-realities. Though lack of proper infrastructure and digital divide are the known major causes behind the failures of e-service implementation, the study reveals that e-government applications have been growing in Bangladesh. The prospects include mobile phone based e-service development, and public private partnership (PPP), while the challenges are frequent power interruption, lack of techno-savvy people in public organizations to look after the systems, etc.

In this context, it is imperative to examine the extent to which the Government of Bangladesh (GOB) has paved the way to interact with the citizen and thereby establish the Government to Citizen (G2C) relationships with a view to achieve the goal of making Bangladesh Digital by 2021.

5.0 Methodology

This study is descriptive and empirical in nature using qualitative and quantitative data that are collected mainly from secondary sources. The study has made use of published materials such as books, magazines and newspapers to collect data and information regarding the topic. The study also used of the internet to obtain related information about the e-services provided through web portals. This study will mainly rely on secondary data in obtaining the information. Due to inaccessibility of the subject or the case study, other research methods are not applicable. Secondary data in this case provide a useful source of information from which to achieve the objectives of the study and the quality of data in general may be superior to anything that could have been created alone. A small observation is conducted in 52 ministries and divisions of the Government of Bangladesh (GOB) are reviewed to study the content and features that they carry and to scrutinize how those web portals are able to provide information and services for people

5.1 Variable Studied

Thirty variables were studied under three parameters. Web portals of 52 ministries and divisions of GOB are observed in terms of menu/content, Interactive functions and purpose or benefit of these web portals.

The status of the menu/content has been evaluated in terms of the presence of the following variables: 'About us', 'Contact us', 'News', 'Public Notice', 'Public Forms', 'Rules and Regulation', 'Public Documents', 'Publications', 'Lists of Projects', 'Presence of Bangla Language', 'E-mail Address', 'Search Facilities', 'Links to Attached Department', 'Linked to Other Web portals'.

Under interactive functions variables are as follows: 'Queries/Complaints', 'Comments and Suggestion', 'Statistical Queries', 'Online Application', 'Facilities of e-services', 'Provision for Feedback', 'Archives of Publicly Available', 'Career' and 'Annual Reports'

Finally, the status of 'Purpose or Benefit of the Study' has been determined in terms of 'Under construction', 'Mere Presence', 'Organizational Information only', 'Tender Notice/Documents/Forms for Business Sector and Organizational Information', 'Some Useful Information, Documents or Rules-Regulations for Citizens including Organizational Information', 'Few Useful Forms for Citizens and Organizational Information', 'Opportunity for Online Application'.

5.2 Collection of Data

Data of this study are secondary in nature collected mainly from the web portals of the Ministries and Divisions. In addition to this, data has been collected from books, magazines and newspapers.

5.3 Processing and Analysis of Data

As most of the variables are qualitative in nature, the quantitative analysis has been done based on the presence (1) or absence (0) of those features. Then percentages of the presence of these features have been calculated. Along with this quantitative analysis, descriptions have been provided about the quality of these features.

Data collected through observation of websites were analyzed using MS Excel and interpretation of MS Excel results were carried out.

6.0 Analysis and Findings

6.1 Web Initiatives

To prepare and empower citizens, it is more important to bring them close to the planning and decision making processes by providing information and soliciting their opinion. Most industrial and developing countries

now regularly consult concerned citizen groups. This practice has now become easier and more comprehensive through accruing the advantages of the Internet and the Web. Bangladesh government, as well, trying to reach e-governance by taking initiatives to provide information and services online. A review 52 of these web portals along with the national portal of Bangladesh, presented below, would provide so the ideas in respect of standards and quality of the web portals, as well as, nature and extent of information and services provided through the web portals that would ultimately reflect as to how they are able to bring people closure to the public administration.

6.2 Appearance and Contents of the Web Portals

Government has adopted an official web design parameter as early as on July 2003 that provides guidelines in relation to appearance, menu and contents for public web portals of Bangladesh. In respect of graphical appearance, ministries and divisions are found to follow disorganized preferences to design their web portals. This made them dissimilar in appearance, but also difficult to access. Observations on the contents of the web portals are depicted in the following table.

Table 1: Menu/Contents of the Web portals

Appearance/Contents/Items	Exist(%)	Non-exist (%)	Comments
About us	88.00	12.00	
Contact us	88.00	12.00	
News	54.00	46.00	20% blank
Public notice	64.00	36.00	Contains some outdated notice
Public forms	42.00	58.00	Limited in numbers
Rules and Regulations	74.00	26.00	Most of them are provided in a disorganized way
Public Document	80.00	20.00	Limited in numbers
Publication	36.00	64.00	25% blank
List projects	42.00	58.00	30% blank
Presence of Bengali Language	30.00	70.00	
E-mail Address	84.00	16.00	
Search Facilities	36.00	64.00	Simple search
Links to Attached Dept	38.00	62.00	Links with dept. are rare
Linked to Other Web portals	78.00	22.00	Contain some unrelated link

Source: Collected by analyzing different web portals

It has been found that some of the web portals display items, however, do not carry any content or hold outdated contents. Although, most of the

web portals shows features like lists of publications, reports, regulations and public documents, they are very few in numbers and some of them are not accessible. Only 44 web portals (42%) ministries/divisions offer public forms in PDF format in their web portals, however, do not provide plenty of those that could enhance benefits for citizens and attract a larger audience. Present study notes that mere 30% of the 50 web portals use Bengali content together with English; while 70% is created in English only. E-mail address of the respective ministry or division is displayed in 84% web portals. Only 18 (36%) website provide search facility where all most all of them are simple in nature. It is further noted that in case of links with own departments/agencies, 38% carry links to other Department and 78% carry links with other related web portals.

6.3. Interactive Functions

For interactive functions, three options for citizens' use are found, such as: queries/complaints, comments/suggestions/ complements and statistical information. Out of the 50 ministries and divisions, only three (6%) web portals provide options for queries or complaints, 16 (32%) demonstrates Frequently Asked Question (FAQ) option that can meet some pre-specified queries of a user and 6 web portals (12%) contains statistical information. Twelve of them (24%) provide provision for feedback box for users. Facilities like online application and e-services are all most absent. Following table shows the status of interactive function of web portals.

Table 2: Interactive functions of web portals

Items	Exist (%)	Non-exist (%)	Comments
Queries/Complaints	6.00	94.00	
Comments and Suggestion	32.00	68.00	FAQ only
Statistical Queries	12.00	88.00	
Online Application	0.00	100.00	
Facilities of e-services	4.00	96.00	
Provision for Feedback	24.00	76.00	
Archives of publicly available	26.00	74.00	Most of the archives are under construction.
Career	16.00	84.00	
Annual reports	8.00	94.00	

Source: Collected by analyzing different web portals

In addition to this, 13 (26%) web portals provide archives which are not enriched enough. Only 8 (16%) web portals have the option of career where circulars of job vacancies are posted. Annual reports of ministries and divisions are found in four web portals. Hence, existing web portals almost do not have any interactive feature, so far.

6.4 Purpose or Benefits of the Web Portals

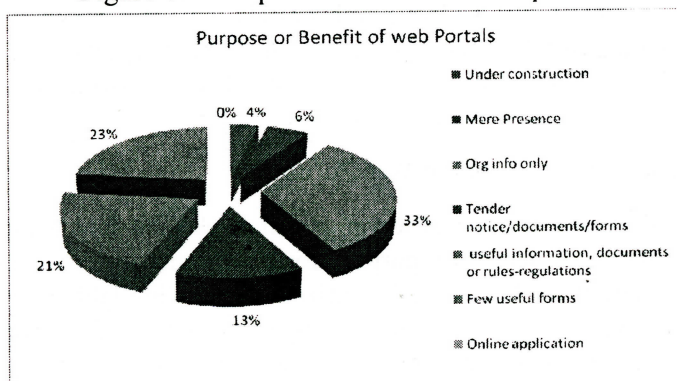
With the above-mentioned observations, it is evident that present web initiatives narrowly serve any purpose for public administration or rarely bring any benefit for businesses or citizens. Following table reveals that they are not yet grown with appealing features that could attract a large audience, in general and the businesses and citizens, in particular. Near about 10% web portals are in a status of almost no presence or mere presence, 33% limit their presence only around organizational information. Despite the fact that rest of the 57% goes to the category of simple informative web portals, however, very few of those hold a clear objective peoples' benefit. From an overall consideration, public web portals in Bangladesh do not show any 'common look and feel' regarding their appearances. Public information and forms are not adequately available, and electronic services are not prepared or offered by the existing web portals. In view of that, they hardly provide any value related to needs and choices of people.

Table 3: Purpose or benefit of website

Items	Number	%	Comments
Under construction	2	3.85	
Mere Presence	3	5.77	
Organizational information only	17	32.69	Informative
Tender notice/documents/forms for business sector and organizational information	7	13.46	Informative; also carry, in a very limited sense, G2B aspect. However, some of the sites found to carry outdated notices.
Some useful information, documents or rules-regulations for citizens including organizational information	11	21.15	Informative, and have a nominal G2C purpose
Few useful forms for citizens and organizational information	12	23.08	Informative, and have a nominal G2C purpose
Opportunity for online application	0	0	

Source: Field Survey

Figure 6.4: Purpose or benefit of web portals



Besides, these web portals become unable to earn a wide range of active users because of the absence of desired interactive features. Rather, these web portals are mostly confined with detailed information on respective organizational structure, hierarchy, activities, achievements, top personnel, etc. that tend to continue with posing the legacy of traditional governance. Rational efforts are required to bring the web initiatives closure to the concepts of engaging citizens and serving people through innovative use of the Internet.

7.0 Recommendations

From the observation of this study, it can be clearly understood that a good number of initiatives have been taken with the view to achieve the vision of making 'Digital Bangladesh'. The observation found that the government web portals have progressed in terms of 'menu/content', however, severely lack 'interactive functions' and therefore still not capable to meet their 'purpose and benefit'. Based on the analysis made in this report, the study came up with some recommendations which are as follows:

- Although, most of the ministries and divisions have implemented web portals, there remain inconsistencies in terms of design, navigation and usability. The government should take proper initiatives to get ministries to work together to make the tasks of citizens easier to undertake.
- Governments need to utilize more features that enhance public accountability. Currently, most of government web portals are providing only simple search option, limiting ordinary citizens from finding the information relevant to them.

- The same logic applies to the technologies that allow citizens to post comments or otherwise provide feedback about a government agency. A simple feature such as a comment form empowers citizens by giving them an opportunity to voice their opinion about government services they would like to see.
- Countries need to update their sites on a regular basis. Some sites are not updated regularly, and consequently contain inaccurate information, broken links and incorrect email contact information.
- Access to information and education depends critically on easy availability of internet connection. In this regard, the government should take measures to ensure internet connection across the country at affordable prices.
- Computerization and e-Governance are not synonymous. In fact, over the five years, computerization processes in some ministries or government sectors have been initiated. But truly speaking it is not e-Governance. We have to go a long way to implement e-Governance in our country.
- Based on the existing National voter database, a National Data Bank is needed to be developed. This Data Bank will to keep identity of citizen and thus help track the record of them. A properly developed National Data Bank will also help ensure the interoperability within the ministries and divisions.
- Until now, the services provided by the government web portals are mostly limited to organizational information. In order to enhance the interactive features of Government web portals, initiatives should be taken so that citizen can apply to any governmental agencies online.

'Digital Bangladesh' strategy and implementation needs to take into account the above deficiencies and provide a framework that is capable of supporting its mandate. If not, "Digital Bangladesh" will continue to be seen as just another clichéd political slogan that in reality does not create positive development outcomes for citizens, particularly those who are poverty stricken and marginalized.

8.0 Conclusion

"Digital Bangladesh by 2021" emerged as part of "Charter for Change". In many ways, the "Digital Bangladesh" vision took the policy makers and practitioners by surprise. While the basic premise of the vision is not new, the all-encompassing nature of the vision demands a fundamental shift of mindset of the implementers. It not only needs thinking anew but new ways of thinking. Bangladesh has very poor infrastructure and service delivery mechanism to deliver e-government service. Contrary to this situation the willing users live not only in city areas but also in rural areas. This means government has to take active measures so that citizens would have get access irrespective of their place of living.

The central obligation of e-governance is to ensure citizens' satisfaction and the fundamental challenge for introducing e-governance in Bangladesh ultimately rests on: how to connect and serve the mass people, who are poor, rural and illiterate. Therefore, an integrated initiative right from the grass-root to the level of higher authority is to be taken to reap the benefit of new inventions of Information Communication Technology. These initiatives will empower the citizen, creating an environment where others are equipped and encouraged to make decisions in autonomous ways and to feel that they are in control of the outcomes for which they have accepted responsibility.

At the end it could be concluded that Bangladesh should take its own step considering the development of socio-economic factors of the land instead of following developed world in providing e-government facilities to its citizen. Without considering the development of socio-economic background of her citizen, all the e-government efforts of the government would be ended in failure.

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Appendix

Web portals of Ministries and Divisions:

President's Office	www.bangabhaban.gov.bd
Prime Minister's Office	www.pmo.gov.bd
Cabinet Division	www.cabinet.gov.bd
National Parliament of Bangladesh	www.parliament.gov.bd
Ministry of Establishment	www.moestab.gov.bd
Bangladesh Public Service Commission (BPSC)	www.bpsc.gov.bd
Finance Division	www.mof.gov.bd
Economic Relations Divisions (ERD)	www.erd.gov.bd
Internal Resources Division (IRD)	www.ird.gov.bd
Ministry of Law, Justice and Parliamentary Affairs	www.minlaw.gov.bd
Supreme Court of Bangladesh	www.supremecourt.gov.bd
Bangladesh Law Commission	www.lawcommissionbangladesh.org
Ministry of Agriculture	www.moa.gov.bd
Ministry of Food and Disaster Management	www.mofdm.gov.bd
Ministry of Posts and Telecommunications	www.mopt.gov.bd
Ministry of Information	www.moi.gov.bd
Ministry of Religious Affairs (MORA)	www.mora.gov.bd
Ministry of Foreign Affairs	www.mofa.gov.bd
Ministry of Planning	www.plancomm.gov.bd
Statistics Division	www.statisticsdiv.gov.bd
Ministry of Environment and Forests	www.moef.gov.bd
Ministry of Defense	www.mod.gov.bd
Ministry of Labour And Employment	www.mole.gov.bd
Ministry of Textiles and Jute	www.motj.gov.bd
Ministry of Housing and Public Works	www.mohpw.gov.bd
Power Division, M/O. Power, Energy & Mineral Res.	www.powerdivision.gov.bd
EMR Division, M/O. Power, Energy & Mineral Res.	www.emrd.gov.bd
Bangladesh Energy Regulatory Commission (BERC)	www.berc.org.bd
Ministry of Commerce	www.mincom.gov.bd
Ministry of Civil Aviation and Tourism	www.mocat.gov.bd
Ministry of Land	www.minland.gov.bd
Ministry of Women and Children Affairs (MWCA)	www.mowca.gov.bd
Ministry of Fisheries and Livestock	www.mofl.gov.bd
Ministry of Youth & Sports	www.moysports.gov.bd

Web portals of Ministries and Divisions:

Ministry of Women and Children Affairs (MWCA)	www.mowca.gov.bd
Ministry of Fisheries and Livestock	www.mofl.gov.bd
Ministry of Youth & Sports	www.moysports.gov.bd
Ministry of Communications	www.moc.gov.bd
Ministry of Industries	www.moind.gov.bd
Ministry of Education	www.moedu.gov.bd
Ministry of Primary and Mass Education	www.mopme.gov.bd
Ministry of Science and ICT	www.mosict.gov.bd
Ministry of Social Welfare	www.msw.gov.bd
Ministry of Water Resources	www.mowr.gov.bd
Ministry of Cultural Affairs	www.moca.gov.bd
Ministry of Home Affairs	www.mha.gov.bd
Ministry of Health and Family Welfare	www.mohfw.gov.bd
Rural Development & Cooperative Division	www.rdc.gov.bd
Local Government Division	www.lgd.gov.bd
Ministry of Liberation War Affairs	www.mlwa.gov.bd
Ministry of Expatriates' Welfare & Overseas Employment	www.probashi.gov.bd
Ministry of Shipping	www.mos.gov.bd
Bangladesh Election Commission	www.ecs.gov.bd
Information Commission	www.infocom.gov.bd

Problems of Land Use, Management and Administration and their Impacts on Environment: Bangladesh Perspective

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***Abstract:** This article is an attempt to illuminate on the different aspects of land use and management in Bangladesh and their impacts on the environment. Different modes of land use and management which is leading to a negative impact on our environment have been highlighted in this study. While land is one of the vital components of environment, we are using the land in such a way which is harmful to environment and ecosystem. Environmental pollution and degradation is a major concern of the present world and improper use and mismanagement of land in our country is accelerating this problem. The paper aims at exploring the aspects of land use which are attributing to the environmental degradation in Bangladesh and the major lacunas of existing laws in Bangladesh in this regard. An attempt has also been made to formulate some recommendations on the issue of land use and management in Bangladesh.*

1.0 Introduction

Land use, management and administration are well discussed topics of the day all over the world. These aspects are not only related to agricultural production but also with overall economic growth and development of the country. In recent years new dimension of environmental impact has been added with land use, management and administration. In this process the basic point is that land should be used and managed in an environment friendly manner. Bangladesh is a developing country of South Asia. It has small surface but a large population to support¹. Density of population is very high, 75% people live in village area and most of them are engaged in agriculture based profession.² So in the situational context of Bangladesh, land constitutes the most significant basis for socio-political power and common factor of production. Our land management and administration system are surrounded by many problems. One of the basic problem is that land is

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¹ Alim, A. Land Reforms in Bangladesh, published by Samina, 1st edition, Dhaka - 1979, p.3.

² Alamgir, Mahiuddin Khan, Land Reforms in Bangladesh, Centre for Social Studies, Dhaka, 19981, p.194.

used both in urban and rural areas without caring for environment and ecosystem. This unplanned and unconscious use of land often causes damage to the environment as well as ecosystem and results in different natural calamities like drought, cyclone etc. So it the crying need of the day to concentrate more on proper use and management of land. In this process land should be used and managed with the aim of ensuring the welfare of the people in an ecologically sustainable manner. Keeping this view into consideration, the Government of Bangladesh has taken different measures in different times. Among them the most significant are the promulgation of different laws, forming different organizations to maintain land related matters, eviction of illegal occupants etc. This paper will focus on the major problems of land use, management and administration in Bangladesh including their environmental impact. It will also try to forward some recommendations for future improvement.

2.0 Definition of Land

To understand the impact of land use on environment at first we need to define the term land. Land has been defined in the Osborn's Concise Law Dictionary as any ground, soil or earth whatsoever. It legally includes also all castles, houses and other buildings, also water. It includes land of any tenure, mines and minerals, whether or not held apart from the surface, buildings or parts of buildings (whether the division is horizontal, vertical or made in any other way) and other corporeal hereditaments, also a manor, an advowson and a rent and other incorporeal hereditaments and an easement, right, privilege or benefit in, or over or derived from land, but not an undivided share in land³. This definition is extensive and has included anything, which is connected with land. It can be simplified in the words of Blackstone that the term land includes both corporeal hereditaments i. e. intangible rights enjoyed over or in respect of land⁴. The definition of land provided in Section 2(16) of State Acquisition and Tenancy Act 1950 has got the same signification with the dual characteristics of corporeal and incorporeal hereditaments when it says: 'land means land which is cultivated, uncultivated or covered with water, at any time of the year and includes benefit to arise of land, houses of buildings and also things attached to the earth.' Here in the definition corporeal hereditaments is meant land, which is cultivated, uncultivated or covered with water, at any time of the

³ Bird, Roger. Osborn's Concise Law Dictionary. 7th edition. Delhi, 1983, p.195.

⁴ Gray, Kevin, Elements of Land Law, Butterworth, Second Edition, London, 1993, p.1.

year and incorporeal hereditaments is meant benefit to arise of land, houses or buildings some judicial decisions can be taken into consideration in this regard. Firstly, in 1959 the High Court held that the right of fishery in navigable river is not acquirable within the meaning of Sections 20 and 39 where no compensation was mentioned to be payable for the acquisition and as such it is not a benefit arising out of land⁵. By Ordinance No. XII of 1960, Section 20(2a) was inserted in the SAT Act 1950 where right to fishery in water irrespective of its being several or territorial other any fishery constructed solely in the process of excavation was made acquirable and consequently this decision has been made inoperative when it says that the definition of land includes all fisheries, several or territorial⁶. Secondly, in another decision in 1961 the High Court held that the right to collect rent or profits from a hat is acquirable for compensation as it is a benefit arising out of land⁷. So what can be acquired or transferred for consideration or compensation can be termed as land.

Nowhere in the statute is land classified. For the purpose of land law, land can be divided into Agricultural land and Non-Agricultural land. Agricultural land can be defined as land, which is used for purposes connected with agriculture or horticulture. Section 2(4) of the Non-Agricultural Tenancy Act 1949 (commonly known as the NAT Act) defines non-agricultural land as land which is used for purposes not connected with agriculture or horticulture and includes any land which is held on lease for purposes not connected with horticulture irrespective of whether it is used for any such purposes or not and a parcel of agricultural land converted into a tenancy by the order of the Collector⁸ to which the NAT Act applies and but does not include-

- a) a homestead to which the provisions of Section 182 of the Bengal Tenancy Act 1885 (commonly known as the BT Act) apply,
- b) land which was originally leased for agriculture or horticultural purposes but is being used for purposes not connected with agriculture or horticulture without the consent either express or implied of the landlord, if the period for which such land has been so used is less than twelve years, and

⁵ Tozammel Hossain vs. Province of East Pakistan 11DLR 145.

⁶ Section 16(a) of the SAT Act 1950.

⁷ Abdul Aziz vs. Province of East Pakistan 13 DLR 873.

⁸ Kabir, Lutful, Land Laws of Bangladesh, Vol. iv, Law House, Dhaka, 1982, pp 38-47

- c) land which held for purposes connected with cultivation or manufacture of tea.

With the introduction of the SAT Act, of which Section 80 has repealed the BT Act 1885 and equaled the status of the raiyats as maliks, Homestead of malik is now governed by the SAT Act and excluded from the operation of the NAT Act 1949.

Non-agricultural land does not include lease of structures with land but the cases of tenants of non-agricultural land, who have erected structures thereon, are governed by the provisions of the NAT Act 1949.

In 1970 the Supreme Court held in a decision⁹ that 'a non-agricultural lease, according to the provisions of the Act is a lease in respect of non-agricultural land alone, but does not include any building or hut occupied by a tenant if such building or hut has been erected or is owned by the lessor. A non-agricultural lease in respect of both land and huts standing thereon is clearly outside the ambit of the Act.' If this decision is read with an earlier decision¹⁰ given by the High Court by in 1960 it can be said that a user can play very important role in determining whether a land will be identified as non-agricultural land or not. Moreover, under Sections 5(c) (ii) and 85 of the NAT Act, non-agricultural land does not include the lands held for the exercise of rights over forests or rights over fisheries or rights to minerals.

3.0 Land use in Bangladesh and its Environmental Impact

Bangladesh is a small country of 55000 square miles. But in has a large population of about 150 million. To meet the demand of this huge population, land are being used in various ways and for different purposes such as for accommodation for agriculture, for building industry and many other purposes. By doing these activities in an unplanned manner, people are damaging most of the sweet parts of our land and at the same time they are causing environmental pollution. So at present it is the matter of thought that how we can ensure the proper utilization of our small surface without causing any harm to the environment as well as ecosystem.

3.1 Use of Insecticides in land and its effects on environment

Pesticide or insecticide is very much needed for keeping our crops protected from harmful insects. But it causes harmful effect on our land

⁹ Abdul Mutaleb vs. Mst. Rezia Begum 22 DLR (SC) 134.

¹⁰ 12 DLR 758

and environment due to its toxic characteristics. A survey was conducted in 1999 on the use of pesticides in Bangladesh as part of the IAEA agrochemical residues project and it was found that total pesticides consumption doubled over the 6 years. It was also found that most of those pesticides were environmentally caustic¹¹.

Some insecticides kill on harm other creatures in addition to those they are indented to kill¹². For example, birds may be poisoned when they eat food that was recently sprayed with insecticides or when they mistake insecticides granules on the ground for food and eat it¹³. Sprayed insecticides may drift from the area to which it is applied and into wild life areas especially when it is sprayed aerially¹⁴. Insecticide can kill bees and may be a cause of pollinator decline. Loss of pollinators will mean a reduction in crop yields¹⁵. Use of harmful insecticides can reduce the fertility of land by killing those useful insects which live under the soil, makes hole on it and helps to move the water and air into the soil. Very often these harmful insecticides mix with water and kill small fishes as well as small animal like frog which is needed for keeping ecological balance.

3.2 Use of fertilizer and its impact on environment

This present era of agro-industrialization and agricultural commercialization has lead to increase the production in agricultural sectors. As fertilizers are necessary for increasing production, people are using them at a huge extent throughout the Bangladesh. But this excessive use of fertilizers has an adverse impact on the environment as well as on ecosystem. The excess amount of fertilizer in soil creates toxicity to plant, pollutes soil, creates health hazard to animal and finally to man¹⁶.

¹¹ Paper presented by M.A Malek and M.A. Matin, Institute of Food Radiation Biology, AERE, Savar, Bangladesh, Dated- February 11, 1994, at page-26

¹² <http://www.en.wikipedia.org>, last visited-12.04.08

¹³ Ibid.

¹⁴ Ibid

¹⁵ Ibid

¹⁶ Effect of Different Fertilizers on Concentration and Uptake of Cadmium by Rice Plant, paper written by A.K.M.M Rahman. <http://www.solutionstoearthdestruction.com>. Last vsited-12.04.08.

Sometimes natural fertility of soil is damaged due to unplanned and excessive use of chemical fertilizers. The outer surface of the earth becomes contaminated and it may cause different skin diseases. Sometimes these fertilizers are mixed with rain water and falls on the river or canals. As a result fishes and other water species are destroyed¹⁷.

3.3 Effects of chemicals and polythene on land

Our land is increasingly being polluted by different kinds of garbage like polythene, plastic and above all by chemicals produced by industries. A recent survey has shown that Dhaka, which produces nearly 3500 tons of garbage a day, has a huge problem with waste disposal. It is one of the most crowded cities in the world but its space is at a premium. Around half of this garbage is not collected because the city council lacks the cash and the manpower¹⁸. This uncollected garbage causes serious environmental pollution including land pollution not only within the city but also in the surrounding areas. Further, polythene and plastic made wastes cause harmful effect on our land. Polythene or plastic made wastes are such that never get rotten and they also do not mix with soil. So, these wastes harm the fertility of soil. Poly bags obstruct the movement of water and air into the soil which is essential for the fertility of land. Polythene and plastic substances make our land barren because they are made of a chemical named "ethylene" which is harmful for land.

Another great source of land pollution is from chemical substances from different industries. A recent survey shows that Bangladesh has almost 200 tanneries which are mostly located in Dhaka. These tanneries are releasing a large quantity of toxic waste at the time of processing of leather, causing a serve environmental pollution. The quality of liquid waste discharged from these tanneries varies from 10 to 15 gallons per square feet of hides and skins processed¹⁹. Apart from tanneries there are many other industries in Bangladesh. These industries discharge their waste water, organic particular and toxic chemicals in open drains which ultimately find their way into land surfaces and in natural waters in the vicinity. As a result, our land is getting continuously polluted.

¹⁷ Hasan, Mahub, Bangladesh: Physical Geography and Environment, Bangla Academy, 1st edition, Dhaka, 1995, p.211.

¹⁸ Telecasted on BBC World, Wednesday, 30 October, 2002, 17:36GMT.

¹⁹ <http://www.soiltech.com>, Last visited-12.04.08.

3.4 Deforestation and its impact on land

Cutting of trees from the forest and from locality to meet the various types of human needs causes dangerous harmful effect on our land. Trees are very essential to keep land fertile and to save it from erosion. If there is no tree on a particular locality, that locality turns to be a desert. Because trees are essential for rainfall. The primary cause of deforestation in Bangladesh has been population increase, in addition to such other factors as demand for forest products and fuel wood, and conversion of forest land to such other uses as agricultural, industrial, urbanization and development of infrastructures for transportation, energy production and so on. The other aspect is that forestlands are being encroached upon illegally. Up to 1989, about 76,596 ha of forestlands have been encroached upon in different forest areas. According to one estimate, forest cover in Bangladesh has declined from about 15 percent of the total area to 5 percent. Out of a total area of 2 million ha of forestland, less than half of this area is actually covered with trees, the estimated rate of deforestation being 8,000 ha per year; 40 percent of forestlands have reportedly been lost from 1960 to 1990. Deforestation rate was 0.9 percent in 1970, but rose to 2.7 percent in 1984-90. Some sources quote satellite surveys and note that forests are declining at a rate of nearly 70,000 ha per year and Bangladesh has less than 0.02 ha of forest land per person, one of the lowest forest-man ratios in the world. If the current trend continues, forests are likely to disappear altogether in the next 35-40 years or earlier²⁰. A recent report published on Janakhantho that for the lack of the sufficient forests, hills are collapsed²¹. The natural beauty of the forest is going to be disappeared day by day.

Again the implications of continued deforestation are alarming. They may include the extinction of various species, loss of habitat, the environmental and soil degradation, flooding, erosion, bad effect on the indigenous people and above all the danger of climate change. Some of them are discussed below so far as they are required for our assignment -

1. Deforestation makes soil more exposed to wind and water and ultimately results in soil erosion. Heavy rainfall has much more adverse effect than it did before deforestation took place. As there is no tree to support the soil, the run-off of the land surface has a great tendency to cause flood. Moreover, the silt that is carried by rainwater is deposited in dams, which furthermore disrupts the

²⁰ Banglapedia, National Encyclopedia of Bangladesh.

²¹ Daily Janakhantho, 15 June 2007.

generation of hydroelectricity. This disruption of water naturally affects crops and as a result agricultural production is reduced. From ecological stand point deforestation also affects the food chain as it contributes to the extinction of many species.²²

2. Primarily deforestation brings an abrupt change in temperature in the nearby areas. Forest naturally cools down because they help in retaining moisture in the air. In the long-run it contributes to global warming.
3. The ozone layer is a mass of oxygen or O_3 atoms that serves as shield in the atmosphere against the harmful ultraviolet rays from the sun. Because ozone is made up of oxygen atoms, oxygen reacts with carbon monoxide. Such reaction would make up oxygen atoms. It follows that when there is more carbon monoxide going to the atmosphere, the volume of oxygen would decline. Such is the case of ozone depletion.
4. Water table beneath the ground is the common source of natural drinking water by the people living around forests. Water table is replenishing. That means the supply of underground water would dry up if not replenished regularly. When there is rain, forests hold much of rainfall to the soil through their roots. Thus, water sinks in deeper to the ground, and eventually replenishing the supply of water in the water table. But if there is not enough forest anymore, the soil cannot retain rain-water or rain-water would not stay in the soil longer, for the process of evaporation. Thus the water is not replenished leading to drying up of wells²³.
5. Forests are natural habitat to the many types of animals and organisms. That is why, when there is deforestation, many animals are left without shelters. It is estimated that there are millions of plant and extinct animal species that have been wiped out because they have been deprived of home. Thus the biodiversity is significantly lowered because of the savage deforestation practices of some people. Wildlife advocates have been constantly reminding that several wild animals left in the world still would be saved if the deforested areas would be

²² <http://www.blurtit.com>, last visited -10. 04. 08.

²³ <http://www.solutionstoearthdestruction.com>, last visited, -12.04.08.

reforested and the practice of slash and burning of forests would be totally abandoned²⁴.

6. Indigenous people are badly affected by the deforestation. They are compelled to live elsewhere and to become mendicants in rural and urban areas.

3.5 Harmful effect of brick fields

Brick is one of the major construction materials in Bangladesh. Most of the buildings and houses are built with bricks. These bricks come from the brick field. Most of these brick fields around the country are situated near the urban areas. For making these brick fields they are damaging 100 acres of our cultivable land. Because the brick kilns are usually built in cultivable land. Most of the brick fields use firewood and coal as their fuel. So brick fields discharge a lot of smoke, dusts and ashes which are spread out around a large area near the fields²⁵. Thus brick fields damage the fertility of the nearest cultivable land of those fields. Brick fields require huge sum of soil this soil are collected from agricultural land on cutting down hills. This is another reason for the reduction of our agricultural land. The people living in the area adjacent to the brick fields are always at the risk of being affected by respiratory diseases²⁶. The thick layer of dust on the leaves of crops and trees bars the photosynthesis process which may destroy the vegetation if continued for a long time. According to the DOE one major reason of the increasing level of Suspended Particulate Matter (SPM) is the dust thrown into the land from the brick fields²⁷.

Brick kilns emit SO_2 , CO_2 , CO particulate waters and volatile organic compounds that deteriorate the quality of air. The air pollution from these kilns is not only due to the type and fuel used, but also due to the thermal inefficiencies and the conventional kilns²⁸. So for avoiding these problems the use of fire wood and coal should be reduced, wastes and garbage produce from fields should not be thrown in everywhere.

²⁴ ibid

²⁵ <http://www.Sdnpsbd.Org>, last visited- 12.04.08.

²⁶ Ibid

²⁷ Ibid

²⁸ Ibid

3.6 Cutting down hills

Hills are created in order to keeping environment etiologically balanced by Almighty Allah. So they are very much important for our environment. If we remove soil from one part of this hill it will bring disaster towards us because everything created by Allah has a balance of its own. In recent few years cutting down hills brings alarming news in Chittagong Division because of continuous cutting of hills.

On June 2007 due to heavy rainfall hills in various parts of Chittagong division were collapsed. A report published in daily Janakantha revealed that,²⁹ collapsed hill killed 84. On that day many persons were killed. In Chittagong University campus 5 persons were killed from one family. Report published on July 2007³⁰ that more than 126 persons were killed on that day. It is known from the local sources that cutting down hill people made their house on hill tracks. It is the real cause of so much death. On that day many people were wounded, many become houseless and many other people whose sorrow knew no bounds.

- Real cause of 11 June collapse:

Cutting down hills and use its land soil in various purpose was the real cause of 11 June collapse in Chittagong city. A report four district including Chittagong 200 persons and industries are related to cut down hills³¹. The report further says from survey in 11 districts in Chittagong division it is known that 155 points in 5 districts including Chittagong Cox's Bazar, Rangamati and Khagrachori hills have cut down. By cutting hills people made more than 100 Brick fields. Even this report says that they do not stop their hill cutting activities even after the dangerous collapse on 11 June.

- What people do by cutting hills:

A report publishes in Prothom Alo³² says people are doing following activities by cutting hills. Cutting hill people are making residential house. On that point a report³³ shows 25 institutions are found who are related with this scheme.

²⁹ Daily Janakantha, 12.06.07, Year 15, number-109 p.1

³⁰ The Prothom Alo, July, 9, 2007.

³¹ The daily Prothom Alo, July, 3, 2007.

³² Ibid

³³ Ibid

- Brick field making

In Chittagong city and Hathazari area 83 brick fields are found which was made of cutting off hills. In Mirzapur union 33 and Fateyabad union 50 brick fields are found out side the city in Rangunia 15 fields are founds. All of this fields activities run by cutting the hills.

- Influential person's activities

Influential persons are cutting hill for the need of there various purpose report shows from 1997-98 to 2005-06 10 acres of hill is cut down by the influential persons.

- More effects

People of this area are living with risk in every moment. A report published in Janakantha³⁴ that 50 thousand people are living with risk in hill tracks area there live is not safe from farther danger. Moreover cutting down hills causes imbalance on the environment of Chittagong city. Animals, live relying on these hills, are not safe now. They either take resort on locality or die. Trees and shrubs on that area are clean now. This creates a harmful effect on our environment.

3.7. Shrimp Cultivation and saltiness on our land

Most of our land in the southern part of our country is low land. During the rainy season this land goes under water. Water stands on this land 3 to 4 feet high thus in this rainy season formers can't grow crops. But in this period some people cultivate Shrimp on that land. They bring water in land from river and that water is very salty. Some influential persons create pressure on farmer to cultivate Shrimp on that land. Thus most of the farmers who do not want to cultivate shrimp and want to grow a crop become bound to cultivate shrimp. But the alarming news is that the salty water which enters in the land from river harms the fertility of the land. In dry season when the water goes away a small layer of salt mixes with the upper layer of land. That is very much harmful for fertility of land. No crop can be grown on a salty land. Thus most parts of our cultivable land in Khulna division became uncultivable.

There is hardly seen greenery on that land because growing crops are becoming white instead of being green due to saltiness of those lands. Thus we are loosing a large part of our fertile land by cultivating shrimp. While growing crops is more profitable than cultivating shrimp. Farmers could grow crops 3 times during the year if they can protect entering salt

³⁴ The Janakhantho, 16 June, 2007

water in to the land. While because of cultivating shrimp they are deprived of growing more crops. On the other hand, farmers are not benefited by cultivating shrimp because they are not getting equitable cost³⁵.

4.0 Laws relating to Land Use

4.1 Laws regarding land use in rural area

Govt. is under obligation to materialize development activities in both rural and urban areas. For the development activities, the income and living standard in the areas where development activities have been done, increase. Therefore the Govt. has a right to impose an important levy on that area. According to the section 3 of the development Act, 1935(Bengal Act No.XVI of 1935) whenever, in the opinion of the Government, any improvement work has increased or is likely to increase the profits from the produce from any agricultural land, or to increase the outturn of such produce, within any area, the Government may, by notification, declare its intention to impose an improvement levy within that area. The Government may publish by notification a list of rivers or depression which it intends to declare to be dead or decayed rivers³⁶. As per section 2(4) of that Act "dead or decayed river" includes any river into which, or along any part of which, water has ceased to flow as freely as it would have flowed if it had not been diverted or obstructed whether owing to natural causes or as a result of interference by man, and includes also any depression which at one time formed part of a riverbed but through which there is no longer any perennial flow of water. The clear purpose of the notification under the section 33 is to make improvement or revival of such river. In doing the development works, one may sustain damage, but the development works cannot be stopped on that ground. Again he cannot claim damages in view of the section 34 of the Development Act. According to the section 34, no person shall be entitled to claim any compensation under this or any other Act for any injury, damage or loss caused by damage or decayed river which has been revived as a result of an improvement work, or by any other rivers into which it flows or spills. However the person may claim if -

- (a) the river had not been revived and
- (b) Such injury, damage or loss is such as would have rendered the Government liable to pay compensation.

³⁵ Sayada Rizwana Hasan, Lecture on Environmental Law, presented at Dept. of law, date-20.04.08.

³⁶ Section 33 of the Development Act, 1935.

So revival of the rivers is an important factor to determine whether a person is entitled to stand for damages. According to Explanation of the section 34, a dead or decayed river is said to be revived when an increased volume of water is, by any means whatsoever, caused to flow freely into or along any part of such dead or decayed river.

Section 35 of the Development Act, is to some extent similar to the section 34. Under the section though, a person's land or right of property is injuriously affected by any improvement work in respect of which an improvement levy is imposed under this Act, he shall not be entitled to claim any compensation for such damage or loss under any other Act. However as the section 35 is subject to the section 34, he may have the benefit under the section 34. Again such person may, not later than six months after the first occurrence of the injury in respect of which the claim is preferred, prefer to the Collector a claim for compensation under the provisions of the section 3

4.2 Land use in urban areas

4.2.1 Cities

For the urban development, there are various development institution under the various laws. The Chittagong Development Authority Ordinance, 1959 (E.P. Ordinance No. LI of 1959), Rajshahi Town Development Authority Ordinance, 1976 (Ordinance No. LXXVIII of 1976) and Khulna Development Authority Ordinance, 1961 (Ordinance No. II of 1961) are note-worthy. Under the section 3 the Chittagong Development Authority Ordinance, 1959, the Government may, by notification, establish an Authority to be known as the Chittagong Development Authority. This authority is under the obligation to make a master plan for the development for the Municipality and other areas. Such master plan shall include such maps and such descriptive matter as may be necessary to illustrate the proposals aforesaid with such degree of particularity as may be appropriate between different parts of the town and any such plan may, in particular, define the sites of proposed roads, public and other buildings and works, or fields, parks, pleasure-grounds and other open spaces or allocate areas of land for use for agricultural, residential, industrial or other purposes of any class specified in the Master Plan³⁷. Such master plan is subject to the approval of the Govt. After approval, all future development and construction, both private and

³⁷ Section 22(2) of the Chittagong Development Authority Ordinance, 1959.

public, shall be in conformity with the Master plan. According to the 28(1) after publication of the Master Plan under sub-section (3) of section 22, the Authority shall prepare, and submit to the Government Five year Programmes of development and improvement of the areas covered by the Master Plan, on the basis of the said Plan, listing the schemes of development and improvement, including works of water supply and sewerage in their approximate order of execution and with approximate cost of each. As per the section 30, an improvement or development scheme may provide for all or any of the following matters namely:-

- (a) the acquisition by the Authority of any land, in the area comprised in the scheme, which will, in their opinion, be required for the execution of the scheme or be affected by the execution of the scheme;
- (b) the laying out or re-laying out of the land in the said area;
- (c) such demolition, alteration or reconstruction of buildings situated on land which it is proposed to acquire in the said area, as the Authority may think necessary;
- (d) the construction of any buildings which the Authority may consider it necessary to erect for any purpose other than sale;
- (e) the laying out or alteration of streets (including bridges, causeways and culverts);
- (f) the leveling, paving, metalling, flagging, channeling, swearing and draining of the said streets and the provision therein of water, lighting and other sanitary conveniences ordinarily provided in a Municipality;
- (g) the raising, lowering or leveling of any land in the area comprised in the scheme;
- (h) the formation, establishment, retention or enlargement of open spaces, parks, recreational zones, play grounds, markets, bazars, shopping areas, or any other type of development, as may be considered necessary for urban communities;
- (i) the augmentation of the present water-supply, or any other scheme for the improvement of the water-supply;
- (j) the making of a drainage and sewerage scheme including outfall works; and
- (k) the development of residential areas, commercial areas, industrial areas, recreational areas, educational zones and administrative zones;

- (l) the development of such areas outside, but contiguous to, the area of a particular scheme or schemes as the Authority may think fit to develop; and
- (m) any other matters consistent with this Ordinance which the Authority may think fit.

4.2.2 Paurashava

For the proper use of land in the urban areas, the steps taken by the Paurashava are important. According to the section 63 of the Paurashava Ordinance, 1977 (ordinance No. XXVI of 1977), a Paurashava shall be responsible for the sanitation of the municipality and for the control of the environmental pollution. It has to ensure sanitary building⁴¹. Paurashava takes steps for the clean public latrines and urinals, establishment of health and maternity centers, hospitals and dispensaries, supply and disposal of water, establishment of public and private drains, public ferries and fisheries etc. It also determines the places of the establishment of the public and private market and the places for the disposal of carcass etc. For doing these functions, Paurashava needs to use its land carefully. Therefore master plan as per under section 95 needs to be made.

Again in view of the section 127, it may prepare and implement development plan for the prevention of environmental pollution the promotion, improvement and development of such function of the function of the Paurashava etc.

No person shall make an encroachment, movable and immovable, on over or under a street, drain or public places. If made, such encroachment may be removed under the section 143(2).

For the proper use of land, our existing laws give some important directions. The Building Construction Act, 1952 (E.B. Act II of 1952) is one of such kind of laws. This act puts restriction on construction of building and excavation of tanks, proper use of lands and buildings, cutting of hills etc. This act also keeps provisions for removal of construction. stopping and razing of hills etc. According to the section 3 of the Building Construction Act, 1952 (E.B. Act II of 1952) , no person shall, without the previous sanction of an authorized Officer, construct or re-construct or make addition or alternation to any building, or excavate or re-excavate any tank and such sanction shall be subject to such terms and conditions as the authorized Officer may think fit to impose. Again as per the section 3A (1) no owner or occupier of a building shall, without

obtaining previous permission from the authorized Officer or the Committee, as the case may be, use the building for the purpose other than that mentioned in the sanction. When the authorized Officer is satisfied that the existing use of any land or building does not conform the scheme of land utilization indicated in the Master Plan³⁸, the authorised Officer may, by an order in writing, direct the owner, occupier or the person in charge of the land or building to discontinue such use and, in the case of a building also to remove or dismantle such building³⁹. However the owner-occupier or the person in charge of the land or building shall be given six months' time before effect is given to the order of discontinuance of such use and twelve months' time before effect is given to the order of removal or dismantlement of the building. Again no existing or further use of any land or building for combined residential and commercial purpose shall be discontinued or prohibited unless, in any particular case, such use militates against the dominant character of the scheme of land utilization as indicated in the Master Plan and constitutes a nuisance generally to the zone and particularly to the neighborhood in which the land or building is situated. According to the section 3B (1) where it appears to the authorized Officer or the Committee that-

- (a) any building has been constructed or re-constructed, or any addition or alteration to any building has been made, or any tank has been excavated or re-excavated, before or after the commencement of the Building Construction (Amendment) Ordinance, 1986 (Ordinance No. LXXII of 1986
- (c) any building is being constructed, or re-constructed, or any addition or alteration to any building is being made or any tank is being excavated or re-excavated, without obtaining the sanction under section 3, or in breach of any of the terms or conditions subject to which sanction was granted under that section, he or it may, by a notice, direct the owner, the occupier and the person in-charge of the building or the tank to show cause, within such period, not being less than seven days, as may be mentioned in the notice, why-

³⁸ Section 64 the Paurashava Ordinance, 1977.

³⁹ According to the section 2(ccc) of the Building Construction Act, 1952 master plan means plan prepared and approved under any law for the time being in force for the utilisation of any land anywhere in Bangladesh.

- (i) the building or any portion thereof, whether constructed or under construction, as may be specified in the notice, should not be removed or dismantled; or
- (ii) the tank or any portion thereof, whether excavated or under excavation, specified in the notice, should not be filled up; or
- (iii) further construction or re-construction of, or addition or alteration to, the building, or excavation or re-excavation of the tank, should not be stopped.

After hearing the notice he or it may by an order in writing stating reasons therefore, direct the owner, the occupier and the person in-charge of the building or the tank to remove or dismantle the building or any portion thereof or to fill up the tank or any portion thereof as specified in the order within such time as may be fixed by him or to stop further construction or re-construction, addition or alteration or excavation or re-excavation.

Shall be punishable with imprisonment for a term which may extend to seven years, or with fine not less than taka fifty thousand, or with both; and the Court convicting the accused shall, if an application in writing is made by the prosecution in this behalf, fix a date within which the building or tank or portion thereof, in respect of which the offence has been committed shall be removed or dismantled or filled up, as the case may be by the person convicted and may, for sufficient reason, extend such date. If the person fails to comply with the direction of the Court within the date fixed or within the date as so extended, the Court may cause the building or portion thereof or the tank or portion thereof filled up, and the cost thus incurred may be realized from the convicted person in the manner laid down for recovery of fine under section 386 of the Code of Criminal Procedure, 1898⁴⁰.

Again under the section 12(1A) whoever commits an offence by-

- (a) contravening the provision of section 3C, or
- (b) failing to comply with any direction given to him by an Authorised Officer or Committee or Police Officer under section 3D, shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both; and the Court convicting the accused shall, if an application in writing is made

⁴⁰ Section 3A(2), *ibid*.

by the prosecution in this behalf, forfeit any vehicle, instrument, material or animal used for the purpose of or in connection with the commission of the offence or carrying the earth.

5.0 Laws relating to land management and administration in Bangladesh

5.1. Bangladesh Land Holding Limitation Order 1972

This order was promulgated to provide for the reduction of maximum quantity of land that may be held by a family or a body in Bangladesh. It was provided in this order that no or body shall be entitled to retain any land held by him in excess of one hundred standard bighas in the aggregate and all lands held by it in excess of that quantity shall be surrendered to the govt.

5.2 The Land Reform Ordinance 1984

The maximum quantity of land that could be held by a family or body under the P. O. 98 of 1972 was further reduced by ordinance no. x of 1984. Under this ordinance it has been provided that no malik who or whose family owns more than 60 standard bighas of agricultural land shall acquire any new agricultural land by transfer, inheritance, gift or any other means. It further provides that a malik who or whose family owns less than 60 standard bighas of agricultural land may acquire new agricultural land by any means but such new land, together with the agricultural land owned by him, shall not exceed 60 standard bighas. It has further been provided that if a man acquires more land in contravention of this Ordinance; it shall absolutely be vested upon the govt. without payment of any compensation⁴¹.

5.3 The Transfer of property Act 1882

This Act was promulgated to amend the laws relating to transfer of property by act of parties. Under this Act transfer of property means an act by which a living person conveys property in present or in future, to one or more other living persons or to himself and one or more other living persons. Again under this Act, living person means a company or association or a body of individuals whether incorporated or not⁴². Under this Act property of any kind may be transferred except as otherwise provided by this Act or any other law for the time being in force⁴³. This

⁴¹ Section 12(2) of the Building Construction Act 1952.

⁴² Section 4 of The land reform ordinance 1984.

Act contains provisions for transfer of property by various means such as sale⁴⁴ mortgage⁴⁵ lease⁴⁶ exchange⁴⁷ and gift⁴⁸.

5.4 The State Acquisition and Tenancy Act 1950 (Act No XXVIII of 1950)

This Act was provided for the acquisition by the state of the interests of rent receivers and certain other interests in land in Bangladesh and to define the law relating to tenancies to be held under the state after such acquisition and other matters connected there with. At any time after the commencement of this Act. It shall be lawful for the govt. to acquire all interests of such of the rent receivers as may be specified by the government⁴⁹. According the interests of the rent-receivers were acquired throughout the country which first started in Patuakhali district in 5th August 1954 and ended in Faridpur in 5th August 1965. When the acquisition is complete, part V of this Act came into force which deals with tenancy laws. This Act also contains provisions that no transfer by an aboriginal raiyat of his right in his holding or in any portion thereof shall be valid unless it is made to another aboriginal domiciled in Bangladesh. But an aboriginal person can transfer his land to non aboriginal person through an application made to the revenue officer⁵⁰.

5.5 The Non-Agricultural Tenancy Act 1949

This Act was promulgated to make better provisions in respect of certain non-agricultural tenancies. Non-agricultural land means land which is used for purposes not connected with agriculture or horticulture and includes any land which is held on lease for purposes not connected with agriculture or horticultural purposes but is being used for purposes not connected with agriculture or horticulture for less than 12 years and also land held for purposes connected with the cultivation or manufacture of tea⁵¹. A non-agricultural tenant may hold non-agricultural land for

⁴³ Section 5 of The Transfer of property Act 1882

⁴⁴ Section 6, ibid.

⁴⁵ Section 54, ibid

⁴⁶ Section 58, ibid

⁴⁷ Section 105, ibid

⁴⁸ Section 118, ibid

⁴⁹ Section 122, ibid

⁵⁰ Section 3 of The state Acquisition and Tenancy Act 1950.

homestead or residential purposes, manufacturing or business purposes or religious or other purposes⁵². A tenant holding non-agricultural land shall be entitled to erect any structure to erect a mosque, a temple or any other place of worship, to dig tank and to plant, enjoy the flowers, fruits and other products of and feel and utilize and dispose of the timber of any tree on such land⁵³.

5.6 The Acquisition of Wasteland Act 1950 (Act No. XIX of 1950)

This Act was promulgated for the acquisition for public purposes of waste land. "Wasteland" means any land including marshy tracts, water courses, and jungle areas which has not grown crop for five consecutive years or more immediately proceeding the date of publication of the notification under this Act. Public purpose includes the production of foods or the forestation of land or the carrying out of irrigation of land or the carrying out of irrigation or drainage schemes or the provision of sites for the setting up of model villages or the reclamation of land for bringing it under cultivation⁵⁴.

5.7 The Cultivable Wasteland (utilization) Ordinance 1959

This ordinance was promulgated to utilize the cultivable wastelands. Under this ordinance 'cultivable waste land means any land classified in the record of rights published under the BT Act 1885 or the SAT Act 195 as petty or jangle and includes any land which has not been cultivated during the last two preceding years and no preparation for its cultivation has been made on the day of making a declaration under this ordinance⁵⁵. The collector may declare that the provisions of this ordinance shall apply to any cultivable wasteland and on and from the making of such declaration, the possession of such land shall vest in the collector⁵⁶. When the possession of any cultivable wasteland has vested in the collector, he may lease it out on such terms and conditions as he thinks proper to any person for purpose of cultivation for production of food crops⁵⁷.

⁵¹ Section 97, *ibid*

⁵² Section 2 of the The Non-Agricultural Tenancy Act 1949.

⁵³ Section 4, *ibid*

⁵⁴ Section 6, *ibid*

⁵⁵ Section 2 of the Acquisition of Wasteland Act 1950.

⁵⁶ Section 2 of the cultivable wasteland (utilization) ordinance 1959.

⁵⁷ Section 3, *ibid*

6.0 Lacunas of existing laws and some other problems of land administration in Bangladesh:

1. Most of the laws regarding land use, administration and management in Bangladesh have not concentrated properly on environmental issues.
2. There is no separate mechanism to address environmental impacts of land use in Bangladesh.
3. There is no proper technology to measure environmental impacts of land use in Bangladesh.
4. Unequal distribution of land.
5. Time consuming and nasty corruption in land administration system⁵⁸.
6. Small sizes of land holdings, lack of cultivation mechanisms and absence of co-operative cultivation.
7. Lack of proper knowledge and awareness of the land users on environmental issues.
8. Absence of systematic and up to date source of land information⁵⁹.
9. Non implementation of the legislation's regarding land use and environmental issues.
10. Absence of proper legislation and public oriented plan regarding land administration and environment conservation.

7.0 Recommendations for future improvement

To remove the lacunas existing in land administration and management system in Bangladesh and to ensure the use of land in a ecologically sustainable way we want to put forward the following recommendations.

- 1) Land should be defined more precisely with a view to for the purpose of environmental impact assessment.
- 2) Use of harmful insecticides the aldrin, chlordane dieldrin, endrin, heptachlor, mirex and other organic pollutants have to be reduced. Govt. should provide special directions in this regard.

⁵⁸ Section 4, *ibid*

⁵⁹ Centre for Policy Dialogue, Task Force Report, Dhaka, 2001, page-1.

- 3) Consideration should be given to use composed fertilizers instead of chemical fertilizers to reduce environmental damage.
- 4) Unplanned and unsafe disposal of toxic industrial and other chemical wastes on land should be prohibited. Special task force can be formed in this regard.
- 5) Existing laws regarding deforestation should be implemented properly. Government of Bangladesh should take more effective measures for forestation both in urban and rural areas.
- 6) Construction of brick fields should be done according to the standard provided by the govt. as well as other environmental institutions.
- 7) The laws and rules regulating cutting of hills have to be implemented properly and punishment under these laws should be increased.
- 8) The laws relating to land use, management and administration should concentrate more on environmental issues.
- 9) In addition to Department of Environment, a separate mechanism has to be formed to address land use and its impact on environment.
- 10) Department of environment should be equipped with more modern and developed technologies to assess the impact of land use on environment.
- 11) The small holdings of land should be consolidated and methods of co-operative farming should be introduced.
- 12) The Govt. should take initiatives to provide systematic and up to date source of land information.
- 13) Measures should be taken for the proper implementation of existing laws as well as enactment of new laws regarding land use and environment.
- 14) Steps should be taken to eliminate corruption from land as well as environmental section. Public interest has to be considered instead of private interest.

- 15) Steps should be taken to protect the lands of the southern part of the country Iron Saltiness cultivation of shampoo need to be reduced,
- 16) Campaign should be launched to raise awareness among people about land use and its impact on environment. Media as well as NGOs like BELA should Take important role in this regard.
- 17) People from all class should come forward to assist government to improve environmental Standard of Bangladesh.

8.0 Conclusion

Most of the Bangladeshis are prominently dependent on land for their daily living. Proper use, management and administration can protect the interest of the cultivators and promote economic development. To this end in view, the importance of reshuffling and introducing reform in the land management cannot be exaggerated. But in taking such steps, environmental aspects should be given utmost priority. Because it is our obligation to protect environment and ecosystem for present as well as future generation. Our constitution provides that for ensuring the basic necessities of the people, emancipation of peasants and workers, rural development, and agricultural revolution are essential. The Govt. should take proper initiatives to maintain these obligations in an ecologically sustainable way.

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The Nature and Consequences of Teamworking in Human Resource Management Research

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Abstract: Teamworking is one of the important components of human resource management that plays a significant role in terms of reorganising work and quality output of an organization. With an objective of continuous development of teamworking process and development of team members in regard of quality productivity and ways of making tasks done, HRM researchers have emphasised to do research on this issue that started from 1950s. This paper attempts to examine the methodological issues of teamworking used in some HRM research works, namely survey method in Harley's research (2001), case study in McCabe's study (2000) & in Murakami's research (1995), questionnaire method in Murakami's study (1997), critical incident & questionnaire methods of Findlay et al (2000). This essay tries to see the functional relationship between the theoretical aspect of teamwork and practical result at the workplace with an emphasis on the nature and consequences of teamworking process in HRM research. This is basically the study of critical review on HRM research works of above mentioned four scholars.

1.0 Introduction

Teamworking has emerged in recent years as the most significant way of reorganising work in the workplace. In the recent Workplace Employee Relations Survey it is found that 65 percent of workplaces in the UK use the team based working system (Cully et al., 1999, Procter and Currie, 2004). However teamworking is an idea with a long history and the putting out system based in the rural areas of the UK used in the eighteenth century which dominates manufacturing and process industries and retains elements of teamworking in the twentieth century (Buchanan, 2000, Nolan, 2007). Teamworking is concerned with the organisation where fundamental questions about customers and competitors are dealt and it leads to make productive and efficient organisation (Buchanan, 2000, Procter and Currie, 2004).

Teamworking is one of the key areas of research in human resource management (HRM) as the 'best practice' in the workplace and the

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development of research into teams especially into sociotechnical and lean teams that starts in 1980s (Forde, 2007). It is a guidance for the company allowing employees to increase the scope of skills and experience providing a foundation for continuous improvement which is presented to boost morale of employees and satisfy them (McCabe, 2000:208).

The aim of the essay is to assess the nature and consequences of Teamworking including human relations, quality of working life, workers' satisfaction, team process, autonomy of team, selection of team leader used in the HRM research area.

2.0 Teamworking:

Teamworking is a working process or a group of working people with the same goals and objectives to meet and same values and norms. These goals and objectives of the company are for its existence or greater productivity. Teamworking has a long history at the workplace. In the 1970s teamworking was seen as the technique of alleviating some problems such boredom, fatigue, productivity, absenteeism, labour turn over as the main concern of most of the employers. In the 1980s the role of teamworking was redefined to fit the strategic goals and objectives of organisations shifting it to winning competitive advantage in the markets transforming the approach to people management (Nolan, 2007). Teamworking has different shapes and dimensions (Appendix-1). The idea of teamwork in organisations is viewed as 'the naturally occurring phenomenon, intuitively and spontaneously adopted by people working in what they perceive to be adverse working conditions and the technique readily appropriated by management consultants and academic commentators as an 'organizational solution' for a range of attitudinal and performance-related problems' (Mueller et al.,2000). Scholars have attempted to define teamworking in many ways. Grayson (1990:1) cited in Marchington (2000:63) defines teamworking a 'self regulating work group' as 'a democratic form of work organisations which ascribes to the group of workers responsibility for the regulation, organisation and control of their jobs, and the conditions immediately surrounding them'. Some scholars term teamworking as high performance work design, semi-autonomous or self managed groups (Marchington, 2000).

2.1 Characteristics of Teamworking:

Team has distinct characteristics² indicating its nature and function associated with the organisation and team members. It starts with the common goal to be achieved with utmost sincerity of each and everybody in the organization. Teamworking has some other issues which are linked with the high performance³ of the team within the organization.

3.0 Methodological Issues in the research area of Teamworking in HRM:

Researchers use various methods in the research area of teamworking in HRM. Case study has been used by McCabe (2000) to find out normative dimensions of teamworking and nature of team members. In the study of Harley (2001) the WERS98 data set has been used to identify team members non-members. Findlay et al., (2000) used sample survey methods in some companies and also critical incident methods based on behavioural centred methodology. Murakami (1995, 1997) also used case study methods in a motor industry for introducing teamworking for a comparative research. Stephenson (1996) used interview method where workers were interviewed through informal network. Researchers use different methods to explore teamworking in HRM research to investigate various aspects of nature and consequences of teamworking which include team members, role of team leader, autonomy of the team, management and employee relation, employee behaviour, workers' experiences and satisfaction, impact on productivity. Various research methods such case study, critical incident, questionnaire, survey, interview methods have shaped the research in HRM. Moreover it is seen that case study method is widely used in teamworking research.

² the team works on a common task; the team has its own work space or 'territory'; team members organise their own task allocations; members encourage and organise multiskilling; team has led discretion over work methods and time; team has a leader or spokesperson; members can influence recruitment to their team (Mueller and Purcell, 1992 cited in Buchanan, 2000:30)

³ Self-managing, self-organising, self-regulating; front to back responsibility for core process; negotiated production targets; multiskilling- no job titles; shared skills, knowledge, experience and problems; skill-based payment system; peer selection, peer review; open layout, open communications; Support staff 'on the spot', not in remote offices (Buchanan and McCalman 1989:120).

4.0 Strengths and weaknesses of research strategies and techniques used in teamworking of HRM research

Team research began in 1950s through sociotechnical approach where case studies were used with the objectives to develop quality of life, to improve spontaneous development on skills and technology. Research agenda was centred on promoting job enrichment and redesign. Then the research moves to look into ideas of collaboration and sharing of knowledge and ideas linking to Just-in-time systems. Then the researchers emphasize on organisational benefits where success depends on much buffer stock, improvement, quality linking to the lean team concept (Forde, 2007). Following these societal, economic, employee relations and organisational issues researchers explore their researches in teamworking area of HRM.

4.1 Survey Method in Harley's Research:

Harley (2001) discussed team memberships and experience of work in Britain analysing the Workplace Employee Relations Survey (WERS98) data conducted in 1997-98. She conducted her research to explore two broad approaches: positive and critical accounts of teamwork with a series of questions on team membership, employee discretion, commitment, satisfaction, management-employee relations.

From the positive accounts of teamwork it is found that team empowers workers to control their work as they are provided opportunity. For this positive empowerment of workers they feel belongingness to the organisation, become more committed and satisfied. This positive approach highlights organisational performance that is based on organisational behaviour and HRM. These are important for the autonomy or the self-management of teamworking. This boosts up the team members. Besides, the researcher acknowledged some limitations of the approach. She ignored employee experiences of teamwork, negative outcomes on the basis of the positive employee attitudes and team working that enhances employee discretion.

In the critical accounts of teamwork she discussed questions that have positive views and emphasis on the negative outcomes for team membership of employees. From this perspective employees work hard that helps to increase productivity and employees enjoy high level of discretion over work.

Harley (2001) used secondary data in her research. The WERS98 data

were based on large scale quantitative data set that makes a general idea and the impact of teamwork. This large scale data are the strength for using to do research in any field including HRM as the quality of data is relatively high. These were collected from reliable sources and high degree of confidence is maintained that increases validity and reliability of the research. As she used secondary data, she got these very easily and these were cost effective for her study. Other strength is that the data set allows the identification of team members or non-members but maintains confidentiality and retains wide range of facts about employees. In addition, secondary data can provide a method of triangulation. However, data set excluded a significant number of employees at the workplace and it could be possible to collect data as it was large scale survey. She found the limitation that 'data are collected from wide range phenomena but not in great detail'. There are some limitations of the survey which may affect the Harley's research as this WERS98 data were collected for the specific objectives. Definitions of variables may have changed over time.

Although the teamworking is defined as self-managed which enjoys autonomy (Buchanan and McCalman, 1989; Marchington, 2000) Harley (2001) found no team members having characteristics of autonomy from the data set. She used a set of variables to explain employees, team members and non-members indicating workplace, employee, employee status, working conditions with everything. Definitions of these variables may differ from the definitions used in the WERS98 data.

Further more Harley concluded saying 'rigorous empirical analysis of reliable large-scale data has provided no support for either account. It seems that the enthusiasm of positive accounts and the dire warnings of the cities, may have been based on rather over-excited evaluations of the extent to which teams represent a change or organisational forms and patterns of work and the extent to which employees' experiences of work are touched by such practices'. Her concluding remarks seem pessimistic (Forde, 2007).

4.2 Case Study in McCabe's research:

McCabe (2000) did his research in an automobile manufacturing company (UK based) to investigate the meaning and experience of teamworking following the case study method and normative dimensions. These methods cover management discretion that changes in attitude and behaviour of employees to operate teamworking effectively at the workplace. For the attitudinal aspects the case study is the best

method. In his research a variety number of employees with a variety experiences and realities were in investigation that provides diversification in teamworking. However, it is difficult to make a universal generalisation from the diversified response. The researcher followed interview techniques, document investigation, strategy statements, corporate memos and briefs, training materials and union management documents which help to develop the research providing sufficient information. It is seen that the teamworking concept serves as the guideline for the employers to permit workers to increase the scope of training and practice providing continuous improvement which can help to encourage workers and can satisfy them. It is conveyed in an entirely positive way where employees can enhance both their skills and work experience. Corporate training materials suggest that TW promotes ownership, involvement, quicker decision making, being competitive, improving communication, motivation, information sharing (Marchington and Wilkinson, 2002:185).

The study was very much comprehensive which was conducted over a six month period and 60 employees from different levels were interviewed very closely. Each of them was interviewed for minimum 45 minutes to capture individual responses to teamworking though is difficult for the interviewee to be on track for a long time. However, the researcher used 'our' concept in questionnaire that helps employees to feel them belongingness to team as well as to feel together to corporate interest. Moreover he used in depth interviews to explore the individual experience of team (Forde, by email correspondence). He allowed team members to speak freely on teamworking from their experiences in order to see the insights of the theme. Interviewees did so that proves some valuable comments made by them. One lack is found that interviewees were selected by the management and management people were half of the target population. Interviewees might respond to the interviewer keeping the management decision in mind as they were selected by the management. In that case real experience might keep behind the light. Yet the researcher tried to find out real thing in teamworking and in most cases he became successful to explore the ability of the employee. Some employees showed negative response to some changes in the company including teamwork and at the same time teamwork was termed as 'brain purification'. In fact researcher utilised the workers experience in his research to explore both sides of the coins.

The researcher interviewed a group of employees in the team and identified three categories of team members according to their behaviour and participation at work. Team members are categorised into bewitched, bothered and bewildered where every category has certain characteristics. Bewitched is a term that is applied to employees who largely supported team working and adopted the corporate line. Employees who most clearly support teamworking has often prompted to team leader positions or onto special projects. Bothered means employees are worried about their colleagues who absorbed the teamworking discourse. These employees are opposed to the normative dimension of teamworking. Some employees are bewildered by the new teamworking approach because of its ideological or normative implications. It attaches their way of doing things. Normative implications of teamworking appear as the background noise for them. They do not see it as a new in particular (McCabe, 2000:209-217; Knights and McCabe, 2000). However his in-depth interviews expose a complex picture about the nature of teamworking.

4.3 Case Study in Murakami's Research:

4.3.1 Murakami (1995) tried to see teamworking as beneficial to trade union

representatives, workers and management in his case study of Germany based motor industry. He conducted (in 1994) his case study using questionnaire methods was a small questionnaire survey considering 51 teams on the basis of 9 items⁴ in the scales to see four levels⁵ of autonomy. The team size was between 8 and 13. As the team is not constituted by a specific number of members which may involve 3, 10 or even 33 individuals. There may create problem to share responsibilities because of the size of the team. If the team members are more, work allocation would be very tough and facilities will not be enjoyed same as the small team members get (Nolan, 2007). The researcher used one set questionnaire on team speaker, team members' involvement, role of team speaker, coordination etc. in the scale of four topics: all the time, often,

⁴ A) The selection of the teamleader, B) New member on team, C) Distribution of work, D) Time flexibility, E) Acceptance of additional work, F) Representation outside of the team, G) Methods of production, H) Production goals (output) and I) Production goals (quality).

⁵ 1. No participation by a team; 2. Team participates in decision; 3. Co-decision making and 4. Autonomous team decisions.

once a while, never. Again he used a set of 10 structured questions to evaluate the attitudinal aspects of team workers in the format of agree or disagree. Here team members are bound to say in favour or against whereas it should have been another criterion neither agree nor disagree or it would be better to use Likert scale. However the researcher uses quantitative analysis using numerical value that claims more value of significance. It is seen that the teamleader term has been avoided replacing it with team-speaker. They thought team-speaker is more than teamleader who does as mediator, communicator and moderator. Team-speaker would be selected on a six month basis in the first election and then on a one year basis following the democratic voting system by raising hands. This seems justified and rational process of selecting team leader.

4.3.2 In his another research Mukarami (1997) conducted comparative research on the autonomy of teams in the car industry which was cross national comparison among 19 plants in 5 countries. It was a huge and thorough study. Questionnaire method was used in his case study which was on the basis on 9 items related to four levels of autonomy of teams. He tried his best to make the research successful. He used semi-structured and quantitative questionnaire. Some of the plants were visited personally by researchers to cross-check the data with the written documents on teamwork. Even he cross-checked and validated the data collected from Nissan (UK) visiting the place in person. To collect data Japanese interpreter was appointed and data were cross-checked discussing with teamleaders at Nissan (Japan). These strategies increase the validity and reliability of data used in teamwork research and prove the authenticity of data. However, the research finding is that team does not possess the real autonomy, just some degree of influence on management decisions (Nolan, 2007). Even it is difficult to handle interviewees as every company has its own cultural context including language barriers, trade unions for example political power and trade union practices are exercised in the UK. The study seems to be affected by the UK and German culture at the workplace as 14 companies out of 19 were of them. As Teamworking is across national contexts it may be shaped by political, cultural and economic factors (Forde, 2007).

4.4 Critical Incident and Questionnaire Methods of Findlay et al.

Findlay et al., (2000) examined the introduction and development of teamworking in four Scottish plants of two large spirit companies where the main focus was on three dimensions- technical, governance and normative to explore the different types of teamworking and social context thereof. The investigation conducted with 10 teams, 2 from each whereas 4 teams from Newton. However, there is no explanation why four teams were selected from this plant.

They investigated the study following critical incident method and questionnaire method combining an examination of attitude and practices for analysing behavioural aspects. This is very much effective methodology used to task oriented job analysis. As these types of methods are generally used to develop performance appraisal system and training initiatives where researchers did the right thing in their research in 'flexible when it suits them: the use and abuse of teamwork skill'. It is a good technique for analysing behavioural aspects. Here the researchers used Likert scale for team members about problem solving issues and workers ability to do any kind of job and found that workers could solve more problems after introduction of teamworking at the workplace. Findlay et al., (2000) conducted a good comparative research on the nature of teamworking. However they interviewed mostly female workers whereas they did not mention the ratio of male and female in the company, even no explanation was stated in favour of this sample selection. The case study may be affected by the one group. On the basis of sample selection it can be concluded that the study is not gender neutral.

5.0 Conclusion

As an important issue of HRM research in teamworking it began in 1950s and has increased in 1990s. Researchers tried and are trying to shape and make successful use of teamworking in the workplace. However, investigating some articles it is found that there is no real team or real autonomy in teamworking at the workplace and even in the UK 'autonomous teams' are rarer (Harley, 2001; Murakami, 1995 & 1997; Benders, 2005 cited in Forde, 2007). These findings differ from the definition of team. Teamworking is suggested as a positive way where employees can enhance both their skills and work experience. Corporate

training materials suggest that teamworking promotes ownership, involvement, quicker decision making, being competitive, improving communication, motivation, information sharing (McCabe, 2000:208). So it claims more research. Here it can be concluded saying that 'a well-designed and properly implemented system of teamworking can bring benefits to both employers and employees. Increased motivation and job satisfaction can lead to gain in productivity through better use of employees' full range of skills and expertise. Self-managed teams, in particular, are becoming more common as companies seek to flatten their traditional, hierarchical management structures'.

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Appendix: 1

Teamworking exists in many different shapes and forms, varying across a number of important design and dimensions, such as

1. Teams can be created on a temporary basis in order to solve a specific work problem; or they can be permanent teams to work in a certain area of operations.
2. Teams can be led internally by an elected spokesman, or externally by an appointed team leader or coordinator.
3. Teams can be mixed from a variety of functions, hierarchical levels and occupations, or can be relatively homogeneous.
4. Members can come from different work or functional areas or exclusively from one.
5. Members can participate voluntarily or as part of their employment responsibility (e.g. by being nominated by a superior).
6. Teams can be strictly limited in their duration or can operate on a more or less permanent basis.
7. Teams may meet during working time or outside working time.
8. Team members may or may not receive financial compensation for their team efforts.
9. Teams can meet according to a fixed time plan or as and when required.
10. Team members may or may not be part of the implementation of their proposals.

Source: Mueller, F., Procter, S. and Buchanan, D. (2000) 'Teamworking in its context(s): Antecedents, nature and dimensions' Human Relations, 53(11): 1387-1424:

Role of Judiciary in Making Governance Good in Bangladesh: An Empirical Study Focusing on Present Reform in Judicial System

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Abstract: In this study two interrelated issues are examined to see whether and how each one is affected by another. The goal to make governance good of a country is to streamlining the system of accountability, establishing rule of law, responsiveness, equity, effectiveness and efficiency. A country's judicial system can play vital role in establishing rule of law, achieving equity, efficiency and effectiveness, when it enjoys separate and independent status. The pivotal concern of this study is to review the role and contribution of judiciary emphasizing on its present reform in making governance good in Bangladesh. For examining the role of judiciary in making governance good, some parameters of good governance are selectively studied. Through analyzing the efforts of judiciary, especially the present reform efforts, an attempt is to be taken to see of what extent judiciary is able to attain the rule of law and responsiveness, equity, effectiveness and efficiency for better governance that ensures equitable allocations of country's resources. The study is basically developed on first hand data particularly based on survey. Along with, secondary literatures are also studied for this purpose. Findings of this study have shown that present status of judiciary alone can not make governance good, more allied factors are strongly influenced the governance pattern. And above all, until actual separation of judiciary will not be made, governance pattern does never be accelerated.

Introduction:

The concept of governance has over the years gained momentum and a wider meaning. Apart from being an instrument of public affairs management, or a gauge of political development, governance has become a useful mechanism to enhance the legitimacy of the public realm.

Good governance depends on having in place mechanisms that hold the government accountable to the public in a way that ensures the equitable treatment of all its citizens. This requires respect for the rule of law, based on an honest and fair judicial system and effective law enforcement. Effective accountability depends on systems and processes respected by everyone concerned, with effective and consistent sanctions applied when transgressions occur (Temple, 2002).

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Anyway, Good governance has become the buzzword of international financial institutions as a key factor for sustained economic growth. This has also been picked up as a slogan by almost every government, particularly in developing countries. Good governance is nothing but a set of principles or ethics to conduct public affairs of government. So, institutionalizing this concept, nationally or internationally huge resources are expended to conduct research and other related activities.

Judiciary is the last resort for obtaining redress of one's grievances. It must be able to act as an institution without fear or favor. This will be possible if there is separation of the judiciary from the executive in the truest sense of the term. Separation adherences through enactment of legal provision prevailed in the constitution which also strengthens capacity status of judiciary. The basis of the separation of judiciary is contained in Article 22 (Part II, Fundamental Principle of State Policy) of our constitution, which states that the state shall ensure separation of the judiciary from the executive. Independent and separate judiciary generates a congenial atmosphere where parameters of good governance i.e., rule of law, equity, effectiveness etc., can easily be achieved. At the same time, free and fair political environment as a whole just society can only developed an independent judicial system. A historical legacy in making free and independent our judicial system is found from very beginning of colonial administration. From that time, several attempts have been taken by different regimes to separate judiciary from executive domain. A historical event has been initiated in this legacy while the Caretaker Government took action to separate judiciary from executive in the 1st November, 2007. Apparently it may be regarded as effective one to separate judiciary, but ins and outs analysis diminishes this prospects and possibilities. However, the Parliamentary Standing Committee on Law suggested that this power of cognizance will be given to executive magistrates for maintaining law and order situation and this has nothing to do with the trial and giving punishment. The strength of this easy logic of mere cognizance power is being cemented by another argument that the provisions in Article 22 of the constitution on the basis of which separation has been done are not judicially enforceable (The Daily Star, March 28th, 2009). In fact, the jurisdiction of judiciary has interrupted again by the domain of executive. Anyway, the present study is an attempt

to justify the role and contribution of judiciary in establishing rule of law, equity, efficiency and effectiveness, and responsiveness through which good governance for realm of the most vulnerable and poorest in the country.

1.1 Objective of the Study

1. To study the underlying variables of governance which are the prerequisites to make governance good in Bangladesh.
2. To review the present reform status of judiciary along with its major drawbacks to ascertain whether it capable or not to make governance good in Bangladesh.
3. To assess the role of judiciary in establishing rule of law for elevating the state of governance.
4. To examine whether the present judicial system is responsive or not for accelerating the governance status.
5. To see the effectuality of judiciary in achieving equity and speedy justice to actualize the constitutional provision of protecting people's fundamental rights.

1.2 Methodology of the Study

In this part of the study, the procedures to investigate data and information and materialize the research themes are dealt. Firstly, the location, sources and methods of required data and, sample size and units are mentioned. And then, to operationalize the present research problem, conceptual dimensions of good governance have been studied.

Location: The present research work is basically conducted on five districts' judge courts named Kushtia District Judge Court, Jenaidah District Judge Court, Narshingdi District Judge Court, Vola District Judge Court, and Meherpur District Judge Court. These are brought under as sample unit to survey the opinion of judges regarding their roles in enriching the governance issues in Bangladesh.

Sample units and size: Total forty (40) respondents categorized into three have been selected randomly from five districts. The selected three categories are judge, lawyer and civil society. Selected research areas, respondents and their size are shown in the table 1.

Table 1: Research Areas and Sample Size

Research areas	Units of sample	Size of sample	(%)
Kushtia District Judge Court	Judges of Kushtia District Judge Court	5	12.5
Narshingdi District Judge Court	Judges of Narshingdi District Judge Court	4	10
Jhenidah District Judge Court	Judges of Jhenidah District Judge Court	6	15
Vola District Judge Court	Judges of Vola District Judge Court	3	7.5
Meherpur District Judge Court	Judges of Meherpur District Judge Court	2	5
Kushtia, Jhenidah	Lawyer	10	25
Kushtia, Jhenidah, Islamic University	Civil society	10	25
Total		40	100

1.2.1 Sources of Data

Primary source has been given priority to collect relevant data and information for the present research work. The methods applied to collect data from primary source are; i) circulation of questionnaire to the respondents, ii) interviewing the respondents, iii) close observation and focused group discussion etc. The secondary data source is also utilized for getting conceptual vision and frame clearly about research theme. For this, relevant documents and literatures are reviewed and studied. A questionnaire with 32 questions divided into two parts both structured and open was prepared for collecting data on the working of present judicial system in affecting positively the respective governance parameter. First part of the questionnaire has covered the personal profile of the respondents while second part is concentrated on the achievement judiciary in making governance good. To study these aspects, respondents were selected from three categories. They were selected from the category of judge, lawyer and civil society following random sampling method.

1.3 Dimensions to Operationalize the Research Problem

Governance and good governance are conceptualized by different exponents and from different dimensions and perspectives. All are not possible to study to operationalize the present research theme. So, operationalizing the state of governance and contribution of judiciary to make governance good, the dimensions of good governance approached by World Bank, IMF are studied here.

2.0 Parameters of Good Governance

For the purposes of this paper, four parameters of good governance i. e., rule of law, responsiveness, equity and, efficiency & effectiveness, are explicitly discuss here to ascertain the concern of judiciary in elevating the state of governance in Bangladesh.

2.1 Rule of Law

Legal frameworks should be fair and enforced impartially, particularly the laws on human rights. The rule of law also includes protection of property rights.

2.2 Responsiveness Institutions and processes try to serve all stakeholders.

2.3 Equity

All men and women have opportunities to improve or maintain their well-being. It also includes the voices of the poorest and the most vulnerable are heard in decision-making over the allocation of development resources,

2.4 Effectiveness and Efficiency

Processes and institutions produce results that meet needs while making the best use of resources. It also includes the quality of policymaking and public service delivery

3.0 Focus on Key Concepts

3.1 Governance

Governance is a broader notion than government, state, and regime, and is the interaction between formal institutions and civil society. It is seen as a process whereby elements in society wield power, authority, and influence and enact policies and decisions concerning public life, and economic and social development (<http://www.gdrc.org/u-gov/work-def.html>). In this context governance is defined as "a system" of government concentrating on effective and accountable institutions, democratic principles and electoral process, representation and responsible structures of government, in order to ensure an open and legitimate relationship between the civil society and the State (Halfani et al. 1994:4).

Governance is a multifaceted concept with wide ramifications. This is so because of the fast-changing and interdependent global environment. No country can afford to continue with a governance system that is outdated, slow, ineffective, expensive and corrupt in this age of globalization (Khan, 2003). In general terms, it can also denote "how people are ruled, how the affairs of the state are administered and regulated as well as a nation's system of politics and how this functions in relation to public administration and law" (Landell-Mills and Serageldin, 1991:304).

Governance is assessed by researchers from a three dimensional perspective (Kaufmann; Kraay and Zoido-Lobotón, 1999):

- a. the process by which governments are selected, held accountable, monitored, and replaced;
- b. the capacity of governments to manage resources efficiently and formulate, implement, and enforce sound policies and regulations; and,
- c. the extent of participation of the citizens in the affairs of the state.

The contribution of Goran Hyden to bring greater clarity to the concept of governance needs special attention. He elevates governance to an "umbrella concept to define an approach to comparative politics", an approach that fills analytical gaps left by others. Using a governance approach, he emphasizes "the creative potential of politics, especially with the ability of leaders to rise above the existing structure of the ordinary, to change the rules of the game and to inspire others to partake in efforts to move society forward in new and productive directions". (Website of South Africa's National Party <http://www.gdrc.org/u-gov/governance-understand.html>).

3.2 Good Governance

Good governance is now-a-days a widely used term in developed as well as developing countries. Bangladesh is no exception to this global trend. Politicians both in power and in opposition talk of their quest to achieve good governance. To ensure sustainable human development, actions must be taken to work towards this ideal.

Good governance is characterized by an accountable government at the top, an independent judicial system, freedom of thought and expression, and above all, freedom of choice for its citizens. Good governance also implies a democratic structure, human rights and freedom of media.

Governance can be viewed as the sum of three major components: process, content and deliverables. The process of governance includes factors such as transparency and accountability. Content includes values such as justice and equity. Governance cannot be all process and values. It must ensure that the citizens, especially the poorest, have the basic needs and have a life with dignity. A dictatorship that delivers basic needs to the citizens is no doubt better than a dictatorship that does not, but it is not good governance. Similarly, regular elections alone do not translate into 'good governance'. Rule of law that is transparent, but unjust- such as apartheid- is certainly not 'good governance'. It is only when all these three conditions are fulfilled that governance becomes 'good governance' (Aminuzzaman, 2006).

4.0 Judiciary in Bangladesh

4.1 The present judiciary in Bangladesh has its origin in the Indian subcontinent. The subordinate judiciary in both civil and criminal has their legal basis in the Civil Court Act 1887 and the Criminal Procedure Code, 1898. Besides these two, the constitution of Bangladesh provides the structure and functioning of the Supreme Court of Bangladesh comprising of High Court Division and Appellate Division. For better understanding, the Courts in Bangladesh can be categorized under the following four heads:

- i) The Supreme court of Bangladesh;
- ii) Civil and General Court under general hierarchy;
- iii) Tribunals,
- iv) Special court under special laws.

4.1.1 Supreme Court of Bangladesh: Article 94(1) of the constitution provides that there shall be a Supreme Court for Bangladesh, to be known as the Supreme Court of Bangladesh, comprising the Appellate Division and the High Court Division. Both have their own jurisdiction.

4.1.2 Civil and Criminal Courts under the Lower Judiciary:

Civil Court under general hierarchy: Under section 3 of the Civil Court Act, 1887 as amended by the civil courts (Amendment) Act, 2001, the five classes of civil courts are:

- 1) District Judge's Court
- 2) Additional District Judge's Court

- 3) Joint District Judge's Court
- 4) Senior Assistant Judge's Court
- 5) Assistant Judge's Court

Each of these courts is a separate Court and has jurisdiction assigned to it by the Civil Courts Act or by any other law which may be either original jurisdiction, appellate jurisdiction or transferred jurisdiction.

Criminal Courts in General Hierarchy:

The ordinary Criminal Courts have their legal basis in the Code of Criminal Procedure, 1998. Section 6 of the Code provides that besides the Supreme Court and the courts constituted under any law other than this Code for the time being in force, there shall be five classes of Criminal Courts in Bangladesh. These are:

- 1) Court of Sessions
- 2) Metropolitan Magistrate's Court
- 3) Magistrate of the 1st Class
- 4) Magistrate of the 2nd Class
- 5) Magistrate of the 3rd Class

4.1.3 Tribunals: In Bangladesh, there are numbers of tribunals, some of which have their basis in the Constitution itself, some in some special laws. In Bangladesh, most of the tribunals e. g. Administrative Tribunals, Special tribunals under the Special Power Act, VAT Tribunals under special laws are quasi judicial in the sense of their formation. They are composed of both judicial and non judicial members but from the viewpoint of their function and jurisdiction they are judicial in nature.

4.1.4 Special Court: Special courts may be of different types. The Parliament by its legislative power may create special courts with special jurisdiction. Whatever may be their jurisdiction as a special court, one common element attached to them is that they are all subordinate courts under the supervisory power of the High Court Division of the Supreme Court (Rahman ed. 2006).

4.2 Present Reform Efforts of Judiciary

After 36 years of independence as well as passing the same duration of developing constitution, such separation of judiciary has taken place. By this separation, the trails of criminal actions under code of criminal procedure are vested under the control and supervision of reputed District Judges from the jurisdiction of Establishment or Defense or District Administration. At the same time, the judicial responsibility of Hill-tracts District Judges has now been vested to the hands of District Judges. Earlier this was performed by Divisional Commissioner.

Another important issue is that investigation of police case / Cr Case or Criminal cases, the prevention and detection of crime, apprehending and detaining offenders and trial is to be conducted by the judicial magistrates. Though the trials of police cases are to be conducted by the judicial magistrates, the trial would be based on the police FIR. So, FIR, investigation, apprehending and detaining offenders- all are conducted by the police and whether these are not conducted with transparently, then fair justice would not be possible.

Circulating different gazette notification, all judicial documents, records and cases under metropolitan magistracy and executive magistracy are vested to the judicial magistracy. For example, the criminal procedure code (Amendment) ordinance, 2007 will be activated from November 1st, 2007. On the other hand, the Adalat Ordinance has been issued under which limited Magisterial and judicial powers are vested upon the executive magistrates for the petty criminal cases at immediate spot for maintaining law and order and preventing crime. According to the Criminal Procedure Code Amendment 2007, 103(4), the Upzilla Nirbahi Officers are given authority to apply the 144 of criminal procedure at their respective Upzilla. As preparatory attempt, to make free judiciary from executive, government issued four code of criminal procedure ordinance (amendment) in 22nd January, 2007. Later, January 16th, government issued four rules and conducts relating to judicial service in Gazette notification. The four rules and conducts are:

- i) Judicial Service Commission Rules 2007;
- ii) Judicial Service Pay Commission Regulation, 2007;
- iii) Judicial Service (composition, recruitment, temporary suspension and removal) Regulation, 2007;

- iv) Judicial Service (placement, promotion, leave of grant, control, disciplinary actions, and other conditions of services) Regulation, 2007.

Separating judiciary from executive along with elevating the degraded status of judges, an action was taken by a number of judges leading by assistant judge Masder Hossain in 1995 and he appealed a writ case in High court at that time. This writ was a challenge against the discriminatory facilities between two services i. e., Judicial Service Cadre and BCS Administration Cadre. The resulted impact of this writ is that the full bench of the appellate division of Supreme Court exposed 12-point instructions for the government in 2nd December, 1999 for implementing their demands. In these 12-point instructions, for the purpose of separating judiciary, four posts of judicial magistrates were created. These are:

- a) Metropolitan magistrate and chief judicial magistrate;
- b) Additional chief metropolitan and judicial magistrate;
- c) Senior judicial magistrate (magistrate of class 1/ metropolitan magistrate Special magistrate);
- d) Judicial magistrate (class 2).

Based on this decision, an amendment ordinance of Cr.P.C. was published in the gazette notification on 11th February, 2007, where magistrates were divided into two categories. Their job allocation, power and jurisdiction of exercising power were described in the clauses 36 and 38 of Cr.P.C. by adding schedule 3 & 4. In this stage of reforming judiciary, the full bench session of Appellate Division and High Court were decided to activate the amendment. Cr.P.C. for the purpose of separating judiciary from 1st November, 2007 with the chair of Chief Justice Mohammad Ruhol Amin. As a result, the judicial power is transferred to the hands of judicial magistrates from the District Commissioner and Assistant Commissioner. It is also decided that the judicial magistrates will be under District Judge.

While the process of separating was going to be done as per decision of full bench session of Supreme Court and issuing gazette notification to activate the amendment Cr.P.C., the member of Admn Cadre (BCS) exhort their demands not to divest them from their exercising of judicial power and to minimize the discrimination as opined by themselves in newly formulated

rules regulations raised by Supreme Court. In this background, The Mobile Adalat Ordinance / The Mobile Court Ordinance has been issued under which limited magisterial and judicial powers are vested to the hands of executive magistrates. Under this Ordinance, the jurisdictions are defined to exercising power by the executive magistrates are:

- a. Public Gambling Act;
- b. Railway Act;
- c. Electricity Act;
- d. Cinematograph Act;
- e. Public Examination Act;
- f. Pure Food Ordinance;
- g. Brick Burning Control Act;
- h. Protecting Environment Act.

The executive magistrates are given some sorts of power to exercise in selective areas of Cr.P.C., including the mentioned areas. Under the Mobile Court Ordinance, provision to imposing fine is kept. Except fine, no kinds of fine are to be imposed by the executive magistrates. If the accused person fails to pay fine, executive magistrates have authority to send the respective person to jail for 3 months highest without labor. The magistrates of executive department can not deal judiciary functions by sitting in the Azlas.

The executive magistrates oversee the law and order situation including performing the duties in public examination hall, in meeting, procession of political parties etc., like as earlier. They are regulated under administrative ministry.

While the Caretaker Government took action to separate judiciary from executive in the 1st November, 2007, 202 judges and 16 judicial magistrates were working at the lower courts. Judicial power and action were withdrawn from the hands of executive magistrates by this process, and for that reason about four lacks cases were relocate upon the judicial magistrates. At this context, increase of manpower especially recruiting judges was needed urgently. Getting support of new additional manpower and other infrastructural facilities, 600 posts of judicial magistrates and above four thousands staffs for all courts of country were immediately approved in the meeting of NICAR (National Implementation Committee for Administrative Reform). The proposal for recruiting 56 to 60 metropolitan magistrates and required transports, other infrastructural

developments were also approved. 655 posts are created among 218 are only recruited. Among them 16 are absorbed from executive magistrates. 138 court rooms or azlas and khash rooms are being established for using as judicial magistracy. Eighty six court rooms or azlas and khash rooms are established for metropolitan magistrates. Total 4237 posts are created including 655 judicial magistrates through Ministry. Later, Judicial Commission will appoint them phase out (Dainek Naya Diganta, 2nd November, 2007).

The Code of Criminal Procedure (Amendment) Bill passed on 7th April, 2009 in the parliament allowing the government discretion to empower executive magistrates to take cognizance of offences in any situation for trial (The Daily Star, 8th April, 2009). Through re-enacting this ordinance promulgated by the immediate past interim government following Masder Hossain Case, widely known as separation of the judiciary case has been getting resolution the controversial issues of separating judiciary continuing for a long course of time. Giving cognizance power to executive magistrate, government has raised a very simple question; will it be an executive and/ or administrative power or judicial power? It has been repeatedly held by apex court in line with consistence decision in Indian sub continent that taking cognizance is a judicial power and any misuse or abuse of such power is to be corrected through judicial process. So, while cognizance power is vested upon the executive magistrates, then how the apex court will exercise its supervisory power? If we turn our attention to the caretaker regime 2007, what we see? According to the article 22, 1st November, historical event of separating judiciary from executive organ had been initiated by the Caretaker Government. By this separation, the trials of criminal actions under Code of Criminal Procedure are vested to the control and supervision of district judges from the jurisdiction of Establishment or Defense or District Administration. At the same time, The Mobile Adalat Ordinance has been issued under which limited magisterial and judicial powers are vested upon the executive magistrates to try petty criminal cases at spot for maintaining law and order situation. After taking power by the political regime, initiatives taken by the Caretaker government are withdrawn instead of enacted and issued an amendment in Code of Criminal Procedure by inserting a subsection into section 190 of the Code of Criminal Procedure. Any way, the separation controversy continued from the period of British-Indian dynasty, is yet to unresolved as like the attempts taken by various regimes around the duration.

5.0 Findings and Analyses

Judiciary and its role to make governance good in Bangladesh have been analyzed through materializing the five aspects of umbrella concept of good governance. The conceptual underpinnings of the five aspects are already discussed earlier. In light of these aspects, the role of Judiciary in enriching the present status of governance is examined below.

5.1 Establishment of Rule of Law

Independent judicial system of a country obviously can play effective and positive role in making governance good. Establishing rule of law through equity justice is the prime objective of judiciary. All are equal before law-implementing this commitment of constitution, judges should have free and autonomous environment. Logically speaking, diminishing influence of executive department within the domain of judiciary acts as prerequisite for equity justice.

At present time, a query is raised that the effort to make governance good through a separated judicial system is being achieved? The findings have shown frustrating results in this regard. The reason behind such case is that there is no chance for the judges to work independently. The present working environment of judiciary is not free from political influence and particular vested group or class as well as in global domination. Any unbiased observer if review the ongoing activities of judiciary, he compels to conclude that justice is done apparently by the judges, but the process of dispensing justice is actually patronaged and manipulated by other agencies especially by the executive organ, which is intelligible to all. And that's why, establishment of rule of law through judiciary will be difficult until when these undue influences will not be dead ended. While respondents' opinion were sought to justify the role of judiciary in establishing rule of law, they viewed different aspects in achieving this parameter of good governance. Following analyses have been developed concerning these various aspects.

5.2 Role of Law Enforcing Agencies

Proper enforcement of law does not depended on only separation of judiciary. The role of law enforcing agencies is equally important for this purpose. Because, before issuing trial, different law making agencies are involved directly to the whole judgment procedure. While these agencies unable to play transparent role in information collecting, keeping,

processing and preparing report case and schedule for proceedings, establishing rule of law will be difficult. In this connection, while respondent's were asked about the role of law making agencies in establishing rule of law, cent percent respondents opined in these respect that from Ministry of Law, each and every agency i. e., National Security Intelligence (NSI), Detective Branch (DB), District Security Branch (DSB) and finally Police Administration have no transparent role in detecting, apprehending criminal and filing cases for establishing rule of law. In fact, proper enforcement of law does not only depend on separation of judiciary. Some law enforcing agencies have also room to make effective appropriation of law.

As for example, the field and police administration. To justify the preliminary investigation report of CR (Court Register) cases, the court delegates this responsibility to the respective UP chairman, social welfare officer, thana fisheries officer, Assistant Commissioner-AC (land), Ansar VDP (Village Development Programme) officer etc.,. On the other hand, SI (Sub Inspector) or ASI (Assistant Sub Inspector) is vested responsibility to justify the preliminary report of GR (General Register) cases by the respective thana officer. A crucial point of establishing rule of law lies here. The responsible agencies, whatever may be SI or ASI, UP (Union Parishad) chairman, social welfare officer, thana fisheries officer etc., are involve to justify reports, fail to perform their assigned duties with sincerity, that means if they do not visit the spot or occurrence duly or conceal the actual fact or making a false report convinced by offender for getting illegal rewards, how judicial magistrates able to give judicious verdict depending on such manipulated information? In many cases, it is found that with the cooperation of law enforcing agencies or getting chance of their indifferent activities, concealing real fact through false witnesses, investigation agencies try to victimize innocent person. Justice turn back and penalty goes toward the innocent where as actual criminal get rid of due penalty.

Incorruptible police administration has significant role in establishing rule of law alongside lawyer and judges. For example, in a GR case after FIR (First Investigation Report) entry, police is liable for investigating the FIR record entry in the case file. At the time of investigation, if police officer do not investigate righteously or giving biased CS (Charge Sheet) or FRT (Final Report Truth) report, then the lawyer or judge, whatever they may be sincere and honest, have no chance to dispense fair justice for establishing rule of law. On the other hand, if police administration as

a whole or police individually is incorruptible and submit an actual CS or FRT report through fair investigation and judgment proceedings are being conducted based on this report, rule of law might be established. In Case of filing complaints, submission FIR, and apprehending and detaining offenders, police should avoid biased ness, corrupt attitudes, irregularities, negligence for ensuring speedy justice.

5.3 Role of Doctor

Justice does not solely depended on judge. In many circumstances, doctors have significant role along with other agencies in dispensing proper justice. While doctors are assigned responsibility to certify medical fitness or status of injury of victim after examining, he has chance to practise in submitting actual report or manipulating report. If doctor certifies serious injury as normal or normal injury as serious or reporting suicide case as killed by making breathlessness and there by submit such kind of manipulating medical report, justice will never be established.

5.4 Role of Lawyer

Making effect the separation of judiciary and bringing good governance characteristics through establishing rule of law, lawyers have significant role in fair judgment with the judges. Making intelligible this tangle relationship between judge and lawyer, the term Bar and Bench is used in judiciary. The good relation and sincere counseling between bar and bench open the passage to establish justice. In absence of good relationship between Bar and Bench, judges fail to make justice properly. For example, if the court is annoyed or dissatisfied to the lawyer's behavior in particular case for any reason, it is not out of suspect that the orders of the court issuing for those cases will may be unexpected or distinct to lawyer's perceptions. It would not be if relation between two [judge and lawyer] were good. Another benefit of judge-lawyer good relations is that it facilitates easy access of justice for the victim. For example, at the day of witness, the prosecution attends in the court with witness. But, the lawyer of defense can seek and appeal another date to the court for cross examination by showing any reason if he intends to non-cooperate the court as well as convinced by prosecution witness illegally. Just after getting the appeal of lawyer for another date of witness, the court grants immediately. Unnecessary delay or canceling a date of witness is only happened as because of lawyer's indifferent attitude and insincerity. As a result, both parties, plaintiff and depended

are affected economically. Reverse that, if lawyer cooperate the court by taking cross examination of witness, the petitioner easily sees the result of case. If judges have chance to make judgment independently, then lawyers will cooperate judges by withdrawal the long drawn process of mitigating cases.

5.5 Efficiency and Effectiveness

There is no concrete instruction in Cr.P.C. of preparing FIR/ Police Verification for sacking transparency. Judgment procedures are handicapped with administrative complications. Some times police distort and conceal information while filing the cases. This is one of the procedural problems. As because of that judges have to face problems to identify the real criminal and punishment there by.

In spite of present reorganization of judiciary, a basic structural change can maximize the effort of equity justice and redress of people. While respondents were asked that does present reform make judiciary efficient and effective? Most of the respondents [90 percents] opined negatively. They identify organogramme -centered lacking in the present judiciary. About cent percent respondent judges opined that investigation and dealings of cases are undoubtedly a complex subject. Assistant Sub Inspector (ASI) and Sub Inspector (SI) are assigned to perform such investigation operation. That is, the police dept. is basically involved to verify and investigate the records of trial. In our country, corrupt practice in giving trial starts from here. If false C.S or F.I.R. report is submitted, rest of the process of trial follows a false trend and end up with incorrect verdict. It is needless to mention that how much corrupt and false information are provided in most of the cases by the police while cases are filled. Interestingly, there is no legal mechanism in Cr.P.C. to make sure about the transparency of investigation or FIR. According to the Cr.P.C. 154, while a person informs about occurrence in written documents or verbally to the near thana authority, then the authority [OC] receives that information and record it as primary input of filing case. Whether this information is right or wrong, authority has no legal chance to prove it. It is also pressed in the Act 154 is that whatever may be the primary information is, it is obligatory for the authority to accept it. Undoubtedly, it is a major procedural problem in ensuring quality and strength of justice. Since, there is no legal framework to ensure transparency in preparing FIR, so ASI/SI is not accountable to authority. Immediate reform in Cr.P.C. 154 makes judiciary efficient to dispense trial smoothly.

Yes, present separation will be helpful for more effective i) to stop unnecessary delay, 2) To simplify trial process and procedures 3) To make day to day work list and to prepare monthly statement of the work performed by judges, 4) To make sure working hours, 5) To create, nurse, preserve and protect self-regard and self-respect of the judges, 6) To ensure personal, family and social justice as a whole, 7) The government has to inject morality, equity, equality and liberty to every human being of the state and so on. I am not sure. It may be accessible.

Justice should always be cheap and accessible. We know, here is a question of doing and giving. So, we need to give justice free of cost and to make it accessible,

The theory based on strict legality in its rigorous form should not be treated as just and moral. It would be regulated by morality. Otherwise, it may not hesitate to take away the essence of humanity in the name of punishment.

5.6 Equity

Man and the natural laws are coeval. The morals of a society should be implemented and protected by laws. Liberties are the natural upshot of man's basic rights. Law is supposed to safeguard the liberties of man. Equality is supposed to be maintained by law. Therefore in short, It is to say, that let us to make i) the quality laws, ii) the quality judges. It is hoping that if we could ensure the above two matters, the other will automatically be done and the justice may be ensured for all.

It is expected that judges will be above on or aloof from making error and wrong doings for achieving equity for all. Sometimes, wrong doings are done by the judges. There are evidences that the verdict of lower court are changed or modified by the higher court. For example, there is provision and practice that life sentence or capital sentence issued by lower court may be reemitted by higher court if victim appeals for that. A crucial point in this connection might be raised here. Most of the people of our country, who are living at below poverty line, have no financial capacity to appeal at higher court. Sometimes they become floating by purchasing properties including dwelling place for meeting the cost of court. People, having no ability to appeal at the higher court, there is no alternative path to escape without surrendering with the verdict of lower court. If that verdict is life sentence or capital sentence or same others, victim has to accept the punishment because he has no capability to file writ petition to

the higher court. So, effective system of answerability for the judges must be activated to check such negative consequences of above mentioned happenings for which inhumane verdict are produced.

5.1 Responsiveness

Justice is vital requisite for good governance. For this, judiciary must have the quality of responsiveness to the mass interest. To justify this aspect of judiciary, respondents' opinions were sought. A good number [69] of respondents opined that judiciary does not show its responsive role solely. But, present reform may make it responsive, expressing this hoping view, respondents put effective suggestions. In a formal sense, some mechanisms are developed to make responsive our judiciary. For example, provision of judicial review. There are judicial review, writs and motion in our legal system and there are provision in our constitution to be the guardian of the citizen and fundamental rights. The Supreme Court can take step at any time and moment *Sua motto* for public good and public policy. On the other hand, there is the scope of Public Interest Litigation (PIL).

"Justice delay justice denied", Justice hurried justice buried"--- Based on this universal message, an important aspect of judiciary was reviewed sharing with the view of respondents. Sometimes it is found that without clear cut complaints or without lodge a suit, some people are harassed through arresting and custody for infinite days. In this regard, respondents were asked that does judiciary have any measure as the protector of fundamental rights of people when we characterized judiciary as responsive. Their response informed that legal protection against such type of undue harassment is prevailed in the article no. 33 [p] [2] of the constitution and the police act 54, 55, 56 of v 1861. In fact, implementation of these legal protection can make judiciary responsive towards people's interests.

Since judiciary is the supreme authority to protect fundamental rights of citizens. Hence, in some cases it might be emergently needed to detect and arrest some one who seems to be suspect and threatened to state or rule of law. After arresting, law enforcing agency should investigate rigorously to detect complaints against that particular person. Depending on the genuine information gathered, the victim will either be accused or released. However, this should be provision and authorization for the law enforcing agencies to apprehend suspect person. Again, through proper investigation, authority should justify the complaints against victim. If, victim is proved

innocent he should get free as protecting fundamental rights. The illegal arrest and custody is not desirable and there is legal protection in this law and court can have the authority to help out in this line.

It was also try to find out the respondent's opinion regarding impact of separation in making judiciary speedy, cheap accessible to mass people. A number of respondents [52 percent] identified as somewhat helpful in favor of making judiciary speedy, cheap and accessible. Since judiciary is now enjoining independent status, according to the respondents, to disseminate justice without executive interference and enhancing judges' power, hence justice will get speed. Making speedier, duration of each case should be fixed up and also implementing effective monitoring whether it rightly followed or not. Moreover, a powerful committee and an extensive project is working on this matter, i. e., for the speedy trail now. In addition to that, it is needed to simplify the process of trial and to amend the law in this regards.

What type of actions is taken by judiciary to reduce or dismiss the number of cases that have been hanging for ever? It was also a query to respondents for giving resolution of frozen cases. Whatever may be the attempt taken for this purpose, does not regard as core issues. Rather, transparency in judgment proceedings, protecting undue influence of executive and elite classes of society, and transparency of law making agencies are priority need to expedite the dealings of frozen cases. The number of judges should be increased satisfactorily along with improving the financial, technical and procedural capacities of judiciary is also an urgency need to make easy the process of dismissing hanging cases.

6.0 Conclusions and Recommendations

Judiciary is not possible to separate from executive which is clear from past experience of British Colonial Government and Pakistan era. It is certainly a fact that in the name of efficiency, simplicity, energy and economy, all regimes tried to empower the collector later renamed District Magistrate (DM) in order to ensure of getting supports for maintaining so called stability of government and there by to control the political destabilization of local administration. Like as the amendment in Cr.P.C. at present opens a passage for government to raise some conflicting issues. In this amendment, the parliament vests authority to the government to empower executive magistrates to take cognizance in the 'extraordinary circumstances or in all circumstances and then to send the same for trial to judicial magistrates. The Parliamentary Standing

Committee on Law suggested that this power of cognizance will be given to executive magistrates for maintaining law and order situation and this has nothing to do with the trial and giving punishment. The consequence of this amendment will lead to a very sordid picture in ensuring rule of law in the country. The strength of this easy logic of mere cognizance power is being cemented by another argument that the provisions in Article 22 of the constitution on the basis of which separation has been done are not judicially enforceable (The Daily Star, March 28th, 2009). In fact, the focus of Masder Hossain case has not been regarded in separating judiciary and again the jurisdiction of judiciary has interrupted by the domain of executive. However, some recommendations are put forward in strengthening the role of judiciary to elevate the status of governance in Bangladesh.

6.1 Strengthening physical and ethical capacity of law enforcing agencies

6.1.1 From Ministry of Law, each and every agency i. e., NSI (National Security Intelligence), DB (Detective Branch), D/B, DSB (District Special Branch) and finally police administration should have transparency, honesty and sincerity in detecting, apprehending criminal and filing cases for establishing rule of law. At the same time, if constituting 3 or 4 members committee inducting SI (Sub Inspector) or ASI (Assistant Sub Inspector) for investigating the information of General Register (GR) cases will bring success to some extent in fair judgment.

6.1.2 There should be a separate wing for police verification and investigation; there must be an overhead watch dog system to monitor this work and to make sure the accountability. There also should have government litigation cell in the department of police or in the court under the aspiration of judiciary for collecting, protecting, examining and monitoring the information. The private criminal investigating centre can certainly be encouraged at large.

6.1.3 Change in Criminal Act that has taken under present reform is not sufficient to make judiciary independent. Respondent judges' opinion is that the criminal Act 154 needs to be changed.

6.1.4 Convention of veiling and writ petition to the high court should be abolished. All criminal cases especially the trial of murder cases must be finalized without giving the chance of Vail petition. Power to impose fine of magistrate should also be abolished.

6.1.5 Judges' respondents opined that it would not be rational that Magistrates will exercise the power of Summery Trial and article 145 of Cr.P.C. So, they opined that all powers to exercise verdict should be vested upon the hands of Judicial Magistrates.

6.2 Equity

6.2.1 It is recommended to establish Thana and Union level courts step by step or phase to phase around the country. The task of the laws should be to bring about the maximum happiness of each individual, for the happiness of each will result in happiness for all. The present requirement for our nation and the world is to make standard good quality laws.

6.2.2 Strengthening judiciary for equity justice, provision should be developed to verify whether actual information for particular case is recorded or not. Respondent judges proposed in this line to change the 154 of Cr.P.C. Amending this Act, a new clause should be adhered here. Before recording primary information, provision would be incorporated in this clause is that authority investigate the authenticity of data source and diagnosis about accuracy of the recoded data. After getting confirmation about the validity of the occurrence and statement, then it will be considered as FIR. It is also recommended to introduce a legal body under judiciary, named "Independent Judicial Investigation Authority", that acts as an investigating authority to justify whether correct data is recorded or not.

6.2.3 Achieving equity, justice, a credible and trustworthy procedure for trial, start from very beginning while a case is filed up is to be followed. For this, a permanent department needs to be established to look into this matter day to day. At the same time, quality laws and the quality of the judges need to be fixed up for dispense of justice.

6.3 Effectiveness

6.3.1 It will be conducive both for judges and all classes' people if a high powered authority is given responsibility to check and balance the extent of power exercised by the judges. Controlling system practising in police administration can be cited here as for example. Police, who achieve challenging goals and participate in risk actions, are rewarded by the authority through giving incentive or promotion. Having reputation in their career, they are motivated to be succeeding performer. So, for overseeing the performance of judges, an authority is needed, who evaluate their performance. And by this process, judges will be encouraged to avoid wrong courses of action in the process of giving verdict.

6.3.2 Proactive initiatives are suggested by most of the respondents in arresting corruption. Orienting the judges about anti-corruption norms, values through implementing training, learning and socialization program, satisfactory pay scale, increase manpower strength, statement account of property, minimum one year foundation training with a gross salary after joining as a judge, working relation and involvement towards lower courts should be extended.

6.3.3 If any judge is accused to corruption and misusing power, necessary actions should be taken against him to penalize in replace of transfer. Simultaneously, Supreme Court should also take the responsibility to protect judges of lower courts from undue pressures and influence of politico-administrative authority.

6.3.4 It is recommended strongly to effectualize Supreme Judicial Council equipping with all components of representative body for overseeing the activities of lower court's judges, as well as all judges.

6.3.5 In case of documenting complaints, recording and submitting FIR, apprehending and detaining offenders, police should avoid biased and corrupt attitudes, irregularities and negligence for avoiding unfairness in justice.

6.3.6 Actual freedom and congenial political atmosphere in giving trial should be created. Gap between policy announcements and procedure for implementation should be minimized effectively. It means, executive organs should withdraw its interferences over judiciary while judiciary is going to play its working role according to legal basis.

6.3.7 Judiciary should be given authority to review and take action against illegal affairs committed by any organs of government and contradictory to the constitutional law.

6.3.8 Judges of Supreme Court should have optimal neutral role beyond executive domination for keeping fair relation to the clients and dispense justice.

6.3.9 The code of conduct & rules of business can not ensure anything because it can not do anything itself. we need to fix the slandered of quality laws and the quality of the judges to dispense justice. Separation without cooperation is meaningless. So, to ensure justice, cooperation from every sector concerned is required.

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Demographic Variables on Women's Awareness about Reproductive Healthcare: A Study on a Rural Community

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Abstract: *The present study has dealt with the rural women's awareness about some objects of reproductive healthcare like food, disease, special care, exercise and rest, medical test and check-up, delivering, breast feeding, and so on. It has assessed the impact of certain demographic variables, like age, education, income, occupation, and so on, on women's awareness in this respect. It has been found that some demographic variables exert significant impact on women's awareness about reproductive healthcare. At the same time, certain familial and social variables have some impact on women's awareness. The study reveals that with a gradual expansion of healthcare activities and social modernization the rural women's awareness about reproductive healthcare is also gradually increasing.*

Introduction:

Bangladesh has gained substantial progress in the field of health particularly women's reproductive health during the last three decades despite infant and maternal mortality rate continue to be unacceptably high compared to many other developing countries. While access to family planning is increasing, access to three other pillar of safe motherhood namely antenatal care, clean and safe delivery and essential obstetric care remain largely unfulfilled. Maternal and child mortality takes place because of a number of causes and conditions prevailing in Bangladesh. Of all, illiteracy and lack of awareness is the most significant. Not only for pregnant and delivered women but awareness should be increased among their husbands and family members also. Antenatal, prenatal and postnatal or neonatal all these three stages are almost equally important. Awareness should be increased at these three stages about food and nutritious food, exercise, medicare facilities, urine test, weight test, pregnancy related diseases and their prevention, and other factors related to pregnancy.

Despite some progress in certain areas of life, the status of women still remains low in Bangladesh. Women in Bangladesh have to continue their fight for basic rights and equal status in terms of education, healthcare specially reproductive and sexual health, labor force participation, mobility, food security, freedom from violence and the recognition and respect for their sexuality. For this purpose, awareness is very significant.

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Particularly the rural women's awareness about reproductive healthcare is so crucial that a healthy Bangladesh cannot be built up without it. Therefore, the rural women's awareness about some objects of reproductive healthcare has been investigated and analyzed in this study. At the same time, how and to what extent women's awareness about reproductive healthcare is influenced and determined by certain demographic variables has also been investigated and analyzed in the study.

Objectives of the Study:

The study has been designed to focus on the conditions of knowledge, attitude and practices of women's healthcare mainly reproductive healthcare in rural Bangladesh; and how these are influenced and determined by demographic factors of the individuals. The objectives of the study may be stated clearly in the following ways:

1. To investigate and analyze women's awareness regarding reproductive healthcare in rural Bangladesh;
2. To investigate and analyze women's attitude and belief regarding reproductive healthcare in rural Bangladesh;
3. To investigate and analyze the practices and behavior related to women's reproductive healthcare;
4. To investigate and analyze how and to what extent women's awareness about reproductive healthcare is influenced by demographic factors.

Methodology:

The data and information for this study has been collected mainly from the primary source, i.e. the research area. As the research area of the study, four typical villages named Mirertek, Diabari, Noaddar and Mohanpur of Pathlia Union under Savar Thana of Dhaka District have been selected. In the research area, we have found a total 724 mothers who have given birth of children at least once. They are the population of this research. We have randomly (following random number table method) chosen 310 samples out of the total population. In addition, we have interviewed a number of male members particularly husbands and heads of the family in order to realize males' attitude toward the matter. The chosen samples have been interviewed through a questionnaire made

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for this purpose. By nature it is a structured questionnaire with both open-ended and close-ended. But there are some unstructured and semi-structured questions. Before finalizing the questionnaire, it has been pre-tested several times.

Analysis of the Study

In Bangladesh, a total of 12,000 women, mostly from the poor segment of the population, die every year due to maternity complications including deliveries. The women are attacked by various pregnancy related diseases like pani laga, anaemia, mental sickness and eclampsia. Sometimes they even cannot identify the diseases and cannot understand their physical problems during pregnancy. Of all those diseases, pani laga, anaemia, mental sickness and eclampsia during pregnancy and after delivery are remarkable.

Most of the rural women do/cannot go to the doctor during pregnancy. They even do not know that they have been attacked by pani laga, anaemia, mental sickness and eclampsia and other diseases. These diseases have different symptoms and need modern professional medicare. But this type of medicare is hardly available in the rural areas and most of the rural women have not the capacity to avail this medicare during pregnancy. As a result, most of them refrain themselves from taking any sort of medicare, some take popular or folk medicare available in the rural areas. Understanding those diseases and patients' behavior during those diseases is important to understand women's reproductive health, awareness about reproductive health and healthcare. Women's awareness is significantly influenced and determined by one's demographic conditions. Following discussions and analyses are on these subject matters:

Food: Nutrition and More Food

Nutritious Food: Nutritious food is essential for pregnant women and their children in the womb. Same is true for delivered women. Nutritious food makes people healthy and prevents diseases. So, awareness should be grown up among pregnant of delivered women and their family members about nutritious food. Except nutritious food, pregnant women become weak and their children in the womb cannot get nutrition and cannot grow up, and various diseases can easily attack them.

Table-1: Distribution of awareness about taking nutritious food during pregnancy and after delivery by education groups

Education	Awareness		Total
	Yes	No	
Illiterate	93	62	155
Class I-V	70	12	82
Class VI-SSC	55	3	58
HSC	12	0	12
Graduate & above	3	0	3
Total	233	77	310

(Source: Field data)

In the research field, we have found that 233 (75%) respondents out of the total 310 reply that they know the necessary of taking nutritious food during pregnancy. But who are the 75% conscious respondent? What are their demographic characteristics? Following analyses deal with this question.

Mass awareness about nutritious food is gradually increasing with the development of healthcare system. Even the rural people are also becoming consciousness. In this perspective, age plays a significant role. The younger respondents are more aware about taking nutritious food than the older respondents. Therefore, awareness about nutritious food for pregnant women seems a recent phenomenon.

There is a close association with education and awareness about taking nutritious food during pregnancy. Because, educated people know more in number about the necessity of nutritious food for health. Table-1 shows that all the respondents belong to higher secondary and above passed group are aware about nutritious food during pregnancy but this figure is only 60% in the illiterate group. Husband's education also exerts significant impact in this respect as well. As an educated husband in most cases he makes his wife conscious cutting the boundary of gender differences although domestic violence is committed by intimate partner like husband.

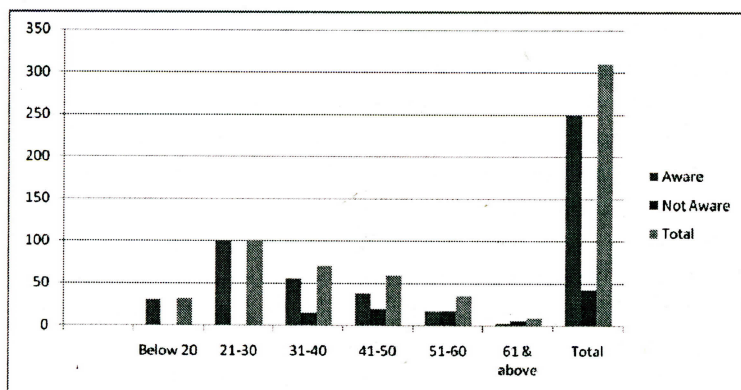
Field data demonstrates that an absolute majority respondents belong to the highest income earning groups are aware about nutritious food during pregnancy. On the other hand, the respondents of lower income group are less conscious about it. Therefore, the higher is the level of husband's income, the higher is the level of awareness about taking nutritious food during pregnancy. Notable that poverty is the main obstacle to healthcare in LDCs. Data also shows that self-income has no visible impact in this

respect; because self-income is hardly used for a woman's own purpose, which would make her aware. In fact, women in the rural society has no control over their respective own income.

Data shows that women who have only one child are more aware about taking nutritious food during pregnancy whereas the women who have 6 or more children are less awareness about it. So, data shows that higher is the number of children, lower is the level of awareness about taking nutritious food during pregnancy. Of course, the women who have lower number of children belong to low-aged and higher education groups that make them more aware about food and health. Similarly, the women who gave birth children after 2000 are more aware about taking nutritious food during pregnancy. This group consists of younger and more educated respondents. Therefore, awareness about nutritious food is a recent phenomenon.

Taking More Food during Pregnancy: During pregnancy, a woman needs more food than normal time and even she needs more food after delivery. A pregnant mother is to feed her wombed baby from her own food. Similarly, after delivery she needs more food for her newborn baby because of breast feeding. Therefore, awareness about taking more food during both periods is required. Graph-1 shows that 249 respondents out of a total 310 are aware about it, and only 20% are not aware.

Graph-1: Distribution of awareness about taking food during pregnancy by age groups



(Source: Field data)

Age is a factor in awareness building about taking more food during pregnancy. The younger respondents are more conscious about more food during pregnancy. On the other hand, old aged women are less aware about it. They are superstitious. They think that taking more food at that period would make the baby of womb big in size. As a result, delivery would be more painful. Similar responses have been found from illiterate women. Like respondent's education, data on husband's education also shows the same results. So, education of both respondents and their husbands has positive relation with awareness.

The nature of profession has partial impact on awareness building about taking more food during pregnancy. But in this respect, which we call modern professions are not so different from traditional ones. In addition, the people of both the professions live in the same region and hold almost same culture. As a result, profession exerts insignificant impact on one's awareness in this respect.

The wives of the husbands who earn the highest money are more aware about taking more food during pregnancy than normal. All the respondents belong to highest income group are aware about it. So, higher income has positive relation with awareness in this respect. This is feasible as well because money can be used in purchasing all the ways of awareness building. In this respect, we have examined the significance of number of children gave birth as well as the year of last childbirth. Examining the data we may reach to a conclusion that younger generation is more aware about it.

Taking More Food after Delivery: During pregnancy more food is required than normal time. But it is also necessary to take more food than normal after delivery; because after delivery till six months a baby takes only the food which comes from the body of its mother. Breast feeding is very useful for health both mother and child. Because by breast feeding both mother and child can prevent many diseases and can make them healthy. So taking more food than normal after delivery is necessary for all mothers. It is a positive sign in the reproductive healthcare in rural Bangladesh that 249 respondents (80%) out of a total 310 are aware about taking more food after delivery.

Data demonstrates that all the respondents age below 30 years are more conscious about the necessity of taking more food after delivery. On the other hand, old aged women are less conscious in this regard. Similar impact of education has been explored. We have found that the higher is

the level of education, the higher is the level of awareness. Judging the impact of income, same conclusion can be drawn. On the same way, the respondents who are employed in modern professions have less number of children, given birth of child in recent time is more conscious about the necessity of more food after delivery.

An interesting point is to note here that male respondents normally do not realize the necessity of more food at that time. Rather they think that it is very unnecessary to put emphasis on post-delivery food. At the same time, gender and cost-benefit analysis of healthcare services are important consideration in this respect.⁸ Bakth Mia (66), head of his family, narrates about the post-delivery food of his daughter-in-law in the following way:

My daughter-in-law has given birth of a female child. We have named her China (not wanted). Earlier, she has given birth three more female children. No female children were desired to us. So, how can she deserve more food than normal? Rather she should take less food.

Pani Laga

Pani laga is very common disease of a pregnant woman in rural Bangladesh. It attacks pregnant women usually in their seven months period of pregnancy. This disease is known to most of the respondents (75%). But who are the respondents who know about this disease and who are the respondents who do not know about this common disease are two pertinent questions. In answering these questions, focus has been given on gender and poverty dimensions apart from demographic factors.

Age plays a little role in awareness about pani laga disease. This is a common disease in present Bangladesh and historically it was always present in rural Bangladesh. Respondents of all age groups are almost equally aware of the disease. It may be good news for health planners and workers that 75% respondents are aware of the disease whatever measures they take against the disease are different questions.

Table- 2: Distribution of awareness about pani laga by age groups

Age	Opinion		Total
	Yes	No	
Below 20	23	9	32
21-30	87	15	102
31-40	57	14	71
41-50	36	23	59
51-60	23	13	36
61 & above	7	3	10
Total	233	77	310

(Source: Field data)

Data demonstrates that the level of education of both respondents and their husbands positively correlate with awareness about pani laga disease. But it is very indigenous disease and knowing about it does not depend heavily on education. Rather it has been found that old aged rural women are more familiar with pani laga disease than younger educated women. The rural women can easily identified pani laga and many of them believe that pani laga disease is caused by the position of the moon and tide of rivers.

We have examined all other socio-demographic variables which may have association with awareness in this respect, but found very little positive relation of those variables. Particularly, gender difference, poverty condition and family income have no relation with awareness building about pani laga disease. We have found that all the respondents are almost equally aware of this disease and no factor creates serious variation in this perspective.

Awareness about Causes of Pani Laga: Pani laga is a common disease which affects women during their seven months of pregnancy and most of the rural women suffer from this diseases. But most of them do not know the causes of pani laga. Rural women are mostly engaged in superstitions and they analyze the causes of pani laga from that point of view. It has been found that majority respondents are aware about pani laga but only a very few respondents know the causes of it. It is usual that given the realities in rural Bangladesh a few women should have knowledge of medical science. But who are those respondents who know the causes of pani laga.

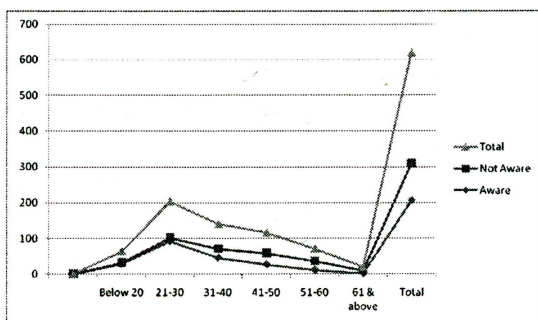
The respondents of young aged groups (20-30 and 30-40) more in number know the causes of pani laga. But this figure is lower in the old aged groups. Similarly, all the respondents of higher education are aware about the cause of pani laga whereas the rate is very low among the respondents who have no formal education. Husband's education also plays positive role in this respect. Therefore, the higher is the level of education, the higher is the level of awareness about the causes of pani laga. Almost in the same way, we have examined the impact of other variables including poverty condition or family income but found a very little relation.

It seems that education is the main element of making one understandable about the causes of pani laga. The other side of this disease is the negative and negligence attitude of male members. Most of the male members think that pani laga is not a harmful disease. Even they do not intend to define it as a disease.

Exercise and Rest

For a pregnant woman more and nutritious food, medicare facilities, special care, especially regular exercise and rest is essential. During pregnancy, doctors prescribe for necessary exercises and enough rest for pregnant women. Because exercise makes the woman free from many physical complications during pregnancy and rest helps her child in the womb to grow properly. Rest is particularly important for the rural pregnant woman. Most of the rural women work whole day and take heavy workload even during pregnancy which is very risky and it should be avoided.

Graph-2: Distribution of awareness about the necessity of exercise during pregnancy by age groups



(Source: Field data)

Awareness about the necessity of exercise and rest for good health is gradually increasing with the development of health consciousness. Same can be said about pregnancy related exercise and rest. Data shows that most of the respondents (66%) are aware about the necessity of taking rest during that time. But what are the socio-economic and demographic backgrounds of the respondents who are aware about it?

Data demonstrates that almost all respondents of below 30 years are aware about the necessity of exercise and rest during pregnancy. On the other hand, this rate is very low among the respondents of 60+ age group. Old women lacked many necessary media to be conscious about it which are available in recent years. Similarly all the respondents belong to higher education groups are aware about the necessity of exercise and rest. In this respect, husband's education also plays positive roles. So, education has very positive relation with such awareness.

The woman of the highest income group is more aware about the necessity of exercise and rest during pregnancy. On the other hand, this rate is very low among the women of the poorest income group. So, family income has a very positive relation with the awareness about the necessity of exercise and rest during pregnancy. It is very plausible that higher income earners have easy access to mass media as well as information about physical exercise. Similarly, we have examined the impact of other socio-demographic variables on awareness in this respect but have found a little significance.

Special Care

Joint families are common in rural Bangladesh and kinship ties are also somewhat binding. The tendency to form nuclear families is also growing as a result of increasing landlessness and individualistic economy. Women of nuclear families are found enjoy more independent status both in family and society. Among the landholding households, there is tendency for young couples not to form their own households immediate after marriage because joint property binds them together. When a woman comes to her husband's family she enjoys negligible power and influence. It is the elderly women who have gained power through handing sons and acquiring experience in family as mothers; now exercise control over the young wives. This woman is popularly known as ginni. The structure of the household and the cohesive social network are designed in such a manner that the power of women depends on age, pattern of marriage and the level of education.

During pregnancy, like many other necessary components special care is very necessary. Awareness should be increased among women, their family members and their husbands about special care during pregnancy. Special care is necessary for both the women and the children in the womb; because pregnancy is so complex period for women that any disease or complexity both physical and mental can easily attack the women. So, awareness of all concern about special care is necessary at that time. Data demonstrates that an absolute majority respondent is aware about special care during pregnancy. But who are these respondents? Generally, these respondents are young, educated and belong to higher income groups.

Most of the women below 30 years are aware about special care during pregnancy whereas this figure is lower (68%) among the women of 60+ age group. So, younger respondents are more aware about special care. Education, modern health facilities, TV, newspapers and other media have made the younger respondents more aware which the older women seriously lacked. Similarly, respondent's education as well as husband's education plays significant roles in building awareness about special care during pregnancy. We have examined the impact of other demographic variables on awareness about this matter and found very partial significance.

Poverty conditions have very significant impact on awareness building about health. Data shows that an absolute majority respondent who belongs to the highest income earner group is aware about special care during pregnancy. So, husbands' income plays significant role in this respect. On the other hand, the respondents belong to poor families are very marginal from health awareness point of view.

Helping Role of Husband

During pregnancy, a husband can play the most important helping role since he is the closest person who lives together with his pregnant wife. In addition, there are some internal matters that cannot be disclosed other than to husband. Every pregnant woman as well as her husband should know this role. Data shows that huge majority respondents are aware of this role. It seems that husband's roles in household affairs are gradually increasing. Particularly younger generations are more aware of this role. But in nuclear and single family this role is mostly observed. Younger couples or newly married couples are much aware about it than the older. Old women can hardly expect husbands' roles in this respect.

Educated women are more aware about the helping role of husband during pregnancy. In contrast, this rate of awareness is very among the illiterate women. Based on the discussion with a number of couples it reveals that educated couples are more cooperative to each other than illiterate couples. Since educated makes one more dutiful toward his her family affairs. So educated has a strong relationship with awareness about family affairs including responsibilities towards a pregnant women.

Anemia

Anemia is a serious disease that may be a cause of death of a pregnant woman. Therefore, both the pregnant woman and her family members should have awareness about this disease. Lack of nutritious food and lack of adequate food are the main causes of anemia. But most of the women do not know about these and suffer from anemia.

Awareness about Anemia: Following data demonstrates that 181 (58%) respondents out of a total 310 are aware about anemia disease. But who are they? The respondents of lower age group have much awareness about anemia during pregnancy. This rate is very low among the respondents who are 60 or more year's ages. So, the higher is the level of respondent's age, the lower is the level of awareness about anemia.

Table-3: Distribution of awareness about anemia during pregnancy by education groups

Education	Opinion		Total
	Yes	No	
Illiterate	72	83	155
Class I-V	50	32	82
Class VI-SSC	44	14	58
HSC	12	0	12
Graduate & above	3	0	3
Total	181	129	310

(Source: Field data)

Table-3 demonstrates that all the respondents of higher education groups are aware about anemia during pregnancy. But the rate is only 46% among the respondents who are illiterate. Data also demonstrates that husband's education has also positive impact on awareness building about anemia. On the other hand, the rate is low among the wives of illiterate

husbands. Therefore, education exerts significant impact on awareness about anemia.

All the respondents employed in services and businesses are aware about anemia. But this figure is low among the respondents employed in household. Modern professions like service and business help increase awareness about health. So, very positive relation is visible here. Wives of the husbands employed in service wives of the husbands employed in business and wives of the husband employed in self-employment are more aware about anemia during pregnancy. So, positive relation between the two variables is visible here.

Data shows that the wives of highest income earner husbands are more aware about anemia during pregnancy and the rate is very low among the wives of lowest income earner husbands. So, very positive relation is visible between husband's incomes of the respondents as well. Therefore, the higher is the level of poverty the lower is the level of awareness about anemia.

Data shows that the respondents who have only one child are more aware about anemia during pregnancy and its rate is very low among the respondents who have six or more children. So, partial positive relation is visible here. The respondents who have given birth children after 2000 are aware about it and this rate is low among the respondents who have given birth children before 1970. So, positive relation is visible between the year of last childbirth groups and awareness about anemia during pregnancy. Therefore, it seems that awareness about anemia is almost a recent phenomenon.

Awareness about the Causes of Anemia: Anemia is a disease related with blood. Lack of adequate blood is the main cause of anemia. This disease can attack a pregnant woman at any time during her pregnancy. In rural Bangladesh, frequent maternal and infant mortality occur due to anemia. That is why, a pregnant woman should know the causes of anemia so that preventive measures can be taken. Otherwise such a dangerous disease may threaten her life as well as her child's life.

The field data shows that about the fourth respondents of the total know the causes of anemia. But the important matter is who are these respondents and what are their socio-demographic characteristics? At the same time, rest of the respondents can also be identified from demographic points of view.

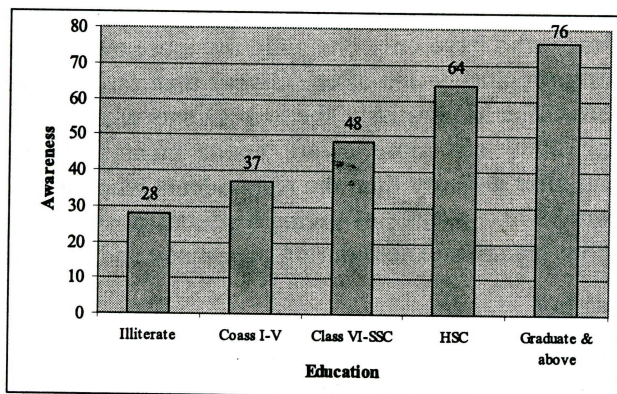
Data shows that younger respondents more in number know about the causes of anemia but the rate is very low among the respondents who belong to 60+ age groups. So, age has positive relation with knowing about the causes of anemia. Similarly, most of the respondents of higher education groups know about the causes of anemia but this rate is very low among the illiterate respondents. Therefore, respondent's education has very positive relation with knowing about the causes of anemia. In the same manner, husbands' education has also significant relation with knowing about the causes of anemia.

All the respondents of higher income earner groups know about the causes of anemia but this rate is very low among the poorest income earner respondents. The wives of highest income earner husbands know more in number about the causes of anemia than the wives of lowest income earner ones. So, a woman's own income as well as husbands income has partial positive relation with knowing about the causes of anemia. Similarly, we have examined the impact of other factors in this respect.

Mental Sickness

Mental sickness or morbidity of a pregnant is one kind of disease though most of the time it is ignored in Bangladesh mainly in the rural areas where patriarchy is a dominant feature of the society. Mental sickness can affect a woman during pregnancy and after delivery and family. Rural women mostly and their family members as well do not know the basic problems and diseases. Previous studies also demonstrate that they cannot identify some mental problem, during pregnancy and after delivery as mental sickness.⁹ Mental sickness should be identified with importance; because it creates many physio-psychological problems and complications. So, women and their family members should be careful about it.

Graph-3: Distribution of awareness about mental sickness during and after delivery by education groups (in %)



(Source: Field data)

In the research field, 173 (56%) respondents have been found who are aware about mental sickness during and after pregnancy. Rest of the respondents are not aware of this disease. But who are these respondents aware about it? What are their socio-demographic characteristics?

Field data shows that most of the respondents of below 30 years age are aware about mental sickness during pregnancy and after delivery; but this rate is low among the respondents of 60+ age groups. So, age has partial relation with this awareness. Graph-3 focus that the respondents of higher education groups are more aware about mental sickness but this figure is lower among the illiterate respondents. Similar results have been found in the case husband's education groups. So, education of both respondents and their husbands has positive relation with awareness about mental sickness.

Data shows that most of the respondents employed in service and business are aware about mental sickness. But the rate is low among housewives. Almost similar results have been found in the case of husband's employment. So, modern professions of both respondents and their husbands have positive relation with awareness about mental sickness.

Data demonstrates that most of the wives of highest income earner husbands are aware about mental sickness but the rate is very low among the wives of lowest income earner husbands. All the respondents of the highest income earner group are more aware about it than the respondents

of lower income groups. So, both self-income and husband's incomes have positive relation with this awareness.

Positive relation has also been found in number of children birth groups. The respondents who have only one child are more aware about mental sickness during pregnancy and after delivery than the respondents who have 6 or more children. Similarly, the respondents who have given birth children after 2000 are more aware about mental sickness during pregnancy and after delivery than the respondents who have given birth children before 1970. So, time of giving birth has positive relation with awareness about mental sickness during pregnancy and after delivery.

Weight Checking

Like other important healthcare, weight checking is also significant during pregnancy. Doctors advise pregnant women to check weight in every month during their pregnancy. By checking weight, the health condition of both mother and child can be understood and measures can be taken accordingly. So, weight checking has importance, and pregnant women and their family members should be aware about it. Data shows that 62% respondents are aware about checking weight during pregnancy. Who are these respondents? What is their demographic characteristic?

Table-4: Distribution of awareness about measuring weight during pregnancy by year of last child birth groups

Year of last child birth	Awareness		Total
	Yes	No	
Before 1960	0	3	3
1961-1970	1	4	5
1971-1980	4	13	22
1981-1990	23	44	67
1991-2000	43	30	73
2001 and above	122	18	140
Total	193	117	310

(Source: Field data)

Data shows that most of the respondents of below 20 years age group aware about checking weight during pregnancy. But this rate is very low among the respondents of 60+ aged group. So there is very close relation between age and awareness about checking weight during pregnancy. It reveals that awareness about checking weight is a recent phenomenon. Similarly, all the respondents of higher education groups are aware about checking weight. But the rate is very low among the illiterate respondents. So, a strong relation exists between education and awareness about it.

The wives of educated husbands are more aware about checking weight during pregnancy. But the rate is significantly lower among the wives of illiterate husbands. The respondents of highest income earner group are more aware about checking weight during pregnancy but this rate is very low among the lowest income earner respondents group. So, one's self-income and family income are closely associated with awareness about it.

We have assessed the impact of other socio-demographic variables on awareness about weight checking. We have found that age, education, profession, income, number of children, year of last child birth and attitude of male members all have positive relation with awareness about checking weight during pregnancy.

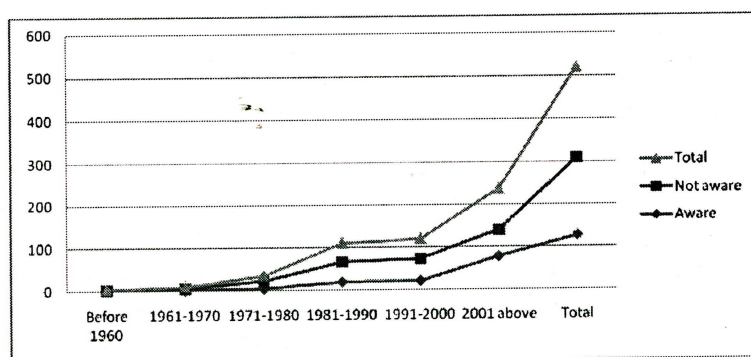
Damage of Child

Damage of child can occur in many ways during pregnancy. Intentionally and unintentionally damage of child can occur in the womb. Damage of child is called abortion. Because of malnutrition, anemia, sudden accident, disease, older age of women and other causes abortion may take place. We know generally that from the very starting point of pregnancy a woman's menstrual period is stopped automatically but after pregnancy blood can come out through vagina and this is the symptoms of abortion and it is called threatened abortion. But the rural women and also the urban women sometimes cannot understand this on time and as a result abortion happens easily. By this threatened abortion, sometimes blood flows heavily and pregnant women may die. So, pregnant women and their family members should be aware about the damage of child and its causes.

Damage of child during pregnancy is much known to the rural women of Bangladesh. But how many respondents are aware about it? How many respondents know the causes of it? This part will deal with such pertinent

questions. At the same time, the respondents' socio-demographic and gender dimensions will be highlighted in order for its intensive analysis.

Graph-4: Distribution of awareness about the causes of damage of child during pregnancy by year of last child birth groups



(Source: Field data)

Young respondents more in number are aware about the damage of child during pregnancy. They also know more in number about the causes of such damage. On the other hand, older women are less aware about the problem and they know less in number about the causes of such damage.

Impact of education on this respect is very crucial. Educated respondents are more aware about the damage of child. They also know the causes of such damage. On the other hand, illiterate women are very less aware about this problem and its causes. Husband's education in this respect has also positive impact. So, education of both husbands and wives has very positive relation with awareness about it.

We have examined the impact of profession on awareness of both wife and husband, family as well as personal income, number of children, year of last child birth, and so on. From the data and information, we have got impression that most of the women know about the damage of child as they have seen it in their everyday life, but they don't take the matter seriously. As the pregnant person is a woman who cannot get equal treatment with men in all spheres of life and the other one is an infant child who is not always desired (female is not desired) by this patriarchic system. As a result, damage of child in pregnancy is given little attention.

Urine Test

During pregnancy, urine test is essential. By this test, pregnancy can be confirmed, health condition and disease of both mother and child can be understood and necessary measures can be taken accordingly. Awareness about the essentiality of urine test is gradually growing with the development of modern medicare system. When a woman thinks herself as conceived, she consults with a doctor, and at first the doctor prescribes to test her urine to be confirmed about her pregnancy. So, urine test is necessary and women and their family members should be aware about it. It has been found in our research area that 203 (65%) respondents out of the total 310 are aware about the essentiality of urine test.

Table- 5: Distribution of awareness about the essentiality of urine test during pregnancy by age groups

Age	Opinion		Total
	Yes	No	
Below 20	30	2	32
21-30	98	4	102
31-40	47	24	71
41-50	18	41	59
51-60	10	26	36
61 and above	0	10	10
Total	203	107	310

(Source: Field data)

Awareness about the essentiality of urine test should be built up among pregnant women and their family members. Data shows that 94% respondents below 20 years are aware about the essentiality of urine test during pregnancy but this figure is zero among the respondents of 61 years and above age group very positive relation between age and awareness about the essentiality of urine test. In addition to age, we have examined the impact of number of children and time of pregnancy. All these factors lead us to conclude that urine test is a recent phenomenon.

All the educated respondents are found aware about the essentiality of urine test during pregnancy. But this rate is very low among illiterate respondents. Some facts have been observed in husband's education groups. All the wives of the husbands of high school passed and also

higher secondary passed are aware about the essentiality of urine test. But this figure is low among the wives of illiterate husband. So, education of both the respondents and their husbands has significant positive relation with this awareness.

We have found that the respondents engaged in service and business is more aware about the essentiality of urine test. But the rate is low among the wives of the husbands employed in peasantry. So, both respondent's and their husband's professions have positive effect on awareness building. Because the people employed in modern professions like service and business are more conscious than the people employed in traditional professions like peasantry and householding.

It has been found that most of the wives of the highest income earners group are aware about the essentiality of urine test. But the rate is very low among the wives of lowest income earner husbands. Similarly, a wife's income has also positive relation in this respect. So, both respondent's and their husband's income has positive relation with awareness about it. Therefore, the higher is the level of income, the higher is the level of awareness about the essentiality of urine test during pregnancy.

Delivery

Delivery or prenatal stage is the most dangerous stage of reproduction. Risk of death at this stage is very high. In Bangladesh, because of high blood flowing, birth reproductive materials of midwives, untrained midwives, lengthy delivery pain or labor pain, and so on, every year thousands of women die during delivery. Therefore, delivery should be done by an expert doctor/nurse/ midwife. But rural Bangladesh lacks these type of skilled and experienced persons. As a result, delivery related death rate is higher in the rural areas than urban. Therefore, pregnant women and their family members should be aware of these matters. Field data demonstrates that 262 (84%) respondents are aware about delivery should be done by trained midwives, nurse and doctors. It is a good sign that huge majority pregnant women have been aware about such a dangerous stage of reproduction.

Table-6: Distribution of awareness about delivery should be done by skilled and experienced persons by education groups

Education	Opinion		Total
	Yes	No	
Illiterate	116	39	155
Class I-V	77	5	82
Class VI – SSC	54	4	58
HSC	12	0	12
Graduate and above	3	0	3
Total	262	48	310

(Source: Field data)

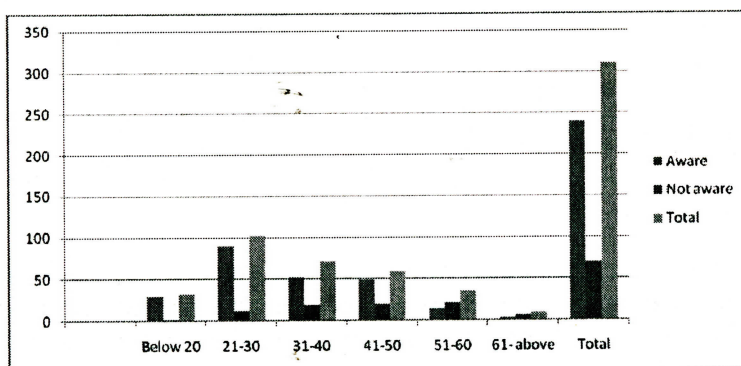
Most of the respondents of below 30 years age are aware about delivery should be done by skilled and experienced persons and the rate is very low among the respondents of 60 years or more old. So, age has a positive relation here. Since young women than old women are more aware about delivery because of the access of medical services to the rural people since last few couple of decades. Such awareness is determined by one's level of education to a great extent. Table-6 shows that the higher is the level of education, the higher is the level of awareness in this respect. The wives of higher educated husbands are also more aware about these matters. Therefore, education of both respondents and their husbands has significant positive relation with awareness about delivery should be done by trained persons. On this regard, we have examined all other factors those may have impact on awareness building. But we have found that all these factors other than family income have no visible relation in the respect.

Breast Feeding

For public health, the government, NGOs and other organizations circulate various advertisements in favor of breast feeding. As it is good for health both for mother and newborn baby. They circulate these types of advertisement: Meyer dudher kono bikolpo nei (there is no alternative to breast feeding), Apner shishuke buker dudh din (ensure breast feeding to your child). As a result, awareness has grown among the rural women about breast feeding. Now, the rural women know about the necessity of breast feeding. Field data shows that about 77% of the total respondents know the usefulness of breast feeding and they do it. Though breast feeding is the first and only food for newborn baby till its six months, awareness should be grown up about the usefulness of breast feeding. But

few women ignore this because of fear about their own health. They do not know that breast feeding is good for mother health as well.

Graph-5: Distribution of awareness about the usefulness of breast feeding for both newborn baby and mother by age groups



(Source: Field data)

Data shows that 94% respondents of 20 years and below age are aware about the usefulness of breast feeding for both newborn baby and mother. But this figure only 40% among respondents of 60+ age group. So, significant positive relation exists between lower age and higher awareness about breast feeding. Similarly, education of both respondents and their husbands has positive impact in this respect. But awareness about it does not depend on merely education rather all women irrespective of their levels of education can get the message about it through popular mass media.

Like education, profession of both respondents and their husbands has also little relation with awareness about breast feeding. Rather all women irrespective of the nature of profession employed in can get the message about it through radio, television and pictogram. Family income has also impact in this respect. Data demonstrates that the wives of highest income earner husbands are more aware about breast feeding. All the respondents of highest income earner group are aware about it and this rate is low among the respondents of the lower income groups. The highest income groups can consume more mass media that makes them aware about their health.

Huge majority respondents who have only one child are more aware about breast feeding than the respondents who have six or more children. In this respect, positive relation is observed between awareness and number of children. Older women are accustomed to breast feeding traditionally, but they do not know the usefulness about it. Therefore, breast feeding always does not indicate awareness about it. Similarly, the respondents who have given birth children after 2000 are more aware about breast feeding than the respondents who have given birth children before 1960. Therefore, it seems that awareness about breast feeding is a recent phenomenon.

Findings of the Study:

The study concludes that demographic characteristics exert significant impact on women's awareness about reproductive healthcare. Findings of the study in particular cases may be illustrated in the following ways:

1. Age exerts significant impact on women's awareness about reproductive health and healthcare. The respondents belong to lower age groups are more aware about reproductive healthcare than old aged women.
2. The study reveals that educated women are more aware about reproductive healthcare than uneducated and/or less educated ones.
3. The respondents belong to rich family are more aware about reproductive healthcare than poor ones. In reality, a poor family cannot avail of nutritious food and medicare facilities which are essential for a good reproductive healthcare.
4. Occupations also correlate with awareness about reproductive healthcare. The respondents employed in modern occupations like service and business are more aware than the respondents employed in traditional occupation like household.
5. The study explores that not only the demographic characteristics of women rather of their husbands exert impact on women's awareness about reproductive healthcare. Impacts on dependent women are more serious than self-reliant ones.
6. The study tends to conclude that women's awareness about reproductive healthcare in the rural areas is gradually increasing with social modernization and progress.

Conclusion:

Demographic approach to dealing with women's awareness about reproductive healthcare seems very useful. It explores the determinants of women's awareness about healthcare. It reveals from the analysis that age, education, income, profession play significant roles in shaping ones awareness. It is usual that education makes one conscious in many ways and makes room to be conscious about ones surroundings including reproductive healthcare. Similarly, higher income and modern profession make one conscious in many ways. Of course, higher education, higher income and modern profession in most cases coincide. As the rural women are heavily influenced and in many cases they are controlled by their respective family members particularly husbands, as a result, women's awareness is also influenced by their husbands' demographic characteristics. Data demonstrates that the demographic characteristics of the rural women are not very conducive to be aware of reproductive healthcare. In particular, illiterate, old aged and poor women are more backward and less conscious. Despite the facts, a significant trend has been observed that with the expansion of modern medicare system, education, mass media and modern employment opportunities awareness situation among the rural women is gradually improving. As a result, women's reproductive healthcare condition to a great extent has been a better position reducing maternal and infant mortality rate to a significant number and expanding healthcare facilities for rural mothers and newborn babies.

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- The research area has been selected purposively. Although the selected villages are located in Savar, a peri-urban, but they possess the characteristics of the rural community from almost all considerations.