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লোক প্রশাসন সাময়িকী



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লোক-প্রশাসন সাময়িকী

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মোঃ সানোয়ার জাহান ভূঁইয়া

লোক-প্রশাসন সাময়িকী

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লোক-প্রশাসন সাময়িকীর প্রবন্ধসমূহে প্রকাশিত মতামত প্রবন্ধকারদের একান্ত নিজস্ব, এর জন্য সম্পাদনা পরিষদ কোন দায়িত্ব বহন করে না।

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Climate Refugees in Bangladesh *The Innocent Victims of Global Warming*

Shormila Arefeen*

Abstract: The impacts of global warming and climate change are worldwide. In Bangladesh during the past few decades, the effects of global warming have been evidenced in climate variability, change and extremes. More adverse impacts are projected for the coming decades, particularly for low-lying coastline and floodplain ecosystems which characterize Bangladesh. For Bangladesh they are most critical as large part of the population is chronically exposed and vulnerable to a range of natural hazards. Already, the human suffering and cost to development is massive to this country and its people are victims of human induced global warming. Therefore, Climate Refugee is defined as the people "affected" by a disaster as those suffering physical injury or illness, those made homeless or who required immediate assistance.

To prevent dangerous climate change, we must address the interlinked challenge of energy for their sustainable development without adding more greenhouse gas (GHG) to the atmosphere. The world needs increasingly deeper GHG cuts -- between now and two to four decades. The US has a 33% global share of this responsibility-capability, the European Union 25.7% and China 5.5%. India's share is just 0.5%. International negotiations in the arena of climate change concentrates on future commitments. The globe is racing towards a tipping point beyond which no corrective action will work.

Frequent flooding, erosion and lower fertility of arable land has made the agriculture based Bangladesh economy dilapidated where majority of the population are farmers. Rural people, especially farmers, are being dispossessed of their holdings, become unemployed and poorer. Both men and women migration inside country has multiplied. The mass exodus is coming to the Dhaka City in the pursuit of work and livelihood. They, ultimately, ends up in the squalid slum houses of the big cities and lives a inhuman life. In the dialogue on 'Climate change, migration and environment in Bangladesh' Dr. Atiq Rahman in his keynote paper claimed that around 35 million people in Bangladesh have already become 'Climate Refugee'.

Decisions will need to be taken now. How to prevent dangerous climate? Who should limit their emissions, how much, and by when? Who should bear the responsibility of those already affected or support those at risk to minimize losses? There may be no simple solutions, as the problems and concerns are quite complex. Our common future rests in the hands of our collective leadership and political decisions.

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Introduction

A climate refugee is someone displaced by climate change induced environmental disasters. Such disasters are the result of incremental and rapid ecological change and disruption that include increased droughts, desertification, sea level rise, and more frequent occurrence of extreme weather events such as hurricanes, cyclones, flooding and tornados. A statistically significant correlation between environmental degradation including climate change was shown by Afifi and Warner (2007), controlling for the already established major drivers of migration. Others consider climate refugees as a subcategory of environmental refugees. A paper by Renaud, Bogardi *et al.* (2007) posed a conceptual framework to understand different categories of people on the move in response to environmental disruptions including climate change.

The term climate refugee is no longer seen as an appropriate term, and has now largely been replaced with *environmental migrant*. Many people have raised objections to the use of the term 'refugee' in a climate context as it becomes mixed up with the legally defined term in the Refugee Convention of 1951 (which protects political refugees from persecution). This Convention classifies refugees as those who are fleeing from violence and political intimidation. In the *World Disasters Report 2001* published by the International Federation of Red Cross and Red Crescent Societies, more people are now forced to leave their homes because of environmental disasters than war. Estimates of climate refugees currently range from 25 to 50 million, compared to the official refugee population of 20.8 million¹.

The term 'Climate Refugee' was first used as far back as the eighties, see El-Hinnawi (1985), Jacobson (1988), and Tickell (1989). El-Hinnawi (1985) wrote, "[environmental refugees] are people who have been forced to leave their traditional habitat, temporarily or permanently, because of a marked environmental disruption (natural and/or triggered by people) that jeopardized their existence and/or seriously affected the quality of their life.

Norman Myers of Oxford University has estimated climate change will increase the number of environmental refugees six-fold over the next fifty years to 150 million. The UN University's Institute for Environment and Human Security predicts that by 2010, there will be 50 million

¹ Perez, T., 'The Human Toll of Global Warming', Reuter, 7 December 2006.

'environmentally displaced people', most of them will be women and children. Australian climate scientist Dr. Graeme Pearman has predicted that a 2°C rise in temperature would place 100 million people 'directly at risk from coastal flooding' by 2100. The Intergovernmental Panel on Climate Change (IPCC) has suggested 150 million environmental refugees would exist by 2050. Because the actual phenomena of climate change affecting human movement has not yet been empirically, systematically addressed, the European Commission funded a research project "Environmental Change and Forced Migration Scenarios (EACH-FOR)" to investigate, measure,² and create scenarios for future environmental change².

Objective of the Study: The objectives of this article are to;

- i. depict the environmental migrant situation in Bangladesh; and
- ii. identify the policy gap to accommodate the climate refugees in the national policy.

Methodology

The paper is based on secondary data and extensive literature review. The relevant data are derived from reports, journals, books, newspapers, publications of government and private organizations, and websites.

The First Climate Refugee

In 2005, half of Bhola Island in Bangladesh became permanently flooded, leaving 500,000 people homeless. The Bhola Islanders have been described as some of the world's first climate refugees. In 2007, a Bangladeshi scientist stated: "We're already seeing hundreds of thousands of climate refugees moving into slums in Dhaka". These refugees were fleeing flooded coastal areas. The inhabitants of the Carteret Islands in Papua New Guinea are also among the first climate refugees due to sea level rise attributed to global warming and climate change. Other inhabitants of low lying islands and Island states are also at risk. Tuvalu, Kiribati and the Maldives are especially susceptible to changes in sea level and storm surges.

Global Warming and Climate Change

Today, the time for doubt on the climate change has passed and established as the most specter threat for the human being. The United Nations Intergovernmental Panel on Climate Change (IPCC) has

² www.each-for.eu

unequivocally affirmed the warming of our climate system and linked directly to human activity. Climate change is a human development issue which erode human freedoms and limit choice that calls into question the enlightenment principle of human progress 'future look better than the past'. The Third Assessment Report (TAR) straightforwardly reconfirms that Bangladesh would be one of the worst victim of incidence and intensity of Hydro metrological disasters induced by climate alteration. Different socio-physical factors such as huge population density, high rate of urbanization, unique geo-spatial settings contribute to make Bangladesh more vulnerable for the adverse effect of climate change.

As global warming is accelerating rapidly many countries, ecosystems and people are suffering from its impacts. Global warming has affected our weather patterns and disrupted our variability and trends in climate. This is resulting in an increase in climate related extreme events like heavy rainfall, flood, cyclone, storm surge, etc. These claim thousands of lives, destroy billions of dollar worth of properties, and disrupt livelihoods of hundreds of millions of people. In 1991, the Intergovernmental Panel on Climate Change IPCC raised the alarm globally by presenting scientific findings on evidence of global warming, emission increase and climate change impacts. This resulted in a worldwide recognition that some serious actions are necessary to save our planet. In 1992 the UN Climate Convention led to the establishment of an inter-governmental process to identify and implement necessary response measures to curb global warming and address its negative impacts. The Convention led to the development of the Kyoto Protocol in 1997 which provides the mechanisms, targets and timetable for greenhouse gas emission reductions. To help vulnerable countries and people adapt to climate change and increase resilience, additional support was also agreed. Since then, ten years have passed. From an environment challenge, climate change emerged and established as a challenge to development, poverty reduction efforts, livelihood options, biodiversity, and human security. However, in terms of progress made in reducing greenhouse gas emissions, the report card is disappointing. Convention commitments to address current impacts and future risks from global warming through support for reducing vulnerability and adaptation measures is yet to materialize in a manner that will match current and future priorities. Funding through the creation of the Special Climate Change Fund (SCCF) and the Least Developed Countries Fund (LDCF) under the Convention has been fractions of the amount required as priority by the poorest and vulnerable countries. The Adaptation Fund

under the Kyoto Protocol is yet to demonstrate its potential to mobilize financial resources to match priority investments to reduce vulnerability, adapt and increase resilience. For almost a decade or so, the negotiation process has been pursuing to include all major countries that may have a role with regard to a collective global effort.

In 2006, Sir Nicholas Stern, in his review, Economics of Climate Change demonstrated that the cost of inaction now, in both greenhouse gas emissions reductions as well as adapting to climate change, will result in damages and losses of many proportion. Science has confirmed that the future impacts of global warming and climate change will have severe and far reaching consequences for today's generations and many more to follow. The fourth Assessment Reports of the Intergovernmental Panel on Climate Change (IPCC AR4), published in 2007, outlines climate changes impacts in six main areas; ecosystem, food, water, health, coasts and industry. The IPCC AR4 also recognized that the developing countries and the poorest people will suffer the most from the climate change. People of the developing countries are more vulnerable to climate change than the developed nations because of their unfavorable geography, limited assets and greater dependence on climate-sensitive sources of income.

Some of the impacts could be in the form of new challenges and other could emerge as old threats

made more severe by climate change. For instance, along with other extreme weather events like flooding and tropical cyclone, sea level rise is an impending threat to the coastal areas in Bangladesh, which has long and densely populated coastlines with many low-lying remote islands. In the severe climate change scenario, sea level rise poses an existential threat that would inundate 18 percent of total Bangladesh's land impacting 11 percent of the country's population. Intergovernmental Panel on Climate Change (IPCC) had predicted that 17.5% of

Islands disappearing in the coast:

Because of climate change, a sea level rise of 0.5 meter over the last 100 years has already eroded 65% landmass of 250 square kilometer Kutubdia, 227 square kilometers of Bhola and 180 square kilometer of Sandwip islands. Over the past 100 years, the once 1,000 square kilometer island into a small 21 square kilometer landmass. In case of any further sea level rise, islands like these and the entire coastal area would be hit hard resulting in billions of dollars of losses in GDP, economic downturn, ecological damage and livelihood assets and options.

Bangladesh's landmass could be lost beneath the waves and approximately 20 million people will become ecological refugees³. Salt water intrusion from sea level rise in low-lying agricultural plains, along with other hazards, could lead to 40 percent decrease in food grain production and would increase forced migration to the urban slum areas⁴. The Intergovernmental Panel on Climate Change (IPCC), the international science body that regularly produces assessment reports on climate change, suggested 200 million environmental refugees would exist in the world by 2050. In this projection, the impacts of climate change, including coastal flooding, shoreline erosion and agricultural degradation were seen as major factors contributing to bulk of environmental refugees. Estimate shows that with just a one to two degree increase in temperature would force physical dislocation of more than 35 million people in Bangladesh by 2050⁵.

Bangladesh Faces Climate Change Refugee Nightmare

Bangladesh is recognized worldwide as one of the countries most vulnerable to the impacts of global warming and climate change. This is due to its unique geographic location, dominance of floodplains, and low elevation from the sea, high population density, high levels of poverty, and overwhelming dependence on nature, its resources and services. The country has a history of extreme climatic events claiming millions of lives and destroying past development gains. The people and social system have knowledge and experience of coping with their effects—to some degree and extent. Variability in rainfall pattern, combined with increased snowmelt from the Himalayas, and temperature extremes are resulting in crop damage and failure, preventing farmers and those dependent from meaningful earning opportunities. In a changing climate the pattern of impacts are eroding our assets, investment and future. This stands for families, communities and the state. Global warming and climate change threatens settlements and the number of people displaced from their land due to riverbank erosion, permanent inundation and sea level rise is increasing rapidly every year.

Rapid global warming has caused fundamental changes to our climate. No country and people know this better than Bangladesh, where millions of people are already suffering. Sudden, severe and catastrophic floods have intensified and taking place more frequently owing to increased

³ BBC News Online, Dt. 24 January 2000

⁴ The Daily Independence, Dt. 11 July 2009

⁵ The Daily Independence, Dt. 11 July 2009

rainfall in the monsoon. Over the last ten years, Bangladesh has been ravaged by floods of catastrophic proportion in 1998, 2004 and 2007. Bangladesh suffered two massive floods and a cyclone last year that together killed about 4,500 people, made at least two million homeless and destroyed 1.8 million tonnes of rice, the country's main staple. Even without the additional threat of global warming, the country's future is under pressure from a rising population and shrinking farmland. The country lost a third of its agricultural land to accommodate more people as the population rose from 75 million in 1971.

Heavy downpour over short spell has resulted in landslides. Cold spell claims human lives as well as damage crops. Droughts often affect even coastal districts. Bad weather keeps the coastal waters risky for fishing expeditions. Damages and losses due to climatic extremes like floods, cyclones, tornados, and droughts are phenomenal to the victims as well as the state. These are early signs of global warming effects. In the future, millions of people will lose their land and houses. Their survival will be threatened. Sea level rise in the coming decades will create over 25 million climate refugees. This is twice the entire population of the Netherlands.

Majid, 65, a victim of the annual floods that ravage Bangladesh, has been forced to move 22 times in as many years. He lives on Batikamari Island on the Jamuna River, 300 km (180 miles) north of Dhaka and fears his remaining days will be spent on the run from the river, which is constantly creating and retaking land, depending on the season. There are millions like him. Some have found temporary shelter, mostly on other islands in the rivers that emerge when water levels drop during the summer.

Experts say a third of Bangladesh's coastline could be flooded if the sea rises one metre in the next 50 years, creating an additional 20 million Bangladeshis displaced from their homes and farms. This is about the same as Australia's population⁶.

James Hansen, director of the US-based Nasa Goddard Institute for Space Studies, says Bangladesh's entire population will become environmental refugees by the end of the century because its entire landmass will be under water. Government officials and NGOs estimate about 10 million people are already threatened by annual floods and storms damaging riverine and coastal islands.

⁶ International Institute for Environment Development

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⁶ International Institute for Environment Development

Bangladesh must move on in its pursuit to develop and strive as a nation, taking into account its vulnerability, susceptibility and capacity to manage climate risks and adaptation. In this respect, the government has taken bold steps to prepare and respond to the challenge already on us. To help the country and its people build necessary capacity and resilience, regional and international cooperation is essential. Major rivers that draw freshwater and sediment from upstream basin to the Bay of Bengal going through Bangladesh originate in neighboring countries and water flow during both summer and dry period is critical for agriculture and food and drinking water security. According to Mohammad Aminul Islam Bhuiyan, the top bureaucrat in the government's Economic Relations Division, Bangladesh needs \$4 billion to build embankments, cyclone shelters, roads and other infrastructure in the next 15 years to mitigate the threats⁷. However, in September 2009, the Bangladesh government launched a campaign against rich countries, saying that they needed to cough up billions of dollars to help it, one of the poorest nations in the world, fight climate change. Britain, the only country to respond thus far, pledged £75 million, and called on all nations to thrash out a new global warming agreement⁸.

Responding to the Challenge

Sustainable Development is understood as improvement in well-being of people, environment and economy. Development must ensure reducing the risks posed by climate change to people's lives and livelihoods. Development itself serves as a key to adaptation by enhancing resilience and increasing capacity to respond effectively to climatic challenges. On the other hand, adaptation is vital for development and progress and reduces costs of natural disasters. Ultimately, adaptation to climate change requires economy wide planning and regional cooperation. The links between development and adaptation has implications for official development assistance (ODA), both in terms of scale and focus. Equity warrants assistance from developed countries as main source of polluters who should compensate for the costs incurred to climate change victims in developing countries particularly the poor and already vulnerable suffering for what they are not responsible.

1. Global response and expectation

Adaptation to climate change is already an urgent priority for Bangladesh - as one of the poorest and most vulnerable countries. Reducing the risks posed by climate change to people's lives and livelihoods and to national

⁷ Reuters, 14 April 2008

⁸ The Daily Star, 27 December 2009

development processes is our top priority. Bangladesh and its people can become less vulnerable if sustainable development and other goals address and integrate climate risks.

International support for adaptation to climate change is paramount since links between development and adaptation has implications for official development assistance, in scale as well as focus. Adaptation to climate change will add a massive burden to Bangladesh's budgets and development assistance. In this regard, commitments made already to double international aid flows by 2010 must be delivered. Climate Change Negotiations provide a unique platform for the global community to come together and work towards protecting the global commons and ensuring a common future. It should be re-emphasized that the UNFCCC process and funds are essential to support capacity building, identifying and addressing urgent and immediate priorities.

Key expectation from the global community is that equity is ensured, justice delivered, and commitments are adequate and in time while compensating climate victims, climate refugees, and helping those vulnerable to cope with climate challenges. Climate risk management and adaptation is a survival as well as development concern. The international community should ensure an equitable regime that proactively applies "precautionary" and "no regrets" principles while funding adaptation needs and priorities.

2. National Response

The Government of Bangladesh considers climate change as a priority concern and is committed to take urgent and long term actions to reduce the vulnerability of its people and risks to national development. Recognizing the dimensions of the challenge, the government has taken steps for climate resilient development. The country is well set to address long-term measures in the national development planning and implementation process through relevant policy and institutional uptake. In this respect, the urgent task is to ensure the relevant policy makers and decision makers, development managers and professionals, local government authorities, research and academic institutions, development service providers and extension agents, development partners, etc., identify, integrate and address climate risks in their plans and actions. Very recently, a project addressing coastal afforestation from those listed as priorities for Bangladesh in the country NAPA has been approved by the GEF from the Convention LDC Fund.

A Climate Change Cell

To address current impacts and manage future risks of climate change and variability at all levels in all stages toward a climate resilient Bangladesh, the government has established the Climate Change Cell. The Cell provides the central focus for the Government's climate change related work, operating as a unit of the Department of Environment (DoE). Its objective is to enable the management of long term climate risks and uncertainties as an integral part of national development planning.

The Climate Change Cell has established a mechanism that facilitates management of long-term climate risks and uncertainties as an integral part of national development planning. The Cell also facilitates strengthening the capacity of the professionals, practitioners, policy makers to reduce unacceptable risks and improve preparedness for climate change impacts.

National Adaptation Programmes of Action (NAPA)

As an outcome of the climate change convention, National Adaptation Programmes of Action (NAPAs) provide a process for Least Developed Countries to identify priority activities that respond to their urgent and immediate needs with regard to adaptation to climate change. Bangladesh was among the first countries to prepare and submit its NAPA with the UNFCCC Secretariat in November 2005. The Climate Change Cell has a mandate to continue the NAPA process and facilitate implementation of NAPA. Some of the projects proposed in NAPA need to start without delay to provide vital feedback to the relevant implementing agencies and potential donors for long term planning. Adaptation Measures as Prioritized in Bangladesh NAPA are as follows:

Adaptation Measures as Prioritized in Bangladesh NAPA

Intervention measures:

- o Promoting adaptation to coastal crop agriculture to combat salinity intrusion through maize production under Wet Bed No-tillage Method and Sorjan systems of cropping in tidally flooded agro-ecosystem.
- o Adaptation to agriculture systems in areas prone to enhanced flash flooding - North East and Central Region through no-tillage potato cultivation under water hyacinth mulch in wet sown condition, and vegetable cultivation on floating bed.

- o Promoting adaptation to coastal fisheries through culture of salt tolerant fish especially in coastal areas of Bangladesh.
- o Adaptation to fisheries in areas prone to enhanced flooding in North East and Central Region through adaptive and diversified fish culture practices.
- o Construction of flood shelter, and information and assistance centre to cope with enhanced recurrent floods in major floodplains.
- o Reduction of climate change hazards through coastal afforestation with community focus.
- o Providing drinking water to coastal communities to combat enhanced salinity due to sea level rise.
- o Enhancing resilience of urban infrastructure and industries to impacts of climate change including floods and cyclone.

Facilitating measures:

- o Capacity building for integrating Climate Change in planning, designing of infrastructure, conflict management and land-water zoning for water management institutions.
- o Exploring options for insurance and other emergency preparedness measures to cope with enhanced climatic disasters (e. g. flood, cyclones and drought).
- o Mainstreaming adaptation to climate change into policies and programmes in different sectors (focusing on disaster management, water, agriculture, health and industry).
- o Inclusion of climate change issues in curriculum at secondary and tertiary educational institution.
- o Climate change and adaptation information dissemination to vulnerable community to raise awareness.
- o Promotion of research on drought, flood and saline tolerant varieties of crops to facilitate adaptation in future.
- o Development of eco-specific adaptive knowledge (including indigenous knowledge) on adaptation to climate variability to enhance adaptive capacity for future climate change.

Climate Change Strategy and Action Plan

More recently, Bangladesh has released its Climate Change Strategy and Action Plan (CCSAP), which identifies 6 pillars for action on climate change: food security, social protection and health; disaster management; infrastructure; research and knowledge; mitigation; and institutional development. In this case a significantly more demanding sum of \$5 billion over the next 5 years is nominated. The Government of Bangladesh has established a National Climate Change Fund, with an initial capitalization of \$45 million.

Remaining Challenges

The discussion of climate change adaptation in Bangladesh tends to give little thought to migration. There is little mention of migration in the National Adaptation Programme of Action or in the CCSAP. For example, in the CCSAP, the problem of climate change migration is acknowledged, but there is little discussion of what needs to be done to minimize potentially negative effects from migration. Migration is not mentioned, either, specifically in the discussion of social protection programmes in the CCSAP.

In situations where adaptation efforts are not sufficient to prevent migration, facilitation of the migration process might be important to minimize negative impacts. The UNDP (2007) has identified this as an important area and has specifically noted that development of skills for potential migrants to ease their move and transition to a new location will be important. To the extent that climate change migrants follow the trend of movement to cities, the need for skill development is heightened by the higher returns to skills in urban areas (Lucas 2004). Migrants also need to be equipped with information (for example, on travel costs and setting up in a new location) to undertake the move with minimal effort and cost; previous work has found that

Bangladeshi migrants are often ill-informed and this has allowed unscrupulous agencies to take advantage and charge exorbitant fees. There might also be a role for financing resettlement costs. If 5 million people were to move as a result of sea level rise over the next century, recent resettlement experience suggests that rehabilitation costs for these people could total about \$ 5.2 billion⁹.

⁹ International Organization for Migration (IOM), 2004

International migration will depend on whether other countries are prepared to receive migrants from Bangladesh. Developments on this front are not promising: in 2002 India began construction of a fence along the Indian-Bangladesh border to stop smuggling, trafficking and illegal immigration, but which also serves the purpose of controlling the flow of future forced climate migrants¹⁰. Increased migration flows also heighten the potential for conflict between Bangladesh and India.

The United States Should Come Forward

The developed countries are responsible for the climate change. According to a statistics, the USA's per head Carbon dioxide emission rate is 20 times more than Bangladesh that creates greenhouse effect. The United States, as the largest contributor to global warming (accounting for 25 percent of the world's carbon pollution), has a moral responsibility to lead the global effort to curb this phenomenon. The United States can use its economic and technical strength to transform this daunting challenge into an opportunity for innovation.

Greenhouse gas emissions are changing the Earth's climate, which causes natural disasters to grow more severe and more frequent, often creating a new wave of refugees fleeing climate change. In the Philippines (2006) 40,000 people displaced by typhoon is only one of the examples of necessary relocation due to natural disasters. Rising sea levels, increasing desertification, weather-induced flooding, and other environmental changes, will likely displace many more hundreds of millions of people. The British-based aid and development charity Oxfam estimated the number of people affected by climatic disasters would rise by 54 percent to 375 million people a year on average by 2015, based on data on similar disasters since 1980. In the report, 'The Right to Survive' it warned that humanitarian aid spending and the way it was allocated was far from prepared to meet the challenge¹¹.

Accidents of geography have caused the countries least able to prevent climate change to become the most vulnerable to its earliest effects. Developing countries bear minimal responsibility for climate change because they have little industry and produce relatively small amounts pollution. But their populations—often the poorest of the world's poor—are more likely to occupy dangerous locations, such as coast lines, flood plains, steep slopes, and settlements of flimsy shanty homes. The

¹⁰ International Organization for Migration (IOM), 2008a

¹¹ The Daily Star, 22 April 2009

governments of these poor countries therefore carry the largest burden associated with climate refugees though they are already failing to meet the basic needs of their citizens and are ill-equipped to recover from disasters.

We can already see the effects that global warming has on some island nations. The inhabitants of the Carteret Islands were the first climate refugees forced to relocate due to sea level rise attributed to global warming. The Papua New Guinean government authorized a total evacuation of the islands in 2005. Estimates show that by 2015 Carteret will be largely submerged and entirely uninhabitable.

Floods and other weather-related disasters have also caused nearly 10 million people to migrate from Bangladesh to India over the past two decades, creating immense population pressures. A one-meter rise in sea level—a widely predicted consequence of global warming due to an increase in the average temperatures by 2.5 to 10.4 degrees Fahrenheit over the next 40-50 years—will, in turn, inundate three million hectares in Bangladesh, and displace another 15-20 million people.

The climate refugee problem will intensify as global warming increases, potentially yielding between 150 million and 200 million refugees as early as 2010. Despite the scale of the problem, no one is really addressing the needs of these refugees, and much of the discussion about them has been limited to defining their official legal status—whether they should be officially classified as refugees or not.

Inaction in the face of mounting evidence could cost billions of dollars and many innocent lives. Economist Sir Nicholas Stern released a report showing that global warming could shrink the global economy by 20 percent. But taking action now, to curb climate change, would cost just one percent of global gross domestic product and ultimately gives countries a huge return on their investments through the creation of new technologies, industries, and jobs.

The United States must implement a bold program that both advances emerging technologies and makes greater use of existing alternative energy resources. With support from the federal government, bio-fuels can have a tremendous positive impact on curbing our need for oil and ameliorating the global pollution that threatens the world's most vulnerable people.

The federal government should also provide greater financial and technical assistance to help vulnerable countries prepare for climate change. Global funding to help poor countries adapt to climate change was only \$0.02 billion in 2005, compared to \$80 billion in subsidies to oil companies.

The U.S. must also implement a Plan for Global Warming Preparedness, which would include mapping out vulnerabilities via a National Global Warming Community Impact Assessment, and create state-level global warming preparedness plans.

The United States can make a great positive impact on the global climate by investing in new technologies, providing financial assistance to help prepare poorer nations, and mapping out a national preparedness plan. These three different approaches will help curtail global warming and diminish the growing population of climate refugees. Inaction is an option we can no longer afford.

Concluding Comments

The link between climate change and migration is far from straightforward. Impoverished Bangladesh is one of the lowest emitters of harmful carbon dioxide, but one of the worst affected by climate change. Experts predict that there will be 20 million more migrants by 2050 because of an increase of extreme weather conditions caused by climate change. Professor Atiq Rahman, a highly acclaimed Bangladeshi climate specialist, said richer nations will be forced to open their countries up to climate refugees as land becomes scarce in the densely populated nation. "Bangladeshis are already being displaced because of climate change. It's not happening in the distant future. It's happening now," he says. "Being displaced is just one of the problems of rising sea levels. People will lose their livelihoods; food security will be under threat and so will water security"¹².

There is a continuum of examples, ranging from situations where climate change might have primacy in the decision to move to others where it is just one of a number of associated social, political and economic reasons for migration. Frank Biermann, professor at Vrije University's Institute for Environmental Studies in Amsterdam, said, "The system is moving further away from meeting the needs, and the countries that are becoming more restrictive (on migration) are those who are largely responsible for global warming". The professor argues that long-term strategies like

¹² www.independent-bangladesh.com

moving people away from high-risk coastal zones could avert a crisis later.

We must act now to create an action plan that addresses the potentially devastating human toll of global warming. Collective actions are necessary now to understand risks and take actions. International efforts and regional co-operation in planning responses to climate change must act urgently to avoid what is unmanageable and manage the unavoidable. The case of Bangladesh, one of the first and major victims of human induced global warming and climate change, should be taken seriously and addressed collectively.

Climate refugees already exist and it is the moral imperative of the international community to try to ameliorate their situation. A formal extension of refugee status will be an important first step for providing a baseline of international assistance and the mix between temporary and permanent migration also needs further exploration. The IPCC also has confirmed in their report of the fourth assessment that global warming is accelerating rapidly, impacts are already evident, and urgent actions must take place now as projections clearly defines a roadmap of worsening impacts over the coming decades. The UN Climate Change Secretariat has recently made available a report which summarizes the financial requirements to support both adaptation and mitigation requirements over the next few decades. Sufficient and collective actions to combat global warming and climate change must take now, without further delay. Millions are already suffering. The poor of this world are already victims and will suffer most from unavoidable global warming and adverse future impacts.

Our hands hold our future. We must secure the well-being and development of Bangladesh by making the people and country resilient, through necessary resource and support, both internal and external. Together, we must address this challenge and demonstrate our environmental integrity to the human race.

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Environmental Governance and the Role of the Department of Environment in Bangladesh

Md. Ziaul Hoque*

Abstract: Environmental issues considered and adjudged through governance lens construes the concept of environmental governance. It has both global and country context dimension. For ensuring better environmental quality, the country needs to establish governance mechanism in environmental considerations and every step of its development activities. This paper is an attempt to find the existing links between the Department of Environment and the concept of environmental governance for Bangladesh. The discussion traversed through the expression of the concepts of global and national environmental governance, environmental management and the institutional structure for the establishment of this concept, has navigated to the proposition of the prominence and effective role of the Department of environment for this task. This paper has also endeavored to visualize the existing strength and weaknesses in the institutional approach for the permanence of environmental governance in Bangladesh.

Introduction

Emergence of the concept environmental governance coexists with the core concept of governance. There are two dimensions in the domain of environmental governance; Global Environmental Governance and Environmental Governance in country specific. Global environmental governance is the system through which the environmental issues are taken into consideration by the global community in a collective manner. Conceptually this is the sum of organizations, policy instruments, financing mechanisms, rules, procedures and norms that regulate the processes of global environmental protection (Adil Najam, Mihaela Papa, Nadaa Taiyab, 2006). Since environmental issues entered the international agenda in the early 1970s, global environmental politics and policies have been developing rapidly and the environmental governance system we have today reflects both the successes and failures of this development (Ibid). On the other hand environmental issues considered and adjudged through governance lens construes the concept of environmental governance. It is regarded as an interactive process where citizens act collectively in making decisions about access, allocation and use of natural resources, as well as about resource and environmental

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sustainability (CIDA, 2008). The simple expression of environmental governance is about how societies deal with environmental problems. It is concerned with the interactions among formal institution and the actors within society (IGES, 2001).

This paper, concerned exclusively with the role of the Department of Environment under the Ministry of Environment and Forest in establishing environmental governance in Bangladesh, is an expression of the institutional priority and dominance. This is an endeavor to portray the existing institutional capacity of the ministry, i.e., Department of Environment and a way forward for it.

More so, environmental issues are key to economic growth and poverty reduction in Bangladesh. In compliance with the fulfillment of the goal determined by the MDG the preparation of NSAPR clearly cautioned in the way that states as "a careful balancing act must be orchestrated where economic growth is maximized without compromising environmental protection (NSAPR 2005). Again environment matters. This paper is an attempt to establish the importance of the ministry i.e., the Department of environment in establishing environmental governance in Bangladesh that may eventually help to meet the goal.

Objective

Objective of this paper is to examine the relation and role of the Ministry of environment and forest in establishing environmental governance in Bangladesh. This study will also endeavor for finding out some of the possible mechanism that could focus on streamlining environmental governance in Bangladesh.

Methodology

This paper is based on studying the available literature relating to the environmental governance. After explanation of the concept from global and national dimension the role of the ministry from institutional point of view has been expressed here. The sources used to formulate this paper are all secondary in nature. Defining environmental governance from theoretical perspective the paper follows the way of mentioning the existing major environmental condition in terms of degradation, to establish the necessity of establishing environmental governance in Bangladesh.

Expression of Concept

This study focuses predominantly on the concept of environmental governance which is the concerted effort of the state, civil society and the citizens in maintaining and encountering the environmental issues and problems for the well being of the whole universe and country in context.

The government agency assigned to and entrusted with the duty of maintaining sound environment is the Ministry of environment and forest. The ministry has two departments namely Department of Environment and Department of Forest. For the purpose of this paper the emphasis is given on the Department of Environment, the direct and primarily sole authority of the state to ensure environmental soundness.

Before embarking on the main proposition lets have a conceptual expression of the concept of environmental governance both from the global and national perspective.

Environmental Governance

Environmental governance has two different approaches. There are two tracks for understanding environmental governance regarding its scope for action (Ismar Borges de Lima, 2002). In this sense, environmental governance as a concept can be applied either nationally or globally. Environmental governance is a form of governance closely connected with the core concept of governance. Governance has a broad scope and focuses on wide array of issues most of which are intertwined. Governance refers to political economic and social issues. Regarding international environment issues, governance is based on the premise that international treaties, regimes, cooperation and institutions are the means to mitigate environmental problems. Environmental governance as a concept has been reformulated through the attempts to bring together the ideas related to both governance and environmental management. "Indeed, environmental governance has emerged from current scholarly efforts to explore the 'governance-environment' nexus, efforts largely based on the assumption that the presence or absence of democratic or good governance (John Mugabe and Godber W. Tumushabe, cited in Ismar Borges de Lima 2002)".

For better understanding of the concept of environmental governance the explanation of the term governance and environmental management is needed. According to Mugabe, the main problem to conceptualize 'environmental governance' does not lie in the idea of 'environmental

management' which is widely understood in "policy-making and academic circles." The problem lies precisely in the complexity of defining governance (Ibid).

Governance

Institute for Global Environmental Strategies (IGES) explained governance in a way that implies the "complex set of values, norms, processes, and institutions by which society manages its development and resolve conflict (IGES 2001)." The United Nations Development Program (UNDP) states that 'the goal of governance initiatives should be to develop capacities that are needed to promote development that gives priority to the poor, sustains the environment and creates needed opportunities for employment and other livelihoods (UNDP, 2001)." Paterson concludes that the concept governance may not be different from the concept of a regime; the difference between them is that a regime "deals with a more limited set of issues or a single issue area". Governance materializes itself through imposition of authority in the economic, political and administrative areas as a way to manage the affairs of the state. It includes the institutions, processes and instruments through which citizens and groups promote their common interests, rights, and also meet their responsibility and reconcile their differences (Lois O. Dorvilier, 2001).

Governance clearly has a relevant role in order to promote equity, poverty and quality of life. Political governance is the process of decision-making to formulate policy. Administrative governance is the system of policy implementation (UNDP, 2001)."

"Good governance encompasses the state, but it transcends the state by including the private sector and civil society organizations (Figure-1)." It is important to say that governance may only be interpreted as state and civil society operating together. In this case, the private sector is included in civil society.

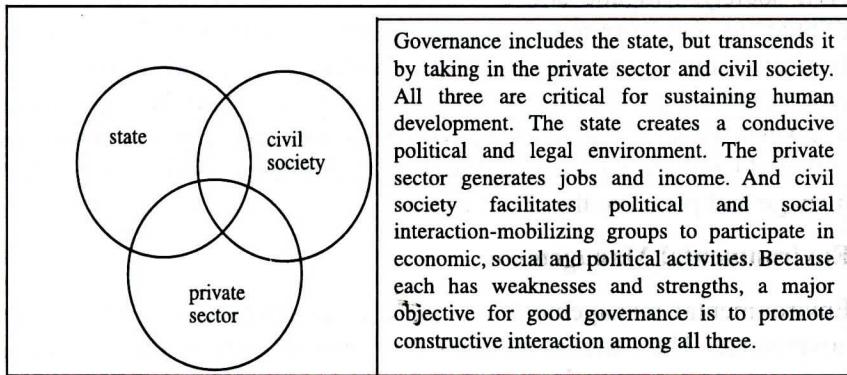


Figure-1: Good governance reaches beyond the state

For Mugabe and Tumushabe, "the concept of governance, as noted, is subject to confusion and misuse. It is often defined differently by different people depending on their political and/or intellectual background (Ibid)." Even the definition of government causes misunderstandings; definitely, governance goes beyond government. Government is understood as an organization that enforces laws for a state; government is the state and its political administration and decision-making process.

Civil society, lying between the individual and the state, comprises individuals and groups interacting socially, politically and economically - regulated by formal and informal rules and laws. The state, of course, can do much in such areas as upholding the rights of the vulnerable, protecting the environment, maintaining stable macroeconomic conditions, maintaining standards of public health and safety for all at an affordable cost, mobilizing resources to provide essential public services and infrastructure and maintaining order, security and social harmony (Ibid).

As explained by Mugabe and Tumushabe, "the juxtaposition of governance and the environment has a number of features (Mugabe and Tumushabe, 2001)." First, states and civil society are in charge of implementing environmental management on behalf of themselves; secondly, the connection between governance and environment suggests that "environmental management involves political issues and processes (Ibid);" third, the linkage means that environmental preservation is a mutual task shared between government and the civil society; and finally, environmental governance highlights the role of state, private sector and

civil society. Mugabe and Tumushabe also observe that the literature related to environmental issues failed to define the concept of environmental governance (Ibid). Probably, a good definition to environmental governance is 'a democratic system with the participation of diverse actors in which the state [s] has the role to share responsibilities at global level and to delegate power at local level in order to successfully manage and preserve the environment.'

Environmental Management

Environmental management is a part of the concept of environmental governance. The concept includes the "relevant part of policy making, financial, technical and management considerations combined in a balanced way to address or to manage specific environmental problems (Institute of Environmental Management, 2001)."

C.J Barrow expressed it as an approach which goes beyond natural resources management to encompass the political and social as well as the natural environment (H.R. Clarke and Reed W. J., 1989; 569-595); a) It includes the formulation of environmentally sound development strategies; b) It involves the process of allocating natural and artificial resources so as to make optimum use of the environment in satisfying basic human needs at the minimum, and more if possible, on a sustainable basis; c) It entails seeking the possible environmental option to promote sustainable development; d) It seeks to control of all human activities which have a significant impact on the environment; f) It involves management of the environmental performance of organizations, bodies and companies; g) It includes a decision-making process which regulates the impact of human activities on the environment in such way that the human development will not be damaged; "Environmental management is a generic description of a process undertaken by systems-oriented professionals with a natural science, social science, or less commonly, an engineering, law, or design background, tackling problems of the human-altered environment on an interdisciplinary basis from a quantitative and/or futuristic viewpoint (R.S.Dorney, 1989)."

Global Environmental Governance:

In the neo-liberal perspective, the solution to environmental problems reflects the implementation of agreements and cooperation among the countries. Clearly, environmental problems require a "consortium" to manage environmental devastation because they have become a global

problem. Scholars claim that cooperation implies mutual and global governance.

International regimes have been an instrument to promote agreements and cooperation between states and because of that they are important for environmental governance. According to Krasner, international regimes have been "most commonly defined as "set of implicit and explicit principles, norms, rules, and decision-making procedures around which actors' expectations converge in given areas of international relations (Karsner Stephen D, 1983; quoted in, Joseph Jeffery Domask 1997)."

Hempel understands governance in a wide scope, beyond the government, and he treats the global and regional issues such as the greenhouse effect and the declining biodiversity as part of an interacting set of environmental challenges. He highlights "the struggle to protect the biosphere, and the public policies and institutions involved in that struggle (Oran 1997)." He focuses on the Earth Summit agreements, sustainable development, South-North division, consumption and production as the causes of the environmental problems, he also includes the environmental policy-making process, and an explanation of what is common resources, and political ecology and political economy. Environmental governance becomes global (or international) environmental governance in the explanation of these authors.

As with Young and Hempel, they also focused their attention on regime formation as a feasible solution for the environmental problems (Ismar Borges de Lima 2002). Following Oran Young, they also emphasized the role of the market and the civil society such as NGOs in the process of environmental governance. 'Environmental governance' gains emphasis as 'international environmental governance' based on international regimes, institutions, and cooperation among states. Young, Hempel, Porter and Brown, Mathew Paterson, and Rolen (*et. al.*) are in consensus that environmental problems at all levels find solutions through cooperation, the implementation of international regimes, and agreements. These authors sought to base their explanations for cooperation between states on the principles of the neo-liberal institutionalism which stresses the role of institutions in cooperation between states.

As explained by Mugabe and Tumushabe, "the juxtaposition of governance and the environment has a number of features (John Mugabe and Godber W Tumushabe 2001)." First, states and civil society are in charge of implementing environmental management on behalf of

themselves; secondly, the connection between governance and environment suggests that "environmental management involves political issues and processes (Ibid);" third, the linkage means that environmental preservation is a mutual task shared between government and the civil society; and finally, environmental governance highlights the role of state, private sector and civil society.

'Global environmental governance' is discussed as one of the means that the international community has to manage trans-boundary environmental problems. Plus, some authors defend the idea that international regimes, called green regimes by Lamont Hempel, are the best way to protect the 'global commons.'

A 'national environmental governance' may work only hypothetically. National environmental governance will place the central government in a key position to rule over environmental problems. Instead of the central government, the local one government by including civil society and private sector participation may solve environmental problems.

The role of central government is to assist and encourage the decentralization and environment management devolution. Yet the central government must continue to ratify agreements, to establish multilateral accords, to instigate international cooperation and seek to strengthen institutions and policies. In fact, taking into account the environmental problems, there is interdependence between regimes, multilateral cooperation, local agendas, and civil society.

Environmental Governance from Bangladesh Perspective

From the analysis above it is now on the fore that environmental governance is about considering the environmental issues from the governance perspective to address it for taking care of, which may eventually lead to better environment for the earth. It is also evident that the role of the institution in forming environmental governance is predominant amongst others. In terms of global environmental governance the actors are the extended version of the national representation. Even the global NGOs and corporate authorities are also participating in and within an institutional representation.

This concept of environmental governance is relatively new and donor driven in the country. Conceptualization of this term in governance sector is contributing to the maintenance of the sound quality of environment and managing the natural resources properly. Thinking the environmental

issues from the wide perspective of governance is gaining preference in the policy level.

Like many other issues the environmental problems are generally taken as alarming by the citizen of the country. They are concerned with the level of degradation of the quality of the environment. As a part of the effective governance the citizens of the country are not able to communicate their voice to the authority. Due to the weak structure of environmental governance the citizens of the country are unable to participate in the governance mechanism. This situation can be changed and restructured in the environmental governance mechanism. Department of environment is the nodal agency in the country to formulate the structural phase of this governance structure which may contribute to the mitigation and adaptation of environmental problems and help the efficient introduction to the sustainable development for poverty reducing growth.

Major Environmental Issues in Bangladesh:

Considering the economic growth and poverty reduction related environmental issues in Bangladesh the World Bank study on Country Environmental Analysis identified the issues related environmental risk to human health, protection of water quality in Dhaka, management of capture fisheries, sustaining soil quality and strengthening institutions for environmental management (World Bank, 2006). In fact the issues mentioned earlier are not all about the environmental issues need to be taken care of. There are other issues relating to environment in Bangladesh such as deforestation, loss of biodiversity, flood, drought, river erosion, climate change related environmental issues such as sea level rise, surface and ground water contamination, loss of wetlands, land degradation, management of waste and other micro-level issues of environment.

To address these issues, Bangladesh from its very inception has taken steps both in regulatory and institutional capacity. But all of those steps are not in proper implementation stage like other issues. A few of the isolated success that the country has achieved is negligible if the level of environmental degradation and the economic concerns for growth is considered.

Environmental problems if adjudged from the economic point of view their contribution to the GDP (Fig-2) is not a matter to remain apathetic.

This is the measurement for some of the major environmental loss contributing the economy. If the loss related to the health is considered than it envisage the gloomy and dormant picture of the future probable human resources of the country (Fig-3).

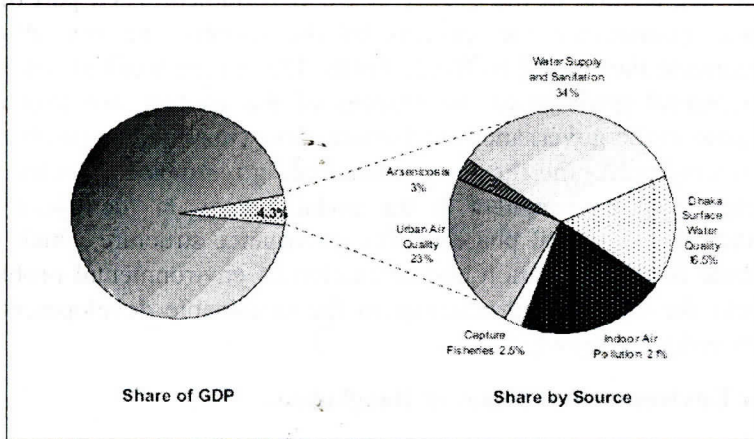


Fig-2: The Costs of environmental degradation (Source: World Bank 2006)

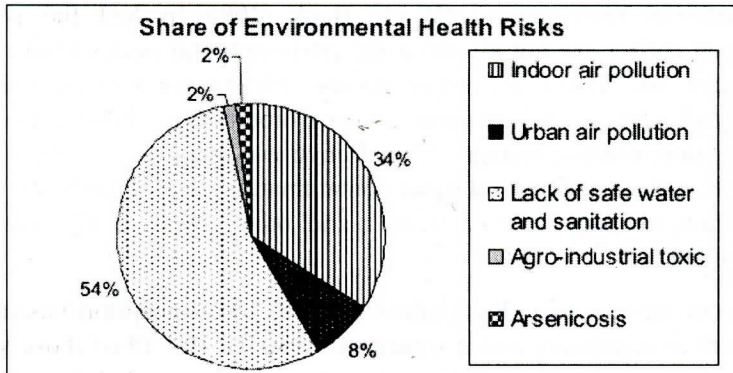


Fig-3: Contributing factors to environmental health risks
(Source, World Bank 2006)

Even if the concern for the farmers about the environmental issues is analyzed then it draws the picture of continuous silent destruction of our

surroundings and an unusual future of our main thrust sector of agrarian economy (Fig-4)

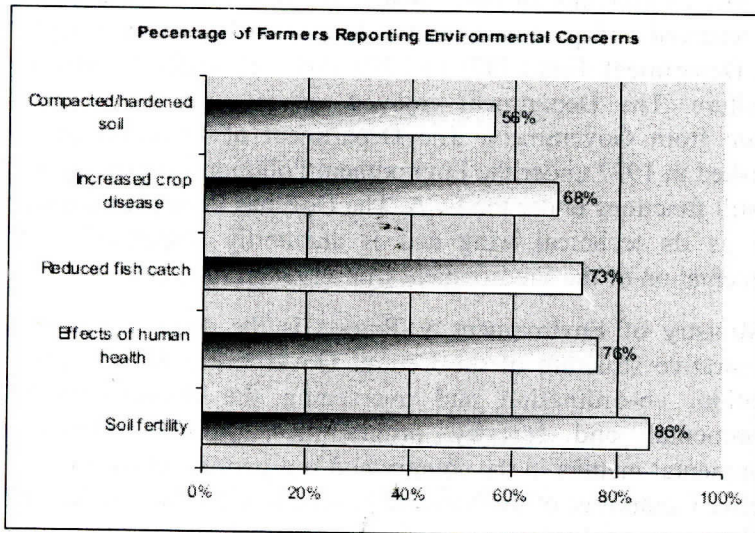


Fig-4: Environmental concerns for the farmers

(Source, I. ahman 2004, Cited in World Bank 2006)

Apart from the few issues and concerns mentioned, if the level of air pollution, untreated effluents and toxic industrial wastes in and around the capital and the industrial installations of the country and the resultant affects on the air, river and soil is terrifying. In such a situation of drastic fall in environmental quality of the country, environmental governance can streamline the whole of the environmental quality of the country is properly established the framework and applying it in the context specific application.

As the institutional contribution and its dominance over the governance mechanism in any country is prominent, the case for Bangladesh is not otherwise. The prime institutions for establishing environmental governance in Bangladesh is the Ministry of Environment and Forest and other institutions under its supervision. Rather this paper concentrates exclusively on the role of Department of Environment in environmental governance of Bangladesh.

Background of the Ministry of Environment and Forest

Before partition of Indian sub-continent in 1947, Bangladesh forests were administered under Forest Circles of the Bengal and Assam Forest

Departments. From 1947 to 1962, the Provincial Forest Department was the authority with a Conservator of Forests, and subsequently until 1971 by a Chief Conservator of Forests. With the formation of Bangladesh in 1971, reserved and proposed reserve forests passed to the Bangladesh Forest Department. From 1971 to 1989, BFD fell under the Ministry of Agriculture. The Department enjoyed varying interest in terms of attention from Government. The Department of Environment (DoE) established in 1977 under the Environment Pollution Control Ordinance, 1977 still functions under the ECA. The DoE has been placed under the MoEF as its technical wing and is statutorily responsible for the implementation of the Environment Conservation Act, 1995.

The Ministry of Environment & Forests is the nodal agency in the administrative structure of the Central Government, for the planning, promotion, co-ordination and overseeing the implementation of environmental and forestry programmes. MOEF oversees all environmental matters in the country and is a permanent member of the Executive Committee of the National Economic Council. The Ministry is also plays a pivotal role as participant of United Nations Environment Programme (UNEP).

Apart from two major departments, i.e., Department of Environment and Department of Forest, working under this ministry, there are three other institutions under the ministry. They are Bangladesh Forest Research Institute (BFRI), Bangladesh National Herbarium (BNH), Bangladesh Forest Industries Development Corporation (BFIDC).

Department of Environment

According to the mission of Department of Environment (DoE) its main function is to help secure a clean and healthy environment for the benefit of present and future generations:

- Through the fair and consistent application of environmental rules and regulations;
- Through guiding, training, and promoting awareness of environmental issues; and
- Through sustainable action on critical environmental problems that demonstrate practical solutions, and that galvanize public support and involvement (www.moef.gov.bd).

More so, the DoE is entrusted with the duty to ensure sustainable development and to conserve and manage the environment of Bangladesh which is one of the goals of MDG.

Organizational structure of DoE

DoE is one of the two departments under the Ministry of Environment and Forest. It has a semi de-concentrated organizational set-up which is down to the Divisional level. Below this tier there are no organizational basis for environmental management. Country legislation and other policies don't have any explanation of how to take care of the environmental issues in the lower administrative tier. There are six divisional offices of the DoE apart from the central office at the capital (Figure-5)

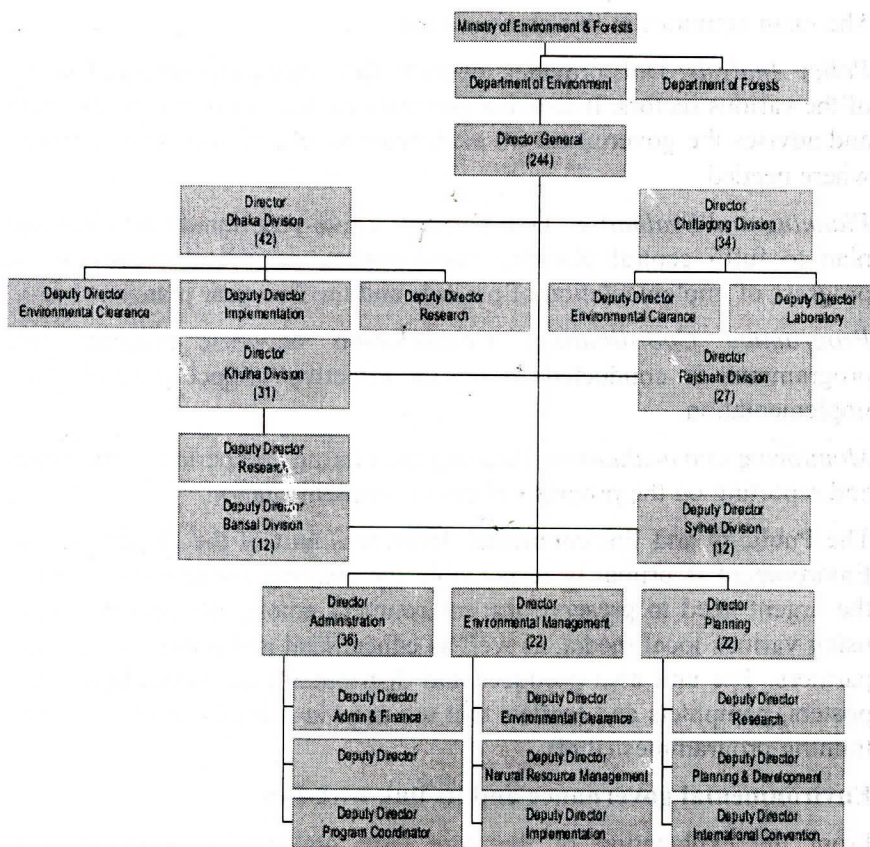


Figure-5: Organogram of the Department of Environment

(Source: World Bank, 2006)

Activities of the DoE

The activities of the Department affect every socio-economic sector and direct and influence all activities wherever they might take place in Bangladesh (Ibid). Creating public awareness on environmental management and legal obligations are needed for this. The following Policy, Acts and Rules facilitate the activities of the Department:

Environment Policy, 1992 Environment Conservation Act, 1995 and subsequent amendments Environment Conservation Rules, 1997 Environment Court Act, 2000 and subsequent amendments Ozone Depleting Substances (Control) Rules, 2004

The main activities in this core area are:

Policy Analysis: DoE provides inputs to formulate environmental policy of the various sectors. It also analyses various policies of the government and advises the government on modifications of any section of a policy where needed.

Planning and Evaluation: DoE prepares a five-year annual development plan to fulfil central planning requirements, periodical evaluation of progress of implementation of projects and the five-year plan.

Programme Coordination: Coordination between projects and programmes is conducted to ensure effective project planning and implementation.

Monitoring and evaluation: Ongoing monitoring and periodic evaluation and reporting on the progress of project implementation.

The Publicity and Environmental Awareness unit of the Department of Environment is primarily responsible for creating awareness regarding the urgent need to preserve the environment among the general public using various local media, as well as educational and non-governmental partners. The unit also produces and distributes educational brochures, posters, pamphlets and leaflets that are used in schools, workshops and training programmes (Ibid).

Environmental governance and its link with DoE

From the explanation of the core term governance, environmental governance and the working pattern of the ministry of environment and department of environment it is evident that there is a strong link and significant role of the DoE in establishing environmental governance in Bangladesh from institutional point of view. It is also pertinent to mention here that the governance for environment and its organizational backup can be formed by the adequate supervisory and overseeing authority of

the DoE apart from its management authority. In the earlier discussion it has already been clarified that environmental management is a part of the environmental governance. Environmental governance is perceived as a matter to be considered from a wide perspective of the societal interaction among and within the actors of the society, especially in environmental issues.

The formation, function and mission of the DoE explicitly declare that the department is the pivotal institutional authority to deal with environmental matters. Department's role in initiation of environmental legislation, its contribution to the planning and evaluation, programme co-ordination and monitoring ;awareness building in environmental issues, synergizing global environmental issues with national adaptation clearly suggests that the department of environment and environmental governance have an inseparable link.

So far the explanation made above is the probable and possible conceptual framework for establishing the environmental governance in Bangladesh. The study made by World Bank (2006) on the present environmental scenario of Bangladesh finds the environmental governance as an over-arching theme for strengthening the environmental quality of the country. The most important governance elements to support such theme are access to environmental information, transparency and consultation for accountable decision-making, adequate institutional capacity for credible enforcement, and economic policies that promote improved environmental performance (World Bank, 2006). From this the pillar to establish environmental governance can be formulated (Figure: 6). The pillars for establishing environmental governance covers the elements of governance which can be applied for better environmental quality.

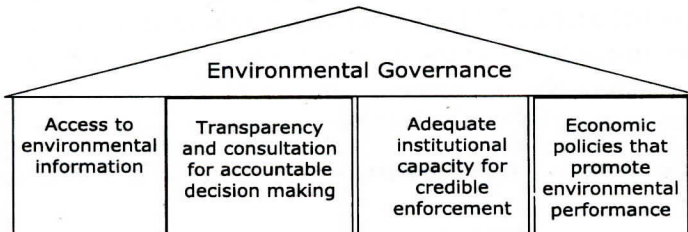


Figure-6: Environmental Governance Pillars
(Source: Developed by Author, based on World Bank Report.)

If the pillars of environmental governance are analyzed then the status of establishing environmental governance in Bangladesh can be measured.

Access to Environmental Information

Bangladesh lacks institutional structure for collecting environmental information. If any one wants to have any kind of information about environment it will be a mess. Due absence of institutional arrangement for preserving environmental information and if have, due to obscurity of those information, those become useless. This situation is not conducive to the environmental governance. The current paucity of environmental information and understanding in Bangladesh constrains decision-making at all levels (Ibid). Greater access to environmental information and understanding of the impacts of degradation will create demand for environmental investments. To make the easier access to environmental information the DoE has the effective role to play. The department can establish a mechanism of collection and preservation of the environmental information regularly.

Transparency and Consultation for Accountable Decision Making

Transparency and public consultation are essential elements of environmental decision-making, strengthening the accountability of environmental institutions and thereby building their credibility (Ibid). Environmental decision can be made in a transparent way. Before taking major environmental decision the authority can consult with the citizen for accountable decision making. This can be done by the Union Parishad authority in case of issuance of Environmental Clearance certificate. DoE's role may be facilitating the enactment regarding this.

Adequate Institutional Capacity for Credible Enforcement

As the credible threat of regulatory enforcement is central to environmental governance, so too is the establishment of the institutional capacity to deliver such enforcement (Ibid). For this purpose the Strategic Plan of the DoE is needed to be implemented urgently. The present organizational strength of DoE is not adequately serving its purpose. For the proper management of the environmental problems and maintaining natural resources the institutional capacity of DoE must be increased which may eventually lead to better environmental governance.

Economic Policies and Incentives for Improved Environmental Performance

While information and regulatory enforcement help establish incentives for improvements in environmental quality, these are most effective when combined with supportive economic policies. Such as if the duties on import of fisheries is reduced, the import of fish will increase. As a result

of this the pressure on the fisheries resource will be lessened. Economic incentives can also be used to complement regulatory approaches to improve environmental management.

Organizational Imbalances of DoE

The Ministry of environment and forest has total 8900 staff under its different agencies. But there exists organizational imbalances between and among the agencies. DoE with the large extent of its duties and responsibilities for better environmental management is staffed with a limited human resource.

More than three quarters are in the Forest Department (6,939). Fewer than 3% of the total staffs are in the DoE. Ministry's budget is less than 0.5% of the government's total revenue and development budget. Of this total budget, over 80% is allocated to the FD and less than 1% for the DoE. Of these funds more than 30% is used for the payment of salaries (World Bank, 2006).

Institutional Incapacities of DoE

Ministry of Environment and Forest's (MoEF) resource focus is largely on Forest Department. For this reason institutional capacity for environmental planning and monitoring remains weak. DoE is insufficiently funded. Department's mandate for ensuring better environmental quality cannot be achieved by such a poor condition of its capacities. MoEF does not have any system in place to monitor environmental quality, biodiversity, status of protected areas, levels of pollution or environmental degradation. There is no mechanism to make such information available to the public on a regular basis. Interestingly, the DoE has the lowest level of staffing per capita in South East Asia (191), whereas Hong Kong has similar agency with more than 1500 staff, (IGES 2001).

Strengthening Environmental Governance

The Country Environmental Analysis prepared by the World Bank (2006) has concluded with the following findings for strengthening environmental governance.

Key actions to strengthen environmental governance include:

- Implement DoE's Strategic Plan.
- Create cadre positions for DoE staff.
- Make environmental assessments and information related to the environmental clearance process publicly available, including through the internet.

- Mandate public consultation on environmental assessments of high risk projects.
- Require consideration of No Objection Certificates at open meetings of Union Parishads.
- Delegate responsibility for environmental clearance of less polluting facilities to local authorities.
- Publish a national environmental scorecard annually.
- Publish the environmental performance of selected high-priority industrial facilities.
- Provide DoE with legal assistance in bringing environmental cases to court.

Considering all the suggestion made above it is pertinent to mention that the element of ensuring environmental governance can be fulfilled through the actions suggested above. The institution primarily responsible for this task for overall overseeing the whole mechanism of environmental governance is ministry and exclusively the department of environment in this country.

Conclusion

The proposition made at the outset of this paper is finally raising with the strong position of claim that the concept of environmental governance is pervading in the whole gamut of environmental issues in Bangladesh. Though the environmental problems and imminence of the natural resource management indicates very strongly that the weak structure of environmental governance in Bangladesh causing a great loss in economic terms and persists as the potential threat to implement the major national planning and have gradual impact over all of the development concern for the country. It has also revealed that the environmental governance if established can make the development and poverty reducing growth easier to meet the targets of MDG. Absence of or weak environmental governance structure can also isolate us from the global environmental mechanism structures. Specially, when the country is exclusively under the probable threat of devastating effect of climate change and global warming it is a matter of concern. The fastest rate of natural resource depletion and environmental degradation can be addressed and encountered by the establishment of environmental governance in Bangladesh and the Department of Environment is in the position and bears the responsibility to establish this ideal situation.

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Changing Working Culture (Flexible working) and Work-life Balance: United Kingdom and Bangladesh Context

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Abstract: Due to the internationalization of investment, business and production, technological changes, forms of work organization, market economy and global strategy, working culture has been changed significantly where flexible working is important one and new one as the Human Resource Management strategy. Flexible working is the arrangement of annualized hours, compressed hours, flexible time, flexi time, job rotation, job sharing, weekend working, evening working, opportunities to work at home with benefit of both employers and employees with or without child in order to provide a balance between work and life especially for the working women. It provides an advantage to the employee - both male and female- to manage more time to spend in their family activities. It is concerned with the employers' need and benefit so that they can utilize optimum level of human capital, make proper utilization of technologies, resources (software and hardware), premises and fulfil social commitment as well. On the other hand, flexible working provides alternative choices where employees can choose better options to make their work and life balanced; utilize their time at home for performing family activities. Besides the positive sides of flexible working, it has negative consequences by which working women are mainly affected both in working place and family after the work. This article attempts to discuss the consequences of flexible working with examples of the UK organizations and the role that plays to create work life balance for all employees, working mothers in particular. This article also tries to see how this changing working culture works in Bangladesh.

1.0 Introduction

Working conditions have changed increasingly since the 1980s due to the internationalisation of investment, production and business, the use of new technologies, the emergence of recent forms of work organisation. These factors have changed the forms of working arrangements where the flexible working time is the most significant one (Benach *et al.*, 2002).

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In addition, the growth of female participation in employment in particular women with children is one of the most important development in the labour market where the change has led to an interest to flexible working time arrangements (Cully *et al.*, 1999:143; Gardiner and Martinez Lucio, 2006:140; Walsh, 2005:149; Zafarullah, 2000). Flexible working serves as a balancing arrangement between work and family responsibilities for working parents especially for child caring, looking after ageing people and career breaks for female employees.

Flexible working (Appendix-1) arrangements are the arrangements of working time, job sharing, working at home or at office that bring positive result for the employees for their work life balance and wage effort bargain and also for employers to utilise optimum level of technology, premises for business case to meet the customers' demand.

This article attempts to discuss the consequences of flexible working with examples of the UK organizations and the role that plays to create work life balance for all, working mothers in particular. This article also tries to see how this changing working culture works in the workplace of Bangladesh.

2.0 Flexible Working Time Arrangements

Flexible working is the arrangements of annualized hours, compressed hours, flexible time, flexitime, job rotation, job sharing, weekend working, evening working and opportunities to work at home with the benefit of both employers and employees with or without children (Cully *et al.*, 1999: 143; Blyton, 1994; Dex and Smith, 2002:5; Hogarth *et al.*, 2001:21; Gardiner, 2007; Walsh, 2005). It is an alternative way of traditional 9-5 work culture and is an important element to secure family friendly workplace. Many companies are using this policy all over the world particularly in developed countries like the UK, the USA, Australia, New Zealand, France etc. In the Cable & Wireless company of the UK more than 5,000 employees enjoy flexible working arrangements like part-time, and an additional 300 workers in call centres on the premises (DTI, 2003b: 27). There are various types of flexible working (Appendix-2) time arrangements in the organisation. Holt and Thaulow (1996:83-85) identify informal flexibility besides formal flexibility in their research that comprises of the unwritten rules or working culture which is allowable and these arrangements are made for the personal needs of parents and these informal rules exist alongside the formal rules and this informal flexibility is more widespread than formal flexibility.

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3.0 Wage-effort Bargain & Work-life Balance

Wage-effort bargain is one kind of bargaining power of employees to get maximum wage from the organisation on the basis of negotiation between workers and employers regardless flexible working arrangements. Wage effort relationship is associated with time and result (Rubery, *et al.*, 2005). It can increase the rate of work life balance which is about balancing paid and unpaid care work. It is something which concerns men and women where men value flexibility in paid works with intension to spend more time with their family members (Charles and James, 2005:170). The work performed by the employees helps maintain their family life making their arrangements for their family responsibilities like child caring, working at home, taking time off etc. This is very much encouraging for the female workers with children who can arrange their job timings or sharing jobs, even can take career breaks. This also includes parental leave, working at home or from home that helps their families (Dex and Smith, 2002:4). Clark, 2001 in Walsh (2005:154) defines 'work-family balance as satisfaction and good functioning at work and a home with a minimum role of conflict but contends that such a synergistic state is difficult to attain, mainly because the simultaneous combination of work and home is likely to entail some degree of role conflict.' Work-life balance is one kind of balancing between job and family life to make everything done smoothly for greater benefit.

4.0 Consequences of Flexible Working Arrangements

Flexible working time arrangements have both positive and negative consequences for employees and employers. Working people can utilise their time for their family responsibilities and their labour can be utilised after the 9-5 work culture for the fulfilment of customer demand that actually is very much helpful for the employers. However it can be difficult for the managers to arrange this timing at the workplace that brings negative result in production process. Large organisations can easily maintain their flexible working arrangements as they have large number of employees whereas it is difficult for small or emerging organizations to give advantage to the working people for the small number of employees.

4.1 Socio Cultural Consequences

Changing working culture is not an easy task to establish within very short time. It is associated with many socio-economic issues of the organization and the policy of the state as well. As employees are

habituated to the present system of working timing, it is difficult to introduce any kind of change for working people who are not ready to accept these arrangements. In that case it takes time to adopt. In principle every employee working in the organization should have the same opportunity to enjoy the benefit of these new arrangements. If a large number of workforce wants to avail this opportunity at day time or in the evening which is maybe considered as the productive hour for the organization, management and employers would be in trouble to reorganize this timing. Particularly this is difficult in the twenty-four office culture. Another negative consequence is found that those women who think about their career they become mother late for which there has been a reduction of young workforce in the UK (Tomlinson, 2007). Walsh (2005) finds that 'time-based pressures, such as long working hours and inflexible or unpredictable schedules can lead to increased work-family conflict' and the consequences are job dissatisfaction, lower organizational commitment and productivity.

If flexible working arrangements and career breaks or some other family friendly advantages are provided, they will be able to do for the society. Mothers with young children can take advantage from the work life balance and flexible working time and they can make a plan for their children. As the children will be nourished well by working mother giving extra care of health, schooling for the children, future generation will be brought as a good nation. It is found that good parenting and strong family relationships are the key factors in improving children with the best possible start in life which can help parents providing balance in work and family life (DTI, 2003a:13). Female workers can produce good performance at the workplace with a greater productivity if they are provided childcare facility and workplace nurseries by alleviating tensions and anxiety about childcare arrangements (Kossek and Nichol cited in Walsh, 2005:166). The Hongkong and Sanghai Bank Corporation (HSBC) gets the benefits providing this facility (850 nursery places, 300 of them on the bank's premise) to the workers (DTI, 2003b: 38).

Flexible working hours is scheduled for the optimum utilisation of labour force where students, women with children and senior citizen can enjoy this advantage to utilise their labour according to their choices. It is seen that the rate of older people is increasing. Potential time of elderly people and women who like to stay at home can be utilized by giving them these flexible arrangements. So the demographic issues are also important factors involved in working time flexibility.

People can enjoy their personal life and utilise their potentiality at the working place if the organisation has the facility of flexible working hours. Flexible working arrangements can be used as antidote to these. Even the flexible approach embodied in work-life balance and part-time work, job sharing are seen as the way of becoming popular employer which is claimed by P&O Ferries of the UK (DTI, 2003b: 31).

4.2 Family Friendly Advantage

Flexible working time arrangements are very much supportive for the working parents with young children as they can utilise their time for child caring and family responsibilities. In this case women have to do more as they are largely engaged in child caring (Brewster, 1998:238; Tang and Cousins, 2005). However female workers can enjoy this taking career breaks so that time off from the labour can not affect negatively in their career progression. Evidence suggests that male partners also enjoy the flexible time for their family activities.

4.3 Employee Satisfaction

Employee satisfaction depends on both financial and non-financial benefits provided by the organization. Family friendly policies, reasonable terms and conditions of jobs, working environment and goodwill of organization also serve as the issues of satisfying working people. These arrangements particularly flexible working time provides them opportunity to utilize potential time in office and they can spend more time for their family for child caring, looking after ageing people and physically challenged. Those women who have to compulsorily maintain family responsibilities and want to continue the job, they are satisfied with the arrangements because of exercising the arrangements (DTI, 2003b). In developing countries like Bangladesh where women have to maintain both the office and family, they can utilize this opportunity because flexible working assists working people to do their jobs according to their choices and can maintain their family lives. Flexible working arrangements have the opportunity of job sharing, working at home, flexi time that can help them pick up suitable options (Glass and Estes, 1997). These are encouraging for the working people particularly working mothers. If the organization provides flexible working arrangements, working people can utilize these arrangements for their purpose in order to spend more time for family activities. So this type of arrangements could serve as the important factor of job satisfaction. Thus the flexible working time makes balance between work and life for employees, improves performance level, increases

productivity and reduces absenteeism. It is related to organisational high performance (Baltes *et al.*, 1999 cited in Walsh, 2005:165; Torrington *et al.*, 2005:745).

4.4 Utilizing Potential Resources (Young Groups and Experienced Old People)

In the UK there is a good number of students who work part time while they are studying in the educational institutions. If they are given the part time facility (as given) they can utilise their labour. Even employers can utilise this labour at a minimum rate without providing them pensions or other benefits. Some older people can utilise their labour according to the flexible timing. In some cases experienced workers who wish to enjoy longer hour or wish to work at home, can make use of their potential labour. In that case female with young children can utilise this, as they do not need to take career break. So organizations can exploit the potential resources for experienced and potential labour forces providing them flexible working arrangements and help create work life balance. It is found in the UK that the number of female employment with dependent children has creased from 57% in 1990 to 65% in 2000 for the flexible working hours (Walsh, 2005:149).

4.5 Utilization of Technologies, Premises

Companies use modern technologies for more production in order to get more profit. If it is allowed to maintain flexible working time, shifts, job rotation, flexible working hour, more workers can be engaged and they will be able to make use of their potential labour, other resources as well as technology at the workplace (Gardiner, 2007). If it is necessary to run the machines twenty-four hours a day or seven days a week, flexible time will be most appropriate one. In that case highest utilisation of technology can be achieved and production can be grown more as well. If the companies can utilise the premises all time they can minimise the fare.

4.6 Opportunities to Work at Home

Work life balance policies and flexible working arrangements can provide the benefits to both the employers and employees. If organization provides arrangements of working from home, employees can maintain both official and family activities. Workers can do the work at home the flexible time simultaneously with their family caring. Moreover, working from home is associated with the greater work-life balance for the female workers as they can spend their time in domestic activities (Walsh,

2005:166). This is an opportunity for the workers to wish to earn more utilising their time at home. Employers can get more labour from the workers especially from the single male and the female with young children. This type of opportunities can provide some autonomy to the workers. For the business case if it is contract basis employers can make these works done at the low costs though sometimes employers are in tensions to get back outputs in time. It is also found that teleworking or working from home can lead better work-life integration and has a positive impact on employees' motivation and retention. The British Telecom (BT) plc claims flexible working time has enabled BT to recruit more effectively and retained employee (DTI, 2003b: 26). However researchers find some negative consequences for employers and isolation of professional progress with reduced promotional facility for the employees (Cooper and Kurland, 2002; Hill *et al.*, 1998, Walsh, 2005).

4.7 Disparity may be Minimized between Men and Women as Women can do according their Choices

If the working time is rigid due to some strict rules and regulations or not family friendly mothers can take break from the jobs for their young children. As most organizations follow the traditional working hour, female employees sometimes take career break for maintaining family activities. If female workers can choose their flexible time e.g. working opportunities at home, they do not need to take the break from the service. In that case they have more choices before them to utilise their labour. They can easily shift from full time to part time. However, female part-timers report that they have to bear high workload in the workplace. Walsh (2005) also finds that women in career positions are experienced with excessive workload in office or family whether they do part time or full time work.

5.0 Assessment of Consequences of Flexible Working Arrangements

Flexible working arrangements are affected by many factors such institutional context, labour markets, management of organization and labour union strategies. These factors include government regulations, industrial relations, demographic criteria, employee efficiency, technology, work organisation which have great impact on duration and timing of work (Berg *et al.*, 20004). These are supportive for employees for maintaining both work and family which also reduce work-family conflicts and stress (Lewis, 2001).

DTI (2003b:13) report suggests that working long hours can have negative impact on family life and health , especially low skilled and low

income workers are in the high risk of parental and family stress as they have less choice to maintain balance in family and work. Flexible working hour culture creates less work-family stress among employees, decreases absenteeism, decreases turnover rates after the implementation of day care centres (Vinnicombe and Colwill, 1995: 44). However, Houston (2005:2) remarks that flexible working may 'result in greater job insecurity and poor conditions of employment'.

It is a positive success of work flexibility that parents with young and disabled children have the legal right to request employers for arranging working flexibility. Working parents can enjoy maternity and paternity pay, leave. It is found that female enjoy the flexible working arrangements more, especially in public sectors rather than private sectors (Cully *et al.*, 1999; DTI, 2003b: 2; Appedix-3). However, Tomlinson (2007) remarks that working flexibility is achieved at a cost of job quality and promotional prospect and derived from employees being 'easily substituted' for one another. It also restricts workers from fully participating in the labour market in terms of skill acquisition and career development.

There are several factors encouraging employers to change their working hours for the customers as they are the main targets for the business companies. So their demands are always given top most priority. Now there is a tradition to open shops or services for all the time i.e. twenty-four hours which requires workers to work at any time. These working patterns are needed for the liberalisation of Sunday trading, extension of banking hours, evening or night opening of retail and services or other necessary items (Noon and Blyton, 2002:103). This shift working can help employers and employees as well if they want to work part time or term time basis. Due to the changes of life patterns it becomes necessary to get the benefit for all time in the service sectors, medical facilities, security, transport services or essential services etc. If the companies can arrange flexible working time for the employers they can provide better services for the customers. However some emergency service members have to bear work load or odd timings that everybody wants to avoid (Gardiner, 2007).

Policy makers in the UK have tended to adopt a mutual gain philosophy where flexibility in working time arrangements is seen as a solution of work life balance and family responsibilities. However, companies are in tension for temporal flexibility to meet service demand where managers find difficulties to reconcile for working times. It is especially difficult for twenty-four service delivery in the NHS (Natural Health Services) or

some other emergency services (Gardiner, 2007). For the part time workers it is not easy to utilise their potentialities because they are not engaged in jobs like full working employees and the jobs are designated for or suitable for full time working and they receive same terms and conditions as full time workers. Part timers are given less responsibility and less overtime facility that affect on the workload of the full time employees (Edwards and Robinson, 2004, Rubery, *et al.*, 2005).

Though it seems that women are the main group who can get advantage from the flexible working hours, they are the main sufferer from the flexible working as they are more likely to adjust with their job activity to family responsibilities by taking part time or full time works or short hours. Even they have to quit the job. So they reduce their working life. The consequences of this adjustment of working hour they face high penalties in terms of low payment, poor promotion and limited facility to pensions or other financial benefits. To adjust flexible working time to family responsibilities they have to reduce their working hour, change shifts and patterns of jobs, quit from the labour market that result in working life with a discontinuity of career progression that affect their potential human capital. (Maruani, 1995 in Rubery *et al.*, 1999:251-252; Sigala, 2005:106-119). Data prove that the percentage of women working age (who were engaged exclusively in looking after home and family) went down in the last two years from 17% in 1999 to 13% in 2001 and they have become increasingly involved in paid work (Wise, 2003:13). And men are giving value the family responsibilities being actively involved in parenting (O'Brien, 1992; Russell *et al.*, 1988 cited in Lewis, 2001).

Researchers find that in most occupations (Appendix-4) the rate of 48 working hour or more the number of male is much higher than that of female as the female workers more likely to take time off or to utilise the flexible working time for their family responsibilities. It proves male parents less engage themselves in the family activities (Kersley, *et al.*, 2006:267; Lewis, 2001). From the research findings of Bowey, *et al.*, (1982) cited in Brown (1989) it is seen that majority of British workers are paid on the basis of time rates not performance that indicates flexible working creates impact on wage bargain. In spite of positive and negative consequences it is fact that 'new working-time arrangements are changing the wage-effort bargain and blurring the previously clearly demarcated boundary between work and non-work time' (Rubery, *et al.*, 2005).

6.0 Flexible Working Culture in Bangladesh

From the perspective of definition of flexible working, it does not exist in the organisation either in public or private organisation in Bangladesh. However, some arrangements of flexible working system are followed informally compromising with colleagues (Hazel, 2003; Mohiuddin, 2007). Even long working hour culture is imposed binding with rules and regulations. The concept has been used to utilise the optimum level of human potentiality and to offer a balanced service life to enjoy by the working people. The Constitution of the People's Republic of Bangladesh has an obligation for the employees to serve people all the time (GOB, 1997). This is implied in the government offices where the traditional working time (fixed working time per week) with some other rules and regulations is maintained. Working women can maintain their family life even after performing their official work which is possible for employees in government or some other private offices where traditional working time is maintained. Most private organizations use long working hour culture such as ready-made garments factories which is not suitable for working women. The arrangements of shift and extended working hour hamper their normal life. Sometimes they work without a break during their shift. The working time sometimes starts from 7:30 a.m. and ends at 2 a.m. with home & official work which indicates the extreme business and inhuman condition of female employees (Khaleque, 1988; Rahman, 2004 ; US Department of Labor Affairs). They can not enjoy work-life balanced life (Kabeer, 1997; Rahman, 2004). Informally private sectors offices allow some flexible working time arrangements which are not standardized. Employees can not enjoy the benefit as these are not well written and there is a scarcity of job in the employment market (<http://www.gdrc.org/icm/wind/uis-wind.html>).

Since the rate of unemployment is very much high in Bangladesh, job itself serves as the tool of establishing balance between work and life. Due to the globalization, pressure of foreign agencies, organizations in Bangladesh are sometimes compelled to take some initiatives in favour of employee benefits. Besides, working women in Bangladesh can not enjoy work-life balanced life as they have to perform both the work in office and at home. It is extremely difficult for female employees to maintain their family lives after this long stressful work (Kabeer, 1997; Kabeer and Mahmood, 2004). It is found that female employment in Bangladesh is surrounded by a set of complex social factors (Ahsan *et al.*, 2002). Women's main duties are childrearing, child caring, looking after young children and ageing people and helping at family activities that are

socially constructed concept. Traditionally they are responsible to cook and maintain household works, even for working women (Zafarullah, 2000). Household works include goods and services such as home management, cooking, cleaning and washing, maintenance of house and household durables, child caring, looking after elderly and disabled people, subsistence collecting and gathering, nursing and basic health care provisions, skill impartation to the young etc. (Mahmud, 1997). In that case women have to play dual role in the society. Evidence suggests that a woman works more than double of a man whereas their services are not added to GDP (Majumder, 2001; Rahman, 2004:84). This brings dissatisfaction among female employees.

From the literature review it is found that flexible working brings positive consequences in organisational level and personal level. Organisations in Bangladesh (particularly private organisations) use their premises at the optimum level, utilise human and financial resources changing their working conditions. Labours are being utilised with minimal wages, even the child labour. However, these all are for the financial development of the organisation not for employee benefit which is desired for the sustainable development of the organisation (Hossain and Tisdell, 2005). Here is the difference between developed and developing countries. In developed countries welfare issues of working employees are emphasized whereas organizational issues profit in particular are the prime concerns in developing countries. Another thing is that in some cases informal flexibility is utilised by some organisation for getting better financial benefit which is not added in the GDP of the country (Mahbub, 2007). Here women employees mostly suffer.

7.0 Conclusion

Flexible working is popularly viewed as the means of increasing work life balance for individual, however, from an organisational perspective the benefits of the flexible working may be related to non-standard contracts and elimination of overtime payments, rather than greater work life balance for employees (Houston, 2005:2). It has both positive and negative consequences in the workplace which may affect the business culture, managerial responsibility, career progression for women even in productivity level. These flexible time arrangements help workers maintain balance between their working place and family responsibilities, provide strengths to the employees to take decision in favour of them. These serve as an advantage for employees working in organizations of developed countries where some other social and economic issues are

very supportive for the people. It is very difficult to maintain in developing or under developed countries, particularly in Bangladesh where unemployment is the burning issue. However, still it is dilemma that women think they are more effective and productive at the time of using flexibility of reduced working hours whereas the senior managers do not think so (Lewis and Taylor, 1996: 117-118; Powell and Mainiero, 1999). Even some employees want to work more to earn more and some want to enjoy their family lives. Researchers remark that benefits can be brought for both employers & employees and tensions in business can be resolved by formulating policy at the workplace that there would be a system of taking time off or financial benefit from the overtime in flexible working hours. In that case those who wish to enjoy the family life they would take time off for their family members and those want to enjoy financial benefits they would work more. This seems justified and rational (Gardiner, 2007).

According to the definition of flexible working provided by the Human Resource Management academics it does not exist in Bangladesh particularly in government offices. However, informal flexibility is sometimes maintained by pursuing respective supervising authority which is mainly done the male employees though it is more important for female (Zaffarullha, 2000). Bangladesh is such a country where getting a job is like winning in a battle, flexible working is not a matter of creating work life balance rather any type of jobs brings balance in life. However, due to the significant emphasis on women development by the donor agencies like World Bank, UNFPA, IMF, government is bound to take initiatives for gender mainstreaming, developing women friendly environment, upgrading quality of life etc. In this connection, it is argued to create a congenial working atmosphere and change working conditions so that working mother can make better performance both in workplace and family as researchers in Bangladesh find some reasons behind the imbalance between work and life (Buse, 1999). Researchers find that it is very difficult to create balance between work and life due to many factors related to work, policies of organization and state. These are harsh and manual working condition, lack of social safety net particularly for female employees, limited facility of family friendly policies, limited arrangements of flexible working, bureaucratic management in the procedures etc. Although flexible working arrangement is a recent issue in our working culture, it may be popularised in near future due to its positive consequences for creating work-life balance and organizational benefits.

Appendix-1

Flexible Working: DTI Guidance

<i>Annualized hours</i>	Working time is organized on the basis of the number of hours to be worked over a year rather than a week: it is usually used to fit in with peaks and troughs of work.
<i>Compressed hours</i>	Individuals work their total number of agreed hours over a shorter period. For example, employees might work their full weekly hours over four rather than five days.
<i>Flexitime</i>	Employees can choose their actual working hours, usually outside certain agreed core times.
<i>Homeworking</i>	This does not have to be on a full-time basis and employees can divide their time between home and office.
<i>Job-sharing</i>	Typically involves two people employed on a part-time basis , but working together to cover a full time post.
<i>Shift working</i>	Gives employers the scope to have their business open for a longer periods than an eight-hour day.
<i>Staggered hours</i>	Employees start and finish their day at different times.
<i>Term-time working</i>	Employees can take unpaid leave of absence during the school holidays.

Source: Walsh, J. (2005) 'Work-Life Balance: Challenge the Overwork Culture' in S. Bach (ed) *Managing Human Resources: Personnel Management in Transition* (4th edn), Oxford: Blackwell Publishing. Page-158.

Appendix-2**Types of Flexible Work****Flexible Location**

Flexible location includes:

- working on the move
- working from home
- working from telecentres/satellite offices

Variously described as location independent working, teleworking, telecommuting, home working, remote working, anywhere/anytime working, and many more

Flexible Time

The most commonly found forms of non-standard or flexible hours arrangements are:

- flexible hours or "flexitime" schemes
- part-time working
- jobshare
- compressed working weeks
- annualised hours
- zero hours

Flexible contract

Contractual arrangements can include any of the above, but in particular usually refers to the following kind of arrangements:

- outsourcing
- use of agency workers
- temporary/fixed term contracts
- casual labour

Source: <http://www.flexibility.co.uk/flexwork/index.htm>

Appendix-3

Flexible and family friendly working arrangements, by gender and sector.

Sector					All employees
	Private		Public		
	Male	Female	Male	Female	
	% of employees	% of employees	% of employees	% of employees	% of employees
Flexi-time	24	36	37	39	32
Parental leave	21	30	35	33	28
Job sharing scheme	6	15	23	34	16
Working at or from home	10	6	13	9	9
Workplace nursery/Child care subsidy	6	3	6	9	4
None of these	57	42	40	34	46

Source: Cully, M., Woodland, S., O'Reilly A. and Dix G. (2002) *Britain at Work: As depicted by the 1998 Workplace Employee Relations Survey*, London: Routledge, page-147.

Appendix-4

Employees working over 48 hours per week, by occupation, industry and gender.

	Male	Female	All employees
	% of employees	% of employees	% of employees
Occupation			
Managers and administration	37	21	32
Professional	24	17	21
Associate Professional & Technical	12	3	7
Clerical and Secretarial	9	1	3
Craft and related	20	5	19
Personal and protective service	20	2	10
Sales	15	1	5
Plant and Machine operatives	25	5	20
Other Occupations	17	1	9
Industry			
Manufacturing	23	4	18
Electricity, gas and water	13	6	11
Construction	32	3	28
Wholesale and retail	18	2	9
Hotels and restaurants	19	7	12
Transport and communications	29	5	24
Financial services	22	3	10
Other business services	27	7	17
Public administration	11	3	8
Education	27	10	15
Health	13	2	4
Other community services	15	5	10
All employees	22	5	13

Base: All employees working in excess of 48 hours per week in workplaces with 25 or more employees. Figures are weighted and based on responses from 24,728 employees.

Source: Cully, M., Woodland, S., O'Reilly A. and Dix G. (2002) *Britain at Work: As depicted by the 1998 Workplace Employee Relations Survey*, London: Routledge, page-155.

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Information System Trust and Human-External Protection in Information Combat Environment

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Abstract: Now a day's military command and control (C2) center collects a massive amount of information that is both complex and contradictory. Collected information is often more than can be effectively and efficiently understood by humans. Therefore, today's decision-makers have become reliant upon information systems to filter through the information and fuse that information into a computer presentation of the battle space. The degree of reliance placed in these systems by the decision-makers suggests a significant level of trust. Trust theories and models are rich in the literature, but few have been developed for the human-computer trust relationship. A recent model of trust was found that was both broad in scope and supportive of human-computer trust theories. This model was used to explore the decision-maker's trust in information systems in a C2 environment. Given the vulnerability of information systems to information security incidents such as hacking and data manipulation, this study set out to examine if the presence of such incidents would effect the decision-makers trusting behavior. This study also examined if the use of such external safeguards, such as the Computer Emergency Response Teams (CERT) and the Network Risk Assessment Certifications, would affect the decision-maker. Two laboratory experiments were conducted using a high fidelity C2. The findings from both experiments suggest that the presence of information security incidents in a fast-paced C2 environment have no effect on the decision-makers trusting behavior. Decision makers continued to trust information systems even though information security incidents occurred.

1.0 Introduction

In means of processing and exchanging information not only are information technologies used but also they are increasingly used and relied upon to control and operate critical functions in society. This growing trend has generated sufficient interest by researchers to examine the behavior of people who rely on these information systems [Biros, 26:2002]. Most of the current research efforts have attempted to apply human-human relationship models, such as trust, to the human-information system relationship [Muir, 429:1996]. While these researchers have found some evidence to support the idea that humans trust information systems in the same way humans trust other humans,

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there are enough significant differences to continue this line of research. Unfortunately, this stream of research is somewhat disjoint. In fact, some trust theorists described this situation as a "conceptual morass" [Barber:1983]. While there is no one generally accepted definition of trust, there are some commonalities among these definitions. For example, trust is often defined in terms of a behavior of reliance [McKnight:1999]. Mayer, *et. al*; [Mayer, 709:1995] suggests that as a person becomes reliant (through the act of bestowing trust) on another person, the trustor becomes vulnerable to the trustee. Carrying this concept to the human-information system trust relationship, it suggests that people become vulnerable to potentially negative consequences because of their trust in these systems [Bonoma, 502:1976; Giffin,104:1967]. This vulnerability becomes even greater as society continues to rely on computer technology, not only for simple automation, but also as critical and complex information systems [DeSanctis,121:1994]. This study examines some of the variables that may influence a person's trust in information systems.

2.0 Different Information Manipulation and Information System Automation and Human Trust

Information manipulation related to different concerns perhaps the greatest threat to modern military command and control centers [Kuehl:2000]. A recent Air Force News article painted a vivid picture of this type of attack: "Imagine if you told an F-16 Fighting Falcon pilot to attack a target 550 miles away, and then learned the plane's maximum range was only 500 miles. Or suppose you ordered a C-5 to deliver cargo to an airport where the runway was too short for the plane to land" [Mayer: 2000] This example illustrates the chaos made possible by the intentional manipulation of information in a military command and control (C2) system. The model of intentionally manipulating data is not new or unique to the information age. Zmud [Zmud, 95:1990] proposed that strategic information manipulation via information artifacts could serve to influence decision-making behaviors. McCornack, *et. al*; [McCornack, 83:1996] conceptualize this as Information Manipulation Theory (IMT) and the construct of truth bias. Theories on trust can be found throughout the literature. However, the term "trust" has been either vaguely or narrowly defined. This causes difficulties for scholars who wish to study and compare trust research [Golembiewski:1975].

Primarily having interpersonal trust, a great amount of trust research deals with the advent of the computer age and with the increasing role of information systems play in society, there are a growing number of studies on the trust relationship between humans and information systems. Zuboff [Zuboff:1988] examined how people trust automation in the workplace. This research found that workers tended to either distrust the technology resulting in the lessened use of the automation or over trust in the automation resulting in problems when the automation subsequently failed. Zuboff's observations have been widely supported in empirical studies [Muir, 452:1996, Seong:1999]. Some of the most cited of these empirical studies are Muir's trust in automation experiments [Muir: 1994]. Muir had subjects perform a task on system simulators that had both manual and automated controls. The subjects either experienced random errors with the automated control, consistent errors, or no errors. Muir measured the subjects' trust in the system throughout the duration of the experiment. Muir's findings were consistent with that of Zuboff and others [Wiener, 995:1980]. She found that workers monitoring automation became complacent when the automation was perceived to perform correctly. Similarly, she found workers spent more time monitoring systems considered to be error prone and suggested that following a perceived error, a person's trust will degrade but will gradually recover over time. The findings have been supported in similar studies [Lee, 1243:1992].

3.0 Different Concepts

Observed behavior is often used by human factors researchers to measure trust, especially in the widely studied population of aircrews. In these studies, subjects participate in controlled experiments using the aid of an auto pilot system to control a simulated aircraft. The goal of the research was to study the suggestion that air crews "...have a tendency to over-rely on automation to perform tasks and make decisions for them rather than using the aids as one component of thorough monitoring and decision-making processes" [Mosier, 701:2000]. This phenomenon, which they call "automation bias" is consistent with earlier work on system trust and reliance [Muir:1996]. These studies found significant evidence that this cognitive bias (i.e. automation bias) exists and may be due to excessive reliance on these trusted systems [Mosier:2000]. The phenomenon of automation bias is consistent and similar to another theory called "truth bias" offered by McCornack. Truth bias suggests that as people develop trusted relationships with others, they tend to believe what is told to them

by the trusted person without verifying the information. Furthermore, automation bias and truth bias suggests that decision-makers who rely on and trust information systems may be susceptible to information warfare tactics like information manipulation.

4.0 Model Development and Hypotheses

The model development and hypotheses are largely based on relationships between the various constructs found in McKnight and Chervany's model of trust. However, not all of the constructs in McKnight and Chervany's model were used in this study (Figure 1). Of these constructs, dispositional trust and situational decision to trust are likely to be useful in examining the research question. As evidenced in the automation bias and truth bias studies, people will demonstrate a trusting behavior (e.g. shutting down an engine given a fire indication light) if they have a preconceived trust for that type automation (fire indication light). The construct of dispositional trust captures this facet of trust. However, it might be useful to determine if trusting computers in general is more useful to predicting trusting behavior than trusting computers in specific situations. The latter is captured in the construct of situational decision to trust. This proposed model also includes a construct called *external safeguards*, which is captured in McKnight and Chervany's construct called system trust. Finally, a construct of information warfare was included in order to study the effect of this military-unique factor on trusting behavior in a C2 environment. While McKnight and Chervany [McKnight:1996] show disposition to trust and situational decision to trust as two independent constructs, it is likely that a person's disposition to trust (type A) will have some affect on their decision to trust information systems in a given situation. The reverse of this relationship may also be true. In other words, a person's decision to trust a person or object in a given situation may influence their general beliefs or attitudes about that person or object. This relationship seems likely since both attitudes are formed from some previous experience, and perhaps the same experiences [Rotter, 651:1967].

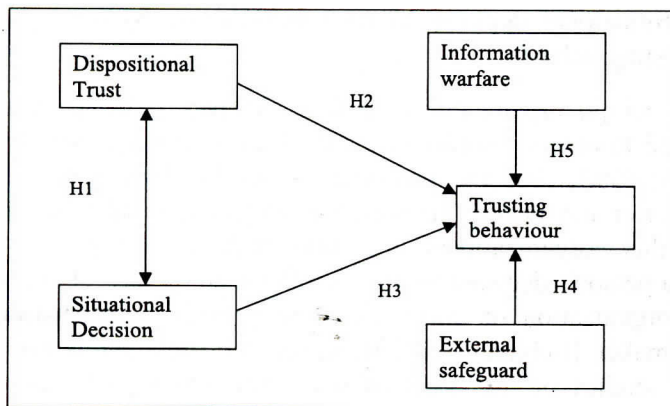


Figure 1. Adapted Model of Trust drawn from McKnight and Chervany

4.1 H1: Trust Information Systems disposition and situational decision to trust are positively correlated with each other

Dispositional trust influences a person's trusting behavior. This type of disposition to trust is often found in military battle commander's who form a general trust for the people and equipment that they work with [Boyd, 5:1992]. An example of this is a general trust in information systems to provide the necessary information for a battle commander to make a decision. This study suggests that dispositional trust will have a positive influence on a person's trusting behavior.

4.2 H2: Disposition to trust Information System positively influences trusting behavior

Studies in naturalist decision-making provide evidence that decision-making is situational in nature. The Recognition-Primed Decision (RPD) Model describes the importance of the situation with respect to forming a decision [Klein:1988]. The literature also suggests that the more positive experiences decision-makers have with objects, like information systems, the more likely they will trust the object [Mosier, 701:2000]. This phenomenon was observed in studies that examined automation bias in airline pilots. Experienced airline pilots tended to take action (i.e. trusting behavior) based solely on the information received from an automated decision support system in certain situations. Given the finding that a positive attitude or belief in a system will lead to a behavior, this study proposes that McKnight and Chervany's attitudinal construct of situational decision to trust will positively affect trusting behavior.

4.3 H3: Situational decision to trust Information Systems positively effects trusting behavior

In higher tempo organizations, such as military units, personnel are conditioned to others in order accomplish their own mission objectives [Weick,361:1993] observed this behavior on the flight deck of a navy aircraft carrier and termed this behavior "collective mind." The literature supports this organizational form and mode of operation in that it suggests a person's decision to trust is influenced by the belief that some external organization or entity exists to provide a safeguard to the decision maker [Luhman:1991] However, the literature is not rich in empirical studies of this facet of trust. This study proposes that the construct of external safeguards will have a positive effect on a decision-maker's trusting behavior.

4.4 H4: External Safeguards will have a positive effect on trusting behavior

Much has been theorized about the effects of information warfare or strategic information manipulation on decision-makers, but little empirical research exists [Zmud, 98:1990]. What little empirical evidence does exist, suggests that the perception of information warfare events, such as computer viruses or information manipulation, will have a negative effect on decision-makers [Yeung, 8:1999].

4.5 H5: Negative effect on trusting behavior by presence of information manipulation

In summary, a person's general disposition to trust coupled with his or her situational disposition should have an influence on their trusting behavior in information systems. They should also influence each other. Further, trusting in information systems to support decision making behaviors will be positively influenced by the presence of external safeguards, but negatively influenced by an information warfare environment such as when the information system is under attack or when the system reliability has been degraded in some fashion.

5.0 Experimental Design

It was used high-fidelity computer simulator, the Distributed Dynamic Decision-making (DDD) simulator. This high-fidelity system produced a microworld within which subjects were immersed into a complex C2 computer simulation. Computer simulated microworlds offer a bridge between laboratory and field experiments by providing a realistic and

naturalistic environment and greater experimental control. While this experiment was conducted in laboratory setting, the high-fidelity DDD system closely simulates a real-world C2 decision-making environment [Entin, 292:1997]. The DDD system allowed for the collection of quantitative measures over the course of each experimental trial, as well as measurable attitudes and beliefs through a pre and post survey questionnaire. Two experiments were developed to test the hypotheses using the DDD system. Before the experiments commenced, a pilot study using 10 graduate students at a university in the mid western US was accomplished to insure the methodology was sound.

5.1 Experiment 1

In experiment1 sample size $n=56$. The ages of subjects ranged from 19 to 46 years old and their experience ranged from 0 to 50 hours of combat C2 experience. The typical duties of the respondents were very similar to the tasks required in the experiment using the DDD. Each subject experienced only one of the four possible conditions. Each subject was given training on the weapon system concept and computer interface. Following training, each subject was tasked by the experiment administrator to perform a hidden-profile, decision-making task that involved the control of multiple Unmanned Combat Aerial Vehicles (UCAV's) to defend one of four air space zones on a computer display. Control of each UCAV was performed through various user actions on the DDD system. The UCAV system was described to the subjects as a new operational command and control system being field tested by the research laboratories. The participants were tasked to identify incoming air tracks by electronically directing UCAVs to move within sensor range. Air tracks are a computer representation of an aircraft radar signature displayed on the participant's computer display. If the air track was identified as a hostile, they were authorized to attack the target without the need for further verification. They were told the objective of their mission was to stop all hostile tracks before they entered protected airspace. The participants were told that the UCAV computer system could automatically determine the identity of any air track once it was within the UCAV's sensor range. They were also told the computer system was 100 percent accurate in both algorithmic and display processing. The participants were cautioned that information from the UCAV aircraft and the computer system traveled across an unclassified local area network (LAN) and was therefore vulnerable to Information Warfare attacks. They were further cautioned that the simulation might

contain a simulated IW attack against the LAN. The participants were given a means to communicate electronically to verify the identity of air tracks, once the air tracks had been identified by their UCAV. Five minutes into the simulation all participants received a threat message from a simulated network participant; the Network Security Force (NSF) that indicated an attempted attack against the network had occurred. During training, the participants were told the role of the NSF was to monitor and protect the networks in the region against IW attacks. Two new tracks appeared approximately 10 seconds following the message from the NSF. For treatment groups three and four, one of these tracks appeared as a friendly when in fact it was a hostile. The other track appeared as a hostile when it was actually a friendly. If the subjects destroyed the friendly aircraft, a visual and audible alarm was triggered indicating a fratricide had occurred. In addition, subjects could perceive this error by observing a decrement to their defensive score. The first experiment manipulation was the construct called *external safeguards*. It was operationalized in the form of a simulated game participant called the Network Security Force (NSF). The NSF was described as an external agency that was not actually part of the UCAV system. Subjects were told that the NSF's role was to monitor and protect the LAN against IW attacks. The NSF was, in essence, an external safeguard that contributed to the subject's sense of normality and confidence by providing alerts to the subjects of IW attacks. Treatment groups one and four were told by the experiment facilitator that the NSF was very effective (90%) at detecting enemy information attacks and defending the network against these attacks. Treatment groups two and three were told by the experiment facilitator that the NSF was not very effective (60%) in the same tasks. The second manipulation, Information Warfare (IW), was operationalized in the form of an information manipulation resulting in two *spoofing* events. Spoofing is a tactic whereby the enemy has covertly gained access to the system and manipulates the track identity, such that a friendly aircraft appears on the display as an enemy and an enemy aircraft appears on the display as a friendly. Treatment groups three and four were subject to an information manipulation event during the simulation, while treatment groups one and two were not. The effectiveness of the manipulations was measured by two different methods. The effectiveness of the External Safeguard manipulation was checked by a post-training multiple-choice test. Three questions on this test measured different aspects of the External Safeguard entity in this experiment, the Network Security Forces (NSF). The effectiveness of the Information Warfare manipulation was measured both by the post-test

multiple-choice test referred to above, as well as counting the number of spoofing acknowledgment messages sent by subjects who experienced the manipulation. Cognitive phenomena like attitudes, motivations, expectations, intentions, and preferences can be difficult to observe. Therefore, a survey consisting item clusters that measured these attitudes was developed and administered before and after each experimental trial. The item clusters were and adapted from self-reporting measurements developed by McKnight and others to assess the subject's attitudes and beliefs. Dispositional trust and situational decision to trust were operationalized and measured through the use of a survey that employed a cluster of items using a five-point Likert-like scale. A factor analysis was performed to derive a correlation matrix and ensure the items loaded on the predicted number of factors. In addition, a reliability analysis was performed to derive reliability coefficient alpha for the items. The reliability analysis produced an $\alpha = .72$. This reliability level is sufficient for this type of study [Nunnally:1994]. Trusting behavior was operationalized in terms of the user's action or inaction based on information received from the UCAV system. In this case, trusting behavior was measured by examining how many times the user requested identification verification from an external source before taking an action or inaction. Therefore, the act of expending solely on the UCAV system is an indicator and measure of trusting behavior.

Analysis and Results (Experiment 1) Hypothesis H1 predicted a positive correlation between disposition to trust and situational decision to trust. A review of the correlation analysis shows a significant positive correlation (.372) between disposition to trust and situational decision to trust at a significance level of $p < 0.001$. This finding supports Hypothesis 1 and suggests that if decision-makers trust computers in general, they will also tend to trust computers in a command and control or other high tempo environment. Hypothesis H2 predicted disposition to trust would have a positive effect on trusting behavior. The results from the regression analysis do not show disposition to trust to be significant ($p = .401$, $\beta = -.574$) at the 0.05 level. This finding does not support Hypothesis 2 which suggests that a decision maker's trust of computers in general is a useful predictor of their willingness to trust information presented to them on a C2 information system. Hypothesis H3 predicted situational decision to trust would have a positive effect on trusting behavior. The results from the regression analysis above show situational decision to trust to be marginally significant ($p = .069$, $\beta = -1.084$). This finding supports Hypothesis 3 which suggests that a military commander's trust in computers in a C2 environment is a useful predictor of their willingness

to trust information presented on a C2 information system. Hypothesis H4 predicted external safeguards would have a positive effect on trusting behavior. The results from the regression analysis show external safeguards to be significant ($p = .881$, $\beta = .127$). Therefore, these findings offer no support for Hypothesis 4 which suggests a decision maker's belief in the effectiveness of an external safeguard to a C2 information system would have a positive effect on their willingness to trust information presented on the C2 information system. Hypothesis H5 predicted information warfare would have a negative effect on trusting behavior. The results from the regression analysis show information warfare not significant ($p = .882$, $\beta = -.9455$). Therefore, there is no evidence to support that the perceived presence of an information warfare attack has a negative effect on a decision maker's willingness to trust the information received from an information system. Discussions with some of the participants following the experiment indicate that they were so busy concentrating on performing the required tasks that they either did not have time to contact for verification or had forgotten about the option to contact. This perceived high task load may have resulted in the low number of contacts made with them. This is consistent with Biros and Daly's finding regarding task load and system trust. Therefore, a second experiment was designed to validate the findings from the first experiment and eliminate possible problems with task load.

5.2 Experiment 2

A similar command and control (C2) scenario was developed for use with the same high-definition simulator for easier comparison of results between the two experiments. This experiment collected quantitative measures of subject behaviors over the course of each experimental trial, as did the computer simulator used in the first experiment. This was done in order to allow for measurable attitudes and beliefs through a pre and post survey questionnaire in the same basic fashion as the first experiment. This experiment maintained the same between group design as the first experiment in which the same two independent variables were manipulated. Each participant was given training on the simulator and computer interface. Following training, each subject was tasked by the experiment administrator (acting as a military laboratory field evaluator and reading from a script) to perform a hidden-profile, decision-making task that involved the control of multiple fixed Surface-to-Air Missiles (SAM). Control of each SAM site was performed through various user actions on the DDD system. Subjects were tasked to identify incoming air

tracks by comparing the icon information from the graphical display with a list of automated electronic messages sent by the radar sites. If the air track was identified and confirmed by the subject as a hostile, they were authorized to attack the target using one of their SAM sites. Subjects were told the objective of their mission was to stop all hostile tracks before they entered protected airspace. Subjects were further told that while the computer system would automatically determine the identity of all air tracks, it was possible for the automated messages sent to the computer system to be manipulated by the enemy. The number of tasks required to perform their mission were substantially reduced in this experiment in order to reduce the potential problem of task saturation observed in the first experiment. Unlike the first experiment where the IW threat and network defender were simulated, the experiment administrator introduced two people to the participants. This was done following the introduction part of the training. The participants were told these two people would be playing the role of the network attacker and the other as network defender. The participants were then told these individuals would be located in the next room where they would perform their tasks. The experiment administrator instructed the participants that they should expect to receive electronic messages from the network defender if he or she detected a network attack by the attacker. In actuality, both of these people were portraying the role of subjects. Following this explanation, these two people left the room and performed no further part in the experiment. Also unlike the first experiment, subjects were not given a means to contact another party in order to confirm the identity of the tracks. Due to the problems identified in the last experiment with this measure (i.e. the measure resulted in only one or two states: contacted or not contacted), a more robust and descriptive measure was developed for this experiment. This new measure was accomplished by requiring subjects to set a confidence level for each hostile track before initiating an attack. The confidence level was a scale from 1 to 5, where 1 represented very low confidence in the track identity and 5 represented very high confidence in the track identity. This confidence level was also tied to the scoring system so that points were calculated as a function of confidence level. Another group of sampling size 38 were selected the ages of subjects ranged from 24 to 56 years old. The experiment manipulations were the same as in the first experiment. The participants were told that the NSF's role was to monitor and protect the LAN against IW attacks. The NSF was, in essence, an external safeguard that contributed to the participant's sense of normality and confidence by

providing alerts to the subjects of IW attacks. Treatment groups one and four were told by the experiment facilitator that the NSF was very effective (97%) in detecting enemy information attacks and defending the network. The second manipulation, IW, was operationalized in the form of an information manipulation resulting in spoofing events as in the first experiment. The number of spoofing events was increased from the two in the first experiment to four in the second experiment in order to strengthen this manipulation. The IW manipulation required the user to perceive an IW attack. To achieve the perception of the IW manipulation, the DDD software was modified so that if a user attacked a friendly aircraft (to include a friendly aircraft spoofed as an enemy aircraft) an audible alarm would sound followed immediately by a pop-up window that displayed a warning message. A mouse click action was required to end the audible signal and close the pop-up window. The act of canceling this signal was used as an indication that the user perceived the IW spoofing manipulation. When the experiment was complete, subjects were given a survey and multiple-choice quiz similar to those in the first experiment. The survey, again, served as a manipulation check to ensure the subjects did indeed know they were under an information attack.

5.3 Results and Analysis (Experiment 2)

A regression analysis was conducted using the same predictors as in the first experiment: Constant, disposition to trust (DT), situational decision to trust (SDT), information warfare (IW), and external safeguard (ES). However, the dependent variable used in this model was the confidence level assigned to each air track by the subject prior to making a decision (i.e. trusting behavior). The results from the regression analysis show the model to be significant at the .05 level ($df=4$, $F=2.788$, $p=0.042$). Hypothesis H1 predicted a positive correlation between disposition to trust and situational decision to trust. A review of the correlation analysis shows a significant positive correlation (.603) at a significance level of $p < 0.001$ level (1-tailed) between a subject's disposition to trust computers in and their situational decision to trust computers in a specific situation. Hypothesis H2 predicted disposition to trust would have a positive effect on trusting behavior. The results from the regression analysis represent disposition to trust to not be significant ($p = .761$, $\beta = .060$) at the 0.05 level of significance. This finding does not support Hypothesis 2 and suggests that a decision maker's trust of computers in general is a useful predictor of their willingness to trust information presented to them on a C2 information system. Hypothesis H3 predicted situational decision to trust would have a positive effect on trusting behavior. The results from

the regression analysis above show situational decision to trust to be marginally significant ($p = .076$, $R^2 = .353$). This finding supports Hypothesis 3 and suggests that a decision maker's trust in computers in a C2 environment is a useful predictor of their willingness to trust information presented to them on a C2 information system. Hypothesis H4 predicted external safeguards would have a positive effect on trusting behavior. The results from the regression analysis show external safeguards to be marginally significant ($p = .077$, $R^2 = -.282$). However, the beta coefficient is the opposite from what was predicted in Hypothesis 4. That is to say, while there is no evidence to support the hypothesis that a decision maker's belief in the effectiveness of an external safeguard is a useful predictor of their willingness to trust information presented to them on a C2 information system, there does appear to be some suggestion that the opposite may be true. Hypothesis H5 predicted information warfare would have a negative effect on trusting behavior. The results from the regression analysis represent information warfare not to be significant ($p = .965$, $R^2 = .007$). Therefore, there is no evidence to support Hypothesis 5 which suggests that the perceived presence of an information warfare attack, such as the manipulation of air track data, has a negative effect on a decision maker's willingness to trust the information received from a information system.

6.0 Discussion

The question of research for this study was what affect external safeguards has on human- information systems trust in an information warfare domain. It was found that dispositional trust and situational trust were well correlated with each other. However, no evidence was found to suggest that external safeguards or an information warfare environment had any influence on the participants trusting behavior. Post experiment interviews suggested that participants were so involved in the task domain that they lost focus of the external safeguards and IW present in the experiment. This task saturation seem so influential that a second experiment was designed to mitigate its effects. It also employed the command and control simulator. However, rather than use a three-dimensional aircraft tracking simulation, the second experiment used a 2 dimensional surf-to-air missile (SAM) simulation. This served to reduce the task load on the participants. Like the first experiment, the second found support for hypothesis 1, and it found support that disposition to trust will have a positive influence on trusting behavior. As with the first experiment, no support was found to suggest that the presence of external

safeguard would have a positive affect on participants trusting behavior. Further, no support was found to suggest that an IW environment (i.e. computer attack) would have a negative influence on trusting behavior.

7.0 Conclusion

The findings from these experiments suggests that humans place a great amount of trust in the information systems they use to support their decision making in high tempo situations. In the presence of dangerous situations such as information warfare environment, as evidenced by the two experiments presented, human information systems users tend to focus on the tasks they need to accomplish and fail to consider the consequences of doing so. Further, when external safeguards such as computer security entities and back up systems are available, the participants in these studies continued to rely in their primary information systems and did not use the available external safeguards. This research highlights the vulnerability to deception faced by decision-makers who rely on information systems. While it is thought the external safeguards and warnings of possible computer attack would affect decision maker's trusting behavior toward the information systems they use, the finding from the two experiments conducted for this research do not support that thinking. Further, this study serves to underscore the importance of continued research in system security and reliability.

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Absenteeism of Female Workers at Night Shift: A case Study in SQ Sweater & Knitting Industry

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Abstract: Absenteeism is a great problem in many organizations. Acute absenteeism involves a considerable loss to the organization because work schedules are upset and delayed and management has to give overtime wages to meet the delivery dates. The main objective of our study is to find out the causes of absenteeism and their significant effects on absenteeism among the female workers at night shift in SQ Sweater & Knitting Industry. We collected data from the 300 female workers of SQ Sweater & Knitting Industry. A sample of 40 female workers was selected by simple random sampling without replacement from a population of size 300. We have selected two types of variables for our research—dependent variable, and independent variables. It was found from multivariate analysis that only 17.3% variation of the dependent variable can be explained by the independent variables. So, there are some other independent variable(s), which may have influence on absenteeism. This study presents the causes of absenteeism and the impact of absenteeism on productivity and some recommendations to bring it under a tolerable limit. Further, it looked into absenteeism of female garment workers at night shift in particular.

1.0 Introduction

1.1 Background

One of the most frequently mentioned problems in organization is absenteeism. The cost benefit analyses due to absenteeism encourage management to examine it carefully. In recent years for industry, job absence rates have averaged about 3 percent per month. Absence rates for the United States compare favorably with those in other industrialization countries. Absence rates in manufacturing responsibilities, women have a higher absence rate than men. Younger

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workers tend to have higher absence rates than old in case of hourly paid employees.

The common opinion is that there is non-adjustment and poor commitment to work on the part of the Bangladeshi worker is partly based on high rates of absenteeism. Absenteeism is said to be there when an employee fails to come to work when she/he is scheduled to work. It is an important problem in many enterprise. Excessive absenteeism involves a considerable loss to the enterprise because work schedule s are upset and delayed, and management has to give overtime wages to meet the delivery dates. The rates of overtime wages are double than the normal rates of wages. Therefore, study of causes of absenteeism is essential to deal with the problem.

The reasons for absenteeism from the regular work are hard nature of jobs, monetary in the work and personal problems. This leads to absenteeism. It is a normal and natural tendency among the factory workers. Absenteeism means absence of workers from the regular work without prior permission, notice or sanction. It is unauthorized leave and is different from regular leave or holiday, in brief, absenteeism means absence that is avoidable and willful. Unauthorized absence from regular duty is absenteeism. However, absence on account of strikes, lockouts etc, does not constitute absenteeism.

1.2 Objectives of Study

The main objective of our study is to find out the causes of absenteeism and their significance on absenteeism among the female workers at night shift in SQ Sweater & Knitting Industry. Labor absenteeism is harmful to both the employers and the workers. Normal work-flow in the factory is disturbed. Overall production in the factory goes down. Difficulties arise in executing the orders in time. So, the study was carried out in order to find out the reasons for absenteeism and to take necessary actions to solve the problems of absenteeism.

2.0 Methodology

2.1 Research Design

The main objective of our study is to find of our the causes of absenteeism and their significance on the female workers at night shift. To identify the independent variables that cause absenteeism, first we collected the opinions of some key management personnel and workers about the causes of absenteeism. Further, we also study some books, journals and website relating to absenteeism.

We also identified some variables that influence absenteeism. To measure their relative effect on absenteeism a multivariable analysis is done. SPSS 10.0 was applied to analyze the data.

2.2 Identification of the Variables

Two types of variables were selected for this research—dependent variable and independent variables.

Dependent Variables:

- Number of days absented in the last 3 months.

Independent Variables:

- Age
- Marital Status
- Working at night is detrimental to health
- Wages do not compensate for working in the night shift
- Transport facility may reduce absenteeism
- There is insecurity to working during night.

2.3 Sources of Data

There are 300 female workers in SQ Sweater & Knitting Industry. Our targeted respondents are female workers of SQ Sweater & Knitting Industry. A sample for 40 female workers was selected by simple random sampling without replacement from a population of size 300. They were interviewed successfully to know their opinion regarding absenteeism. Theses response rate was 100 percent. Raw data were being collected by close ended questionnaire o the female workers on five points scale.

3.0 Reasons for Absenteeism

Absenteeism problem is common to the industry. It becomes a real problem when it exceeds 10% as it disturbs the production scheduled and creates many problems. The researchers of Human resource department found that generally a small percentage of employees (15% approx) account for a large percentage of absenteeism (70% approx). These employees are likely to have low interest in their work. It is also revealed that the days before and after a holiday is liable to higher rate of absenteeism. Women are absent more often than men. Bad weather increases absenteeism, especially among employees who live at distant places. Employees under the age 25 years and above the age of 55 years

are more often than those in the age group of 26 to 55 years. Operative employees are absent more frequently than the supervisors and managers.

It is almost impossible to find the exact reasons and their percentage. The evaluator of the personal program should classify the data relating to absenteeism and try to analyze the various causes of absenteeism. Generally, the following reasons are accountable for absenteeism at work.

- *Nature of work:* When work is tough and monotonous in nature, the worker gets tired physically and mentally. So, he frequently remains absent without information to the employers.
- *Poor Working Condition:* Poor working conditions affect the workers health adversely. He is tired of work-environment and thus may remain away from work without any notice to the employers.
- *Absence of regular leave arrangement:* Every worker requires at least 15 to 20 days leave in a year for his personal work. The employers should arrange for such leave to all workers. However, in many factories, workers are not given leave as and when required. Naturally, workers remain absent without any intimation to the employer. Thus, absence of regular leave arrangement leads to labor absenteeism.
- *Accident:* Industrial accidents and occupation diseases bring about absenteeism depending upon the nature of the process and machinery used. Accidents make the workers incapable of work for some day. They also create mental problem.
- *Poor Control:* Poor production and control can result in absenteeism. Unless the flow of work between departments is balanced and continuous, workers away stay from their jobs because they lose their interest in the work and also lose the feeling of the importance of being dependable.
- *Absence of transport facilities:* Many factories are located away from the city limits. Naturally, workers have to travel long distances. In case of any disturbance in the transport system, workers are unable to reach their place of work at proper time and they have to remain absent. Thus, transport difficulties lead to labor absenteeism.
- *Lack of interest:* Lack of interest and lack of a feeling of responsibility and worth-whileness are also fundamental causes of absenteeism. Attitude of mind caused by environmental sociological factors may condition some to develop a feeling of irresponsibility about going to work.

- *Attraction to village life:* Majority of Bangladeshi workers come from villages to towns for employment. Physically, they are in town, but mentally they are in villages. Their relatives and family members are in the villages and naturally, they feel like visiting their villages often. This leads to labor absenteeism. In addition, workers have to go their native places due to illness of family members, court matters, religious festivals, agricultural operations, etc. Such causes lead to high labor absenteeism.
- *Alcoholism and gambling habit:* A number of workers in cities are used to drinking, gambling and other bad habits. Such workers are not able to attend duties regularly. This leads to absenteeism particularly among the male workers.
- *Miscellaneous causes:* A miscellaneous causes including such factors as bad weather, another job, personal business, friends visiting from distance location, absence of script discipline, willful disregard to rules, religious and social festival etc.

4.0 Effects of Absenteeism

Absenteeism of workers is harmful to both the employers and the workers. The problem arises due to absenteeism are as follows:

- o Normal work-flow in the factory is disturbed
- o Overall production in the factory goes down
- o Difficulties arise in executing the orders in time
- o Casual workers may have to be employed to meet production schedules. Such workers are not trained properly.
- o Overtime allowances increase considerably because of higher absenteeism
- o When a number of workers absent themselves, this is extra pressure of work and on their colleagues who are present.
- o Workers lose wages for the unauthorized absence from work.
- o Habitual absenteeism may remove from service causing them great hardship.

5.0 Measures to Control Absenteeism

Suitable measures has to be introduced to reduce labor absenteeism, it is not possible to remove it completely. Such measures should be related to the important causes responsible for high labor absenteeism. The possible measures which can be adopted are as follows:

- i. Proper selection: Right person should be placed at the right place.
- ii. Proper Orientation: the new employees should be inducted in such a way that their critical attitude is reduced as quickly as possible to avoid absenteeism.
- iii. Better working conditions: workers remain absent due to hard nature of jobs and bad working conditions. An employer can provide proper working conditions so that workers may not have industrial fatigue. Similarly, it is possible to make a hard job a little lighter by introducing suitable measures. For example, mechanical devices should be used to reduce manual labor of workers. It is possible to reduce labor absenteeism to a considerable extent by providing proper working conditions.
- iv. Provisions of transport and housing facilities: Workers remain absent due to housing faculties: Workers remain absent due to housing, transport and other difficulties. It is possible for the employer to provide free or concessional transport facility to workers from their residence to the factory gate. This will reduce absenteeism of workers.
- v. Incentive bonus to regular employees: Cash prizes may be given to those who are regular through the year. Workers who are regular may be given special bonus for their regularity. Regularity in attendance should be taken into consideration while giving promotions. Such positive measures encourage workers to be regular in their attendance.
- vi. Disciplinary action: Proper actions should be taken against those who have the habit of taking leave without proper sanction. Before taking any disciplinary action against the chronic offenders, their names should be adequately published in the organization if the need arises, the chronic offenders may be disciplined by layoffs, discharges and loss of promotion and other privileges.
- vii. Prevention of accidents: Industrial accidents or even fear of industrial accidents increase absenteeism. The management should take adequate safety measures to minimize industrial accidents in the workshop.

- viii. Effective supervision: Absenteeism can be reduced to a great extent by effective supervision. Supervisors and foreman should be given adequate training to deal with various problems of workers. Absenteeism will be at a low level if the supervisors are able to win the confidence of the workers.
- ix. Employee counseling: Absenteeism is essential related to individual behavior and can be better tackled through guidance and counseling. Workers should be give proper education and orientation as regards absenteeism and their ill effects on them. They should be encouraged to be regular through proper information, education, and guidance. Habitual absentees should be called be the personnel counselors to increase upon the seriousness of their absence and the need to be regular.

6.0 Analysis

6.1 Multivariate Analysis

Most business problems are inherently multidimensional. When problems are multidimensional and three or more variables are involved, we utilize multivariate analysis. Multivariate statistical analysis allows the effects of more than one variable to be considered at one time.

6.2 Multiple Regression Analysis

Multiple Regression Analysis is an extension is bivariate regression analysis, which allows for the simultaneous investigation of the effects of two or more independent variables on a single interval scaled dependent variable.

In this study the multiple regression models are:

$$y = \alpha + \beta_1 x_1 + \beta_2 x_2 + \beta_3 x_3 + \beta_4 x_4 + \beta_5 x_5 + \beta_6 x_6$$

$$= \alpha + \sum_{i=1}^6 \beta_i x_i$$

Where,

Y = Number of days absented in the last 3 months

X_1 = Age

X_2 = Marital Status

X_3 = Working at night is detrimental health

X_4 = Wages do not compensate for working in the night shift.

X_5 = Transport facility may reduce absenteeism

X_6 = There is insecurity to working during night

6.3 Statistical Analysis

The study is based on the data collected from a sample of 40 female of Paramount knitting industry. The aim of the study is to examine the causes of absenteeism of female workers during night shift, and their significance.

Descriptive

	N	Minimum	Maximum	Mean	Std. Deviation
Number of days absent in the last three months	40	1.00	3.0	2.6000	.59
Age	40	1.00	3.0	1.7000	.8829
Marital Status	40	1.00	2.0	1.1750	.3848
Detrimental to health	40	1.00	4.0	1.9000	1.0813
Wages do not compensate to work at night	40	1.00	5.0	1.9250	1.1851
Transport facility may reduce absenteeism	40	1.00	5.0	2.1000	1.2362
there is insecurity to work at night	40	1.00	5.0	3.9250	1.2066
Valid N(list wise)	40	1.00			

Frequencies Statistics

		Number of days absent in the last three months	Age	Marital status	Wages do not compensate to work at night	Transport facility may reduce absenteeism	there is insecurity to work at night
N	Valid	40	40	40	40	40	40
	Missing	2	2	2	2	2	

Frequency table

Number of days absent in the last three months

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	low	2	4.8	5.0	5.0
	medium	12	28.6	30.0	35.0
	high	26	61.9	65.0	100.0
	Total	40	95.2	100.0	
Missing	System	2	4.8		
	Total	42	100.0		

Age

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	married	33	78.6	82.5	82.5
	unmarried	7	16.7	17.5	100.0
	Total	40	95.2	100.0	
Missing	System	2	4.8		
	Total	42	100.0		

6.3.1 Findings of Statistical Analysis

The findings of the statistical analysis are as follows:

- i) In the last three months per female worker was absent in 2.6 days in average. So it is said that absenteeism rate is high.
- ii) 61.9% female workers are at the high absenteeism level.
- iii) 82.5% of the total respondents are married.
- iv) 47.5% of the total respondents strongly agreed, 30% agreed and 15% disagreed with the statement "Working at night is detrimental to health"
- v) 50% of the total respondent strongly agreed, 25% agreed and 7.5% disagreed with the statement "wages do not compensate for working in the night shift"
- vi) 37.5% of the total respondents strongly disagreed and 40% disagreed with the statement, "there is insecurity to working during night"
- vii) 42.5% of the total respondents' strongly agreed and 27.5% agreed with the statement, "Transport facility may reduce absenteeism."
- viii) Multivariate analysis shows that only 17.3% variation of the dependent variable can be explained by the independent variables, so, there are some other independent variable(s), which may have influence on absenteeism.
- ix) The variable, "working at night is detrimental to health", "wages do not compensate for working in the night shift", and "Transport facility may reduce absenteeism" have positive impact on absenteeism which the variable "marital status" and "there is insecurity to working during night" have negative effect. The variable "age" has very negligible effect on absenteeism.

7.0 Recommendations

Working at night is detrimental to health; wages do not compensate work in the night shift, Transport facility may reduce absenteeism etc have positive impact on absenteeism. Since the independent variables selected in this study are liable to explain only 17.3% of total variation in the no. of days absent since last three months. So, there are some other important reasons which have impact on the dependent variable. We have to find out

those reasons. However, this study suggests the following recommendations to reduce absenteeism:

- i) Increasing wages to compensate to work in the night shift;
- ii) Ensuring transport facility for working in the night shift;
- iii) Increasing the medical allowances to the night shift workers.

8.0 Conclusion

Absenteeism in industrial life is one of the alarming issues resulting greater cost than the direct payment of wages or salaries and other benefits paid to the absentee. The success of an enterprise largely depends on a group of employees who work regularly and sincerely. Absenteeism is the failure of employees to report for work when they are scheduled to work. Our garment sector dominated by female workers is still now the pioneer exporting earning sector. This study presents the causes of absenteeism and the impact of absenteeism on productivity and some recommendations to bring it under a tolerable limit. This study looked into absenteeism of female garment workers at night shift in particular. It was found that the garments managements in some cases were helpful in solving the social problems faced by the female workers. But they were responsible for both economic and health causes- such as irregularity in payment of salaries and wages, long working hour, strict and insufficient leave policy, unhealthy working environment etc. So, authority should take necessary steps to minimize it and ensure the productivity of our female workers.

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সালিশ ব্যবস্থার পুনর্গঠন মাদারীপুর লিগাল এইড এসোসিয়েশন প্রসঙ্গ

কে এম মহিউদ্দিন *

Abstract: Shalish is an old system resolving petty disputes both civil and criminal in local level. Social scientists observed that the poor section of the society is deprived of social justice. Disadvantaged class is often deprived of justice. In recent years NGOs have been intervening the traditional shalish system for refashioning the system. Madaripur Legal Aid Association (MLAA) is pioneer in this field. MLAA has been working to make the traditional shalish system more effective by removing the barriers that do not favour the poor. This paper attempts to analyze the activities of MLAA in refashioning the traditional shalish system.

ভূমিকা

প্রাচীন কাল থেকেই গ্রামাঞ্চলে বিরোধ নিরসনে সালিশী ব্যবস্থা চলে আসছে। আর্থিক সুবিধা, দ্রুত নিষ্পত্তি, সাধারণ মানুষের অংশগ্রহণ এবং আধুনিক বিচার ব্যবস্থার জটিলতার কারণে এখনও বিরোধ নিষ্পত্তিতে সালিশী ব্যবস্থা প্রচলিত আছে। বিরোধ নিষ্পত্তির ক্ষেত্রে এ প্রক্রিয়াটি গ্রামীণ সাধারণ মানুষের কাছে সরল ও সহজবোধ্য - তবে রাজনীতির উর্ধ্ব নয়। এখানে যারা সালিশ কার্য পরিচালনা করে থাকেন তারা গ্রামের প্রধান, কোথাও তাদের প্রামাণিক, মন্ডল, মাতব্বর, সর্দার ইত্যাদি বিশেষণে বিশেষায়িত করা হয়। এই বিচার ব্যবস্থায় বিচারকের পক্ষপাতিত্ব দেখা যায় এবং কখনো কখনো তারা তাদের দীর্ঘমেয়াদী শ্রেণীস্বার্থের কথা বিবেচনা করে শ্রেণীবদ্ধদের স্বার্থে বিচারকার্যকে প্রভাবিত করে থাকেন। সালিশে নেতৃত্ব প্রদানকারী ধনী অভিজাত শ্রেণীর ওপর সাধারণ মানুষের অর্থনৈতিক নির্ভরশীলতা, সচেতনতার অভাব ও অসংগঠিত হবার কারণে তারা সালিশে বৈষম্যের শিকার হলেও প্রতিবাদ করতে পারেন না বরং ভাগ্যের ওপর নিজেদেরকে সমর্পণ করে থাকেন। আশির দশকের শেষ দিকে প্রথাগত সালিশের সীমাবদ্ধতা দূর করে বিরোধ নিরসনের এই পদ্ধতিকে কার্যকর করে তোলার জন্য বেসরকারি সংগঠন বা এনজিও'র উদ্যোগ লক্ষ করা যায়। বর্তমান প্রবন্ধে এনজিও'র উদ্যোগে কোন অবস্থার পরিপ্রেক্ষিতে এবং কিভাবে সালিশ ব্যবস্থার পুনর্গঠন করা হচ্ছে তা বিশ্লেষণ করা হয়েছে। এ ক্ষেত্রে মাদারীপুর লিগ্যাল এইড এসোসিয়েশন এর প্রয়াসের ওপর আলোকপাত করা হয়েছে।

সালিশ: বিরোধ নিরসনের সনাতন পদ্ধতি

বিরোধ মীমাংসার পদ্ধতি হিসেবে সালিশ ব্যবস্থা নতুন কোন ধারণা নয় - এর শেকড় প্রোথিত আছে প্রাচীন ভারতীয় সমাজে। তৎকালীন সমাজে প্রচলিত মূল্যবোধ ও প্রথার ভিত্তিতে বিবদমান দু'পক্ষের মধ্যে সমঝোতা বা মীমাংসার জন্য সালিশ ব্যবস্থা প্রচলিত ছিল।

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প্রাচীন ভারতের গ্রামাঞ্চলে বয়োজ্যেষ্ঠ ও সম্মানিত ব্যক্তিরাই গ্রামের সকল অধিবাসীদের মধ্যে বিবাদ-বিসংবাদ মীমাংসা করে শান্তি বজায় রাখতেন। রাজার বিচারালয়ের উৎপত্তি ঘটান পূর্বে গোষ্ঠীপ্রধান বা বয়োজ্যেষ্ঠরাই কেবলমাত্র বিচার সংক্রান্ত দায়িত্ব পালন করতেন। মৌর্য সম্রাট চন্দ্রগুপ্তের মন্ত্রী কৌটিল্য তাঁর অর্থশাস্ত্রে গ্রামের বয়োজ্যেষ্ঠদের নেতৃত্বে বিরোধ মীমাংসার কথা উল্লেখ করেছেন। তিনি 'সংগ্রহ', 'দ্রোণমুখ' ও 'স্থানীয়' নামের তিন ধরনের বিচারালয়ের কথা বলেছেন।^১ কালক্রমে ধর্মের রক্ষাকর্তা হিসেবে রাজার আবির্ভাব ঘটে এবং ধর্মের বিধিবিধান রক্ষা ও বিবাদ মীমাংসা এবং অপরাধীকে শাস্তি প্রদান করে শান্তি বজায় রাখার জন্য আনুষ্ঠানিক বিচারালয়ের সূত্রপাত ঘটান। রাজার নিযুক্ত বিচারকরা স্থানীয় সম্মানিত ব্যক্তিবর্গের মাধ্যমে ঘটনা জেনে নিয়ে বিচারকার্য সম্পাদন করতেন। তবে রাজার বিচারালয়ের পাশাপাশি বিরোধ নিষ্পত্তির সনাতন ধারাটি অব্যাহত থাকে। রাজার আদালতের পরিধি ক্রমাগত বৃদ্ধি পেলেও গোত্র ও বর্ণের বিরোধ নিষ্পত্তির কাজটি গোত্রপ্রধান ও স্ব-স্ব বর্ণের বয়োজ্যেষ্ঠরাই সভা বা সালিশের মাধ্যমে করতেন। আন্তঃবর্ণ ও আন্তঃগোত্র সংঘাত হলে পঞ্চায়েত সালিশ পরিচালনা করতেন। গ্রামনি ও গ্রামের প্রধানদের নিয়ে গড়ে উঠা পঞ্চায়েত ছোটখাটো দেওয়ানী ও ফৌজদারী বিরোধেরও মীমাংসা করতেন। গ্রাম পঞ্চায়েত বাদী-বিবাদী উভয়পক্ষ এবং বিরোধের বিষয় ভালোভাবে জানতেন, যার ফলে বিরোধ নিষ্পত্তিতে তারা ইতিবাচক ভূমিকা রাখতে পারতেন। তবে গ্রাম পঞ্চায়েতের মাধ্যমে বিরোধ মীমাংসা করা না গেলে রাজার আদালতে বিচার হতো, রাজা কিংবা রাজার নিযুক্ত বিচারকগণ স্থানীয় সম্মানিত ব্যক্তির মাধ্যমে ঘটনা জেনে নিয়ে বিচার করতেন। মূলত কুল, সংঘ, গ্রামনি এবং পঞ্চায়েত নামের বিভিন্ন পর্যায়ে অনানুষ্ঠানিক পরিষদগুলো সালিশের মাধ্যমে বিরোধ মীমাংসা করতেন এবং কখনো কখনো শৃঙ্খলা বজায় রাখার স্বার্থে শাস্তিও প্রদান করতেন। গ্রামের অভিজ্ঞ, ধনী ও বয়স্করা গ্রাম পঞ্চায়েতের সদস্য হতেন। পঞ্চায়েত ক্ষমতার অপব্যবহার করলে বা কারো প্রতি অবিচার বা কঠোর সাজা প্রদান করলে রাজা বা শাসক তার কঠোরতা নমনীয় করার জন্য পদক্ষেপ নিতে পারতেন।^২ রাজার আদালত গড়ে উঠার পরও সালিশের মাধ্যমে বিরোধ নিরসনের প্রক্রিয়াটি অব্যাহত থাকে। ভারতে মুসলমানদের বিজয়ের পরও হিন্দু শাসনামলের ন্যায় গ্রাম পঞ্চায়েত রাজার আদালত বা বিচারালয়ের পাশাপাশি বিবাদ বা বিরোধ মীমাংসায় কার্যকর ভূমিকা পালন করেছে। ভারতীয় সনাতন প্রতিষ্ঠানসমূহের পরিবর্তনের সূত্রপাত ঘটে এই অঞ্চলে ব্রিটিশরাজের রাজনৈতিক কর্তৃত্ব করায়ত্ত্ব করার মধ্যদিয়ে। এই সময়ে ব্রিটিশ বিচার ব্যবস্থার আদলে ভারতে বিচার ব্যবস্থার প্রবর্তন শুরু হয়। ঔপনিবেশিক শাসকরা দেওয়ানী ও ফৌজদারী বিরোধ নিরসনের জন্য আধুনিক কোর্ট প্রতিষ্ঠা করে এবং স্থানীয় পর্যায়ে বিরোধের নিষ্পত্তির জন্য ইউনিয়ন পরিষদকে দায়িত্ব প্রদান করে। কিন্তু আইনগত অনুমোদনের অভাবে পঞ্চায়েত ব্যবস্থার গুরুত্ব হ্রাস পেলেও ছোটখাটো বিরোধ মীমাংসার জন্য সালিশী ব্যবস্থার প্রচলন থেকে যায়। দীর্ঘসূত্রিতা ও অর্থব্যয় লাঘবের জন্য ছোটখাটো বিরোধ নিষ্পত্তির জন্য সাধারণ মানুষের কাছে আধুনিক কোর্টের চেয়ে সালিশের গুরুত্ব অধিক।

সালিশ: বিবদমান পক্ষের মধ্যে সমঝোতা

বিবদমান দলসমূহের মধ্যে মীমাংসা বা সমঝোতার মাধ্যমে শান্তি স্থাপনের আনুষ্ঠানিক ব্যবস্থা বা প্রক্রিয়াটিই হল সালিশ। এ ক্ষেত্রে তৃতীয় পক্ষ সমঝোতা বা মীমাংসার জন্য মধ্যস্থতার ভূমিকা পালন করে থাকে। সালিশ শব্দের উৎপত্তি ফারসি শব্দ থেকে যার আভিধানিক অর্থ মধ্যস্থতা।^৩ কখনো অভিন্ন ব্যাপারে দুই পক্ষের মধ্যে অমীমাংসিত অবস্থার সৃষ্টি হলে কিংবা

সংঘাত দেখা দিলে সালিশের মাধ্যমে মীমাংসা করা হয়। সালিশ একটি স্বেচ্ছাপ্রণোদিত ও আনুষ্ঠানিকতাবিহীন পদ্ধতি যেখানে কোন পক্ষকে শাস্তি প্রদান ও তা কার্যকর করার কোন ক্ষমতা নেই। সালিশের মূল লক্ষ্য হল বিরোধের শান্তিপূর্ণ মীমাংসা। সালিশকে কোথাও কোথাও বিচারসভা, আদালত কিংবা অন্য নামেও ডাকা হয়ে থাকে। যেমন জি ডি উড (G. D. Wood) তাঁর গবেষণা এলাকায় বিরোধ মীমাংসার জন্য অনুষ্ঠিত বৈঠক বা সভাকে ‘মেল বা দরবার’ বলা হয়েছে বলে লক্ষ্য করেছেন যা সালিশেরই ভিন্ন নাম।^১ ইয়েনেকা আরেস ও ইওসফান ব্যুরদেন বিরোধ মীমাংসা করে আইন শৃঙ্খলা বজায় রাখার জন্য সমাজে অনুষ্ঠিত সালিশকে আদালত বলে আখ্যায়িত করেছেন। তাঁরা সমাজ বা গ্রামের আদালত ও সভার মধ্যে পার্থক্য করেছেন এই ভাবে যে, আদালত বসে সকালের দিকে আর সভা ডাকা হয় সন্ধ্যার পর বা রাতে। গ্রামে কখন ভোজ হবে এবং কাদেরকে নিমন্ত্রণ করা হবে, গরু ছাগলের হাত থেকে কীভাবে ফসল রক্ষা করা যায় ইত্যাদি বিষয় নিয়ে সভায় সিদ্ধান্ত নেয়া হয়। পক্ষান্তরে আদালতে বিদ্যমান কোন এক পক্ষের অভিযোগের ভিত্তিতে বিচার অনুষ্ঠিত হয়। তাঁদের গবেষণায় দেখা যায় যে, বিচারে কখনো শাস্তি প্রদান করা হয় আবার কখনো সমঝোতার মাধ্যমে বিরোধ মীমাংসা করা হয়।^২ তবে কোন কোন গবেষক সালিশ ও বিচার ব্যবস্থাকে ভিন্ন ব্যবস্থা হিসেবে আখ্যায়িত করেছেন। যেমন, জামান (Jaman) তাঁর এক গবেষণায় বিচার ও সালিশের মধ্যকার পার্থক্যকে এ ভাবে চিহ্নিত করেছেন: বিচারে সাধারণত বিবাদের পক্ষে বা বিপক্ষে একটি সুনির্দিষ্ট রায়ে পৌছানোর চেষ্টা করা হয়; আর সালিশে দীর্ঘমেয়াদী শ্রেণীস্বার্থের কথা মনে রেখে উভয় পক্ষকে আপোষ-রফায় পৌছানোর চেষ্টা করে।^৩ কিন্তু এলিকসন (Ellickson) বিরোধ নিরসনের প্রক্রিয়াকে তাঁর গবেষণায় ভিন্ন বিষয় হিসেবে চিহ্নিত না করে “বিচার” হিসেবে আখ্যায়িত করেছেন। তিনি বিচারকে বর্ণনা করেছেন এক জটিল প্রক্রিয়া হিসেবে যেখানে পরস্পরবিরোধী ব্যক্তি বা গ্রুপের মধ্যে সমঝোতার চেষ্টা করা হয়ে থাকে। তিনি লক্ষ্য করেছেন যে, বয়োজ্যেষ্ঠ ব্যক্তি, সর্দার, মাতব্বররা গ্রামের কোন উন্মুক্ত স্থানে বৈঠকে বসে সকলের সামনে আলাপ-আলোচনার মাধ্যমে ছোটখাটো পারিবারিক বিরোধের নিষ্পত্তি করে থাকে।^৪ সালিশের রায় বা সিদ্ধান্ত উভয় পক্ষ মানতে পারে আবার কোন পক্ষ নাও মানতে পারে। তবে সামাজিক প্রথা ও মূল্যবোধজনিত কারণে সালিশের রায় কখনো কখনো অমান্য করা দুষ্কর হয়ে পড়ে। সালিশকারগণ তাদের প্রজ্ঞা এবং প্রথাগত জ্ঞান দিয়ে মীমাংসার মাধ্যমে বিরোধের নিষ্পত্তি করে থাকেন। সালিশকারগণ কোন বিচারক নন। তারা মীমাংসার পদ্ধতিতে সাহায্য করতে গিয়ে মতামত পেশ করতে পারেন। সালিশী ব্যবস্থায় সালিশী ব্যক্তি কোন আইন প্রয়োগ করেন না অথবা কোন মনস্তাত্ত্বিক থেরাপী ব্যবহার করেন না। তিনি বিবাদরত দলকে মীমাংসায় পৌছাতে শুধু আইনের ব্যাখ্যা অথবা মনস্তাত্ত্বিক সহযোগিতা প্রদান করে থাকেন। ফজলুল হকের (Fazlul Huq) মতে সালিশে সবার মনস্তত্ত্ব বুঝতে হয়। সিদ্ধান্ত গ্রহণের প্রক্রিয়া এমন হতে হয় যেন সবাই মনে করে সিদ্ধান্তে তাঁরও অংশ ছিল। মূল কথা হচ্ছে কারো ইচ্ছা বা সিদ্ধান্ত চাপিয়ে দেয়া হচ্ছে না। আদালতে বিচারক কোন এক পক্ষকে দোষী সাব্যস্ত করে শাস্তি দিয়ে থাকেন কিন্তু সালিশে কোন পক্ষকে শাস্তি না দিয়ে বরং দু’পক্ষের মধ্যে সমঝোতার চেষ্টা করা হয়। আদালতে কোন একপক্ষ জয়ী হয় এবং অপর পক্ষের পরাজয় ঘটে কিন্তু সালিশে দু’পক্ষেরই জিত হয়।

ঝগড়া কিংবা সামাজিক অসদাচরণমূলক বিরোধের সমঝোতা বা মীমাংসার জন্য বিভিন্ন পর্যায়ে (বাড়ী, পাড়া ও গ্রাম) সালিশ অনুষ্ঠিত হয়ে থাকে। মীমাংসা করার চেষ্টা সবসময়ই

ক্ষুদ্রতম এককের মধ্যে যেমন, পরিবার, পিতৃবংশ ও গ্রামে সীমাবদ্ধ রাখা হয়। কোন একটি পক্ষের কাছে মীমাংসা সন্তোষজনক না হলে বিবরণ শোনা ও বিচার করার জন্য গ্রাম আদালত বসানোর জন্য সে সমাজের কতিপয় মাতব্বরের শরণাপন্ন হতে পারে। যায়েদি (Zaidi, 1970) কুমিল্লার রামনগর ও আলীপুর গ্রামের ওপর সম্পন্ন তাঁর গবেষণায় দেখিয়েছেন যে, গ্রামসভাই প্রথমে গ্রামের বিবদমান পক্ষদ্বয়ের মধ্যে মীমাংসা করার উদ্যোগ নিত, গ্রামের মধ্যকার কোন বিরোধ যখন স্থানীয় মাতব্বররা মীমাংসা করতে পারে না তখন পার্শ্ববর্তী গ্রামের মাতব্বরদেরকে নিয়ে বড় সালিশের আয়োজন করা হত।^১ একইভাবে বাটোচির (Bartocci, 1972) গবেষণায় দেখা দেখা গেছে যে, গোষ্ঠীর অভ্যন্তরে কোন বিরোধ হলে গোষ্ঠীর সর্দার এবং কখনো কখনো অন্যান্য গোষ্ঠীর সর্দারদের উপস্থিতিতেও মীমাংসার চেষ্টা করা হত। আন্তঃগোষ্ঠী পর্যায়ে কোর্নি বিরোধ হলে গ্রাম পর্যায়ে সালিশের মাধ্যমে তা মীমাংসার চেষ্টা করা হত। এলিকসনের গবেষণায় দেখা যায় যে, পাড়ার মধ্যকার কোন বিরোধ মীমাংসার জন্য পাড়ার নেতারা ই সালিশ বা বিচারে বসতেন, তবে বিরোধের মীমাংসা করা সম্ভব না হলে গ্রামের নেতাদের উপস্থিতিতে গ্রাম পর্যায়ে বিচার অনুষ্ঠিত হত। অপরদিকে জি. ডি. উড'র গবেষণায় দেখা যায় যে, বন্দক গ্রামে অধিকাংশ বিরোধ রিয়াই (এক জন নেতা বা সর্দারের নেতৃত্বে বা আশ্রয়ে পরিচালিত ক্ষুদ্রতম জনগোষ্ঠী, একই পাড়ায় একাধিক রিয়াই থাকে এবং একাধিক রিয়াই'র সর্দারদের নেতৃত্বে সমাজ পরিচালিত হয়) পর্যায়ে মীমাংসা করা হত। যদি কখনো মীমাংসা করা সম্ভব না হত তখন বিষয়টি কোন এক পক্ষ অন্য রিয়াই'র সর্দার বা সমাজের কাছে উত্থাপন করতে পারত পুনর্বিচারের জন্য। অবশ্য জি ডি উড বলেছেন যে, অধিকাংশ বিরোধ রিয়াই'র পর্যায়ে এবং খুব স্বল্প সংখ্যক বিরোধের মীমাংসা করার জন্য সমাজ পর্যায়ে মেলা-দরবার বসত। বিরোধ মীমাংসায় ইউনিয়ন পরিষদের চেয়ারম্যান ও সদস্যরা সচরাচর জড়িত হতে চাইতেন না যদি বিষয়টি তার নিজ গ্রামের না হয়। রাজশাহীর ধনঞ্জয় পাড়া ও গোপালহাটিতে ১৯৮৪-৮৫ সালে পরিচালিত করিমের (Karim, 1990) গবেষণায় দেখা যায় যে, গ্রামে সমাজ একটি গুরুত্বপূর্ণ প্রতিষ্ঠান। ঝগড়া-বিবাদ মীমাংসা করে সমাজে শৃঙ্খলা বজায় রাখা সমাজের অন্যতম গুরুত্বপূর্ণ দায়িত্ব। সমাজে নেতৃত্ব প্রদানকারী প্রধান এবং প্রামাণিকরা সমাজ, আন্তঃসমাজ এবং কখনো কখনো অনুসারী গ্রামবাসীদের পক্ষে কথা বলার জন্য ইউনিয়ন পর্যায়ে অনুষ্ঠিত যথাক্রমে বিচার, সালিশ এবং গ্রাম আদালতে অংশগ্রহণ করতেন।^২

বাংলাদেশের বিভিন্ন অঞ্চলে পরিচালিত সমাজিক গবেষণায় দেখা যায় যে গ্রামাঞ্চলে ছোটখাটো বিরোধ নিরসনের জন্য বিভিন্ন পর্যায়ে সালিশ অনুষ্ঠিত হয়ে থাকে। মীমাংসার জন্য প্রথমে ক্ষুদ্রতম এককে অনুষ্ঠিত সালিশ সফল না হলে কিংবা সালিশের রায়ে কোন এক পক্ষ সন্তুষ্ট না হলে পরবর্তীতে বৃহত্তর পরিসরে সালিশ অনুষ্ঠিত হয়। একই বাড়ীর কিংবা একই পাড়ার বা গ্রামের অভ্যন্তরে সংঘটিত বিরোধ মীমাংসার জন্য বাড়ি, পাড়া এবং গ্রাম পর্যায়ে সালিশ অনুষ্ঠিত হয়। আবার বিবদমান পক্ষ দু'টি ভিন্ন গ্রামের হলে আন্তঃগ্রাম পর্যায়ে সালিশ অনুষ্ঠিত হয়। সালিশ বা বিচার যাই বলা হোক না কেন এবং যে পর্যায়েই অনুষ্ঠিত হোক না কেন বিরোধ মীমাংসার এই প্রক্রিয়াটি স্বাধীন ও স্বচ্ছায় সংগঠিত হয়।

সালিশে নেতৃত্বের ধরন

সালিশে যারা মধ্যস্থতা করেন কিংবা নেতৃত্ব দিয়ে থাকেন, তারা সমাজের মান্যগণ্য ব্যক্তি। আগেই উল্লেখ করা হয়েছে যে, কোথাও তাদেরকে প্রধান, প্রামাণিক, মণ্ডল কিংবা কোথাও সর্দার বা মাতব্বর নামে ডাকা হয়। যে নামেই ডাকা হোক না কেন তাঁরা গ্রামের ধনী

অভিজাত শ্রেণীর অন্তর্ভুক্ত। বিভিন্ন সামাজিক গবেষণায় দেখা গেছে যে ধনী, প্রভাবশালী ক্ষমতাবানদের ক্ষমতা প্রদর্শনের একটি উর্বর ক্ষেত্র হচ্ছে সালিশ বা বিচার। দাতা-গ্রহীতার সম্পর্ক, প্রচলিত প্রথা ও মূল্যবোধজনিত কারণে গ্রামীণ ক্ষমতাবানরা দীর্ঘকাল যাবৎ সালিশে নেতৃত্ব দিয়ে আসছেন।

যায়েদির গবেষণায় দেখা যায় যে, উত্তরাধিকারসূত্রে গ্রামের ধনী ও প্রভাবশালী পরিবারের প্রধান সর্দার ও মাতব্বরের নেতৃত্বেই গ্রামে ছোটখাটো দেওয়ানী ও ফৌজদারী বিষয়ের মীমাংসা হয়ে থাকে। এমনকি ইউনিয়ন কাউন্সিল কোন বিরোধ মীমাংসা করতো তখন গ্রামসভার সর্দার বা মাতব্বরের সঙ্গে পরামর্শ করে নিতেন। কারণ তাদের সম্মতি ছাড়া গ্রামে সিদ্ধান্ত বাস্তবায়ন করা ছিল প্রায় অসম্ভব। কোন কোন ক্ষেত্রে ইউনিয়ন কাউন্সিলের তুলনায় গ্রামসভার সিদ্ধান্তের প্রতিই গ্রামবাসীর অধিকতর আস্থা প্রকাশ পেত। বার্টোচি কুমিল্লার হাজিপুর ও তিন পাড়া গ্রামের ওপর এক গবেষণায় দেখান যে গ্রাম দুটিতে কোন কর্তৃপক্ষ না থাকায় ঝগড়া-বিবাদ মীমাংসার ব্যাপারে সর্দাররাই অগ্রগণ্য ভূমিকা পালন করতেন। উচ্চ সামাজিক মর্যাদার অধিকারী, প্রতিপত্তিশালী ও জমি নিয়ন্ত্রণকারী ধনীদের মধ্য থেকেই উত্তরাধিকারসূত্রে সর্দারী নির্ধারিত হত। বার্টোচি তাঁর গবেষণায় দেখান যে সামাজিক মর্যাদা ও প্রতিপত্তি এবং জমি নিয়ন্ত্রণের ওপর ভিত্তি করেই ব্যক্তির ক্ষমতা নির্ধারিত হয়। বার্টোচি তাঁর গবেষণাধীন গ্রাম দুটোতে বিরোধ মীমাংসার উপায় হিসেবে সালিশ বা বিচারের উপস্থিতি লক্ষ্য করেছেন। সর্দার নামে উভয় গ্রামে বেশ কিছু প্রভাবশালী শিক্ষিত নেতা ছিলেন। গ্রামে কোন কেন্দ্রীয় কর্তৃপক্ষ না থাকায় ঝগড়া বিবাদ মীমাংসার ব্যাপারে তাঁরাই অগ্রগণ্য ভূমিকা পালন করতেন। বার্টোচির গবেষণায় আরো দেখা যায় যে সর্দার ও গোষ্ঠীর সদস্যদের মধ্যে বিরোধ মীমাংসায় অন্যান্য গোষ্ঠীর সদস্যরা সব সময় সফল হন না এবং এটা তখনই ঘটে যখন সংশ্লিষ্ট গোষ্ঠীর সর্দার (বিবাদী) এর অসহযোগিতা করেন। বিবাদী প্রভাবশালী সর্দার এবং বাদী মধ্যম বা নিম্নশ্রেণীর কৃষক পরিবারের সদস্য হলে উপস্থিত সর্দাররা কখনো পক্ষপাতিত্ব করে থাকেন। আবার কখনো কখনো দোষী প্রমাণিত হলেও প্রভাবশালীদের নেতৃত্বাধীন গ্রুপের সদস্য এমন গরীব ব্যক্তিদের শাস্তি দেয়া যেত না। প্রভাবশালীদের সঙ্গে সংশ্লিষ্টতার কারণেই তার পক্ষে শাস্তি এড়ানো সম্ভব হত। তাঁর গবেষণায় আরো দেখা গেছে যে প্রভাবশালীর অনুকূলে আপোসের মাধ্যমে বিরোধ নিষ্পত্তি করা হলেও জমি সংক্রান্ত বিরোধ নিষ্পত্তি করা হত পারস্পরিক বোঝাপড়ার মাধ্যমে। অভিজ্ঞ শ্রেণী নিয়মিত পরস্পরের মধ্যে সংঘাতে লিপ্ত থাকায় বিরোধ নিরসনে সালিশ সবসময় প্রভাবমুক্ত ও নিরপেক্ষ হত।^{১০}

ইয়েনেকা আরেন্স ও ইউসফান ব্যুরদেন -এর গবেষণায় দেখা গেছে যে, সালিশ নেতৃত্ব দিতেন মণ্ডল পদবীধারী উচ্চবংশীয় ও ধনী জোতদাররা। তাঁরাই ছিলেন সমাজের প্রধান। জমি ও বংশমর্যাদা মণ্ডল হবার যোগ্যতা হলেও কেউ কেউ অর্থ ও শক্তির জোরে নিজেকে মণ্ডল রূপে সমাজে প্রতিষ্ঠিত করতে পারত। যার ফলে দেখা যায় যে, সমাজের প্রধান বা মণ্ডল হওয়াটা কেবলমাত্র উত্তরাধিকারসূত্রের মধ্যেই সীমাবদ্ধ ছিল না। পরবর্তীতে দেখা গেছে যে গ্রামবাসীরা সবসময় মণ্ডল বা সমাজপতিদের প্রতি সবসময় আস্থাশীল থাকে না। সমাজের প্রচলিত প্রথাবিরোধী কর্ম ও পক্ষপাতিত্বের কারণে তাঁরা তাদের কর্তৃত্ব হারাতেন। জাহাঙ্গীর (Jahangir, 1993) সাভারের জিরাবো ও নয়াপাড়া গ্রামে পরিচালিত তাঁর গবেষণায় দেখিয়েছেন যে, বিচার বা সভায় ধনী অভিজাত শ্রেণীর যে সদস্যরা নেতৃত্ব দিতেন তাঁদেরকে মাতব্বর বলা হত। তাঁর গবেষণায়ও দেখা যায় যে, নেতৃত্ব শুধুমাত্র উত্তরাধিকারসূত্রেই

নির্ধারিত হত না। সম্পদ, জনপ্রিয়তা, শিক্ষাগত যোগ্যতা ও গ্রামের লোকদের সমর্থনের ভিত্তিতে নেতৃত্ব নির্ধারণে নিয়ামক হিসেবে ভূমিকা রাখত। তাঁর গবেষণায় দেখা যায় যে, মধ্যম শ্রেণীর একজন যুবক যুক্তি দিয়ে সুন্দরভাবে কথা বলা ও জনপ্রিয়তার জন্য মাতব্বর হতে পারতেন; আবার দরিদ্র হলেও সাংগঠনিক (কৃষক সমিতির সেক্রেটারী) পৃষ্ঠপোষকতার কারণে মাতব্বর হতে পারতেন। তাঁর গবেষণায় দেখা গেছে যে, নবাগত মাতব্বররা পাড়ার লোকদের আপ্যায়ন করার মধ্য দিয়ে নিজেদের মর্যাদাকে বৈধ করতেন।”

জানসেন (Jansen, 1990) এর গবেষণায় দেখা যায় যে, মাতব্বর পদ প্রায় ক্ষেত্রেই উত্তরাধিকারসূত্রে পাওয়া। মাতব্বরের জ্যেষ্ঠ পুত্রের যথেষ্ট দক্ষতা থাকলে পিতার অবর্তমানে তিনিই মাতব্বর হিসেবে মর্যাদা পেতেন। তবে ঝগড়া-বিবাদ নিয়ে কথা বলায় দক্ষতা ও মীমাংসা করার জ্ঞান আছে এরকম ব্যক্তিরও মাতব্বর বলে গণ্য হতেন বা নিজেদেরকে মাতব্বর বলে পরিচয় দিতেন। ঝগড়া-বিবাদ মীমাংসায় যার যত বেশি ডাক পড়ে মাতব্বর হিসেবে তিনি তত বেশি প্রভাবশালী। তবে জানসেন লক্ষ্য করেছেন যে, উত্তরাধিকারসূত্রে নির্বাচিত মাতব্বররাই অধিক সম্মানের অধিকারী।

সর্দার, মাতব্বর বা মণ্ডল যে নামেই ডাকা হোক না কেন গ্রামের ধনী ও মর্যাদাসম্পন্ন পরিবারের নেতারা সালিশে নেতৃত্ব দিয়ে থাকেন। সময়ের পরিক্রমায় সত্তর দশকের দিকে দেখা যায় যে, নগরায়ন, শিক্ষার প্রসার ও অর্থ এবং শক্তির জোরে সর্দার বা মাতব্বর কিংবা মণ্ডল বংশের সদস্য নন এরকম ব্যক্তিরও সালিশে নেতৃত্ব দেয়ার সুযোগ পান। তবে সম্মান ও মর্যাদার দিক থেকে তারা সনাতন সর্দার, মাতব্বর কিংবা মণ্ডলদের সমকক্ষ বলে বিবেচিত হতেন না। করিমের (Karim) গবেষণায় দেখা গেছে যে, বিচার বা সালিশে উপস্থিত সকল প্রধান বা প্রামাণিকই সমান মর্যাদা পান না- বৃহৎ বংশ থেকে আসা পূর্ব-পুরুষের সালিশ বা বিচার করার ঐতিহ্য রয়েছে এরকম বংশের প্রধান বা প্রামাণিকরাই নতুনদের তুলনায় বিশেষ মর্যাদা পেয়ে থাকেন।

করিমের (১৯৯০) গবেষণায় দেখা যায় যে, সমাজের বিচার বা সালিশের পাশাপাশি গ্রাম আদালতের মত আনুষ্ঠানিক পরিষদের মাধ্যমেও বিরোধের মীমাংসা হয়ে থাকে। গ্রাম আদালত অধ্যাদেশের মাধ্যমে ১৯৭৬ সালে ইউনিয়ন পরিষদকে ছোটখাটো দেওয়ানী ও ফৌজদারী বিরোধ-বিবাদ মীমাংসার জন্য গ্রাম আদালত গঠনের এখতিয়ার প্রদান করা হয়। এর মধ্যদিয়ে ইউনিয়ন পরিষদ স্থানীয় পর্যায়ে বিরোধ মীমাংসা ও প্রয়োজনে শান্তি প্রদানের আইনগত অধিকার লাভ করে। তবে গ্রাম আদালত ব্যবস্থার পরও সালিশের অস্তিত্ব বিলীন হয়নি বরং গ্রাম আদালতের পাশাপাশি সালিশী ব্যবস্থাও পূর্বের ন্যায় কার্যকর থাকে। বিভিন্ন গবেষণায় দেখা গেছে যে আইন বিষয়ে জ্ঞানের অভাব, নথিপত্র সংরক্ষণে অজ্ঞতা, স্বজনপ্রীতি এবং সর্বোপরি গ্রাম আদালতের মাধ্যমে বিরোধ মীমাংসায় জনপ্রতিনিধিদের অধিক সময় প্রদানে অনাগ্রহের কারণে গ্রাম আদালত যথেষ্ট কার্যকর হতে পারেনি। বাংলাদেশের তিনটি জেলায় সম্পন্ন এক গবেষণায় দেখা গেছে যে, সালিশের মাধ্যমে কোন বিরোধের নিষ্পত্তি করা না গেলে অথবা সালিশের রায়ে কোন এক পক্ষ অসন্তুষ্ট হলে ইউনিয়ন পরিষদের কাছে বিবাদরত কোন এক পক্ষ পুনর্বিচারের জন্য আবেদন করে। আবার কখনো কখনো দেখা গেছে যে, ইউনিয়ন পরিষদের কাছে আবেদন করা হলেও বিষয়টি গ্রাম আদালতের রেজিস্টারে নথিভুক্ত না করে চেয়ারম্যান এবং পরিষদের সদস্যরা স্থানীয় নেতাদেরকে নিয়ে আনুষ্ঠানিকভাবে বিরোধের মীমাংসা করেন। গবেষণায় দেখা গেছে যে, লিখিত অভিযোগ প্রদানে বিবদমান পক্ষের অনাগ্রহ এবং অনানুষ্ঠানিকভাবে বিরোধ নিষ্পত্তিতে ইউনিয়ন

পরিষদের সচিবকে আবেদন পত্র গ্রহণ, বিবাদীকে সমন নোটিশ প্রেরণ, সিদ্ধান্ত লিপিবদ্ধকরণ ইত্যাদি প্রক্রিয়া অনুসরণে অনাগ্রহের কারণে ইউনিয়ন কার্যালয়ে ইউনিয়ন পরিষদের চেয়ারম্যান ও সদস্যদের উপস্থিতিতে অনানুষ্ঠানিকভাবে বিরোধের মীমাংসা করা হয়। গবেষণা এলাকায় দেখা গেছে যে, ছয়টি ইউনিয়নের মধ্যে মাত্র একটিতে সপ্তাহে একদিন গ্রাম আদালতের কার্যক্রম পরিচালিত হয়ে থাকে। এছাড়া গ্রাম পর্যায়ে অনুষ্ঠিত সালিশে স্থানীয় নেতাদের পাশাপাশি যে ওয়ার্ডে বিরোধ সংঘটিত হয়, সেখানকার ইউনিয়ন পরিষদের সদস্যও সালিশে উপস্থিত থাকেন। গবেষণা এলাকায় ইউনিয়ন পরিষদ প্রতিনিধি ও স্থানীয় নেতাদের উপস্থিতিতে যেমন সালিশের মাধ্যমে বিরোধের নিষ্পত্তি করা হয় তেমনি গ্রাম আদালতের মাধ্যমে আনুষ্ঠানিকভাবে বিরোধের নিষ্পত্তি করা হয়। আরো দেখা গেছে যে, অনানুষ্ঠানিকভাবে বিরোধ নিষ্পত্তির সংখ্যা তুলনামূলকভাবে বেশি। ইউনিয়ন পরিষদের চেয়ারম্যান ও সদস্যরা গ্রাম সালিশের মাধ্যমে বিরোধ নিষ্পত্তিতে অধিক আগ্রহ প্রকাশ করে থাকেন। ইউনিয়ন পরিষদের ওপর বিচারমূলক ক্ষমতা অর্পণ করা সত্ত্বেও আইন বিষয়ে সীমিত ধারণা, আনুষ্ঠানিকতা পালনে বিড়ম্বনা ও সময় প্রদানে অনীহার কারণে চেয়ারম্যান ও সদস্যরা ইউনিয়ন পরিষদের পরিবর্তে সালিশের মাধ্যমে বিরোধ নিষ্পত্তিকেই উৎসাহিত করে থাকে। এছাড়া বিরোধ সংঘটিত হবার পর সরাসরি আদালতের শরণাপন্ন হওয়াকে সামাজিকভাবে নেতিবাচক দৃষ্টিতে দেখা হয়। সালিশকে উপেক্ষা করে সরাসরি আদালতে অভিযোগ দাখিল করা সমাজ অমান্য করার অপরাধ হিসেবে গণ্য করা হয়।

সালিশের রায় প্রকৃতপক্ষে নির্ভর করে এর নেতৃত্বের প্রকৃতির ওপর। সালিশে মধ্যস্থতাকারী তাঁর নিরপেক্ষতা ও প্রজ্ঞা দিয়ে যেমন খুব সহজেই ঝগড়া বা বিবাদ মীমাংসা করতে পারে আবার তেমনি পক্ষপাতিত্ব, শ্রেণীস্বার্থ ও গ্রামীণ রাজনীতিতে দলাদলির কারণে মাতব্বররা সালিশী প্রক্রিয়ায় অনুসারীদের সুযোগ প্রদান ও প্রতিপক্ষকে অবদমিত করে রাখতে পারে। ইয়েনেকা আরেস ইওসফান ব্যুরদেন বলেছেন যে, ধনী গৃহস্থদের মধ্যকার বিরোধ অথবা ধনী গৃহস্থ বিবাদী ও দরিদ্র কৃষক বাদী হলে বিচার করার ক্ষমতা আদালতের নেই। ফলে অধিকাংশ ক্ষেত্রেই ধনীদের বিরুদ্ধে কোন ব্যবস্থা নিতে পারে না। গবেষকদ্বয় গ্রামের সনাতন বিচার ব্যবস্থাকে দেখেছেন ধনীদের শোষণযন্ত্র হিসেবে। কেননা শুধুমাত্র মধ্যবিত্ত ও দরিদ্র শ্রেণীর বিরুদ্ধে যখন কোন ধনী গৃহস্থ অভিযোগ আনে তখনই কেবল আদালতে বিচার হয়। আবার করিম তার গবেষণায় দেখিয়েছেন যে, গ্রামের মণ্ডলরা মধ্যবিত্ত ও দরিদ্র শ্রেণীর বিরুদ্ধে তাদের ব্যক্তিগত স্বার্থ রক্ষার খাতিরে গ্রাম আদালতকে ব্যবহার করে থাকে। ধনী জোতদারদের বিরুদ্ধে দরিদ্র লোকদের বিচারের ক্ষেত্রে আদালত নিষ্ক্রিয় ভূমিকা পালন করে। এমনকি মধ্যবিত্ত ও দরিদ্র লোকদের মধ্যকার বিরোধ মীমাংসায়ও আদালত নিষ্ক্রিয় থাকে। জানসেন তাঁর গবেষণায় দেখিয়েছেন যে, সালিশে সবসময় বিরোধ মীমাংসার চেষ্টা করা হয়। কেননা বিবদমান পক্ষদ্বয় এবং মাতব্বর সকলকে গ্রামে পরস্পরের কাছাকাছি বাস করতে হয়। সালিশের রায় আদালতের রায় থেকে ভিন্নতর হয়ে থাকে এ কারণে যে, মাতব্বররা বিবাদকারীদের জীবনবৃত্তান্ত এবং বিবাদের বিষয় সম্পর্কে সরকারি আদালতের চেয়ে বেশি জানে। তবে সালিশে মাতব্বররা সবসময় নিরপেক্ষ থাকেন না, নিজেদের স্বার্থে কখনো কখনো পক্ষপাতিত্ব করেন। একইভাবে জাহাঙ্গীরের গবেষণায় দেখা যায় যে, বিচারসভায় বিরোধ মীমাংসার ক্ষেত্রে মাতব্বররা সকল ক্ষেত্রে ঐক্যবদ্ধ সিদ্ধান্ত নিতে পারেন না। নিজেদের মধ্যকার স্বার্থের সংঘাতের কারণে যা সৃষ্টি হয় অনুসারী বা পাড়ার সদস্যদের ওপর নিয়ন্ত্রণ বজায় রাখা বা হারানোকে কেন্দ্র করে, বিচারসভায় বিভক্ত হয়ে পড়েন। নারী-পুরুষ সকলেই বিচারসভায় তাদের অভিযোগ জানাতে পারে। তবে কোনো ধনী কৃষকের বিরুদ্ধে

কোন গরীব ব্যক্তি অভিযোগ করলে বিচারে বা সালিশে বিবাদীর বিরুদ্ধে কোন সিদ্ধান্তে পৌছা সম্ভব হয় না। গবেষণায় দেখা গেছে যে, সালিশে মাতব্বররা কখনো কখনো নিরপেক্ষতার ভান করলেও কার্যত নিজ নিজ অনুসারীদের পক্ষে অবস্থান নেন। তাঁর গবেষণায় দেখা যায় যে, গ্রাম্য দলাদলির কারণে ছোটখাটো বিরোধও অনেক সময়ে বিচারসভায় মীমাংসা করা যায় না বরং তা আরো বৃহৎ আকার ধারণ করে।

গ্রামীণ সমাজে শৃঙ্খলা ও বিরোধ মীমাংসা করে শান্তি বজায় রাখার জন্যই সালিশী ব্যবস্থার উদ্ভব এবং সালিশের নেতৃত্ব ও শ্রেণী স্বার্থের কারণে সালিশ ব্যবস্থায় ধনীদের প্রভাবমুক্ত নয়। সেজন্য সালিশকে গ্রামীণ ক্ষমতাবানদের ক্ষমতা প্রকাশের মুখ্য উপায় হিসেবে চিহ্নিত করা হয়ে থাকে। এসত্ত্বেও গ্রামের অধিকাংশ বিরোধ আদালতের পরিবর্তে স্থানীয় পর্যায়ে মীমাংসার মাধ্যমে সম্পন্ন করা হয়। বর্মন (Barmon) তার এক গবেষণায় দেখিয়েছেন যে, সালিশের মাধ্যমে বিরোধের মীমাংসার হার যোগাযোগ ব্যবস্থার আধুনিকায়ন ও অন্যান্য কারণে ক্রমাগত হ্রাস পেয়ে ৭৪ শতাংশে নেমে আসলেও তাঁর গবেষণায় দেখা যায় যে, বিরোধ নিরসনে সালিশ এখনও অধিকাংশের কাছে সহজ ও কার্যকর ব্যবস্থা।^{১২}

সালিশের গুরুত্ব

বিরোধ নিষ্পত্তির প্রক্রিয়ায় সালিশে আনুষ্ঠানিকতা বা পদ্ধতিগত জটিলতার পরিবর্তে খোলামেলা ও স্বচ্ছায় বিবদমান পক্ষদ্বয়ের আলাপ আলোচনার মধ্য দিয়ে সমঝোতায় পৌছানো হয়। ফলে কোন এক পক্ষের অধিকতর ক্ষতিগ্রস্ত হওয়া ও অন্য এক পক্ষের খুব বেশি লাভবান হওয়ার সম্ভাবনা কম। সালিশে বিবাদের সমঝোতা বা মীমাংসা করা হয়- কাউকে দোষী সাব্যস্ত করে দণ্ড প্রদানের সুযোগ নেই। কঠোর শাস্তির সম্ভাবনা না থাকায় অভিযুক্ত পক্ষ খুব সহজেই তার ত্রুটি স্বীকার করে প্রতিপক্ষের সঙ্গে সমঝোতায় আসতে চায়। বিবদমান পক্ষদ্বয় এবং সালিশকার সকলকে এক সঙ্গে দীর্ঘকাল বসবাস করতে হবে- এই বাধ্যবাধকতা থেকেও বিরোধকে স্থায়ী না করে মীমাংসার চেষ্টা করা হয়।

আদালতে বিরোধ নিষ্পত্তির প্রক্রিয়াটি সম্পূর্ণ আনুষ্ঠানিক এবং বিধিবদ্ধ নিয়মের দ্বারা পরিচালিত হয়। বিবদমান পক্ষদ্বয়ের আইনজীবীদের ব্যাখ্যা, জেরা, সাক্ষ্য প্রমাণ এবং ডকুমেন্ট উপস্থাপনের মধ্য দিয়ে অপরাধ নিরূপণ ও অপরাধী শনাক্ত করা হয়। বিচারকের কাছে বিবদমান পক্ষদ্বয় অপরিচিত ঘটনা হওয়ায় নিরপেক্ষ বিচার প্রাপ্তি ঘটে বটে তবে কখনো কখনো আইনজীবীদের জেরার মারপ্যাচের কারণে নির্দোষ ব্যক্তি দোষী প্রমাণিত হয়ে যায় এবং ছোট অপরাধও বড় অপরাধ হিসেবে প্রতিষ্ঠিত হয়। এ ছাড়া শাস্তি প্রদানের ক্ষেত্রে মানবিকতার চেয়ে আইনগত বাধ্যবাধকতা প্রাধান্য পায়।

আইনগত জটিলতা ও বাধ্যবাধকতা না থাকায় বিরোধ নিষ্পত্তিতে সালিশ হয়ে উঠে সহজ ও সকলের কাছে বোধগম্য মাধ্যম। ফলে স্বাধীনভাবে নিজের মনের গোপন ক্ষোভ বা অভিযোগ সহজেই প্রকাশ করতে পারে। ঘটনার সঙ্গে জড়িত নয় এরকম কারো পক্ষে সাক্ষ্য দিয়ে ঘটনাকে ভিন্ন খাতে প্রবাহিত করা বা মিথ্যা সাক্ষী প্রদানের সুযোগ নেই বললেই চলে। তা' ছাড়া পক্ষদ্বয় পরিচিত হওয়ার কারণে সালিশকারদের পক্ষে তাদের মনস্তত্ত্ব বুঝে মীমাংসার সফল কৌশল অবলম্বন করা সম্ভব হয়। তবে সবসময় সালিশ সম্পূর্ণ হওয়া অর্থাৎ বিরোধের সফল নিষ্পত্তি করা সম্ভব নাও হতে পারে। এ ক্ষেত্রে বিভিন্ন পর্যায়ে একাধিকবার সালিশ অনুষ্ঠানের মাধ্যমে বিরোধের নিষ্পত্তি করা সম্ভব না হলে বিষয়টি আদালতে চলে যায়।

ছোটখাটো বিরোধ বা অভিযোগ নিয়ে আদালতের শরণাপন্ন হওয়া বিবদমান কোন পক্ষের জন্যই অর্থনৈতিকভাবে সুবিধাজনক নয়। আদালতে অভিযোগ দাখিল করার মধ্য দিয়ে দারিদ্রকরণের দৃষ্টচক্রের প্রবেশ ঘটে। মামলা নিষ্পত্তির দীর্ঘসূত্রিতা বাংলাদেশে আদালতের একটি বিশেষ বৈশিষ্ট্য। এ দীর্ঘসূত্রিতার মধ্য দিয়ে বাদী-বিবাদী উভয় পক্ষকে মামলার খরচ চালাতে গিয়ে দীর্ঘমেয়াদী ব্যয় বহন করতে হয়। অধিকাংশ বিবদমান পক্ষদ্বয়কে মামলার ব্যয় বহনের জন্য চাষের জমি এমনকি ভিটেমাটি পর্যন্ত বিক্রি করতে হয়। উচ্চহারে অর্থ ঋণ করে কিংবা নিজের জমি বিক্রি করে মামলা চালাতে গিয়ে বিবদমান পক্ষদ্বয় ক্রমাগত নিঃশেষ হতে থাকে। গ্রামাঞ্চলে এরকম প্রবাদ আছে যে শত্রু তার শত্রুকে অভিশাপ দেয় এই বলে যে, “তোকে যেন মামলায় ধরে।”

আদালতে মামলা বা অভিযোগের সংখ্যা প্রাতিষ্ঠানিক সুবিধাদির তুলনায় বেশি হওয়ায় স্বভাবতই বিরোধ নিষ্পত্তির প্রক্রিয়াটি দীর্ঘায়িত হয়ে থাকে। কিন্তু এমন কিছু অভিযোগ উত্থাপিত হয়ে থাকে যেগুলো স্থানীয় পর্যায়ে আলাপ-আলোচনার মধ্য দিয়ে মীমাংসা করে আদালতের ওপর চাপ কমানো সম্ভব। সালিশের মাধ্যমে বিরোধের দ্রুত ও সহজ সমাধান করে বিবদমান পক্ষদ্বয়কে একসঙ্গে বসবাসের উপযোগী ব্যবস্থাও নেওয়া সম্ভব হয়। সালিশের মাধ্যমে বিরোধকে স্থায়ী না করে কোন প্রকার অর্থ ব্যয়, কখনো কখনো স্বল্প ব্যয়ে মীমাংসায় উপনীত হওয়া সম্ভব হয়। তবে সালিশের কাঠামো অপরিবর্তিত থাকায় এর সীমাবদ্ধতাকে অনেকাংশে অতিক্রম করা সম্ভব হয় না।

সালিশী ব্যবস্থার পুনর্গঠন

সালিশের সিদ্ধান্ত প্রয়োগের ক্ষমতা নেই এবং সিদ্ধান্ত পালনে কেউ বাধ্যও নয়। এর জন্য সালিশে কেউ চূড়ান্ত সমাধানও দিতে পারে না। কোন এক পক্ষকে অসন্তুষ্ট করার ঝুঁকি কম নেওয়া হয় বলে সালিশি কখনো কাছাকাছি বা আপাত সমাধানই দিতে পারে। আবার কখনো তাও দিতে পারে না। সালিশি গ্রামাঞ্চলে ক্ষমতাবানদের ক্ষমতা প্রকাশের মুখ্য উপায়। সালিশে নেতৃত্ব দেয়ার মধ্য দিয়ে গ্রামীণ ক্ষমতাবানরা দরিদ্রদের নিয়ন্ত্রণ করে থাকে। তারা তাদের শ্রেণীস্বার্থে বিবদমান পক্ষের মধ্যে নিজ শ্রেণীর অথবা অনুসারীর পক্ষে সিদ্ধান্তকে প্রভাবিত করার চেষ্টা করে থাকে। এ ছাড়া গ্রামীণ দলাদলির রাজনীতিও সালিশিকে বিলম্বিত ও কোন কোন ক্ষেত্রে অমীমাংসিত রাখে যখন বিবদমান পক্ষদ্বয় দু'দলের অনুসারী হয় এবং উভয় দলের নেতারা সালিশে মুখ্য ভূমিকা পালন করেন। স্ব স্ব অনুসারীদের পক্ষ অবলম্বন করায় সালিশি দীর্ঘায়িত হয়, একাধিকবার বসে এবং কখনো কখনো বিষয়টি অমীমাংসিত থেকে যায়।

প্রচলিত প্রথা, মূল্যবোধের ওপর ভিত্তি করে সালিশি পরিচালিত হয়ে থাকে। গ্রামের বয়োজ্যেষ্ঠ ও নেতৃস্থানীয়রা বংশ পরম্পরায় যে প্রথা অনুসরণ করে আসছেন তা তাদের ক্ষমতাকে নিশ্চিত ও কোন কোন ক্ষেত্রে নিজেদের স্বার্থ রক্ষা করে থাকে। গ্রামের প্রচলিত প্রবাদ থেকেই এর অন্তর্নিহিত তাৎপর্য বোঝা যায় যেমন, মাতব্বরের ছেলে মাতব্বর হবে, মামী লোকের মান দিতে হয়। প্রচলিত প্রথার কারণে নারীদের সালিশে মুখ্য ভূমিকা পালনের সুযোগ নেই। শুধুমাত্র কোন ঘটনার সঙ্গে সংশ্লিষ্ট থাকলেই তবে তাদের সালিশে ডাকা হয় সাক্ষ্য দেয়ার জন্য কিংবা শাস্তি দিতে। ধর্মীয় বিধি-নিষেধের কথা বলে বাংলাদেশে সাম্প্রতিককালে সালিশে মেয়েদেরকে কঠোর সাজা পর্যন্ত দেয়া হয়েছে এবং সাজাপ্রাপ্ত মেয়ে রাগে-ক্ষোভে আত্মত্যাগ করেছে। ফলে সালিশের মত কার্যকর একটি ব্যবস্থারও বিরোধ

নিরসনে তার গ্রহণযোগ্যতা নিয়ে প্রশ্ন উঠেছে। সালিশকারদের (সর্দার বা মাতব্বর) ভূমিকা মধ্যস্থতার মধ্যে সীমাবদ্ধ থাকে না, কোন কোন ক্ষেত্রে তারা সিদ্ধান্ত চাপিয়ে দিয়ে থাকে। ফলে সালিশ একটি স্বৈচ্ছাপ্রণোদিত সমাধান পদ্ধতি থাকে না।

স্বল্প সময়ে ও স্বল্পব্যয়ে স্থানীয় পর্যায়ে বিরোধ নিরসনের কার্যকর ও স্বৈচ্ছাপ্রণোদিত ব্যবস্থা হিসেবে সমাজের প্রয়োজনেই সালিশের গুরুত্ব এখনো রয়েছে। শান্তিপূর্ণ ও স্বতঃস্ফূর্তভাবে বিরোধ নিরসনের সনাতন এ মাধ্যমটির পদ্ধতিগত জটিলতা না থাকলেও নেতৃত্ব প্রদানকারী ক্ষমতাবানদের ক্ষমতা প্রকাশ ও দরিদ্রদের অবদমিতকরণের প্রচেষ্টার কারণে তা প্রশ্নের মুখোমুখি হয়। সালিশে নেতৃত্বদানকারী অভিজাত শ্রেণী তাদের শ্রেণীস্বার্থে দরিদ্রদের অবদমন ও স্বশ্রেণীর বিরোধকারীর পক্ষে রায় প্রদান এবং সালিশকে শোষণের যন্ত্র হিসেবে ব্যবহার করলেও অর্থ ও সময়ের সাশ্রয়, শান্তির পরিবর্তে অধিকাংশ ক্ষেত্রেই সমঝোতার মাধ্যমে বিরোধের দ্রুত নিষ্পত্তি, কোর্ট বা আদালতের তুলনায় সালিশে অভিযোগ উত্থাপন ও আত্মপক্ষ সমর্থনের সহজ পরিবেশ থাকা ইত্যাদি নানা কারণে সালিশ এখনো বসে, বিবাদ সৃষ্টি হলে তা মীমাংসার জন্য আনুষ্ঠানিক প্রতিষ্ঠানে যাবার পূর্বে সালিশের মাধ্যমে সমাধানের প্রচেষ্টা ও আগ্রহ পরিলক্ষিত হয়ে থাকে।

সংগঠনহীনতা, শ্রম বিক্রি, জমি বর্গা কিংবা জমির জন্য পানি, ঋণ বা বন্ধক ইত্যাদি নানা কারণে বিচারের জন্য দরিদ্রদেহে এখনো সমাজের নেতাদের ওপর নির্ভর করতে হয়। প্রচলিত মূল্যবোধ ও প্রথার কারণে সালিশে সর্দার, মাতব্বর, প্রধান বা প্রামাণিকরাই মুখ্য ভূমিকা পালন করেন। সালিশে দরিদ্র নারীদের নিপীড়িত হবার ঘটনা এখন আর অমূলক বা অসত্য নয়—একথা আমাদের সকলের জানা। এ ব্যাপারে বিশ্ববাসীকে জনানোর জন্য বিভিন্ন মাধ্যমে বিদেশেও প্রচারিত হচ্ছে। পুরুষতান্ত্রিক সমাজে প্রথা ও মূল্যবোধ তৈরী করে পুরুষেরা; সেজন্য পারিবারিক বিরোধ এমনকি কোন নারীর যৌন হয়রানির বিচার করার সময়ও নারীর ওপর দায়ভার চাপানোর চেষ্টা করা হয়ে থাকে। বিষয়টি আরো ভয়ংকর হয়ে উঠে যখন সালিশের রায় বা সিদ্ধান্তকে ধর্মীয় নেতারা নিজস্ব আদলে ধর্মের ব্যাখ্যা দিয়ে বৈধতা প্রদান করেন। এ অবস্থার পরিপ্রেক্ষিতে রাষ্ট্রের প্রচলিত আইনের বিপরীত স্রোতে না গিয়ে নারীর প্রতি সহিংস মনোভাব পরিবর্তন করে ইতিবাচক দৃষ্টিভঙ্গি নিয়ে পারিবারিক বিরোধের মীমাংসা, সালিশে নারীর কার্যকর আংশগ্রহণ ও পারিবারিক আদালতকে কার্যকর করার জন্য আশির দশকের শেষ দিকে জাতীয় পর্যায়ে কয়েকটি এনজিও সনাতন সালিশ ব্যবস্থার পুনর্গঠন এবং সাধারণ জনগণ ও সালিশকারদের আইনগত সাধারণ ধারণা প্রদানের মাধ্যমে কোর্টের বিকল্প হিসেবে ছোটখাটো বিরোধ মীমাংসায় সালিশী ব্যবস্থাকে ইতিবাচকভাবে কার্যকর করার চেষ্টা চালিয়ে যাচ্ছে। মাদারীপুর লিগাল এইড অ্যাসোসিয়েশন, আইন ও সালিশ কেন্দ্র, বাঁচতে শেখা, নাগরিক উদ্যোগ, সমতা, সমাজ প্রশিক্ষণ উন্নয়ন কেন্দ্র ইত্যাদি জাতীয় ও স্থানীয় পর্যায়ের এনজিও বাংলাদেশের বিভিন্ন অঞ্চলে তাদের কর্মসূচি বাস্তবায়ন করেছে। সালিশ ব্যবস্থা পুনর্গঠনে এনজিওগুলো বিভিন্ন কর্মসূচির মাধ্যমে দরিদ্র নারী-পুরুষদেরকে সংগঠিত করে সালিশে সিদ্ধান্ত গ্রহণ কাঠামোয় অংশগ্রহণের সুযোগ সৃষ্টি করেছে। প্রচলিত সালিশে গৃহীত সিদ্ধান্তের কোন লিখিত ডকুমেন্ট না রাখার প্রচলন থাকায় খুব সহজেই সালিশের রায় উপেক্ষা করা যায়। সেজন্য এনজিওগুলো সালিশের জন্য অভিযোগ গ্রহণ, প্রতিপক্ষকে সে বিষয়ে অবহিতকরণ, সালিশের স্থান ও সময় নির্ধারণ এবং সালিশের রায় ইত্যাদি বিষয়গুলো লিখিতভাবে সম্পন্ন করে থাকে। এনজিওগুলো তাদের নিজেদের কর্মীদের মাধ্যমে সালিশের যাবতীয় বিষয়ের

মনিটরিং করে থাকে। এমনকি সালিশে বিরোধ নিষ্পত্তি করা সম্ভব না হলে অথবা বিবাদী সালিশের রায় উপেক্ষা করলে বিষয়টি নিষ্পত্তির জন্য এনজিওগুলো দরিদ্র পক্ষকে আদালতে আইনগত সহায়তা প্রদান করে থাকে। সালিশী ব্যবস্থার পুনর্গঠন ও দরিদ্র নারী-পুরুষের অংশগ্রহণ এবং অধিকার সংরক্ষণের জন্য এনজিওর কর্মসূচিগত পার্থক্য থাকলেও উদ্দেশ্যগত অভিন্নতা রয়েছে। তবে প্রচলিত সালিশের সীমাবদ্ধতা দূর করে স্বল্প সময়ে ও নিরপেক্ষভাবে স্থানীয় পর্যায়ে বিরোধ নিরসন করাই এনজিওর মূল লক্ষ্য।

সালিশী ব্যবস্থার পুনর্গঠনে এনজিও: মাদারীপুর লিগ্যাল এইড এসোসিয়েশন (এম. এল. এ. এ.)

দরিদ্র মানুষের আইনী সহায়তা প্রদান ও সালিশী ব্যবস্থার পুনর্গঠনের জন্য ১৯৭৮ সালে এম. এল. এ. এ. প্রতিষ্ঠিত হয়। মাদারীপুর লিগ্যাল এইড এসোসিয়েশন (এম. এল. এ. এ.) প্রথম বেসরকারি সংগঠন বা এনজিও যারা তৃণমূল পর্যায়ে স্বল্প সময়ে ও বিনা খরচে পারস্পরিক বিরোধ মিটাতে আইন সহায়তা দানের পাশাপাশি সালিশ ব্যবস্থাকে আরো কার্যকর ও গতিশীল এবং প্রাতিষ্ঠানিকীকরণের লক্ষ্যে কাজ করেছে। এম. এল. এ. এ. বিচার ব্যবস্থার বিকল্প ধারা হিসেবে সালিশী ব্যবস্থার প্রাতিষ্ঠানিকীকরণের জন্য সনাতন সর্দার, মাতব্বরদের পাশাপাশি বিভিন্ন পেশার প্রতিনিধিদের প্রশিক্ষণ প্রদান করে সালিশ কমিটির গঠন, সালিশের জন্য অভিযোগ লিপিবদ্ধকরণসহ নিষ্পত্তিকৃত বিষয়ে সময়ে সময়ে তদারকি করে।

এম. এল. এ. এ. তাদের কর্ম-এলাকায় প্রতিটি গ্রামে বিভিন্ন শ্রেণী এবং পেশার (ইউনিয়ন পরিষদ প্রতিনিধি, স্কুল ও মাদ্রাসার শিক্ষক, বয়োজ্যেষ্ঠ ও প্রভাবশালী প্রমুখ) লোকদের নিয়ে গ্রাম পর্যায়ে কমিটি গঠন করে। একটি ইউনিয়ন নয়টি ওয়ার্ডে বিভক্ত প্রতিটি ওয়ার্ড থেকে ৮ থেকে ১০ জন সদস্য নিয়ে ওয়ার্ডভিত্তিক গ্রাম সালিশ কমিটি গঠন করা হয়। প্রতিটি গ্রাম কমিটি থেকে একজন করে প্রতিনিধি এবং কোন কোন ক্ষেত্রে একাধিক যোগ্য প্রতিনিধি থাকলে তাদেরকে অন্তর্ভুক্ত করে ১০ থেকে ১৫ জন সদস্যের সমন্বয়ে ইউনিয়ন সালিশ কমিটি গঠন করা হয়ে থাকে। সালিশ কমিটিতে এক-তৃতীয়াংশ মহিলা সদস্য অন্তর্ভুক্ত করার বিধান রয়েছে। তবে বিরোধ মীমাংসার ক্ষেত্রে সালিশ কমিটির সদস্য ছাড়াও সমাজের গণ্যমান্য ব্যক্তিরাও উপস্থিত থাকেন। গবেষণাধীন দুটি ইউনিয়নের অধিকাংশ সালিশে লক্ষ্য করা গেছে যে কমিটিভুক্ত সকল সদস্য সালিশে উপস্থিত থাকেন না। কমিটিভুক্ত এবং কমিটিবহির্ভূত ৪-৭ জন মধ্যস্থতাকারী বা সালিশকারীর উপস্থিতিতে সালিশ অনুষ্ঠিত হয়। এম. এল. এ. এ.'র উদ্যোগে মাদারীপুর, শরীয়তপুর ও গোপালগঞ্জ জেলার ১৫টি উপজেলার ১৯১টি ইউনিয়নে সালিশী ব্যবস্থার পুনর্গঠনের জন্য কাজ করেছে। এসকল ইউনিয়নে পুরুষ এবং মহিলা উভয়কে গ্রাম সালিশ কমিটি গঠন করে বিরোধ নিষ্পত্তির জন্য সালিশ অনুষ্ঠানের উদ্যোগ লক্ষ্য করা যায়।

এম. এল. এ. এ. সালিশে বিবদমান পক্ষদ্বয়ের মতামত বা বক্তব্য পেশ করার পর তাদেরকে সমঝোতায় বা মীমাংসায় উপনীত হতে সালিশকারদের মধ্যস্থতার কৌশল, বিবাদরত দলকে আইনের ব্যাখ্যা প্রদানের জন্য প্রয়োজনীয় প্রশিক্ষণ প্রদান করে থাকে। সালিশের মাধ্যমে সিদ্ধান্ত চাপিয়ে না দিয়ে বরং বিবদমান পক্ষদ্বয়কে সিদ্ধান্ত গ্রহণে সাহায্য করার কৌশল সম্পর্কে ধারণা প্রদানের জন্য সালিশকারদের (গ্রাম ও ইউনিয়ন সালিশ কমিটির সদস্য ও স্থানীয় গণ্যমান্য ব্যক্তিদেরকে) ১দিন ও ৩দিন ব্যাপী প্রশিক্ষণ প্রদান করা হয়। পারিবারিক

আইন বিষয়ে সচেতনতা সৃষ্টির জন্য স্কুল, মাদ্রাসা অথবা কলেজের ক্লাসরুমে ১দিনের জন্য জনসংযোগ অনুষ্ঠান এবং নিয়মিত সালিশে অংশগ্রহণ করে থাকে। এরকম স্থানীয় ব্যক্তি ও ইউনিয়ন পরিষদের সদস্যদেরকে নিয়ে ৩দিন ব্যাপী প্রশিক্ষণের আয়োজন করা হয়ে থাকে।

এম. এল. এ. এ'র উদ্যোগে অনুষ্ঠিত সালিশী প্রক্রিয়াটি শুরু হয় মীমাংসার জন্য বিবদমান কোন এক পক্ষের আবেদন গ্রহণের মধ্য দিয়ে। সংস্থা কর্তৃক নির্ধারিত আবেদনপত্র পূরণ করে ঘটনার বিবরণ জানিয়ে বাদী সুবিচারের জন্য সালিশ অনুষ্ঠানের আহ্বান করে। গবেষণায় দেখা গেছে যে, আবেদনপত্রটি বাদীর পক্ষে বাদী নিজেই পূরণ করেন। বিরোধ নিরসনের জন্য আবেদন পাবার পর সালিশকর্মী আবেদনে উল্লিখিত ঘটনার যথার্থতা যাচাই-এর জন্য প্রাথমিক তদন্ত করে থাকেন। তবে গবেষণা এলাকায় সালিশকর্মীকে সকল আবেদন এর ঘটনার প্রাথমিক তদন্ত না করে শুধুমাত্র মারপিট সংক্রান্ত অভিযোগ এবং কোন কোন ক্ষেত্রে ফসলের ক্ষতি কিংবা চুরির ঘটনার প্রাথমিক তদন্ত করার তথ্য পাওয়া গেছে এবং এ সকল তদন্ত প্রতিবেদনের প্রতিটি ঘটনা আবেদনের সঙ্গে সংযুক্ত করে রাখা হয়। সালিশকর্মী আবেদনের পরিপ্রেক্ষিতে সালিশের তারিখ নির্ধারণ করে প্রতিপক্ষকে মীমাংসার তারিখ ও স্থান এবং অভিযোগের বিবরণ জানিয়ে নির্ধারিত ফর্মে পত্র প্রেরণ করেন। এই পত্র সাধারণ ডাকযোগে বা কারো মারফৎ বিবদমান পক্ষদ্বয়ের কাছে প্রেরণ করা হয়। এর পাশাপাশি সালিশকর্মী সালিশ কমিটির সদস্য ও স্থানীয় গণ্যমান্য সদস্যদের সঙ্গে যোগাযোগ করে সালিশ বৈঠকে তাদের উপস্থিতি নিশ্চিত করে থাকেন। সালিশে ডকুমেন্টেশনের পুরো প্রক্রিয়াটি শুরু হয় বিবদমান কোন এক পক্ষের আবেদনের, প্রতিপক্ষকে সালিশে উপস্থিত করার জন্য পত্র প্রদান, সালিশে গৃহীত সিদ্ধান্ত ও উপস্থিত সালিশকারগণের নাম ও স্বাক্ষর নিয়ে নির্ধারিত ফরমেটে সালিশ বৈঠকের কার্যবিবরণী লেখা। পর্যালোচনা করে দেখা গেছে যে, যৌতুক, পারিবারিক বিরোধ ও অর্থ লেনদেন সংক্রান্ত বিরোধ নিষ্পত্তির জন্য অনুষ্ঠিত সালিশের প্রথম বৈঠকে প্রতিপক্ষের উপস্থিতির হার কম এবং এক্ষেত্রে বিরোধ নিষ্পত্তির জন্য সালিশের প্রথম বৈঠকে অনুষ্ঠিত হয়ে থাকে। প্রথম বৈঠকে প্রতিপক্ষ বৈঠকে উপস্থিত না হলে বৈঠকের পরবর্তী তারিখ জানিয়ে তাকে পুনরায় চিঠি প্রদান করা হয়। বর্তমান গবেষণায় মারপিট, সামাজিক বিরোধ, অর্থ সংক্রান্ত ৩০টি বিরোধ পর্যালোচনা করে দেখা গেছে যে, এ ধরনের বিরোধ নিষ্পত্তির জন্য অনুষ্ঠিত ২৫টি সালিশের প্রথম বৈঠকেই প্রতিপক্ষ উপস্থিত ছিলেন। তবে কোন কোন ক্ষেত্রে প্রতিপক্ষ প্রথম বৈঠকে উপস্থিত না থেকে, ইউনিয়ন পরিষদের চেয়ারম্যান কিংবা সদস্য, পাড়া কিংবা গ্রামের বয়োজ্যেষ্ঠ অথবা সংশ্লিষ্ট ঘটনার আইনগত দিক সম্পর্কে অভিজ্ঞ এরকম ব্যক্তিদের সঙ্গে আলোচনার জন্য সালিশের তারিখ পুনর্নির্ধারণের জন্য সালিশকর্মীর সঙ্গে যোগাযোগ করে থাকেন। গবেষণা এলাকায় সালিশের প্রথম বৈঠকে উপস্থিত না থেকে ইউনিয়ন পরিষদের পুরুষ সদস্যের মাধ্যমে বৈঠকের পরবর্তী তারিখ নির্ধারণ করে থাকেন। যৌতুক, দ্বিতীয় বিয়ে ও স্বামী-স্ত্রীর মধ্যকার বিরোধ নিষ্পত্তির ক্ষেত্রেই এরকম ঘটনা সবচেয়ে বেশি ঘটে থাকে।

সালিশে উভয় পক্ষের উপস্থিতি থাকা সত্ত্বেও বিরোধ নিষ্পত্তি করা সম্ভব না হলে এক্ষেত্রে একাধিক বৈঠক অনুষ্ঠিত হয়। কখনো কখনো প্রথম বৈঠকের পর উপস্থিত সালিশীকাররা নির্ধারিত পরবর্তী বৈঠকের পূর্বে স্থানীয়ভাবে বিরোধ নিষ্পত্তির জন্য সময় বা সুযোগ নিয়ে থাকেন। এক্ষেত্রে দেখা যায় যে, কখনো সালিশের পরবর্তী বৈঠক অনুষ্ঠিত হবার পূর্বেই স্থানীয়ভাবে অনুষ্ঠিত সালিশে বিরোধের নিষ্পত্তি করা হয়। এক্ষেত্রে সালিশকার ও বিবদমান পক্ষদ্বয় কি কি শর্তে বা কৌশলে বিরোধের নিষ্পত্তি করা হয়েছে সে সম্পর্কে সালিশকর্মীকে

অবহিত করে থাকে এবং সালিশকর্মী মীমাংসাপত্র ও রেজিস্টার খাতায় উক্ত মীমাংসার বিবরণ ও শর্তাবলী লিপিবদ্ধ করে রাখে। সালিশকর্মী নিজে সালিশের জন্য অনুষ্ঠিত প্রতিটি বৈঠকের মীমাংসাপত্রে উপস্থিত সালিশকারগণের নাম ও স্বাক্ষর, গৃহীত সিদ্ধান্ত এবং যে ক্ষেত্রে পরবর্তী বৈঠকের প্রয়োজন হয় সেক্ষেত্রে সালিশ বৈঠকের পরবর্তী তারিখ এমনকি কোন পক্ষ অনুপস্থিত থাকলে তার বিবরণসহ বৈঠকের কার্যবিবরণী সালিশকর্মী নিজে লিখে থাকেন। গবেষণায় দেখা গেছে যে, অভিযোগপত্র বা আবেদনপত্র গ্রহণের মধ্য দিয়ে সালিশ প্রক্রিয়া শুরু হয় এবং উভয়পক্ষের সমঝোতার মধ্য দিয়ে সালিশের সমাপ্তি ঘটে।

গবেষণা এলাকায় দেখা গেছে যে, স্থানীয়ভাবে অথবা ইউনিয়ন পরিষদের চেয়ারম্যান বা সদস্যরা যখন কোন বিরোধের নিষ্পত্তি করতে পারেন না অথবা নিষ্পত্তিকৃত বিষয়টি নিয়ে পুনরায় সালিশ অনুষ্ঠিত হয়। পাশাপাশি সংস্থাটি কর্তৃক অনুষ্ঠিত সালিশের পুরো ব্যবস্থাটি সম্পন্ন হবার পূর্বেই স্থানীয়ভাবে বিরোধের নিষ্পত্তি করা হয় এবং এ ধরনের উদ্যোগকে এম. এল. এ. উৎসাহিত করে থাকে। সাধারণত কোন পক্ষ যদি স্থানীয়ভাবে অনুষ্ঠিত সালিশে সুবিচার পায়নি, এরকম মনে করে অথবা স্থানীয়ভাবে নিষ্পত্তিকৃত সালিশের শর্তসমূহ প্রতিপক্ষ মানছে এ রকম ঘটনা ঘটে সে ক্ষেত্রে একই বিষয়ে এম. এল. এ. এর মাধ্যমে পুনরায় সালিশ অনুষ্ঠানের আবেদন করা হয়। অপর দিকে বিবদমান পক্ষদ্বয় যদি মনে করে এম. এল. এ. এর কর্তৃক অনুষ্ঠিত সালিশে তাদের উভয়পক্ষকে সমঝোতার জন্য ক্ষতিপূরণ কিংবা সময় ব্যয় করতে হবে সে-ক্ষেত্রে দুটি সালিশ বৈঠকের মাঝামাঝি সময়ে স্থানীয়ভাবে বিরোধের নিষ্পত্তি করা হয়। কখনো কখনো স্থানীয় মাতব্বরা যদি বিবদমান উভয় পক্ষের সঙ্গে সংশ্লিষ্ট হয় সেক্ষেত্রে ক্ষমতার প্রতিদ্বন্দ্বিতা ও নিজের অনুসারীর বিজয় নিশ্চিতকরণের জন্য সালিশকে দীর্ঘায়িত করে থাকে।

এম. এল. এ. এর কর্ম-এলাকায় পারিবারিক ও যৌতুক সংক্রান্ত বিষয়ে সবচেয়ে বেশি সংখ্যক সালিশ অনুষ্ঠিত হয়ে থাকে। তারপর জমি, অর্থ ও নারী নির্যাতন বা মারপিট সংক্রান্ত বিষয়ে পর্যায়ক্রমে অধিক সালিশ অনুষ্ঠিত হয়ে থাকে। জুলাই ২০০৫ থেকে জুন ২০০৬ সালে এম. এল. এ. এর কর্ম-এলাকায় বিরোধ নিষ্পত্তির জন্য ১০,৬৯৫টি আবেদন করা হয়। তার মধ্যে ৭,৯৮৬টি বিরোধ সালিশের মাধ্যমে নিষ্পত্তি করা হয়। নিষ্পত্তিকৃত সালিশের মধ্যে পারিবারিক বিরোধের সংখ্যা ছিল ১,৯২৩টি, যৌতুক, জমি ও অর্থ লেনদেন সংক্রান্ত বিরোধের সংখ্যা যথাক্রমে ২,৩৫১টি, ৯৩৮টি এবং ১,০৫৮টি। এছাড়া ৩৬টি দ্বিতীয় বিয়ে এবং ৫৪৮টি সামাজিক বিরোধের মীমাংসা সালিশের মাধ্যমে নিষ্পত্তি করা হয়। নিষ্পত্তিকৃত সালিশের মধ্যে পারিবারিক ও যৌতুক সংক্রান্ত বিরোধের সংখ্যাই বেশি।^{১০}

অধিকাংশ বিরোধের নিষ্পত্তি ঘটে বিবদমান পক্ষদ্বয়ের পারস্পরিক সমঝোতার মাধ্যমে। পারিবারিক বিরোধের অধিকাংশের নিষ্পত্তি ঘটেছে পারস্পরিক সমঝোতার মাধ্যমে এবং অবশিষ্ট বিরোধের নিষ্পত্তি হয়েছে তালকের মাধ্যমে। লক্ষ্য করা গেছে যে, সালিশে উপস্থিত বিবদমান পক্ষদ্বয়ের সঙ্গে আলোচনার মাধ্যমেই সালিশকারগণ খোরপোষ বা ক্ষতিপূরণের জন্য অর্থের পরিমাণ নির্ধারণ করে থাকেন। আর্থিক বিষয়ে অধিকাংশ বিরোধের নিষ্পত্তি হয়ে থাকে অভিযুক্ত ব্যক্তির অর্থ ফেরৎ প্রদানের মাধ্যমে, জমি সংক্রান্ত বিরোধের নিষ্পত্তি ঘটে জমির সীমানা সঠিকভাবে নির্ধারণ ও পজেশন বুঝে নেবার মধ্য দিয়ে অথবা বাদীকে জমি ফেরৎ প্রদানের মধ্য দিয়ে। যদি নিষ্পত্তিকৃত বিষয়ে পুনরায় বিরোধ সংঘটিত হয় তবে পুনরায় সালিশ বসে। এম. এল. এ. এর কর্মীদের তথ্যানুসারে নিষ্পত্তিকৃত বিষয়ের মধ্যে ৫%-৮% বিষয়ে পুনরায় বিরোধ সংঘটিত হয় ও সালিশ বসে। তার মধ্যে যেগুলো মীমাংসার উপযোগী নয় সেগুলো আদালতে চলে যায়।

সালিশি নারীর অংশগ্রহণ

সালিশির সূচনালগ্ন থেকে পুরুষরাই মুখ্য ভূমিকা পালন করে আসছে। প্রথা ও পুরুষতান্ত্রিক সমাজব্যবস্থার মূল্যজনিত কারণে সালিশি নারীদের অংশগ্রহণের সুযোগ সীমিত। নারীরা কেবল ঘটনার সাক্ষী, প্রতিপক্ষ কিংবা বাদী হিসেবে সালিশি উপস্থিত থাকতে পারে। তবে এক্ষেত্রে উচ্চস্বরে কথা বলা যাবে না, শালীনভাবে বসতে হবে, যখন বলা হবে কেবল তখনই কথা বলবে- এরকম নানা শর্ত মেনে চলতে হয়। সালিশি বসা, রায় দেয়ার মত মুখ্য ভূমিকা রাখবার সুযোগ তাদের নেই। তবে আশির দশকের শেষ দিকে এনজিও কর্মকাণ্ডের সম্প্রসারণের মধ্য দিয়ে নারীদের সামাজিক ও রাজনৈতিক পরিমণ্ডলে বিচরণের সুযোগ তৈরী হয়েছে। বিশ্বায়নের যুগে দাতাসংস্থাগুলো নারীর রাজনৈতিক ক্ষমতায়নের ওপর গুরুত্ব দিয়ে এই খাতে অর্থ বরাদ্দ করেছে। ফলে সরকারি ও বেসরকারি পর্যায়ে নারীর রাজনৈতিক ক্ষমতায়ন নিয়ে নানা কর্মসূচি পালিত হচ্ছে। স্থানীয় পর্যায়ে সিদ্ধান্তগ্রহণ কাঠামোয় অংশগ্রহণের মধ্যে রাজনৈতিক ক্ষমতায়ন সম্ভব- এই ধারণা নিয়ে ইউনিয়ন পরিষদ ও স্থানীয় বিচার কাঠামোয় নারীর অংশগ্রহণ গুরুত্ব পাচ্ছে। এম. এল. এ. এ সালিশি নারী অংশগ্রহণের জন্য গ্রামসালিশি কমিটি ও কেন্দ্রীয় কমিটিতে এক তৃতীয়াংশ পদ নারীর জন্য সংরক্ষণ করা হয়েছে। এছাড়া সালিশিকমিটির সদস্য ও ইউনিয়ন পরিষদের নারী সদস্যদের আইন ও সালিশি বিষয়ে প্রশিক্ষণ প্রদান করা হয়ে থাকে। ২০০৫-২০০৬ সালে ৯১ জন ইউপি নারী সদস্যদেরকে এম. এল. এ. এ প্রশিক্ষণ প্রদান করেছে যেন তাঁরা কার্যকরভাবে বিরোধের মীমাংসা করতে পারেন।

উপসংহার

সময়ের পরিবর্তনের সাথে সাথে স্থানীয় পর্যায়ে বিরোধ নিরসনে নানা উপাদান বা ফ্যাক্টর যুক্ত হলেও সালিশী ব্যবস্থার বিলুপ্তি ঘটেনি বরং সনাতন এই ব্যবস্থাটিকে আরো গতিশীল ও কার্যকর করার জন্য নতুন মাত্রা যুক্ত হয়েছে। কিন্তু দাতাসংস্থার সাহায্যের ওপর নির্ভর করে কয়েকটি এনজিও'র পক্ষে বিস্তৃত পরিসরে সাধারণ জনগণকে আইনগত বিষয়ে সচেতন করা কতটুকু সম্ভব সে বিষয়ে প্রশ্নের অবকাশ থেকে যায়। লক্ষ্য করা গেছে যে, আইন ও সালিশির মতো জটিল একটি প্রক্রিয়াকে ৩ দিন বা ৬ দিনের প্রশিক্ষণে রপ্ত করা কতটুকু সম্ভব তা প্রশ্নের অবকাশ রাখে। এছাড়া একজন সালিশিকর্মী তিনি পুরুষ বা নারী যেই হোন না কেন তার একার পক্ষে স্বল্প বেতন ও দাপ্তরিক সুবিধাহীনভাবে প্রতিমাসে ৩০/৪০টি বিরোধ মীমাংসার জন্য সালিশি অনুষ্ঠান করা দুরূহ কাজ। এটি আরো কঠিন হয়ে পড়ে যখন স্থানীয় জনগণ সালিশি অনুষ্ঠানের যাবতীয় কাজকে সালিশিকর্মীর কাজ বলে মনে করে এবং আর্থিক সুবিধা ছাড়া সালিশি যেতে সামাজিক দায়বদ্ধতা অনুভব করেন না। এছাড়া, দাতা সংস্থার অনুদান এই খাত/প্রকল্প সংকুচিত করে অন্য খাতে/প্রকল্পে অর্থ বরাদ্দ করে এনজিওকর্মীদের পক্ষে এ বিষয়ে কাজ করার সুযোগও সংকুচিত হয়ে যায়। এক্ষেত্রে বিদেশী সাহায্য বা প্রকল্প অনুদানের ওপর নির্ভর না করে বেসরকারি সংগঠনের দক্ষতা ও অভিজ্ঞতাকে ব্যবহার করে সালিশি ব্যবস্থাকে প্রাতিষ্ঠানিক রূপ প্রদান করা সরকারের পক্ষেই সম্ভব।

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