

ISSN 0256-503X

**THE  
JOURNAL  
OF  
THE INSTITUTE OF  
BANGLADESH STUDIES**

**Jules Bloch**

**M.A. Hamid**

**H. Khan**

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**Preface to M. Shahidullah's Dissertation**

**Sufism : Its Origin & Growth in Islam**

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**Ethnicity and Socio-political Attitudes**

**Distribution of Jute Earnings**

**Strategies of Leadership**

**THE INSTITUTE OF BANGLADESH STUDIES  
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ISSN 0256-503X

**THE  
JOURNAL  
OF  
THE INSTITUTE OF  
BANGLADESH STUDIES**

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**Vol VIII**

**Annual**

**1985**

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**MAHMUD SHAH QURESHI**  
**Editor**

**INSTITUTE OF BANGLADESH STUDIES**  
**RAJSHAHI UNIVERSITY**



*Published by*

M. Ziad Aly

Secretary

Institute of Bangladesh Studies

Rajshahi University

THE  
JOURNAL  
OF  
THE INSTITUTE OF  
BANGLADESH STUDIES

1986

Annual

Vol VII

March 1986

*Printed at*

Barnamichhil

42A, Kazi Abdur Rouf Road

Dhaka-1

Tk. 60.00

£ 4.50

\$ 6.50



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## Preface to M. Shahidullah's Dissertation

Jules Bloch

Those who know of Buddhism only from the legend of its founder, the early history of its community, or even from its dogmas and scholastic doctrines, would form a quite inadequate idea of what this religion was destined to become. Tibetan paintings express a devotion addressed less to saints than to magicians. And what was true of Tibet was true of Nepal as well as of India, at least of eastern India, which furnished Nepal and Tibet a number of their most celebrated masters.

To tell the truth, magic power is nothing other than a manifestation of sainthood because it is but one of the consequences of self-control. For Buddhism, like Yoga, has taught the practical methods for combatting everything—in body and in spirit—which puts thoughts into disequilibrium and diverts them from salvation. And, like Hinduism, Buddhism has included among these methods, sexual union. The texts that M. Shahidullah presents here—unreservedly Buddhist—teach a cult of *sahaja* like that of the Bengali poet Candidas in the fourteenth century or of abundant Vaisnavite literature of a much later period, even of our own days, such as M. Manindramohan Bose has analysed in the *Journal of the Department of Letters of the University of Calcutta* in 1927. This practice naturally has a great attraction among vulgar souls. But it should be understood that for the genuinely initiated, the personality loses itself in the plenitude of union. Possession without passion is equal to spiritual liberty, to *nirvana*. Kanha and Saraha add that the possession should be incomplete, so as to avoid the danger of the act itself. It is like the elephant driver (*mahut*), who takes hold of the trunk of the elephant, slips off and escapes.

But this doctrine is not explained unambiguously in the texts. It is expressed in a "twilight language" (*sandhya-bhasa*) accessible only to the initiated. For, initiation plays a fundamental part in this cult and that is why there is such insistence upon the rôle of the guru. The terms employed have, besides the normal sense, an anatomical or mystical value which alone gives a precise meaning to the statement.

But it is not in this regard alone that an editor of these texts would find difficulty. They are not written in Sanskrit and the manuscript tra-



dition has preserved them badly. M. Haraprasad Shastri, who first discovered and published them could not push the (textual) criticism to the maximum. Bendall, who had published a few isolated stanzas, did not succeed in reconstituting the text with complete certainty. But he did establish the principle and furnish the method which has since proved its value, and of which M. Shahidullah made good use: on the one hand, research into metrical forms and on the other, use of Tibetan translations. M. Shahidullah did not consider his obligation as editor fulfilled so long as the text he was reconstituting did not scan in accordance with the standard meters of Middle Indian. Moreover, he courageously set himself to the study of Tibetan with the sole objective of searching in the Tanjore for versions of Kanha and Saraha. The reader will verify at every stanza the progress that the edition owes to this double method, and also to the application of paleography, too often neglected by Indologists.

The result is that the linguistic lessons that the text furnished become more evident. It is not to be forgotten that M. Shahidullah is above all a linguist. And in fact it is the linguists who first became more involved with these troubling texts which date from the period of formation of the Bengali language. It is to make clear the history, or the prehistory, of his maternal language that M. Shahidullah has made himself Tibetologist, Buddhologist and, to some extent, historian.

His researches disclose that the two masters, one living during the first half of the eighth century, the other towards the year one thousand, wrote in two different languages: Bengali and Apabhramsa. If the first date that M. Shahidullah proposes be exact, Bengali becomes, of all the modern languages of India, the most anciently attested. So far as the Apabhramsa is concerned, M. Shahidullah shows in detail that the (rather unstandardized) language of our texts is not of the type of Apabhramsa in use in the West of India and described by Hemchandra in the twelfth century. Should we, therefore, with M. Jacobi call it Eastern Apabhramsa? Yes, if by this is meant that it is found in Eastern texts and that one finds therein Eastern influences. No, if one means that the basis of the present Eastern languages is to be found therein. In fact the question probably should not be posed in these terms at all. It is imprudent to extend the term Apabhramsa, which denotes a literary language of a well-defined type, to the unknown spoken languages which make the transition between the Middle and the Modern Indian. This extension of a term of literary history to the properly linguistic vocabulary can provoke confusions and pointless difficulties. Accordingly a Prakrit that Hemchandra understood is not necessarily the ancient form of a Vernacular. The fact that the works and the grammars help us to reconstitute the history



of languages should not induce us to mix the two orders of facts. To return to the Apabhramsa of Kanha and of Saraha, M. Shahidullah wisely concludes by calling it simply "Buddhist". Now it is up to Buddhologists to decide if there be any relationship between these texts and the books of the *samitiya* sect which, according to Taranath, were written in Apabhramsa.

It is evident that it was worth the difficulty to re-edit these texts even after an earlier edition had been published. Not philology alone, but the history of the language and literature of a great Indian nation and the history of a great religion are bound up with them. One must be grateful to M. Shahidullah for having charged himself with this delicate task and to have made so significant an achievement.\*

\*M. indicates here Monsieur (i.e., Mr. but it could be Muhammad, too) and the dissertation is :

*TEXTES POUR L'ETUDE DU BOUDDHISME TARDIF*

LES CHANTS MYSTIQUES de KANHA et de  
SARAHÀ LES DOHA-KOSA

(en apabhramsa, avec les versions tibetaïnes) et  
LES CARYA

(en vieux-bengali)

avec introduction, vocabulaires et notes  
edités et traduits

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Paris : Adrien-Maisonneuve, 1928



of languages and it is not in fact to mix the two orders of fact, to return to the Aryan and of Sanskrit, M. Steinmann wisely concludes by calling it simply "Buddhist". Now it is up to Buddhologists to decide if there be any relationship between these texts and the books of the number next which according to Steinmann were written in Aryan.

It is evident that it was worth the difficulty to re-edit these texts even since an earlier edition had been published. Not philology alone, but the history of the language and literature of a great Indian nation and the history of a great religion are bound up with them. One must be grateful to M. Steinmann for having engaged himself with this delicate task and to have made so significant an achievement.

\*The French text is given in the Appendix (p. 100), but it could be (Steinmann, too) and the dissertation is:

TEXTES POUR L'ÉTUDE DE BOUDDHISME TARDIF

LES CHANTS MYSTIQUES DE KANHA et de

SARVATĪ LES DONNA-KOŚA

(traduction, avec les versions tibétaines) et

LES GĀRYĀ

(en deux parties)

avec introduction, vocabulaire et notes

de M. Steinmann

Paris

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Paris: A. Francke-Verlag, 1925



# Sufism : Its Origin & Growth in Islam and its Impact in Bengal

M. A. Hamid

Sufism may be called the Islamic version of mysticism which is "historically connected with the mystery-cults of Greeks".<sup>1</sup> As a Philosophical doctrine, mysticism is the outcome of an intensely philosophical spirit aversive to a mere rational approach to philosophy and of an extra-ordinary religious fervour discouraging the dogmatic and sceptical systems of theology in every creed. It is to be regarded as an attitude of mind or an inward illumination of the soul—which is inspired by the insatiable ambition to attain to a direct experience of God as well as to have an immediate apprehension of reality as a whole by feeling through heart.

Mysticism has been in vogue in almost every age and creed in some form or other. In Islam too, from its very inception, a section of devotees used to believe in spiritualism or mysticism, and cultivate other-worldliness, piety and self-abnegation as means towards the attainment of God and purification of the soul. This spirit of mysticism as an attitude of mind and a secret cult to the Almighty is represented in Islam by the term 'Sufism'; and the persons who practised this system of belief are known as Sufis.

Sufis or Islamic mysticism which developed at an early stage in Islam was due to the wide-spread ascetic tendencies of the first century of the Islamic era. It was due also "to the revolt of the more spiritually minded moslems against the formalism and the unsatisfying theology of their creed".<sup>2</sup> It was adopted at first by individuals and then by small groups, and later on, became an organised system. It represented at first, a way of life, an inward feeling of the heart and then developed into a mystic-cum-philosophic system of idealized pantheism. Like mysticism, Sufism also aims at the unification of the individual-self with the Absolute-Self and the abnegation of the individual will in the Will of God.

<sup>1</sup>M. Smith, *Studies in Early Mysticism in the Near and Middle-East*. London : The Sheldon Press, 1931 ; p. 1.

<sup>2</sup>*Idem*, *History of Mysticism*, (London : 1933) ; p. 63.



It is a philosophy of love—a philosophy of God-intoxication. Its basis lies in man's aspiration for a direct and personal approach to God and its aim is the attainment of His fellowship i.e. nearness to God. Thus the disappearance of consciousness of separate-selves and continuous existence into the being of the Divine Self is the goal of Sufism.

This mystical movement in Islam which arose, as mentioned above, out of asceticism and fervent piety, was, in fact, as old as Islam itself. The seeds of sufism are very much inherent in some of the verses of the Quran which is the base-rock of Islam ; and the practice of sufism dates back from Prophet Mohammad (S.M.) himself. As Syed Ameer Ali says<sup>3</sup> : "The elevated feeling of Divine pervasion with which the prophet often spoke, the depth of fervent and ecstatic rapture which characterised his elevations, constitute the chief basis on which Moslem mysticism is founded".

The allegorical-cum-mystical significance of the Quran and Hadith will thus be evident from some of the verses<sup>4</sup>. For examples : 'He (God) is the first and last, visible and invisible, and He is the knower of everything'. (LVII : 3). "When you shot the arrow, it was not you who shot, but God shot". (VIII : 17). Again in a Hadith-i-Qudsi, God said to the prophet : "I was a hidden Treasure and I desire to be known ; and, therefore, I made the creation that I might be known". The underlying meaning of these verses, in fact, form the basis of the teaching of sufism.

Broadly viewed, Prophet Mohammad (S.M) himself may thus legitimately be described as the first sufi. He had been mystical in tendency and was frequently found absorbed in devotion and meditation in the cave of Hira. His followers also imitated him in practising asceticism, quietism and some other mystical tendencies. They were too absorbed in the meditation of God to have any lust for luxury and worldly pleasures. But they were known as 'Sahaba's instead of sufis ; for, the former was considered to be of much dignity and position. In its earliest phase, sufism was thus characterised by other-worldliness and quietism rather than by a mysticism proper. Among the early ascetics, Hasan al-Basri, Abul Hashim, Ibrahim Ibn-Adham and Rabia al-Basri are worth mentioning. These early ascetics abstained themselves from luxury and earthly enjoyment and practised self-mortification and self-abnegation as means towards the attainment of the highest perfection.

<sup>3</sup>*The Spirit of Islam*, (London : 1961) ; p. 455.

<sup>4</sup>The verses cited in the passage are based on the source materials from S.M. Nadvi, *Muslim Thought and Its Source* (Lahore : 1953) ; pp. 79-80.



Among the early ascetics, Hasan al-Basri is generally acknowledged to be the first sufi (d. 728 A.D.). He was born at Medina and brought up at Basra. He was well-known for the austerity of his life. He laid the foundation of 'the science of hearts' (ilm al-qutb), later developed by other sufis. Abul Hashim (d. 162 A.H.), an inhabitant of Kufa, followed the simplicity of the prophet's life and was deeply influenced by the horror of sin, transitoriness of earthly life and the dread of the day of judgement. Ibrahim Ibn Adham (d. 777 A.D./160 A.H.), a prince of Balk, abandoned his life in the world. He was concerned mainly with asceticism as well as with mysticism ; and was deeply absorbed in meditation (muraqaba) and gnosis (marifa). And Rabia al-Basri (d. 185 A.H.) born at Basra was another woman sufi-saint among the early sufis. Her attitude, like that of the early sufis, in general, was marked by an extreme sense of other-worldliness. Love of God—a disinterested love—is the keynote of her ascetic teachings. A classic illustration of her attitude towards God is found in the words of her famous prayer :

“O my Lord, if I worship Thee from fear of Hell, burn me in Hell ; and if I worship Thee from hope of Paradise, exclude me from Paradise ; but if I worship Thee for Thy own sake, then withhold not from me Thy eternal Beauty”.<sup>5</sup>

The first phase of sufism, as sketched above, is marked by an intense, ascetic and devotional character. Gradually, this asceticism and devotionality gave rise to theosophical doctrines. Maruf al-Karkhi (d. 200 A.H.), a saint—pure and simple—who defined sufism as 'the apprehension of divine Reality' is considered to have developed asceticism into theosophy. He was soon followed by Dhum-Nun-Misri (d. 245 A.H.), an Egyptian, who according to S.M. Nadvi "is universally regarded as a pillar of Islamic mysticism".<sup>6</sup> He was further considered to be one of the 'Hidden saints' and the spiritual head of the sufis of his time.<sup>7</sup> The key-note of his mystical ideas is : 'The man that knows God best is the one most lost in Him.'

The sufism, later on, passes on to pantheism. Two sufi personalities, who are thought of to have had a far-reaching influence on the development of sufism in this direction, were Bayazid al-Bistami (d. 261 A.H.) and Mansur al-Hallaj (d. 398 A.H.). Bayazid, a Persian, declared that all who obtain a clue to the Divinity are absorbed into God and become

<sup>5</sup>S. Spencer, *Mysticism in World Religion*, (London : G. Allen & Unwin Ltd., 1965) ; p. 303.

<sup>6</sup>See *Muslim Thought and Its Source* (Lahore : Sk. M. Ashraf, 1960) ; p. 84.

<sup>7</sup>M. Smith, *Readings from the Mysticism of Islam*. (London : Luzac & Company Ltd., 1950) ; p. 22.



one with God. According to Hallaj, another Persian, man is essentially divine because he was created by God in His own image. Hallaj was put to death as a heretic for saying "anal-Haq" ("I am the truth"); thus identifying himself with God. The sufi teachings were committed to writing by Abu Noor as-Serraj (d. 378 A.H.) in his book 'Kitabul-Luma' and later by al-Qushayri (d. 337 A.H.) in his 'Risala'it'.

The pantheistic views of the sufis were not accepted by the common orthodox Muslims wholeheartedly. A section of the people used to describe the sufi teaching as heretical. At that stage of the development of sufism, Junayed of Baghdad (d. 297 A.H.) equally emphasized on and synthesized between the external path (shariat) and the internal path (Haqiqat) of Islam. It was, however, reserved for Al-Ghazzali (d. 505 A.H.)—a saint-cum-philosopher of highest order in Muslim thought—to popularize mysticism among the various sections of the Muslim community by reconciling it with the external laws of the religion.

During the seventh century A.H., we find further development of sufism in Spain and Persia. Ibnul Arabi (d. 638 A.H.) may be regarded as the first Spanish sufi. His teaching is mainly pantheistic—teaching the doctrine of Divine Emanation. The teaching of Ibnul Arabi had practically influenced every pantheistic sufi who came after him. In Persia, Jalaluddin Rumi (d. 672 A.H.) practically completes the golden age of sufism. His great mystical poem the 'Mathnavi' is the embodiment of his pantheistic views and received an unprecedented applause from almost all quarters. Ibnul Arabi and Rumi are said to have represented the climax of sufi achievements.

The period, after Ibnul Arabi and Rumi, are characterised by a stage of gradual decay in sufism which is believed to have lost its fervour and also to have deviated from the main Islamic teachings. The deviation of sufism from Islamic teachings is said to have begun when shariat and marifat—the external and the internal sides of Islamic teachings respectively—became unbridgeable. The earlier sufis had equally emphasized the external and the internal paths. But the later sufis became too mystical to think of the exoteric side. They began to identify themselves with a separate school of thought having no connection with the exoteric side of Islamic teachings. Moreover, the early sufis had emphasized piety and devoted particular attention to morality. They had preached and practised morality. But the later sufis began to raise doubts on the morality in practical life with the result that some basic virtues were explained away. In this way, the spiritual stream which had fertilized the mind and heart of millions soon dried up.



From what has been said above, it is quite evident that the three stages of sufism—ascetic, theosophical and pantheistic—evolved from the Islamic elements themselves<sup>8</sup> and it is irrefutable and misleading to connect the origin of sufism with any other foreign influence. Of course, some external factors viz. Christian, Indian and Persian influences have had some profound effect on its further and rapid growth. As K. D. Bhargava says :

“Neo-Platonic thought profoundly influenced Christian monasticism and Muslim sufism. Buddhist legends and ceremonies were still practised in Central Asia and sufism in the legends of Central Asia received a specific mould from Buddhist traits and traditions. Pilgrimage and cult of saints became an important part of Buddhist doctrines in its later phases.”<sup>9</sup>

Although sufism originated and flourished initially in the Islamic world, it has spread over to many parts of the world including the Indian sub-continent. In the beginning of the eleventh century A.D., a large number of sufi-saints who had migrated from various parts of the Islamic world flourished in India particularly in its North-Western part and engaged themselves in spreading Islam, in other words, the sufi way of life among the masses. One of the sufi-saints of the sub-continent was Khwaja Muinuddin Chisti (1142-1234 A.D.) who was born at Chisht in Eastern Iran and resided for a long time at Khorasan. Muinuddin Chisti “followed the army of Ghori in 1192 and settled at Ajmeer in Rajasthan.<sup>10</sup> He was succeeded by Shaikh Fariduddin Shakarganj (d. 1269 A.D.) and Nizamuddin Awliya of Delhi (1236-1325) who were equally distinguished for their piety and learning. In India, these sufi saints wielded considerable influence on the masses as well as on the nobles and the aristocrats. The “beloved prince”, to mention here, “Dara Shikoh, was a fervent sufi. Abul Fazl and Fawzi also belonged to the sufi school.”<sup>11</sup>

In Bengal also, sufism had made its way into. The first sufis who came to Bengal were, according to Dr. M. Enamul Huq, “Shah Sultan Rumi (reported arrival at Mymensingh in 1053. A.D.) and Baba Adam (said to have been put to death by Raja Ballala Sena at Bikrampur, Dacca in 1119 A.D.).<sup>12</sup> The next sufi who came to Bengal was Shaykh Jalaluddin

<sup>8</sup>Nadvi, *op. cit.*, pp. 85-86.

<sup>9</sup>A *Survey of Islamic Culture and Institutions*, (Allahabad : Kitab Mohal, 1961) ; p. 219.

<sup>10</sup>*Ibid.*, p. 224.

<sup>11</sup>*Ibid.*, p. 219.

<sup>12</sup>A *History of Sufism in Bengal* (Dhaka : Asiatic Society of Bangladesh, 1975) ; p. 144.



Tabrizi (d. 1225 A.D.). Sufis belonging to different orders and sub-orders of India soon followed his wake and within a century or two Bengal became overflowed by their influx."<sup>13</sup> During these periods, the deputies (Khalifahs) and the sub-deputies of the sufis of North-Western India were in sole charge of Bengal in respect of guiding the people and preaching true faith among them and introduced in Bengal a number of sufi orders and sub-orders under instruction from their sufi-masters. The sufi-orders and sub-orders as introduced in Bengal and preached among its masses are as follows :

(a) *Suhrawardi Order* : Suhrawardi order of sufi way of life was introduced in Bengal by Jalaluddin Tabrizi (d. 1225), Mir Sayyad Jalaluddin (1307-1383 A.D.) and Shah Jalal Mujarrah-i-Yamani who all were disciples of Shaykh Shihabuddin Suhrawardi of Baghdad (1147-1234 A.D.). Tabrizi's centre of activities was at Padua (Gour)<sup>14</sup> where a mosque and a "Khanaqah" or monastery was built for the saints by Laksmana Sen, the last Hindu King of Bengal.<sup>15</sup> Hazrat Shah Jalal, born in Yaman, was a reputed saint and a warrior and was instrumental in preaching and spreading Islam in the whole of eastern Bengal and a large part of Assam bordering on Bengal. His beautiful shrine at Sylhet<sup>16</sup> is visited by thousands of Muslims everyday for spiritual innovation and attainment of virtue.

(b) *Chisti Order* : In the wake of Suhrawardi order, Chisti Sufis viz. Shaykh Farid and Abdullah Kirmani Bangali of Birbhum entered Bengal to preach Islam in the eastern and western parts of Bengal respectively. Both were disciples of Khwaja Muinuddin Chisti and converted a considerable number of people to Islam. The third great saint of Chisti order was Shaykh Sirajuddin Badayuni (d. 1357 A.D.) and was sent to Bengal by his spiritual teacher Nizamuddin Awaliya of Delhi for preaching Islam. He left behind a long line of successors to popularise the Chisti order in Bengal.

(c) *Naqshbandi Order* : The next sufi-order known as Naqshbandi order was introduced in Bengal by Shaykh Hamid Danishmand of Mangalkot, Bardwan<sup>17</sup> under the patronage of Hazrat Mujaddad-i-Alf-i-Thani (1563-1624 A.D.), the founder of this order. Shaykh Hamid Danishmand was a "pir Bhai" (. . .) and an intimate friend of the

<sup>13</sup>*Ibid.*, p. 145.

<sup>14</sup>Now in West Bengal, India.

<sup>15</sup>See n. 12 ; p. 146.

<sup>16</sup>A district town located in the north-eastern region of Bangladesh.

<sup>17</sup>In West Bengal, India.



Mughal Emperor Shah-i-Jahan (1628-1658) "who created a mosque near the grave of the saint in the year 1654 A.D".<sup>18</sup> The influence of the Nakshbandis on the Muslims of Bengal is said to be of very recent origin beginning only from the seventeenth century A.D. "The late entry of this order into Bengal", as says Dr. Enamul Haq, "is perhaps the cause of its failure as a popular sufi creed".<sup>19</sup>

(d) *Qadri Order* : The Qadri order was the last sufi order introduced in Bengal by Hazrat Shah Qamis around the sixteenth century, and thereafter. Shah Qamis was one of the descendants of Abdul Qadir Jilani of Baghdad, the founder of the order and settled and died in Salar (Salurah) in 1584 A.D. The Qadri order was patronized by Emperor Aurangazib himself and was a popular creed in North India and Bengal.

Apart from the saints belonging to above different sufi-orders, some mystic saints e.g. Shah Mukhdum of Rajshahi ; Sultan Bayazid Bustami and Shaikh Farid of Chittagong ; and Khan Jahan Ali of Bagerhat<sup>20</sup> also settled in Bengal around the 15th century. All of them are believed to have migrated from Arab countries and were primarily known to be religious preacher and reformer. These Sufi-Saints are believed to have belonged to no specific sufi-order or the specific sufi-order to which they belonged is not clearly known to us.

Sufism in Bengal may be classified period-wise as follows : Firstly, the sufis belonging to the early period (12th-14 centuries) were mostly the disciples of Suhrawardi and Chisti order and "were not, as it seems, mystics who preferred contemplation to action ;—rather were militant propagators of Islam. There was a certain amount of religious asceticism in them and a strong scorn for worldly concerns".<sup>21</sup> The middle period (15th to 17th centuries) was characterized by a steady consolidation of Muslim thought through a gradual adjustments to its local needs. Most of the sultans and the nobles including the elites of the society in Bengal became the disciples of one or other of the pirs or darvishes during this period. Some of the sultans had also their family pirs who were the sources of spiritual strength of the sultans in time of war or other state calamity. The last period (18th to 20th centuries) was accentuated by "decay and corrosion and of moral and spiritual degeneration of the

<sup>18</sup>See n. 12 ; p. 153.

<sup>19</sup>*Ibid.*

<sup>20</sup>A district town of southern Bangladesh.

<sup>21</sup>See n. 12 ; p. 155.



Bengali Sufis".<sup>22</sup> The pirism during this time has been turned into professionalism and, in some cases, into political activism. In to-days' Bangladesh, the Bishwa Zakir Manzil at Atrassi (Faridpur) and the pirism at Sarsina (Barisal), for examples, seem to be concerned with worldly matters along with other worldly affairs; albiet, they are primarily engaged in spreading Islamic teaching and Tariqat among the masses.

These sufi-saints were generally known to and revered by the people in Bengal as Sufi, Darvish, Pir, or Awliya. They commanded enormous influence and authority over the people and the society in Bengal. People used to respect them for their pure and simple life; for their peity; and for their high ideals on character and morals. Indeed, many people still narrate the miracles performed by these Sufi-Darvishes as of extra-ordinary feats and regard them as of possessing Divine powers or blessings. The people still visit at large the shrine of the saints for spiritual uplift and try to mould their lives by implementing the ideals set by them.

<sup>22</sup>*Ibid.*, p. 157.



# Potter's Art in Bengal : An Integrated Study

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## I

Unlike their counterparts in other countries, the Bengal potters were destined by nature to play the most dominant role in her art history. Although art is an expression of the human aesthetic feelings in his socio-cultural context, it is largely dependent for its expression upon the geo-physical resources of the country of its growth. Perhaps, except painting, whose colour pigments are somewhat artificially prepared, the major art media such as stone, metal, wood and clay are supplied by nature. Thus the media or techniques, to use a term from the art vocabulary, of a country's artistic expression are as varied as they are available in nature.

Bengal is a delta formed with the deposit of silt carried by her two mighty rivers, the Ganges and the Brahmaputra, from their uplands. These rivers with their numerous tributaries<sup>1</sup> criss-cross the Bengal plain and constitute the special feature of her physiography. The upper or the northern part of the country is a comparatively older formation than its lower or southern part where the fluvial process of constant shifting of river beds is still going on in full swing. In order times, change in the river courses of Bengal made and unmade many flourishing cities and thriving marts and often transformed the total outlook of vast areas. Bengal having fallen in the monsoon zone enjoys heavy rainfall which together with the vast volume of rain-water carried by the Ganges and the Brahmaputra from their upper reaches causes perennial flood in the Bengal plain and keeps it submerged under water for a considerable part of the year. Thus, there has occurred a continuous deposition of clay in different levels of the Bengal delta through the ages. Geologically, the Bengal delta is the youngest formation in the world and lacks in

<sup>1</sup>For details on the river system of Bengal, see S.C. Majumdar, *Rivers of the Bengal Delta* (Calcutta, 1942).



quality stone suitable for art products.<sup>2</sup> Consequently, the lithic art has not developed in Bengal as in other parts of India where good stone of different types is abundantly available. The surviving stone objects from ancient and medieval Bengal show that stone was used for very special purposes, such as for making religious images, architectural members, free-standing pillars etc<sup>3</sup> which are not also numerous. The sculptured reliefs wrought on these examples attest to a high state of masonry in yore Bengal, but the scarcity and cost of the material led to its restricted use beyond the reach of the common men. Perhaps, in consideration of the high cost involved in lithic art and the factor of permanence ensured by it, stone work in India ever remained a matter of royal concern and patronage. Like stone-carving, the arts of bronze-casting and ivory-carving appear to have been practised in early Bengal in a limited scale<sup>4</sup> owing also, perhaps, to their costliness. Wood-carving as a medium of art expression was popular in Bengal through the ages, but the perishable nature of the material has not favoured many ancient examples to survive.<sup>5</sup> As regards painting, datable examples are not known from earlier times than the Pala period (8th-12th C. AD) and the extant ones constitute manuscript illuminations<sup>6</sup> on palm-leaves, not numerous. They were executed under the patronage and direction of the rulers and the priestly and the prosperous lay community of the society.

But of all arts practised in Bengal, that of the potter appears to have been the most extensive in use and also the most ancient. The

<sup>2</sup>The laterite stone locally available in Birbhum and Bankura was at times used as building material, but it was unsuitable for art objects. The black basalt which was largely used for images of divinities in ancient and medieval Bengal, was imported from the Rajmahal Hills located at the juncture where the Ganges leaves Bihar and enters Bengal and carried to different centres of the sculptors' art in Bengal. See N.K. Bhattachali, *Catalogue of Sculptures in the Dacca Museum*, p. XVIII.

<sup>3</sup>A few such richly carved stone lintels, door-jams and pillars from ancient Bengal are now in the list of exhibits in the Indian Museum, Calcutta and the V.R.S. Museum, Rajshahi.

<sup>4</sup>Cf. N.G. Majumdar, *Inscriptions of Bengal*, Vol. III (Rajshahi, 1929), p. 127.

<sup>5</sup>Some elaborately carved architectural wooden members including posts and brackets and a few sculptures in the round surviving from ancient Bengal are preserved in the National Museum of Bangladesh, Dhaka.

<sup>6</sup>Unlike the book-illustrations of medieval Persia, China and the West, these manuscript paintings are not illustrative of the subject-matter of the text they embellish but represent in miniature gods and goddesses which decorated temple walls and monastic establishments during the Pala period. For a study of the Buddhist iconography with reference to these manuscript paintings, see A. Foucher, *Etude Sur l'Iconographie Bouddhique de l'Inde*, pt. I (Paris, 1900) and pt. II (Paris, 1905); also S.K. Saraswati, *Tantrayana Art: An Album* (Calcutta, 1977).



natural conditions obtaining in the country have made the potter's art the art *par excellence* of Bengal. The abundance of clay deposition in the Bengal soil and its easy procurability together with the low cost involved have sustained the potter's art unhindered at all phases of Bengal history. But unfortunately, no specimen of Bengal art discovered so far may be dated prior to the Mauryan times (4th-2nd C. BC). This, however, should not, lead one to conclude that Bengal in the remotest past had no art activities. There is little doubt that the earliest art products of Bengal were made of perishable materials like clay whose ephemeral nature precluded examples to survive. Instances of an interesting practice still current in Bengal art of making *Kshanika* (momentary) images of clay may be adduced in support of such a supposition. These clay image are worshipped with all religious fervour on *parvana* days (days fixed for worship of particular deities) and afterwards immersed in tanks or rivers—a practice which probably continues from ancient times. The earliest surviving examples of Bengal art are also those of the potter—the burnt clay or terracotta figurines<sup>7</sup> datable to the Mauryan (4th-2nd C. BC) and the Sunga (2nd-1st C. BC) periods. Examples of the potter's art in Bengal of the subsequent times<sup>8</sup>—the Saka-Kushana and the Gupta ages—are in fact numerous.

The above facts drive home the proposition that the potter was the earliest artist in Bengal. In the agrarian society of ancient Bengal, the role of the potter in catering to the utilitarian and aesthetic needs of the people could hardly be over-emphasized. Compared with other plastic media of more durable nature, the potter's objects must have been extensive in use. These served domestic and ritual purposes. The potter made household utensils, toy goods for children and religious and votive

<sup>7</sup>These are mostly female figures discovered at Mahasthan (Bogra), the ancient Pundravardhana, at Pokharna (Bankura), the ancient Pushkarana, at Tamluk (Midnapore), the ancient Tamralipti, at Bangarh (Dinajpur), the ancient Kotivarsha, at Gitagram in Murshidabad and at many other minor sites. See *ASIAR*, 1929-30, p. 142 ; 1930-34, pp. 128-29, pl. LXII-g ; *History of Bengal*, Vol. I, ed. by R.C. Majumdar (Dacca, 1943), pp. 520-21 ; K.G. Goswami, *Excavations at Bangarh* (Calcutta, 1948), p. II ; Shahanara Husain, "The Terracotta Find-Spots of Pre-Muslim Bengal", *JASP*, XV, No. 2 (1970), pp. 129-37.

<sup>8</sup>Except terracotta objects, no art products in other media are known to have survived from the pre-Gupta period (4th-6th C. AD) of Bengal history. Not a single work of lithic art discovered so far in Bengal can be definitely placed before the Gupta period and very few can confidently be assigned even to this age. The extant specimens of painting range in date from the 11th to 12th centuries during the Pala-Culture period. The art of bronze-casting can only be dated from the time of the Guptas. See *History of Bengal*, *op. cit.*, p. 657.



objects. Their art even spread to official and literary functions.<sup>9</sup> What is more, the poor and the lay satisfied their desire for personal adornments with terracotta ornaments. Besides the purely utilitarian objects, the Bengal potter manufactured art products of more durable nature; these were terracotta plaques or tablets wrought with designs and meant for hanging from walls, windows or stages and thereby served decorative purposes. Demand for such objects of the potter was high at home market and these appear to have been also included among items of foreign trade in early Bengal. There are evidences which suggest that such terracotta artifacts were produced on commercial scale and exported abroad.<sup>10</sup> Bengal is known to have carried brisk international trade in ancient and medieval times through her many land and sea routes.<sup>11</sup>

From the time of the Guptas (4th-6th C. AD), the potter's art in Bengal received a wider dimension in respect of use and application. Hitherto the potters were mostly engaged in the making of utilitarian, religious and toy objects and only at times, in works of pure art consisting of decorative tablets; henceforth, they were also called in to decorate and embellish architecture. Under the Guptas, a large number of brick temples<sup>12</sup> were erected in northern India and these were decorated with terracotta facings<sup>13</sup> of religious subjects. This art movement spread to Bengal which formed part of the Gupta empire and the Bengal architecture of the Gupta period followed the precedent of the Gangetic valley. Architectural terracotta and ornamental bricks assignable to the

<sup>9</sup>Terracotta seals and sealings have been discovered at Mainamati (8th-13th C. AD) in Comilla and at Mahasthan in Bogra. A sealing recovered from the debris at Salban Vihara at Mainamati reads "Sri Bhavadeva Maha Vihara Arya Bhikshu Sanghasya" that is 'Sri Bhavadeva, the founder of the Maha Vihara'. Bhvadeva, the fourth ruler of the Deva dynasty has been assigned a reigning period in the second half of the 8th century. See Abdul Momin Choudhury, *Dynastic History of Bengal* (Dacca, 1967), p. 147.

<sup>10</sup>Terracotta plaques with inscriptions of the 11th century character have been found at Arakan, Burma and Nalanda. See N.K. Bhattasali, *Iconography of the Buddhist and Brahmanical Images in the Dacca Museum* (Dacca, 1929), p. XXII.

<sup>11</sup>For Bengal's foreign trade in ancient times, see *History of Bengal, op. cit.*, pp. 660-63.

<sup>12</sup>Brick temples of the Gupta period with terracotta ornamentation have been discovered at Bhitargaon, Bilsar, Garhwa, Bhitari, Sravasti and other sites of northern India. See *ASIAR*, 1908-09, p. 10; 1907-08, p. 96; *ASIR*, Vol. XI, pp. 41-47.

<sup>13</sup>Regarding the beginning of architectural terracotta art Marshall writes, "We do not know how long this peculiar style of carved brickwork remained in vogue, but we may safely assume that it flourished during the rule of the great Gupta emperors, i.e., the 4th and 5th centuries." *ASIAR*, 1908-09, p. 6.



Gupta age<sup>14</sup> have been discovered in the temple walls of the Govind Bhita, an adjacent site to Mahasthan (ancient Pundravardhana) in Bogra district of present Bangladesh. The plaques illustrate Yaksha figures and Hindu and Buddhist deities. Some such alto-relievos have also been dug out from the debris at Gokul, a near-by temple site.<sup>15</sup> Besides figure-reliefs, ornamental bricks with a variety of designs such as chevron, chess-board, cross-petal, dentil, inverted pyramid, corbelled arch, sun flower, lotus, lily etc. have also been found at the dadoes of the Govind Bhita.<sup>16</sup>

Examples of non-architectural terracotta art of the post-Gupta times have come up from various sites of India<sup>17</sup> besides Bengal. But the architectural use of terracotta remained confined alone to Bengal<sup>18</sup> where the art developed profusely and became the established tradition of facade ornamentation. The medieval Buddhist establishments in Samatata<sup>19</sup> (eastern Bengal) and Varendri<sup>20</sup> (northern Bengal) that have come to light as the result of archaeological search are stupendous brick structures consisting of monasteries, stupas and temples. In all these instances, the potter was called in to decorate the structures with terracotta alto-relievos, and compared to other ornamental media, his art was used most. The subjects depicted were thematically almost common in all cases. Figure motifs of religious association such as gods and goddesses and mythological subjects of popular imagination together with the flora and fauna were universally represented. There are scenes

<sup>14</sup> *ASIAR*, 1936-37, p. 53.

<sup>15</sup> *ASIAR*, 1934-35, pp. 41-42, pl. XVIII, 1 & 3 ; 1935-36, pp. 68-69.

<sup>16</sup> *ASIAR*, 1936-37, p. 53, pl. XVII.

<sup>17</sup> Of the find-spots, Nalanda has been the most prolific. See *ASIAR*, 1919-20, pl. XXI c ; 1934-35, p. 40, pl. XVII b. Other find-places include Saheth-Maheth in Uttar Pradesh and Avantipur in Kashmir.

<sup>18</sup> Parmeswari Lal Gupta, *Gangetic Valley Terracotta Art* (Varanasi, 1972), p. 69.

<sup>19</sup> In Samatata around the Mainamati-Lalmal Hill range, about five miles west of Comilla town, as many as fifty-five ancient cultural sites have been identified by the Archaeological Survey, but of those only twenty important ones have been declared protected. Three of these, namely, Salbanpur Mound, renamed Salban Vihara (8th-10th C. AD), Kotila Mura (7th-13th C. AD) and Charpatra Mura (c. 1000 AD) have so far been excavated. A large number of antiquities and objects of art and utility have been discovered from the sites. See F.A. Khan, *Mainamati: A Preliminary Report on the Recent Archaeological Excavation in East Pakistan* (Karachi, 1963) ; also T.N. Ramchandran, "Recent Archaeological Discoveries Along the Mainamati and Lalmal Ranges, Tippera District, East Bengal" in *B.C. Law Volume*, pt. II, ed. by Bandarkar and others (Poona, 1946), pp. 220-30.

<sup>20</sup> Ancient Buddhist sites in Varendri include besides Mahasthan, the Somapura Vihara in Rajshahi, Jagaddal Vihara in Dinajpur, the Vihara at Birat in Rangpur etc.



from everyday life showing men and women in their joys and sorrows, sports and pastimes, activities and festivities. Witty anecdotes of didactic import handed down through generations in Bengal also found depiction in the terracotta plaques. Architectural motifs and abstract formations formed the subject matter of the ornamental bricks laid as cornice above the rows of the plaques. Although executed in clay, the art is vibrant with dynamism and expressive of a strong folk spirit running throughout. The canons of the *Silpasastras* or the *Pratimalakhana* texts are conspicuously lacking in this clay art and the potter-artist played his fancy most freely in these representations. Seldom in the history of Indian art before, folk elements are known to have busied the artists so overwhelmingly as they did the Bengal potters engaged in the decoration of the medieval Buddhist monuments. It seems that the Bengal art and culture during the period from the 8th to the 12th century thrived less on the patronage of the court and more on that of the rich individuals and the prosperous lay community of the time.

The folk trend in the potter's art appears to have tremendously influenced other contemporaneous art products of Bengal as the majority of the stone sculptures that decorate the basal niches of the Somapura Vihara (c. 800 AD) at Paharpur in Rajshahi bear out. Like the terracotta plaques that sheathe the ambulatory walls of the temple, these stone sculptures represent a variety of themes executed in folk style.<sup>21</sup> A considerable number depicts scenes from the life of Krishna as the eternal lover and the pet child of the mother as the Bengalees commonly take him to be. Themes from the *Ramayana* and the *Mahabharata* that have popular appeal to Bengali men and women are also represented. Besides, a few other sculptures show women in dancing poses, men and women in love-making and various other incidents from everyday life of the village folk. Neither in their apparel, adornment and mood nor in the modelling of the physical details, do these sculptures show any trace of cultured taste or refined artistry. Nonetheless, they truly represent the folk spirit full of lively action and dynamic movement. Unlike the traditional hieratic art of India, these Bengal examples are free from the canons of iconography and derive inspiration directly from the life around. "The realities of the daily life of the common people form the social content of this art, technically so crude and imperfect

<sup>21</sup>The new style of Bengal art, called 'The Eastern Indian School', with local characteristics was born during the Pala period (8th-12th C. AD) and with it the concept of the All-India tradition that had loomed over the intellectual and cultural life of Bengal for centuries came to an end. See *History of Bengal, op. cit.*, pp. 532-33 for details.



but so intensely human, so highly expressive of life and artistically so significant."<sup>22</sup>

The potter's art in Bengal suffered a great deal under the rule of the Senas (c. 1097-c. 1223 A.D.) who developed a pompous and luxurious court life and with it a high-brow aesthetic taste expressed in "oversensitiveness of form and gesture, a sensuous worldliness and meticulous details of ornamentation." The ideal set for the art of the period precluded its expression in the ordinary material like clay and the ornate sculptures of the Senas were hewn out of the hornblende schist quarried from the Rajmahal Hills. The architectural ornamentation under the Senas, as evidenced by the surviving temples of the period, was done in stucco and stone-carving<sup>23</sup> instead of terracotta as under the preceding Buddhist rulers. But in spite of the change in decorative technique favoured by the court, it is reasonable to assume that the potters continued their art at the popular level and supplied the society a many utilitarian and art objects.

The Muslim conquest of Bengal at the beginning of the 13th century revived the decorative use of the potter's art from the temporary eclipse that it suffered under the previous Sena rule. The Muslim rulers are known to have built various types of edifices in large numbers,<sup>24</sup> but unfortunately, not many of them have survived from the first hundred years of their rule. The situation may be explained by the fact that the earliest Muslim buildings in Bengal, like those of later times, were built of perishable materials like brick and mostly succumbed to the devouring climate of the country as did many Muslim structures of later times. The extinct structures, in all probability, were adorned with terracotta ornamentation—the potter's art, since the earliest surviving, the Bari Masjid (c. 1300 A.D.) at Chhota Pandua in Hooghly, still retains decoration in terracotta of a type which suggests a long past development of the art. Circumstanced by the geo-physical conditions obtaining in the country, Muslim architecture in Bengal developed the brick style in the main with but casual brick core and stone facing. Terracotta being the natural art

<sup>22</sup>*Ibid.*, p. 526.

<sup>23</sup>David McCutchion, *Late Mediaeval Temples of Bengal* (Calcutta, 1972), p. 13.

<sup>24</sup>See *Tabaqat-i-Nasiri*, Vol. I, trans. by H.G. Raverty (New Delhi, 1970), pp. 559-60, 583; N.N. Law, *Promotion of Learning in India during Muhammadan Rule* (Delhi 1973), p. 106; *Tarikh-i-Firuz Shahi* (London, 1862), p. 19; H. Creighton, *Ruins of Gaur* (London, 1817); H. J. Ravenshaw, *Gaur: Its Ruins and Inscriptions* (London, 1878); Abid Ali, *Memoirs of Gaur and Pandua* (Calcutta, 1930); A.H. Dani, *Bibliography of the Muslim Inscriptions of Bengal* (Dacca, 1957); S. Ahmed, *Inscriptions of Bengal*, Vol. IV (Rajshahi, 1960).



for the brick surface and Muslim architecture being an art only by reason of its surface decoration,<sup>25</sup> the Bengal potters were engaged to embellish the Muslim buildings. The entire facade of the Sultani buildings and also the interior—the back face of the doorway arches, mihrab panels and niches, dome-bearing arches, dome base and even the face of the pilasters were sheathed with terracotta decorations as if with a mantle. The scale of this ornamentation was not only unprecedented in Bengal architecture, but the technique of the art and the scheme of execution were also different. The pre-Muslim examples of architectural terracotta showed one or at times two courses of decorative plaques set along the base of the structures or the walls of the circumambulatory passages, but in the Muslim buildings, decoration overlaid the entire wall surface. Technically, unlike the older tradition of high-relief art of Bengal, the terracotta reliefs in the Muslim buildings were characteristically shallow akin to the Middle Eastern stucco ornamentation. The overlaying of the wall surface mostly with vegetal and floral, and at times with geometric motifs, necessitated careful prior planning which was absent from the pre-Muslim practice in Bengal. It will, therefore, appear that the potter's art underwent a progressive transformation under the Muslim patronage. Thanks to the amazing adaptability of the potters that they kept abreast of the new trend and worked before long art pieces of excellent quality. A visual acquaintance with the terracotta ornamentation in the Sultani buildings such as the Dakhil Darwaza (1433-59), the Darasbari Masjid (1479) or the Tantipara Masjid (1480) in Gaur impresses upon the visitor that the potter's art was raised almost to lithic excellence both in respect of material solidity and artistry. For about three centuries preceding the Mughal rule in Bengal, the potters ruled over the domain of Bengal art and enjoyed court patronage. The sporadic attempts at stone-carving and tile decoration during the period reveal imitation of the potter's art but are comparatively of little artistic worth.

The Mughal conquest of Bengal deprived the potter's art of court patronage. The Mughals introduced an alien style of architecture in Bengal and although under them, brick continued to be the primary building material, the traditional terracotta ornamentation was supplanted by plaster decoration and deep panelling of the wall surface. The change was decisive for the Muslim decorative arts in Bengal, for, henceforth, although there occurred sporadic appearance of terracotta in the Muslim

<sup>25</sup>Muslim artists and craftsmen were rarely inventive in the domain of forms, but their contributions to surface decoration were highly original. Cf. Dalu Jones, "Surface, Pattern and Light" in *Architecture of the Islamic World* (London, 1978), p. 16.



architecture<sup>26</sup>, the art in essence lost Muslim support and was finally dropped from the repertoire of Muslim decorative techniques.

The loss of Muslim patronage could not, however, ring the knell of the potter's art in Bengal. It merely led to a shift in occurrence of the terracottas from the Muslim buildings to those of the Hindus. Incidentally, the late medieval Bengal witnessed hectic building activities by the Hindus. The singular factor responsible for this was the rise of Sri Caitanya (1486-1534) in the religious firmament of Hinduism in Bengal. Sri Caitanya preached *bhakti* or 'love of God' as incarnated in Krsna as against the arid ritualism and caste separatism of the Brahmanical Hinduism and thereby provided a personal God to the Hindus. In the new order, called Vaisnavism, caste distinctions withered away and both the Brahmins and the Sudras came to occupy equal social status.<sup>27</sup> Vaisnavism set ablaze the religious urge of the Hindus who set up a large number of temples in Bengal from the 16th century onward to house the images of Krsna and his consort Radha. These temples were built of brick and overlaid with terracotta portrayals of Radha-Krsna stories. In the subsequent centuries, themes of depiction on these temples included a world of subjects of socio-cultural interest,<sup>28</sup> besides those of the Bhakti Cult. Herein the Bengal potters worked out a scheme of decoration—a picture chronicle—reflecting life in various aspects in late medieval Bengal society. A study of these terracotta reliefs shows what keen observers the potters had been of the life in contemporary Bengal. These works of the potters undoubtedly constitute first-rate materials for the reconstruction of the socio-cultural history of Bengal in late medieval times. But by the end of the 19th century, the tradition of architectural terracotta art appears to have become dead in Bengal. The Kali Mandir at Dakshineswar built by Rani Rashmoni in 1262 B.S. (1875 AD) at a huge cost had no ornamentation in terracotta. The reason for this was perhaps the non-availability of terracotta artists at that time. Mukul Dey writing about Birbhum terracottas in 1959 says that even seventy years ago, there were regular guilds of terracotta artists, but their children knew nothing of the art at the moment.<sup>29</sup> It appears that the death of the art was related to the changes in the socio-religious attitudes of the Bengali Hindu elite, the main patrons of temple building,

<sup>26</sup>The examples are the Atiya Mosque (1609) in Tangail, the Sadi Mosque (1652) and the Shah Muhammad Mosque (c. 1680) at Egarasindur in Kishoregunj and the Kamalapur Mosque (17th century) in Barisal.

<sup>27</sup>D.C. Sen, *History of Bengali Language and Literature* (Calcutta, 1911), pp. 444ff.

<sup>28</sup>See Zulekha Haque, *Terracotta Decorations of Late Mediaeval Bengal ; Portrayal of a Society* (Dacca, 1980), Chs. V-IX.

<sup>29</sup>Cf. Mukul Dey, *Birbhum Terracottas* (New Delhi, 1959), p. 8.



who from the mid 19th century came under heavy influence of the westernized urban culture characterized by progressive thinking and modern life-style and with whom, temple building either as an act of social or religious merit or status symbol had little significance for consideration.<sup>30</sup> The spread of western education brought in new sets of secular ideas and values which replaced traditional ones based on piety. To this was added the general decline in Bengal economy resultant of the import of British goods and decay in exports. In the circumstances, both the enthusiasm and the financial ability for temple building gradually waned and with it also the terracotta art. The final blow to the potter's art in architecture, however, came with the introduction of modern building technology from the west by means of reinforced concrete and cement plaster. But signs of revival of the potter's art in the shape of making useful artistic articles have been noticeable in the recent decades.

## II

In an essay on the potter's art, a cursory glance at the socio-economic conditions of the potters in historical perspective is just in the fitness of things. But we are materially handicapped for such a study particularly with respect to ancient Bengal. The Vedic division of the society into four *Varnas*, namely, *Brahmanas*, *Kshatriyas*, *Vaisyas* and *Sudras* appears to have been merely a matter of theory in view of the numerous castes and sub-castes which had developed in Bengal from ancient times with reference to different arts, crafts and professions and also to tribal, racial and religious factors.<sup>31</sup> Thus although the social position of the potters may not be definitely known, it remains certain that they ranked at the lower stratum of the caste-ridden social hierarchy along with many other occupational groups. But in consideration of the very useful services which the potters rendered to the society in the shape of supplying utilitarian, artistic and religious objects, it may be inferred that they were in a more favourable position compared with sister occupational groups in the agrarian economy of ancient Bengal and also enjoyed social recognition. The Copper Plate Inscriptions of the Gupta period discovered at Damodarpur<sup>32</sup> refer to the *adhikarana* (office) of Kotivarsha-Vishaya as consisting of four other members in addition to the district officer. One of the members was the *Prathama-Kulika* or the chief artisan

<sup>30</sup>See H. R. Sanyal, "Social Aspects of Temple Building in Bengal", *Man in India*, 48, No. 3 (1969), p. 209.

<sup>31</sup>H. Risley, *The Tribes and Castes of Bengal*, Vol. I (Calcutta, 1891), pp. XV ff.

<sup>32</sup>*Epigraphia Indica*, Vol. XV, pp. 130 and 133.



(representing the craft-guilds). The other members representing occupational groups in the administration of the *adhikarana* were the *Nagara-Sreshthin* (guild-president) and the *Prathama-Sarthavaha* (chief merchant). Thus it appears that the artisans (who included the potters) constituted an important occupational group in ancient Bengal and were represented in the local ruling authorities. The allusion also suggests that the artisans formed themselves into guilds and the *Prathama-Kulika* was the chief of such guilds. The Copper Plate Inscriptions are of immense sociological value. They not only constitute a document on local administration under the Guptas and hint at the economic organization in the ancient Bengal society but also indicate that the domain of activities of the different social classes was not rigidly confined to the traditionally defined areas. The inter-class functional mobility is known to have continued into medieval times. Thus the *Brahmanas* whose main functions, as laid down in the *Smritis*, were to perform religious rites, serve as priests and study and teach the sacred texts, are reported to have become soldiers, rulers, administrators and counsellors and followed various other vocations.<sup>34</sup> A *Kaivarta*, Divya by name, is known to have held high office in the court of King Mahipala (1075-80).<sup>35</sup>

The social status of the potters in later times is clearly known with reference to historical texts. The *Brihad-dharma Purana* (c. 12th C. AD) divides the non-Brahmin population of Bengal into three broad categories viz., the *Uttama* (high) *Sankaras*, the *Madhyama* (middle) *Sankaras* and the *Adhama* (low) *Sankaras* or *Antyajas* (*Varnasram Vahiskrita*). All<sup>36</sup> belonging to the categories are, however, *Sudras*. But among the categories, the potters held a status of prominence as they belonged to the *Uttama Sankaras*. The gradations appear to have been made also in consideration of the socially recognizable or otherwise nature of their occupations besides reference to parentage. In this setting of things, the potters as a productive group seem to have enjoyed social recognition. Such an assumption may find some support in the occurrence of the words 'Kumbhakara'<sup>37</sup> (potter) and 'Kumbhakara-garta'<sup>38</sup> (potter's

<sup>33</sup>*History of Bengal, Op. Cit.*, p. 584.

<sup>34</sup>In the Manu Smriti, Kaivartas are referred to as a mixed caste, but in the Visnu Purana they are termed as abrahmanya. See *History of Bengal, Op. Cit.* pp. 591-92 for different denotations of the term.

<sup>35</sup>See Sandhyakara Nandi, *Ramacharita*, ed. by R.C. Majumdar, R.G. Basak and Nanigopal Banerji (Rajshahi, 1939), Verse I:38.

<sup>36</sup>See *History of Bengal, Op. Cit.*, pp. 568-70 for the divisions.

<sup>37</sup>The Kamauli CP Inscription in Akshaya Kumar Maitreye, *Gaudalekhamala* (Rajshahi, 1319 B.S.) p. 135.

<sup>38</sup>Nidhanpur CP Inscription in P.N. Bhattacharya, *Kamrupa-Sasanavali* (Rangpur, 1338 BS), p. 26.



pit) in the inscriptions of medieval Bengal. Generally, the potters carried on their occupation at centres located in the rural areas.

Although documentary evidence regarding the potters' condition during the Muslim rule is not available, they must have been economically better off because of their large-scale employment in the building enterprises of the Muslim patrons. The numerous structures—forts, gates, palaces, mosques, tombs, towers etc, built by the pre-Mughal Sultans of Bengal show rich ornamentation in terracotta executed by the potters. Even during the Mughal rule, when terracotta ornamentation was replaced by plaster decoration, the potters did not fall out of employment. The large number of Hindu temples erected in Bengal from the 16th century onward employed the potters for their decoration and thereby both the art and the economy of the potters continued unaffected. The economic organization of the potters into guilds are reported to have existed in Bengal till late 19th century.<sup>39</sup> Every guild consisted of a number of potters under one master-artist. The master-artist entered into contract with patron-builders and supervised the execution of the work. He was paid a certain commission for his task. All other members of the guild carried out his instructions and "lived as members of his family". The potters' low status in the Hindu caste hierarchy remained ever unchanged.

With the beginning of the 20th century, the potters' economic condition became bad owing to several causes. Firstly, the potter's art in architecture fell out of use and thereby his economic backbone received a hard hit. Secondly, consequent upon urbanization opening up new avenues of gainful employment, the agrarian rural community of Bengal—the consumers of the potter's products—broke up and large numbers of village folk migrated to the newly emerging city centres, where being enamoured by western culture, they developed a taste for imported western goods and gradually forsook the indigenous products. By degrees, the western goods spread across the countryside and captured popular taste. The western ceramic and metallic wares because of their comparative cheapness and better quality largely replaced the traditional products of Bengal. The potters, due to their lack of progressive technical skill, simply lagged behind with concomitant economic suffering. But of late, they have moved up to catch the blessings of modern technology for their products. The primitive manual wheel has been replaced by motorized tools, the kiln has been modernized and the process of drying and dying improved technically. Presently, there has also occurred a change of popular taste in favour of the indigenous potter's art. One comes across a number

<sup>39</sup>Mukul Dey, *Op. Cit.*, p. 8.



of terracotta objects in the offices, parlours and art galleries of Bengal. These range from decorative plaques to small art objects like ash-tray, flower-vase, paper-weight etc. Fortunately for the potters, government financing is also available at present for modernizing their art.

### III

Although materially ordinary, the potter's art is not at all the product of easy labour and simple skill. It is an art which requires a tedious process of making. As the first step, the proper clay<sup>40</sup> has to be found out. The Bengal delta, although abundantly rich in clay deposition, does not contain in every space deposits of clay suitable for the potter's art, nor are the depositions available at particular depths of the soil. The depositions may just be on the surface at times and at others, at as much depth as several feet. However, the proper clay being collected, particularly in summer, is kept heaped up for use round the year. Clay, dried up and hardened by atmospheric heat, regains its soft adhesive nature when treated with water.

The second stage in the making of the potter's art involves throwing sizeable quantity of primary clay into a pit and then moistening it with water. Thereafter, the clay mass is thoroughly split with an iron hook or spade so that there remains no chunk left and the clay is well hydrated. All foreign bodies are carefully removed at this stage in order to prevent crack in the product during baking in the sun and firing in the kiln. The clay mass is then thoroughly kneaded underfoot to enable water to be evenly distributed and the air pockets removed. In the process, requisite quantity of sand is mixed with the clay to help the pliability of the loam and drying of the product. A certain amount of mica<sup>41</sup> was mixed by the medieval potters as a further step to prevent crack during drying and firing of the clay goods. The Hindu treatises on iconography and *Silpasastras* also prescribe various methods of treating clay for terracotta images.<sup>42</sup> So far as architectural

<sup>40</sup>The clay is an inorganic glutinous substance consisting of finer particles of soil. Some of these particles remain in semi-solid state which adds to the plasticity of the clay. But all clay is not suitable for the potter's art; only the sticky clay of dark grey colour makes good terracotta products.

<sup>41</sup>St. Kramrisch, "Indian Terracottas", *JISOA*, Vol. VII (1939), p. 104. Mica is a good conductor of heat. When mixed with clay, it creates micro passages in the mixture for evaporation of the water content during drying and firing. It also prevents build up of serious heat gradients in the mixture by providing for the air entry through the passages into the gaps left by the evaporated water.

<sup>42</sup>See *Matsya Purana*, Chs. 258-63; *Bhavisya Purana*, I:131, I-8; *Sukranitisara*, IV. 4:72; *Haribhakti Bilasa* of Gopala Bhatta.



terracottas were concerned, additional measures had to be taken to ensure their durability in the exposure of the Bengal rains. This required mixing natural alkaline, silica, carbon and lime sulphate with the clay. This done, sizeable lumps of composed clay were taken on a heavy wooden plank and thoroughly kneaded by hand. In the process, additional quantity of sand was mixed, if needed, to the extent when the potter felt the loam was well composed.

For the ordinary pottery and objects of less artistic merit, the modeling technique may have been commonly used aided by the potter's wheel. Relief plaques and ornate objects must have been cast in moulds which came into general vogue in Indian clay art since the time of the Sungas (2nd C. BC-1st C. BC). The making of the mould thus constituted the next stage in the production of the potter's art. It was now the modeller's turn to work out designs in clay models from which the expert potters would take moulds. The clay moulds were baked in the sun and after firing turned into terracotta moulds that were used for clay casting. The clay casts were left under shade for three to four days to become air-dry. The drying of the casts had to be made uniform over the entire body. This intermediate step was essential to dehydrate the casts of their water content to the minimum<sup>43</sup> when baking in the hot sun would not cause them split. The air-dry casts were then baked in the sun adequately until they reached the white-hard or bone-dry stage and the uncombined water content was 3% per cent. As the casts were in the process of drying, the potter cleaned them carefully bringing into distinct relief the details of the designs and polishing their rough surface. For this, the potters used tiny chisels and fine flat pointed knife-like tools made of bamboo, bone or horn.<sup>44</sup> These tools were used in late medieval Bengal and were possibly used even earlier. This was the only time when corrections, if needed, could be made on the leather-hard casts. For correction, the clay slip was used. The slip consisted of the most refined part of the clay. For slip, if clay other than the type employed in the loam was used, the composition had to be modified with non-plastic substance so that the contraction of both the casts and the slip was identical; otherwise the slip disengaged itself.

The firing of the sun-dried clay casts required a highly technical skill which the Bengal potters appear to have acquired by experience through generations. Both the open and the closed kilns are known to have

<sup>43</sup>The water content in pottery at this stage ranges from 8% to 15% percent of the mass. See "Technique of Production", in *Encyclopedia of World Art*, 1st. ed., Vol. XIII, p. 973.

<sup>44</sup>Mukul Dey, *Op. Cit.*, p. 13.



been in use since the Indus Valley Civilizations (3rd millennium BC).<sup>45</sup> It is likely that the potters in Bengal used both the types of kilns, but the open fire baking may have generally been preferred as it required ordinary quality of fuel like cow-dung cakes, leaves etc., which could be procured easily. The closed kilns which needed wood and coal as fuel and turned out terracotta of largely stain-free body were perhaps used for special objects like human and animal figurines, relief plaques and the like. In both the systems of firing, almost similar principles were adopted : the sun-dried wares were arranged in tiers and covered with a mixture of mud, cow-dung and straw; the pile was fired from a pit underneath, while the chimney-like pot at the centre acted as a flue.

The water-content in pottery clay evaporates at the temperature between 350°C and 500°C and the organic matter is burned.<sup>46</sup> This is a crucial stage in clay firing, since the gases released may damage the clay if gathered too rapidly. Between 570°C and 600°C the expansion of the silica occurs and this may also endanger the firing efforts. Due to firing, there occurs change in the bonding of the inorganic matters present in the clay resulting in hardness. The variation in the proportion of sodium, potassium, calcium and iron silica in the clay composition imparts the products with the quality of easy melting or increased capability to withstand high temperature. Clay composed of duly proportionate elements may sustain strong heat thereby becoming harder and impervious. It is not known at what temperature the Bengal pottery and other terracotta objects were fired. The Greek pottery was burnt at about 960°C and so were the Etruscan terracotta statues.<sup>47</sup> The Bengal potters must have relied on their experience gained through generations in this matter as they commonly do even today.

The colour of the burnt clay depended upon the chemical composition of the casts and the variation in temperature they were subjected to. Firing transformed the iron content in the clay to ferric oxide and thereby the casts assumed light-red colour. If, however, the kiln was closed and the air had no access or little access to the iron content, the products turned grey or black.

Cooling was the last stage in the making of the potter's art. But it was an extremely delicate process because of the shrinkage of silica at

<sup>45</sup>E.J.H. Mackay, *Further Excavations at Mohenjo-daro* (New Delhi, 1938), p. 177. The closed kilns probably originated in ancient Egypt. A painting from Egypt of the 3rd millennium BC depicts a closed kiln (*Encyclopedia of World Art, Op. Cit.*, p. 973). The method later on spread to the Classical Greece and thence to Rome where the closed kiln firing of clay objects became the universal practice.

<sup>46</sup>Hirendra Nath Basu, *Porcelain* (Calcutta, 1361 B.S.), pp. 15-16.

<sup>47</sup>*Encyclopaedia Britannica*, Vol. XXI, p. 956.



573°C and the great likelihood of cracks in the terracottas. So, once the maximum temperature was reached, the fire was damped down and the kiln sealed to allow the terracottas to cool gradually in a reducing heat. Thus cooling might take a week's time or more depending on the season of production. But despite all precautions taken, not all the pieces in the kiln turned out in the desired manner. Besides wreckage, some of the terracottas burned differentially owing to difference in temperature at different parts of the kiln. Some might also be stained.<sup>48</sup> In case of pottery for ordinary use, defects in production involved lesser loss to the potter, while similar situations for the art pieces caused him heavier or often total loss.

<sup>48</sup>In case of porcelain firing, 10% to 12% per cent of the goods are calculated as normal wastage. See Hirendra Nath Basu, *Op. Cit.*, p. 13.



# Caste : A Rethinking

A. F. Imam Ali

There has been a lot of controversy among the scholars in using as well as in defining the term caste. In western societies and also in India the scholars are divided into two opposite groups—one group argues that caste is peculiar to the Hindus only; hence use should be restricted only to the Hindus. The other group is of the opinion that its use should not be restricted to the Hindus only; rather it is applicable to all societies namely, the Muslims, the Christians, the Parsis, the Sikhs etc. In Bangladesh the scholars are of the opinion that caste is peculiar to the Hindus only so its use should strictly be confined to the Hindus only. The present paper is devoted to resolving the controversy involved in using this term. To remove the ambiguities built around this concept the present paper will be devoted to give a causal explanation of the various variables in the caste system. This paper will also pay attention to the structural and cultural aspects of caste in order to arrive at correct understanding of the problem under reference.

People use the 'caste' in everyday life in a number of ways. What people mean by caste in day-to-day life is different from the meaning it has in the traditional literature, or from what people consider to be its traditional and orthodox meaning. English word 'caste' is used to denote—both *jati* and *varna*. Sometimes by 'caste' people mean a small and more or less localized group, people also use this term to refer to a collection of such groups. Sometimes people use 'jati' or 'varna' to refer to the caste. However it is to be noted that 'jati' and 'varna' do not refer to the same thing; there is distinction between the two. The term 'varna' refers to one of the four main categories into which the Hindu society is traditionally divided.\* 'Jatis' on the other hand, generally refers to a much smaller group (Srinivas, 1962 : 63-69). As already mentioned the term (caste) has been used by anthropologists, sociologists and other social scientists from their own standpoint. Beteille, while defining this term (caste) takes into consideration three main characteristics namely, endogamy, hereditary membership and specific style of life. To him "... caste may be defined as a small and named group of persons chara-

\*These are the Brahman, the Kshatriya, the Vaishya and the Sudra.



cterized by endogamy, hereditary membership and a specific style of life which sometime includes the persuit by tradition of a particular occupation and is usually associated with a more or less distinct ritual status in a hierarchical system" (Beteille, 1969 : 46). Professor Beteille has pointed out major variables involved in the caste system but he has failed to indentify the major central variable in the caste system. It will be shown later on that endogamy is not the central variable, similarly ritual status is a dependent variable, although few authors (Weber, 1967 : 33 ; Srinivas, 1962 : 151) considered ritual status to be an independent variable.

The eminent Indian scholar, Ghurye, describes caste system by drawing attention to six main features, namely, (1) segmental division of society, (2) hierarchy of groups, (3) restrictions on feeding and social intercourse, (4) civil and religious disabilities and privileges of the different sections, (5) lack of unrestricted choice of occupation, and (6) restricting on marriage (Ghurye, 1950 : 1-19). This view has been criticised by D'Souza. He says that Ghurye regarded these features or elements as constituting a system but finds it difficult to explain the behaviour of the elements within the system (D'Souza, 1967 : 192). In the Indian traditional society (which is to large extent characterized by caste system) most of the elements are changing rapidly, but the endogamous character of caste groups is not manifesting any noticeable change. Ghurye has tried to resolve this inconsistency by maintaining that endogamy is the essence of the caste system. According to this view, the dissolution of endogamous group is considered to be a a necessary condition for the general transformation of caste system into class system. On the other hand, MacIver and Page derive the concept of caste from that of class. Defining class as "any portion of a community marked off from the rest by social status", they argue that in a society based on class system, the status of an individual is not fixed. But when status is wholly predetermined, so that men are born to their lot in life without any hope of changing it, then class takes the extreme form of caste. This kind of statement made by MacIver and Page clearly indicates that the caste system has evolved from the class system; a caste group is endogamous and its endogamous character is derived from the predetermined and fixed status of the individual members. Consequently, a change in the caste system would entail a change in the endogamous character of the caste groups. MacIver and Page have failed to establish their theory because they do not discuss the problem of how the status of the members of a group is predetermined at birth.

The two views mentioned above, have been criticized by D'Souza. He says "Both the concepts do not satisfactorily explain the change in



the behaviour pattern ordinarily subsumed under the phenomenon of caste system. They also do not explain the historical process of the formation of caste groups. It is not clear how the status of members in a caste group is pre-determined. Above all, they fail to indicate the process of transformation of one form of stratification system into another" (D'Souza, 1967 : 193). D'Souza also does not agree to the assumption that the endogamous character of caste is derived from the equal and fixed status of members. "Nor do we subscribe to the proposition that the status of the members of an endogamous group is equal and fixed" (D'Souza, 1969 : 211, D'Souza, 1981 : 61-62). He points out that there are a large number of factors such as, geographical, cultural, racial, kinship and other considerations, and that social status is only one of them, in the determination of endogamy. The mere existence of endogamous groups according to him, in a community does not constitute the caste system, for endogamy, has been found to be a universal phenomenon in society. This kind of information indicates that it is not endogamy, but heredity, which is the independent variable in the caste system. D'Souza prefers to use the term hereditary group rather than endogamous group for the unit in the caste system (D'Souza, 1967 : 194 ; D'Souza, 1981 : 61). Recently Berreman has also discarded the use of the term endogamous group in favour of a hereditary group to describe the caste group (Berreman, 1972 : 279-80). Recently D'Souza has preferred to call the caste group as ethnic group because he says "... Since a caste group has an identity of its own and has a communal character, it is more appropriate to call it an ethnic group which is also a hereditary group" (p. 61). He defines caste system "as the integration of the interacting and heterogeneous, but internally homogenous hereditary groups into a structure of status hierarchy" (D'Souza, 1969 : 35). This definition has two important elements—(i) describes the caste system as a superior or subordinate relationship among hereditary groups in a society and (ii) it also explains the conditions under which such a relationship takes place. Regarding the mode of formation of caste groups it can be said that by itself the ethnic group is not a caste but it becomes a caste when it is integrated with other groups in a gradation of status (D'Souza, 1981 : 62-63 ; D'Souza, 1956 : 19-25). The mere existence of ethnic groups in a society need not automatically give rise to caste system. This point has already been clearly stated by Weber when he says "the development of status groups from ethnic segregations is by no means the normal phenomena" (Weber, in Gerth and Mills ed. 1976 : 189). D'Souza says that there are two pre-conditions for the formation of the caste system. The first precondition is that the various ethnic groups are to be drawn in a single socio-economic and political system, in which groups become socially significant to one



another. The other condition is that the groups should have certain differential properties by virtue of which they are graded hierarchically (D'Souza, 1981 : 62).

### **Causal Analysis of the Variables in the Caste System**

In order to resolve the ambiguities, mentioned in the beginning, it is necessary to give a causal analysis of the variables in the caste system. It is important to note that the caste system stands for a relationship among different caste groups and this relationship can be explained in terms of a number of variables. Accordingly, the different castes can hierarchically be arranged along different continua represented by these variables. The caste hierarchies along different variables are usually shown to be interrelated. That is, the various correlated variables, such as, caste status, ritual status, economic status, power status, occupational status etc. have been considered to be the causal variables, but the main problem is that their relationships have not been brought out in a configuration of cause and effect. Again, these variables have not been sorted out as central, causal and dependent variables for the purpose of analysis, though some authors have taken it for granted that social status of a caste is determined by its ritual status. D'souza has made a remarkable contribution in solving this problem. He divided these variables into three major types. These are: (a) variables which are central to the definition of caste; (b) variables which are the causes of the central variables; and (c) variables which are dependent upon the central variables (D'souza, 1964: 111-35, 1981: 67). He has indicated that the caste status (rank) is the central variable in the caste system. the occupational status is the causal variable to the caste status and ritual status is the dependent variable on the central. These variables namely, central, causal and dependent need some clarification for a better understanding of the problem under reference.

### **Caste Status is the Central Variable**

Caste status is the central variable in the concept of caste. Caste status can be empirically measured by asking the members of a community to rank the various castes according to their social status\*. The

\*Some authors, among whom Bergel is important, have pointed out that social status or prestige of the groups cannot be measured objectively. The reasons, according to Bergel, are : (i) the diversity of the members with regards to sex, age, ability, and achievement and (ii) the ranking of groups is based on values, mostly derived from non-rational considerations (Bergel, 1962 : 4). This kind of objection to the objective measurement of the groups can be removed if we take into account how the properties of a group are derived and also under what conditions



degree of caste stratification would depend upon the degree unanimity among members in ranking the ethnic groups; the perfect degree of unanimity will indicate the existence of caste system in its most rigid form and complete ambiguity would indicate the absence of caste. It is to be noted that in a caste society there would be a high degree of consensus among members in ranking the groups. The variable of caste status has been operationally defined here as the prestige gradation or social evaluation of the relevant ethnic groups by the members of the community" (D. Souza, 1981 : 67) and the operational counterpart of the caste status may be designated as caste-ranking.

### **Caste Status Dependent upon the Occupational Prestige of Individuals**

As already mentioned, caste status is the central variable in the concept of caste. Now, for an understanding of this phenomenon it is necessary to know which variables cause the caste status and also which are the other variables which are caused by the caste status in its turn. As the characteristics of the group are determined by the characteristics of the individuals composing it; the same variables (social, economic, political etc.) which determine the status of an individual are also responsible for determining the status of the group. Since the status of the individual among other variables, is determined by his occupational prestige, it is to be assumed that the status of a group or caste is also determined by the occupational\* prestige of its individual members. The

do they result in the group being ranked. Earlier, it was assumed that in the caste system, the status of the individual is determined by the status of his caste (see Berreman, Dumont and Weber); on the other hand, it is recognized that in the class system the individual gets his status from its own attributes. This is taken to be the fundamental difference which distinguishes caste from class. These above mentioned authors failed to indicate the causal factor of caste-status because they have taken it for granted that status of the caste is independent of the status of their individual members. But we argue that the status of the group is dependent upon the status of its individual members. As mentioned above, the properties of a group are the attributes of its individual member. If it is so then ultimately the ranking or social gradation of groups depends upon the evaluation of the properties or attributes of its individuals. A large number of scholars have ranked the various caste groups among whom, D'Souza (1969), Jain (1967), Ali (1983 (b) and others are important.

\*Here occupation is defined as "that specific activity with a market value which an individual continually pursues for the purpose of obtaining a steady flow of income; this activity also determines the social position of the individual" (Taylor, 1968 : 8). In the study of social stratification, occupation is considered to be the most important variable. Because it is through occupation that one can relate oneself to others in the society with self dignity. An individual without occupation tries to relate himself through the others, who have occupations (wife without occu-



occupational prestige of a group has been defined here "as the average of the occupational prestige of different members, provided the members are more or less homogeneous with regard to occupational prestige" (D'Souza, 1981: 68).

### Ritual Status Dependent upon Caste Status

In most of the studies, the ritual status has been regarded as an independent variable in caste, which is the only basis for distinguishing a caste from class. Some authors are explicit in identifying the ritual status with the caste status. For examples, Marriott refers to the ritual status when he regards caste as an interactional phenomenon, and Yalman brackets the ritual status with the caste status (Yalman, 1960: 101) in maintaining that it is one of the two essentials of caste, the other being endogamy. Hutton, Dumont and Srinivas viewed ritual status to be the very basis of caste without explicitly discussing the causal aspects. But in reality, the ritual status is dependent upon the caste status; because there is nothing in a caste which renders it pure or impure. The notions of pure and impure stand for relationships of high and low status among castes. But these relationships themselves are not determined by the notions of ritual purity and impurity, because this notion can come into operation only in the presence of the knowledge about high and low status of castes. On this point D'Souza rightly comments "since the interaction between castes, resulting in ritual status takes place on the basis of the already existing differences between caste, it follows that in the relationship between caste status and ritual status, the former is an independent variables the later is a dependent one" (D'Souza, 1981: 76).

As already mentioned, Yalman and Marriott paid special emphasis on ritual status. There are other scholars, namely, Dumont, Hutton, Srinivas, who without giving any causal explanation, consider ritual status to be the basis of caste system. To Srinivas, the notions

pation is given the status of her husband who has one. The children are given the status of their parents). Note that one can satisfy one's needs through various types of activities. But one's occupation is all-pervasive in the satisfaction of one's needs (Roe, 1956). It (occupation) has an influence on almost every aspect of a person's life (Resenburg, 1957). So occupational inequality can be considered the most significant among social inequalities and it can be considered to be the most important indicator in the study of social stratification. While studying a village community in Comilla, Aziz considered occupation to be the dominant variable determining the status of the individual (Aziz in Owen (ed.) 1962 : 201). In a recent study occupation was found to be the major variable in studying social stratification (Ali, 1983(b))



of purity and pollution are cardinal to Hinduism (Srinivas, 1962 : 151). Weber while studying the caste system also considers ritual status to be an independent variable and the caste status, to him, is a dependable variable. On these aspects Weber argues, "The social rank positions of all castes depend upon the question of from whom the highest castes accept kachcha and pukka and with whom they dine and smoke". (Weber, 1967: 33).

In order to establish our argument that ritual status is a dependent variable while the caste status is an independent variable we can cite evidence from the writings of Srinivas, who is said to be an authority on caste system. He is of the opinion that in the caste system there are three main axes of power, namely, the ritual, the economic and the political. He further goes on to say "the possession of power in any one sphere usually leads to the acquisition of power in other two" (Srinivas, 1962: 45). This kind of statement negates his earlier argument in favour of ritual status to be the fundamental unit in the caste system.

While studying the changing pattern of the caste system Srinivas says that the lower-caste can enhance ritual status through a process which he terms 'SANSKRITIZATION'. It is a process by which a low Hindu caste or tribal group or other group, changes its customs, ritual, ideology, and way of life in the direction of a high, and frequently 'twice-born' caste (Srinivas, 1966 : 6). He points out that in the past the lower caste has changed its status from lower to higher position (Srinivas, 1962 : 42). In such cases the variables which are responsible for raising social status are economic and political. But Srinivas failed to give a causal relationships among the variables. It is interesting to note that on another page he says that when a caste acquired higher economic and political power, 'Sanskritization' occurred sooner or later (p.45), indicating that ritual status is a dependent variable ; there is no evidence to prove that it is an independent variable. In a very simple way it can be stated that a particular low-caste can try to improve its ritual status but in that way the caste group cannot raise its economic and political power. But on the other hand, if a low-caste group by some means, can achieve higher economic and political power, it (low-caste group) can raise its ritual status. In support of our argument we can cite an example. Among the Hindus, it was found that the Seal (a low-caste group) improved its ritual status only by raising its economic and political conditions, not by any other process (Ali, 1983 (a). Thus it can be concluded that ritual status is a dependent variable.



As already mentioned, there has been a dispute among the authors, as to whether the concept 'caste'<sup>1</sup> is peculiar to Hindus or it is also applicable to other religious categories—especially to the Muslims. It is to be noted that, sociologists, anthropologists and philosophers were mainly interested in explaining the rigid stratification system of Hindu society which they termed 'caste'. There were no serious attempts at understanding the nature of social stratification of Muslim society in India but from the middle of the nineteenth century many sociological and anthropological studies were undertaken and completed, which provided information regarding the nature of social stratification of Muslim society in India. In Bangladesh, no serious attempts have been made in finding out the nature of social stratification of the Muslim society from this point of view. The scholars who studied the social stratification of the Muslim society of India were of the opinion that though the Muslim society differed from that of the Hindus on some points the former shared some of the dominant characteristics of the latter. Elliot (1869), Ibbetson (1920), Risley (1891), Bose (1911) and Russell and Lal (1916) suggested the existence of a number of Muslim groups of various backgrounds which are almost analogous to jati. Similarly, a number of social scientists like Weber (1947), Bose (1958), Hutton (1946) and Srinivas (1964) have also shown the existence of caste attributes in the Muslim society. In recent times Ansari (1956 & 1960), Ahmad (1962), Gupta (1956) while studying stratification patterns in the Muslim society in Uttar Pradesh observed caste or the caste-like features in their societies (Ahmad ed. 1978 : 224).

In south India D'souza has shown caste-like ranking among the Moplahs of Kerala. He points out that the Moplahs are divided into five ranked sections called, (1) the Malbaris, (2) the Thangals, (3) the Arabis, (4) the Pusalars and (5) the Ossans. Each of these sections trace their origin separately. The Thangals trace their descent from prophet's daughter (Fatema) and are of the highest rank. Next in rank are the Arabis, who claim descent from Arab men and local women and who have retained knowledge of their Arab lineage and have adopted patrilineal descent. The Pusalars or the new Muslims are converts and enjoy low status. The Ossans are barber and by virtue of their very low

<sup>1</sup>'Caste' is defined by various authors from various dimensions. For a better understanding caste system is defined here "as the integration of the interacting heterogeneous, but internally homogeneous, hereditary groups, into a structure of status hierarchy" (D'Souza, 1969 : 35). As mentioned earlier that unlike other definitions, this definition has two important elements namely, first, it describes the caste system as a superior or inferior relationship among hereditary groups in society; secondly, it describes the conditions under which such a relation occurs.



occupation, are ranked low. Regarding the prevailing social hierarchy among the Moplahs of Kerala D'Souza says ... "the five distinct sections of Thangals, Arabis Malbaris, Pusalars and Ossans form a social hierarchy in which the Thangals are the highest and Ossans are the lowest" (D'Souza, in Ahmad ed 1978:46). He also points out that social distance among these castes is very great. They practise endogamy. In interaction those of the higher castes are given special treatment. The sections eat separately, they have separate mosques, separate religious organizations and separate burial grounds (D'Souza, 1959:504 also in Ahmad ed. 1978:49).

While discussing the social stratification pattern of the Muslim society in Uttar Pradesh, Zarina Batty held the same view and applied the term 'caste' to the Muslim society. "In fact the structure of Muslim society in India did not in any time exhibit the Islamic ideal of social equality. An elaborate system of social stratification had been in practice from the very beginning of Muslim rule in India." (Batty in Ahmad ed. 1978 : 210). In the concluding remarks on the stratification pattern of the Muslim society in western Uttar Pradesh, Jain held the same view when he states "(1) there does exist a pattern of caste hierarchy among the Muslims, (2) People do recognize this pattern of stratification, and (3) caste stratification directly influences access of persons to particular leadership positions" (Jain in Ahmad ed. 1978:241). Siddiqui, while studying the social stratification pattern of the Muslim society in Calcutta pointed out that though Islam preached egalitarian ideology but in practice Muslims in India followed some of the characteristics of caste system. "Although there is a conspicuous absence of the myths underlying the Hindu varna system, the model is to be unconsciously followed and is structurally operative in the Muslim society" (Siddiqui in Ahmed ed. 1978:266). Bhattacharya in his "The Concept and Ideology of Caste among the Muslims of Rural West Bengal" holds the same view (Bhattacharya, in Ahmad ed. 1978:270).

There is enough documentary evidence to confirm the existence of the caste system among other religious categories in India, particularly among the Christians (Forrester, 1980) and the Muslims. But Imtiaz Ahmed (who has edited an important volume entitled *Caste and Social Stratification Among the Muslims in India*) has come to the conclusion that Caste among the Muslims of India owes directly to the Hindu influences, but it has been reinforced by the justification offered by the idea of birth and descent as the criteria status in Islamic Law" (Ahmad, 1978:15). Yet he recognizes that major differences between the caste among the Muslims and the Hindus lies in the fact that caste status



among the Muslims does not rest on the ideology of pure and impure so that Muslim castes observe social distance on the basis of difference, privileges and descent" (p. 12). Ahmad's view has rightly been criticized by D'Souza when he says "If the system of stratification among the Muslim does not possess the supposed fundamental feature of caste, namely, the ritual status, where is then the necessity for Ahmed to characterize it as caste? The necessity arises because in other aspects, the stratification systems among the Muslims and the Hindus are remarkably similar. As he cannot imagine that such a similarity can be independently generated, he has to assume that it has been handed down from the pre-Islamic ancestral period" (D'Souza, 1981:78). Minas holds the traditional view while studying the social stratification pattern among the Tamil Muslims in Tamil Nadu, in South India. He points out that the Muslim Tamils and the Hindus are distinct in their ethos and in their social structure. He was of the opinion that though endogamy is practised by the Muslims this is done not to maintain the purity of blood, but arises from a tendency to match spouses who share the same economic background and same cultural and particularly religious traditions. "Intra-marriage, I would argue, should be attributed to kinship and territorial influences than rules of endogamy" (Minas in Ahmed ed. 1973:164).

In the *Dynamics of Rural Society*, Mukherjee (1957) obtained first hand information to provide a picture of both the Muslim and the Hindu societies of Bengal. While discussing the caste pattern of the village he says "the basis of society in this sub-continent is caste" (Mukherjee, 1957: 73-74). In his attempt to give a picture of Muslim society he points out that although Islam strictly prohibits any distinction between the believers of Islam but in India ultimately caste differentiation began to take place in these communities. As a result, like the Hindus, the Muslims began to prohibit intermarriage and in some places also inter-dining between the different categories (for example, Mughals, Pathans, Shias, Sunnis, Khojas etc.) and various occupational groups of weavers, Oil-pressers, etc. which were hardly in any way different from the previously formed Hindu *jatis*, also emerged in this community.\*

Talke (1914) refers to this feature among the Muslims in Bengal, when he says "socially, the community has had the misfortune to inherit the traits of both their Hindu and Muslim forbears. Caste prejudice left their mark upon many. There are about 35 (thirtyfive) separate Muslim castes in Bengal" (Talke, 1914; Vol. IV; 12). It is said that

\*Professor Karim was opposed to using this concept (caste) for the Muslim. But the structural aspects of the Muslim-hereditary groups which are popularly



Islam in India patterned its social classes roughly in imitation of the four main Hindu caste divisions. That is, the Indian Muslims used to divide themselves into : (1) Syed, (2) Mughal, (3) Sheikh, and Pathan; the Hindu counterpart being : Brahman, (2) Khshatriya, (3) Vaisya and (4) Sudra. On this aspect of Islamic society, Cunningham remarked "The Muhamedans of India fancifully divided themselves into four classes, after the manner of the Hindus, viz., Syeds, Sheikhs, Mughals and Pathans" (Cunningham, 1903: 31). But this classification of Muslims of India on the caste pattern has been opposed by Karim; though he recognized that Muslim population of Bengal as in rest of India were organized more or less like the Hindus, but he says "... the fanciful" fourfold division of the Muslim society does not correspond strictly "to the Hindu caste structure in fact" (Karim, 1966 : 116). In fact, Professor Karim studied only the cultural aspect of caste, not its structural aspect ; as a result he failed to realize that in the structural aspect (refers to the determinants of caste) the term 'caste' is applicable to all societies namely, the Christians, the Muslims, the Sikhs, etc. Professor Khan while studying the social stratification system in a village of Dhaka District divided the Muslim population into two broad divisions namely (i) High Muslims and (ii) Low Muslims. The high Muslims group consists of various hereditary groups namely, Khan and Khandoker while the low Muslim category is composed of various hereditary groups such as, Jolha, Kulu, Shaikh, Bedia etc. (Khan in Owen (ed.) 1962: 205). According to him, each of these groups practices endogamy and they do not take food from each other (p. 228). In his attempt to describe the village he named his article "The caste system of the village community of Dhulandi in the District of Dacca" but at the end he came to the conclusion "the caste system, certainly in the Hindu sense does not exist in the Dhulandi Muslim community. But the caste tendency and spirit are operative in the social life of the Muslims in the village" (pp. 228-229). If the concept (caste) is only peculiar to the Hindus only

known as *bangsha* (lineage) compelled him to conclude that this concept (caste) cannot strictly be used for the Muslims indicating that it (caste) can be used loosely for the Muslims. It is interesting to note that Professor Karim did not like to use this concept for the Muslims but while studying the social stratification patterns of a village in Noakhali District he divides the various Muslim hereditary groups (the Chowdhury, the Khandokar, the Bhuiyan, the Muhury etc.) in a structure of status-hierarchy (Karim, 1956 : 16). This kind of hierarchical arrangement of the Muslim hereditary groups supports our earlier argument in favour of objective measurement of social status or prestige of the various caste groups. This kind of ambiguity originated in him because of his failure to give a causal explanation of the variables in the Muslims *bangsha* system and because of his failure to realise that ritual status is a dependent variable in the caste system.



then what was the necessity for Professor Khan to name his article "The caste system of the village community of Dhulandi in the District of Dacca?" It was necessary because, the major variable among the various hereditary groups such as the Brahman, Nath, Seal, Barui, Munshi, Julha, Kulu etc. is hereditary not endogamy. The same variables which determine the status of the various Hindu-hereditary groups are also responsible for determining the status of the Muslim hereditary groups. Among the Hindus, the Brahmans are at top of the social pyramid not because of the notions of purity and pollution but because they are socially, economically, occupationally and educationally (and in terms of other observable secular variables) superior than other groups, such as, the Nath, Seal, Barui, Malakar etc. Similarly, among the Muslims, Shaikh, Chowdhury, Khondakar etc. enjoy higher status than the Munshi, Mullah, Julha, etc. because the former hereditary groups are socio-economically as well politically superior than the latter groups. Now-a-days, the difference between the different hereditary groups based on observable variables (income, occupation, education, land-ownership, political power etc.) are decreasing, and as a result, the difference in status hierarchy among the various hereditary groups is also decreasing.

It seems to me that Professor Khan has taken it granted either ritual status or endogamy is the independent or central variables in the caste system, which, in reality, are dependent variables. This kind of ambiguity can easily be removed if we define 'caste' from structural dimension (determinants of caste) and take into account that ritual status is a dependent variable in the caste system.

Like Professor Karim and Khan, Chowdhury, while studying social stratification in a Bangladesh village argues that social stratification among the Hindus follows the caste pattern; accordingly he observed social hierarchy among the different Hindu caste groups. The Muslims according to him, are divided into a number of status groups, namely, Chowdhury, Mia, Kazi etc. (Chowdhury, (1978). Like Professor Karim and Khan, Chowdhury also failed to give a causal explanation of the various variables in studying the Muslim status groups. Obviously he defined caste from a cultural dimension and considered ritual status to be an independent variable and has come to the conclusion that the Hindus are divided into caste groups while the Muslims are divided into status groups. We have mentioned earlier that not 'endogamy' but 'heredity' is the basis of the caste system. Among the Muslims there are various hereditary groups (such as Chowdhury, Khandokar, Bhuiyan, Mullah, Kazi, Kulal, Julha etc.) popularly known as *bansha* (lineage) in which membership is hereditary. Among the Muslims, the Kulalas.



(potters) practice endogamy, social interaction is restricted among themselves, they are concentrated in a particular area of the village and pursue a hereditary occupation (pottery) (Ali, 1983). This group has the main characteristics of caste. Then where is the problem of applying the term 'caste' to this group (Kulal) and to other Muslims hereditary groups ? The problems lying with Chowdhury, as also Professors Karim and Khan, are that (i) these scholars defined caste from a cultural dimension ; (ii) either ritual status or endogamy is taken by them to be the independent variable in the caste system ; (iii) They fail to understand that the same variables (such as, social, economic, political etc.) which determine the status of the Hindu-hereditary groups are also responsible for determining the status of the Muslim-hereditary groups. Moreover, these scholars, without giving any serious thought on the central, causal and dependent variables in the caste system have come to conclusion that caste is peculiar to the Hindus only.

William Crooke (cited in Karim, 1956 : 116) in his views of Jafar Sharif's 'Islam in India' stated that "Islam in its orthodox type, does not permit the differentiation of its followers into castes. In theory at least, all Mussalmans are brothers and can eat together, and though endogamy is the rule among certain tribes and castes, particularly in the case of those families which claim Arabic or Persian lineage, there is nothing to prevent intermarriage with strangers. But among the class of Mussalman converts from Hinduism the laws of endogamy and exogamy still have force, and the rule which prohibits eating with stranger to the group are observed." It is clear from this quotation that in Islam, theoretically all are equal but in some cases Islam had to accept some of the basic features of Hindu society. Though the author was reluctant to use the term 'caste' for the Muslim society, ultimately he acknowledged the existence of caste system among the Muslims. In Bengal the Muslims were broadly divided into three categories, (1) Sharif or Ashraf, (2) Atraf or Ajlaf, and (3) Arzal. The Sharifs used to claim noble birth, the Atraf were low-born, and the Arzal were the lowest of all. On this point Levy rightly comments "Amongst the Bengali Muhammdans the Ashraf or upper class include all undoubted descendants of foreign Muslims (Arabs, Persians, Afghans, etc.) and converts from higher castes from Hindus'. Like higher caste Hindus they consider it degrading to accept manual service or to handle the plough' . . . and they look with contempt upon all other ranks of Bengal Muslims whom they call Ajlaf 'Coarse rabble'. These include 'functional groups' such as weavers, cotton craders, oil presseres, barbers, tailors, etc, as well as converts or original humble caste. "In some cases, a third class called Arzal or 'lowest of all' is added. It consists of very lowest castes such as Helakhor, lalbegi Abdal,



and Bediya, with whom no other Muhammadan would associate, and who are forebidden to enter the mosque or to use the public burial ground" (Levy 1931-33 : 96-97).

Under the Muslim rule a new type of social stratification was created by the Muslims. K. M. Ahraf (cited in Karim, 1966 : 129) roughly divided the Muslim society into three broad divisions. These are : (1) The upper classes ; (2) The domestics and the slaves and (3) The masses: The upper classes consisted of the following three sub-divisions. These are : (i) Ahl-i-daulat, or the ruling class proper, composed of the royal family, the nobility and the army chiefs ; (ii) Ahl-i-Sa'adat, or the intelligentsia, which comprised the theologians, the judicial functionaries, the Syeds, the leaders of religious thought, men of reputed piety and religious devotion and men of learning, especially poets and writers ; (iii) Ahl-i-Murad, or the class catering to the pleasures, which was composed of musicians and minstrels, dancing girls and others, who contributed to the success of pleasure parties. The domestics and the slaves under the Muslim rule constituted a distinct class, separate from the Muslim masses. It is to be noted that slavery as an institution did not develop in India along western lines. This does not mean that slavery did not exist in India. The slaves in India were mainly used for domestic purposes ; that is why Indian slavery is known as 'domestic slavery'. On the other hand, in western societies slaves were mainly used for production purposes. In India, no doubt slaves were at times brutally tortured, but the condition of the domestics and the slaves were much better than the Muslim masses. The masses comprised of the lower sections of people.

However, it is necessary to point out clearly that those who viewed caste as a cultural phenomenon restrict the use of the term 'caste' to the peculiar system found among the Hindus of India, because among the Hindus, there is an intimate tie between the caste hierarchy and their religious ideology of purity and pollution. In Hindu society relation between religion and caste is so strong that Srinivas has pointed out that caste system is the structural basis of Hindu society (Srinivas, 1952 : 213). He was of the opinion that it is impossible to detach Hinduism from the caste system (Srinivas, 1962:150) ; if the caste system disappears, this may mark the dissolution of Hinduism (p. 160) indicating the caste system as a Hindu phenomenon. Dumont held the view that persistence of caste among the other religious categories, such as the Muslims, due to the acceptance of this system by these categories as a measure of adaptation to a predominantly Hindu environment (Dumont, 1970 : 210). These views of Srinivas, Waber



and Dumont have been criticised by D'Souza when he says "opinions, such as these, are built on the assumption that the caste system is based principally on the Hindu religious notions of purity and pollution and on the ritual status derived from them". (D'Souza 1981 : 77).

D'Souza points out that the basis of caste system is naturally the variable which determines the status. But Marriott had advocated that caste is based on interactional dimensions on the assumption that it is determined by the ritual status which is an interactional dimension. It has already been discussed earlier that the ritual status is only a dependent variable and the cast status itself is dependent upon certain attributes of individuals as in the case of class status. One may ask, is caste a structural phenomenon or a cultural one? \* Whether caste is a structural phenomenon or a cultural one has been put forward according as whether an author considers some general variables such as economic and political power or social honour, or some specific cultural variables such as, the concept of purity and impurity respectively, as the determinant of caste hierarchy. Berreman has considered the intrinsic worth of a group as a general variable applicable to groups in different cultures. It is important to point out that the structural perspective enables one to make cross-cultural comparison of castes, but the cultural view restricts the use of the concept to a given culture and society. Thus, it can be maintained that caste has both structural and cultural aspects. The structural aspect refers to the determinants of caste, which are applicable to all societies. The cultural aspects (refers to the mode of expression of status differences among castes) are specific to each culture. "Therefore one may say that whereas the caste system can be compared cross-culturally in its structural dimensions, it is different in its cultural manifestations in different societies. But what is common to the caste system in different settings is more important than what is different because the former represents the independent variables and the latter, dependent ones ; if one were to attempt to bring about a change in the caste system one would pay greater attention to the independent variables rather than to the dependent ones" (D'Souza, 1981:76). In fact, the structural aspect of caste is an independent variable, while the cultural aspect of caste is a dependent variable. The variables which determine the caste status, such as occupational prestige, are common to all religious categories in India as well as to societies outside India. Therefore, the notion that caste system is a peculiarly Hindu phenomenon has to be rejected. Rejection of such a notion indicates the

\*Leach (1960:2) was the first to raise the question as to whether caste is best considered as a cultural or as a structural phenomenon.



possibility of studying caste system both among the Muslims and the Hindus as also among other religious categories in Bangladesh and India within the same conceptual and theoretical framework.\*

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\*For a common theoretical framework, see D'Souza, 1981 ; Ali, 1983 (b).



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# Protection of Right to Privacy— Need for Specific Legislation in Bangladesh

A. B. Siddique

The concept of privacy, though difficult to define properly has been developed comparatively in recent times. Due to the development of modern technology the threats to the individual privacy are developing on a scale far beyond anything previously contemplated. Legal actions can be taken only when there is an interference or threat of interference with legal rights. Bangladesh law has yet to recognise privacy as a legal right. So any interference with privacy is likely to go unremedied here. Bangladeshi courts may of course, give protection to privacy interests incidentally while protecting other interests like trespass, defamation, nuisance and breach of confidence. It is intended to analyse, in this paper, some aspects of privacy and to examine to what extent existing laws can provide remedy for privacy invasion.

## Concept of Privacy

Privacy is inevitably a difficult concept to define since it deals with something which is essentially subjective. Although a common accepted definition of privacy is not available, the most simple one is that given by Justice Cooley of America as 'The right to be let alone'.<sup>1</sup> One American writer terms privacy as a state of affairs and he suggests that privacy is the condition of human life in which acquaintance with a person or with affairs of his life which are personal to him is limited.<sup>2</sup>

Everyone wants to keep some parts of his life, his thoughts, his emotions, his activities private to himself or to some chosen members of his family and friends. The extent of his private life and the area of privacy may vary from person to person, from group to group, from society to society, and also vary according to differing ages, traditions and cultures. Though the area of privacy may vary, the desire for the same is universal. In view of this some argue that privacy is

<sup>1</sup>*The Younger Committee Report (U.K.) 1972, Comnd 5012, p. 327 ; also 4 Harv. L.R. (1890-91), p. 193.*

<sup>2</sup>Hyman Gross, 'The Concept of Privacy' (1967) 42 *N.Y.U. Rev.* 34 at 35.



the claim of the individuals to determine when, how and to what extent there should be a disclosure of information about himself.<sup>3</sup>

Man is a social animal, his society evolves ; and this evolution will alter from time to time the public's view about the needs to be dealt with by the law. This, according the 'Justice' Committee points out two reasons that make it difficult to find a precise definition of privacy.<sup>4</sup> First, the notion of privacy has a substantial emotive content in that many of the things which we feel the need to preserve from the curiosity of our fellows are feelings, beliefs or matters of conduct which are themselves irrational. Secondly, the scope of privacy is governed to a considerable extent by the standards, fashions and mores of the society of which we form part, and these are subject to constant change. The 'Justice' Committee further said :

We prefer instead to leave the concept much as we have found it, that is, as a notion about whose precise boundaries there will be a variety of opinions, but about whose central area there will always be a large measure of agreement. At any given time, there will be certain things which almost every one will agree ought to be part of 'private' area which people should be allowed to preserve from the intrusion of others, subject only to overriding interest of the community as a whole where this plainly outweighs the private right surrounding this central area, there will always be a 'grey area' on which opinions will differ, and the extent of this grey area, as also that of the central one, is bound to vary from time to time.<sup>5</sup>

According to the 'Justice' Committee this 'central area' should be given a general protection under the law. In 1967 the Stockholm Conference attempted to define the right to privacy as :

The right to be let alone to live one's own life with the minimum degree of interference. This means the right of the individual to lead his own life protected against (a) interference with private family and home life ; (b) interference with his physical or mental integrity or his moral or intellectual freedom ; (c) attacks on his honour and reputation ; (d) being placed in a false light ; (e) disclosure of irrelevant embarrassing facts relating to his private life ; (f) the use of his name, identity or likeness ;

<sup>3</sup>Allan F. Westin, 'Privacy and Freedom' (New York : Atheneum, 1976) p. 7 ; Charles Fried, 'Privacy : Economics and Ethics', *Georgia Law Review*, Vol. 12 (1978), p. 423.

<sup>4</sup>*Privacy and Law* (Justice Report 1970-73), p. 5

<sup>5</sup>*Ibid.*



(g) spying, prying, watching and besetting ; (h) interference with his correspondence ; (i) misuse of his private communications, written or oral ; (j) disclosure of information given or received by him in circumstances of professional confidence.<sup>6</sup>

Burger defined it as 'the very basic right to be free from sights, sounds and tangible matter we do not want'.<sup>7</sup> Professor Thomas Emerson describes privacy in these broad terms as :

Generally speaking, the concept of a right to privacy attempts to draw a line between the individual and the collective, between self and society. It seeks to assure the individual a zone in which to be an individual, and not a member of the community. In that zone he can think his own thoughts, have his own secrets, live his own life. The right of privacy, in short establishes an area excluded from the collective life, not governed by the rules of collective living.<sup>8</sup>

It is evident that there is a good deal of controversy about the concept of privacy. There have been attempts to describe privacy as a concept<sup>9</sup>, a social value<sup>10</sup>, a claim<sup>11</sup>, a condition<sup>12</sup>, an idea<sup>13</sup>, a psychological state<sup>14</sup>, an aspect of human dignity<sup>15</sup>, an area of human life<sup>16</sup>, a form of control<sup>17</sup>, a right<sup>18</sup>, an interest<sup>19</sup>, and a zone in which individualism is assured.<sup>20</sup> However, it can be safely said that the law of privacy is mainly con-

<sup>6</sup>Conclusions of the Nordic Conference on *The Right to Privacy*, 1967, Geneva, International Commission of Jurists, pp. 2, 3.

<sup>7</sup>*The Younger Committee Report*, p. 327.

<sup>8</sup>Quoted by David L. Bazelon in his article 'Probing Privacy' in *12 Gonzaga Law Review* 587, 588.

<sup>9</sup>Ruth Gavison, 'Privacy and the Limits of Law', 89 *The Yale Law Journal* (1980) 421 at 422.

<sup>10</sup>Glen Negley, 'Philosophical View on the Value of Privacy', 31 *Law and Contemporary Problems* (1966), p. 310.

<sup>11</sup>Note 3, *Supra*

<sup>12</sup>Morison, *Report of the Law of Privacy*, p. 13 ; also Hyman Gross, 'The Concept of Privacy' (1967) 42 *N.Y.U.L.Rev.* 34 at 35.

<sup>13</sup>Clark C. Havighurst, *Note*, 31 *Law & Contemp. Problems* (1966), p. 251.

<sup>14</sup>Ruth Gavison, 'Privacy and the Limits of Law', 89 *Yale L.J.* (1980) 421 at 426.

<sup>15</sup>Bloustein, 'Privacy as an Aspect of Human Dignity: An Answer to Dean Prosser', 34 *N.Y.U.L. Ref.* (1964) 962 at 971.

<sup>16</sup>Note 5 *Supra*

<sup>17</sup>A Definition of Privacy, 27 *Rutgers L. Rev.* (1974) 275 at 280.

<sup>18</sup>Notes 1 and 6 *Supra* ; also D.N. MacCormick, 'Privacy—A Problem of Definition' (1973) 89 *L.Q.R.* 23 and 183.

<sup>19</sup>L. Lusky, 'Invasion of Privacy : A Clarification of Concepts' (1972) 72 *Column, L.R.* 693.

<sup>20</sup>Note 8 *Supra*.



cerned with one's feelings and emotions and it is true that a man's feelings and emotions are as much a part of his personality. Hence an interest in privacy exists when preservation of personality might concern someone and a legal interest exists when such legal interest is protected by legal procedures. Hence development of a legally protected interest in privacy requires recognition of the particular condition of human life that is sought to be protected by legal action. The law, of course, does not determine what privacy is, but may determine only what situations of privacy will be afforded legal protection. The complexity of the governmental, social and commercial organizations of today's society, the development of intricate and sophisticated scientific devices, and the growth of mass media have all contributed to the constant attack upon every aspect of privacy. The result has been an increasing concern with the invasion of privacy.

### Attacks on Privacy

According to Prosser there are four categories of privacy infringements. These are :

- (i) Intrusion upon solitude, seclusion or private affairs ;
- (ii) Public disclosure of embarrassing private facts ;
- (iii) Publicity which places the plaintiff in a false light in the public eye ;
- (iv) Appropriation for the defendants' advantage of the plaintiff's name or likeness.<sup>21</sup>

H. Storey described six areas of invasion of privacy.<sup>22</sup> These are :

- (i) Intrusions on home life ;
- (ii) Surveillance devices and collection of information ;
- (iii) Unwanted publicity ;
- (iv) Appropriation of name without consent ;
- (v) Misuse of personal information ;
- (vi) Disclosure of confidential information.

Broadly speaking, interference with privacy may be accomplished in two ways. The transgressor may himself become acquainted with a private matter ; or he may acquaint others with something which is still private even though it is known to him. The first sort of interference is known

<sup>21</sup>Prosser, 'Privacy' (1960) 48 *Cal. L. Rev.* 383

<sup>22</sup>H. Storey, *Infringement of Privacy and its Remedies*, 47 *A.L.J.* 498 at 500.



as disclosure. This paper is concerned with invasion of privacy by disclosure.

Various public and private repositories which are usually called data-banks, gather, store and disseminate information about individuals. Improper or negligent handling of such information may result in invasion of privacy—more specifically information privacy. The right of information privacy refers to the individuals ability to choose the extent to which, and the time and circumstances under which his attitudes, behaviours and beliefs will be shared with others.<sup>23</sup> There are at least three separate interests involved in this definition.<sup>24</sup> The first aspect of information privacy involves rights of the individual with respect to the collection of data. A right to limit the nature and extent of information gathered must be a limited one. The individual who applies for loan or insurance or for a governmental benefit must furnish certain personal information. The recipient of such benefits must, to some extent, waive the right to restrict collection and use of all personal information. Interest in information privacy demands that there must be some limitation of information collection to that which is absolutely necessary for the purpose and to use methods which are fair and minimally intrusive. A second aspect of information privacy involves a right to ensure the accuracy of the record maintained. The individual should be afforded the opportunity to inspect his records and to correct inaccurate or misleading information. The third aspect of information privacy is a right of confidentiality in the information which has been collected.

In an employment situation a wide range of private information is sought by the employer. Here is a sample of questions regarding private affairs, leaving aside the routine enquiries as to age, qualifications, etc.

- (i) Widowed or divorced ?
- (ii) Number and age of children ?
- (iii) Details of other dependants.
- (iv) What is your father's job ?
- (v) What is your religion ?
- (vi) What friends have you here?
- (vii) Are you left handed?
- (viii) Have you a spare time job?

Questions asked about an individual's caste, religion and race are specially offensive, since these can easily be used as concealed grounds for

<sup>23</sup>A. Westin, *Privacy and Freedom* (1967) p. 7.

<sup>24</sup>Lauretta E. Murdock, 'Computerized Information', 44 *Albany L. Rev.* 589 at 600.



discrimination. It sounds logical that an employee should have liberty to do with his spare time. Privacy demands that an employee should be able to conduct his own private pursuits, outside business hours, without being accountable to his employer provided that he must not work to the prejudicial interest of his employer. There is hardly any remedy open for an employee where an employer interferes with such privacy of the employee.

Besides an employment situation, private information is given to hospitals, educational institutions, banks, police, building societies and so on. Recently a Health Service Survey on students at a University was carried out. The questionnaire, *inter alia*, included :

Is your sexual orientation

- (a) exclusively homosexual?
- (b) exclusively heterosexual?
- (c) not exclusively either.
- (d) not sexually active.

The point about such information is that it should always be freely given with the safeguard that it is, under no circumstances, passed on to others for other purposes. Restricting release of such information will give the individual a greater degree of control over the flow of personal information about him.

### Existing Laws

It is often claimed that an action for defamation and an action for breach of confidence are capable of protecting the privacy interest in personal information and private facts. But on careful observation it will be noticed that the actions for breach of confidence and defamation are essentially different and distinct from what privacy demands for protection.

An action for defamation can be taken only when there is a tendency to lower the person in the society. Hence defamation protects wrongly damaged reputation, whilst privacy aims to restrain invasion of a private life. In defamation action truth may be a defence, but against a privacy complaint it would be irrelevant. The gist of the complaint in privacy invasion is that the distress was occasioned by an improper invasion of one's private life. In the case of a false defamatory statement about a person's private life both remedies may be available. But an action for defamation has little to do with cases where unnecessary publicity is given to some embarrassing private facts which causes mental dis-



ness of a person. 'Publicity' of course, is a relative term and difficult to define properly. Its meaning depends upon the class of people to whom information is disclosed, or the circumstances in which it is disclosed. For example, any disclosure to a press reporter will inevitably amount to publicity, but disclosure to personal friends or selected people may not be a publicity in a proper sense. Again, such a press report must be made to people to whom the aggrieved person is known. For instance, a press report in Uganda about some personal matters of a Bangladeshi citizen who does not live in Uganda or if resident, few Bangladeshi live there, may not constitute true publicity. Publicity usually denotes some information about one has become public in the sense of becoming known by one or more persons. It need not involve publicity in the sense of publicizing of the information. If privacy is defined in terms of selective disclosure which leads to the suggestion that privacy consists in absence of publicity about one's person, one's affairs and the like, then it is clear that the more certain kinds of information are publicized the greater is the loss of privacy.

English law has long recognized an individual's right to sue in certain circumstances over the use of his name or picture for the defendant's financial advantage<sup>25</sup>, but in that case the plaintiff must prove that he suffered the loss of reputation by that publicity. However, it is clear that the law of defamation gives limited protection to the unauthorized use of a person's picture or name. It gives no remedy to professional sportsmen, entertainers or other people who are lowered in the estimation of their fellows by appearing in an advertisement. Yet, a vast range of people are injured in various ways. Ordinary citizens are upset by unwanted publicity about themselves though not lowered in the estimation of their fellows.

The action for breach of confidence will cover, no doubt, many cases of public disclosure of private facts; but still there appear some gaps which cannot be filled by such action. First, many facts are private, but not confidential. The fact that a man suffers from some venereal disease is a private one. Any publicity of such fact may cause him humiliation and mental distress. But, if that man suffers from some contagious disease people in close contact with him have the public interest to know such fact. It is a question of degree of publicity that is relevant in the case of disclosure of private facts. Secondly, an action for breach of confidence is available only for facts imparted in confidence. Where the relationship of the plaintiff and the defendant does not come to be such as to impose on the defendant a duty of confidence, no action

<sup>25</sup>For instance, *Tolley v. J. S. Fry & Sons Ltd.* (1930) 1 K.B. 467.



lies. In most of the cases involving public disclosure of private facts, it becomes difficult for the plaintiff to establish any confidential relationship with the defendant so as to impose on him a duty of confidence. A newspaper, for instance, does not owe any duty of confidence to parents of a deformed child. Thirdly, it is not clear whether the action will cover any distortion of facts or describing a private fact about some one in such a way that people can easily identify that person. Fourthly, information about a private fact is not privileged one and so any disclosure of such private facts before a court cannot ground an action by the person whom the facts relate to. Fifthly, it is not clear as to the position of a person who has acquired information of some private facts without knowing of the private character and subsequently disclosing it. In *Fraser v. Evans*,<sup>26</sup> Lord Denning M. R. indicated that even if the recipient of information came by it innocently, he could be restrained once he got to know that the information was originally given in confidence. But nothing was said about information of private facts.

### Reasons for Concern

Bangladeshi law does not recognize privacy invasion as an independent basis for civil liability. It has given protection to privacy interests incidentally while protecting other interests like trespass, defamation, nuisance, etc. In particular, it does not deal directly with the interests threatened by mishandling of personal information. A wide range of purely personal information, such as a person's marital status, sex life, religion, political affiliation, father's job, etc. is often obtained by employers, banks, educational institutions, hospitals and other agencies in the normal course of their activities. Details of private life, for example, an affair of a man with a married woman, giving birth to a deformed child, committing suicide, falling victim of a road accident, suffering of a man from some venereal or other disease, visiting a bawdy-house, etc. are sometimes published by the press.

Although the remedy under breach of confidence extends to personal information, the rules developed mostly on the cases involving commercial information. Gradually distinctions have been developing between cases involving commercial or personal information and those involving purely personal information, that is, in private issues. The same principles of law will not necessarily be appropriate to both, although the action has been applied to cover both categories without showing adequate explanation. Still it is uncertain to what extent principles evolved in con-

<sup>26</sup>(1969) 1Q. B. 349 at 361.



nection with cases involving information of a commercial or industrial nature are applicable to cases involving information of purely personal nature which is typical in privacy cases. It is evident that in many respects the principles are broadly the same, for instance, the applicability of the defences like public interest, privilege, lawful authority. But in other respects the principles applied in trade secrets cases seem to be irrelevant to a privacy case. Again, the principles applied in some trade secrets cases is that the defendant can purge his breach of confidence by payment which is, in effect the purchase of confidential information for a reasonable sum. It will produce startling results if this principle is applied to privacy case, because the interests of the plaintiff in a privacy case lies normally not in selling the confidential information but in preventing the embarrassment which would result for its public disclosure.

It is, no doubt, very hard to draw a distinction between the two categories of cases. Much information of a personal character is, in effect, a highly saleable commodity. Almost any details of the private life and affairs of a personality well-known to the public and many details of the experiences of quite ordinary people, however intimate and personal in character they may be, are of public interest and therefore capable of commercial exploitation. But while, for instance, the parents of handicapped children may regard the exploitation of information as a means of financing the abnormal expenses of the family, they may equally regard such exploitation as abhorrent and an invasion of their privacy. It is clear that to succeed in an action for breach of confidence the plaintiff must show that (a) there is in existence an obligation of confidence regarding information ; (b) the information itself has the necessary quality of confidence about it ; and (c) there has been or in contemplation, an unauthorized disclosure or use of the information. It can be said, by analogy, that the plaintiff in privacy invasion cases must show that he was in some relationship with the defendant imposing a duty of privacy on the defendant and the defendant has breached that duty by publicity without reasonable cause. But in a typical case, the newspaper, for instance, is not in a confidential relationship with the parents of some handicapped children. So the mental distress of the parents caused by the publication of such information go unremedied under the law of breach of confidence.

In recent years various kinds of interference with information privacy, originating from government as well as from private organization have received increasing attention. Public concern on the subject is the direct result of new technological developments. Numerous sophisticated electronic devices have been invented and marketed, which greatly increase the possibilities of surreptitious supervision of people's private



activities. Computers have been designed which facilitate the centralisation of information about people's private affairs and its dissemination for purposes other than those for which it was supplied. Professor Arthur R. Miller has extensively dealt with invasion by computer in his article 'Personal Privacy in the Computer Age'. He said: 'Many people have voiced concern that the computer with its insatiable appetite for information, its image of infallibility, and its inability to forget anything that has been stored in it, may become the heart of a surveillance system that will turn society into a transparent world in which our homes, our finances and our associations will be bared to a wide range of observers.'<sup>27</sup>

Every individual in the ordinary course of his private dealings supplies information about himself and the computer is capable of providing easy access to such information. It is reasonably clear that if one's cash and credit dealings, one's income tax returns and medical records, one's day to day's private engagement are known and analysed a picture of one's habit of life will faithfully emerge which may go unchecked as matters now stand. Furthermore, there has been a fairly steady flow of complaints about intrusions into privacy by the mass information media. Press and broadcasting organizations see themselves as the watchdogs of the public in investigating and exposing conduct of many kinds which may be considered a matter of concern for the society. Expressing concern, Lord Denning M. R. said, 'My Lords, if the law of England gives no remedy for an infringement of privacy then it becomes a duty at once to implement some Bill to put it right.'<sup>28</sup> Concern for the protection of privacy has been stipulated by the growing pressures upon the home and daily life by the commercial advertisement, social surveys and research about the lives of private citizen. Injustices result from misuse of even true information about a person's criminal record, health, employment record and other personal information. Such information may be unjustly used to the detriment of the person giving information. The state of affairs has long been recognized as unsatisfactory. Despite this no effective measures have been taken either in Bangladesh or in any other common law country to recognize privacy as a right except some feeble attempts by setting up committees and introducing bills covering some aspects of privacy.<sup>29</sup> To deal with the problems of privacy invasion, American law has already recognized privacy as a legal right, and privacy law in America has developed largely by judicial decisions. In our country personal information is collected, stored and disseminated by various agencies.

<sup>27</sup>67 *Michigan L.R.* (1968-69), p. 1090.

<sup>28</sup>*H. L. Debates*, 13 March 1961, Vol. 229, p. 637.

<sup>29</sup>*The Younger Committee on Privacy* (1972) (Eng.) Lord Mancroft' Bill (1961 Eng.) *The New South Wales Privacy Committee* (1974)



So protection of such personal information is a crying need of our society too. The existing law of defamation and breach of confidence appear to be incapable of coping with demands of new situations in protecting all aspects of privacy interests, and in particular, privacy interest in personal communications between citizens. It is desirable that such communication should be protected either by legislations or by introducing privacy rights into the common law. Art. 43(b) of the Constitution of Bangladesh (now suspended) provides that with certain exceptions like public order, security of the state and public health, privacy interest in correspondence and other means of communication should be protected. No case law has been developed in these areas. In an undeveloped state of case law it is conceivable that it is incapable of protecting all the aspects of information privacy. A major obstacle to the effective legal protection of our privacy is that the victim is usually unwilling to risk having his privacy further invaded by publicity given to legal proceeding.

However, the wish to have privacy must be in our hearts, not only in our laws. But this does not mean that a commitment to the value of privacy should not be in our laws as well.<sup>30</sup>

<sup>30</sup>per Ruth Gavison, 'Privacy and the Limits of Law', 49 *The Yale L.J.* (1980), 421, 465.



So protection of such personal information is a crying need of our society too. The existing law of detention and breach of confidence appears to be incapable of coping with demands of new situations in protecting all aspects of privacy interest, and in particular, privacy interest in personal communications between citizens. It is desirable that such communication should be protected either by legislation or by introducing privacy rights into the common law. Art. 43(d) of the Constitution of Bangladesh (now suspended) provides that with certain exceptions the public order, security of the state and public health, privacy interest in correspondence and other means of communication should be protected. No case law has been developed in these areas. In an undeveloped state of our law it is conceivable that it is incapable of protecting all the aspects of information privacy. A major obstacle to the effective legal protection of our privacy is that the victim is usually unwilling to risk having his privacy further invaded by publicity given to legal proceedings.

However, we wish to have privacy must be in our hearts, not only in our laws. But this does not mean that a commitment to the value of privacy should not be in our laws as well.



# The Contiguous Zone and The Law of the Sea Convention : A Study with Reference to the Bangladesh-India Situation

M. Habibur Rahman

## Introduction

The present study will deal with the background of the contiguous zone. In so doing, this paper will discuss different stages of its emergence in the law of the sea. The main purpose of the paper is to be acquainted with the application of the conventional provisions relating to the contiguous zone. The paper will aim at the practical impact of this zone between Bangladesh and India. In fine, an assumption will be drawn for the future of the contiguous zone in the law of the sea.

## Background information

Rights in the waters beyond the limit of the territorial sea have been asserted by a great many states. These waters are commonly called an "adjacent zone" or "contiguous zone"<sup>1</sup>. The contiguous zone initially was concerned with the control necessary to prevent smuggling. Now-a-days the zone deals with customs, fiscal, immigration and sanitary matters of the coastal state. The contiguous zone first was in practice in Great Britain. As time passed, it spread among different states. According to W.E. Masterson :

"Smuggling to and from sea was a serious problem in England for many centuries. From the thirteenth century on, growers of wool looked longingly toward France and Holland and Sweden for markets for their surplus produce, whose exportation, however, was forbidden. From the seventeenth century on, the importation of many other articles was either highly taxed or pro-

<sup>1</sup>S. Whittemore Boggs, "National Claims in Adjacent Seas", 41 (1951) *Geographical Review* 191.



hibited. Smugglers, as a result, arose in vast hordes both on sea and on land. From the earliest time, drastic action was taken by the English Government to put an end to this illicit trade"<sup>2</sup>.

Regarding the basic needs, the territorial sea is directly related with the coastal state. But the contiguous zone cannot be regarded to be related to the same degree. The zone came into being on the basis of special needs of the coastal states. In view of such needs Great Britain and the United States adopted this zone through different acts<sup>3</sup>. Apart from their acts the contiguous zone was adopted in different treaties.

For two centuries or more it has been everywhere recognised that a coastal state cannot tolerate an offence to be committed against its laws by ship lying conveniently just outside its territorial limits; the "Hovering Laws" of the eighteenth century were aimed against such devices. Since then a rule came forward that the coastal state should exercise some control of all shipping for the purpose described on the high seas outside territorial limits in an area that has come to be known as the contiguous zone.

<sup>2</sup>William E. Masterson, *Jurisdiction in Marginal Seas with Special Reference to Smuggling* (1970), Kannikat Press—Port Washington Reserved, 1.

<sup>3</sup>Initially, the contiguous zone was enacted through different "Hovering Acts". In Great Britain the first "Hovering Acts" were passed in 1736. By the Act a zone of five miles extending from the sea coast was prescribed for the enforcement of customs and excise laws. By the Act of 1764 the zone was extended to two leagues, and for smuggling the distance was increased to eight leagues in 1802. The Act of 1826 regarding quarantine relations prescribed a zone of two leagues. A further important Act was passed in 1853, in order to amend and consolidate the customs laws. Accordingly, the ships belonging fully or in part in Her Majesty's subjects, or having half the persons on board subjects of Her Majesty, while found with prohibited articles were forfeited at a distance ranging from four to eight leagues from the coast (according to the different regions specified in the Act). The Customs Consolidated Act of 1876 repealed all the previous Acts. Accordingly, customs or revenue regulation could not be enforced beyond three-mile limit of territorial waters except on grounds based on an international treaty or an express consent of the states concerned. See C.J. Colombos, *The International Law of the Sea* (1967), Sixth edition, Longmans, 136-137. Following in part the pattern of British Legislation the laws of the United States have since 1790 prohibited various acts within 12 miles, or 4 leagues, off the shore, as a means to enforce in compliance with the customs laws. The Act of Congress of 2 March 1799 enacted that every ship "bound to any part or place in the United States" might be boarded anywhere within four leagues of the American coast. The provisions of the "Volstead Act" were enforced within a zone of twelve miles. This was also maintained by the "Tariff Act" of 1922. As regards this Act, the United States fell into conflict with several states. In consequence, she concluded treaties with Belgium, Chile, Cuba, Denmark, France, Germany, Greece, Holland, Italy, Japan, Panama, Poland, Norway, Spain and Sweden. See William W. Bishop, *International Law, Cases and Materials* (1971), Third edition, Little, Brown Company—Boston, 622-623.



Naturally, it would be an annoying phenomenon for a state if any intrusion is made in the immediate vicinity of its territory. It signifies to put forward the view that the coastal state should have authority for taking preventive measures outside its territorial waters. Before the twentieth century the three-mile extent of the territorial sea was also felt inadequate by the littoral state for the purpose of customs and revenues. In 1919 the Harvard Research in International Law emphasised the necessity of contiguous zone. It was stated that :

“...the navigation of the high seas is free to all states. On the high seas adjacent to the marginal sea, . . . a State may take such measures as may be necessary for the enforcement within its territory or territorial waters of its customs, navigation, sanitation or police law or regulations for its immediate protection”<sup>4</sup>.

As regards the “immediate protection” of the coastal state, the necessity of authority for exercising ‘customs’, ‘navigation’, ‘sanitation’ or “police laws or regulations” in the sea zone beyond its territory or territorial sea is unquestioned.

In the Hague Codification Conference, 1930 the contiguous zone was dealt with as an addendum to the territorial sea. The concept of contiguous zone internationally emerged in this conference. The difference among the states over the issue of this zone was one of the reasons for the failure of the participating states to the conference to reach unanimity as to the breadth of the territorial sea<sup>5</sup>. The need of the contiguous zone for the coastal state was reiterated by different states. For different purposes of the coastal state the contiguous zone was practiced in the name of different sea zones. The zone came into being through the Anti-Smuggling Act of 1935 of the United States. Under different headings the Act adopted several sea zones for safeguarding various

<sup>4</sup>See William W. Bishop, *op. cit.*, 623-624.

<sup>5</sup>Of the twenty countries which rangled themselves in favour of the three-mile limit of sovereignty, a group of eight — Belgium, Chile, Egypt, Estonia, Finland, France, Germany and Poland did so upon condition that a contiguous zone of some kind should be recognised. Of the twelve countries favouring six-mile limit Rumania, Uruguay and Yugoslavia reserved the question of contiguous zone while Cuba, Latvia, Persia, Portugal, Spain and Turkey spoke for an adjacent zone with the territorial waters. See Lewellyn Pfanckuchen, *A Documentary Text Book in International Law* (1940), Rinehart & Company Inc-New York, 223. The Preparatory Committee of the Hague Codification Conference 1930 proposed that the breadth of the contiguous zone should be fixed at twelve nautical miles measured from the coast. See 2(1953) *The International Law Commission, Yearbook* (ILC Yearbook), 220, para. 107.



interests of the United States<sup>6</sup>. One of these zones beyond the territorial sea was aimed at dealing with the preventive measures to be taken by the coastal state. This zone later came out as the contiguous zone.

The First United Nations Conference on the Law of the Sea, 1958<sup>7</sup> (UNCLOS I) adopted the contiguous zone to extend not exceeding twelve miles from the baselines from which the territorial sea of the coastal state is measured. The purpose of this zone was to enable the coastal state to exercise the control necessary to prevent infringement of its customs, fiscal, immigration or sanitary regulations within its territory or territorial sea<sup>8</sup>. For the same purposes of the coastal state the Third United Nations Conference on the Law of the Sea (UNCLOS III) has prescribed the contiguous zone to extend not exceeding 24 nautical miles from the baselines from which the breadth of the territorial sea is measured<sup>9</sup>.

### Impact and characteristics

As time went on different views were put forward in favour of the exercise of jurisdiction of the coastal states over the sea zones beyond territorial sea. According to these views the coastal state should have extra-territorial jurisdiction so that the flag state cannot create unscrupulous atmosphere by violating laws beyond the immediate vicinity of the territorial sea. E. D. Dickinson observes :

“Suppose that a foreign ship violates the local laws from a point outside territorial waters, remaining at all times outside territorial waters. May it be seized extra-territorially by the local authorities ? It is submitted that jurisdiction to make such a seizure is generally indispensable to efficient law enforcement and that it should not be necessary to talk of ‘constructive’ presence within territorial waters in order to justify it. No assistance is to be derived from the flag State. And surely the flag State has no interest

<sup>6</sup>The United States through her Anti-Smuggling Act of 1935 had asserted jurisdiction over foreign vessels in four different zones adjacent to its coasts : (a) the three-mile limit of territorial sea, (b) the four-league customs zone, (c) the Liquor Treaty Zone of one hour's sailing distance from the coast, and (d) the customs enforcing area. See Herbery W. Briggs (ed), *The Law of Nations : Cases, Documents, and Notes* (1966), Second edition, Appleton-Century-Croft Inc-New York, 375.

<sup>7</sup>UNDoc. A/CONF.13/L.38.

<sup>8</sup>See Convention on the Territorial Sea and the Contiguous Zone, UNDoc. A/CONF. 13/L.52, 28 April 1958 (cited hereafter as TS&CZ Convention), Article 24.

<sup>9</sup>See United Nations Convention on the Law of the Sea, UNDoc. A/CONF. 62 /122, 7 October 1982 (cited hereafter as LOS Convention), Article 33.



in securing immunity for its ships from the consequence of their own misconduct"<sup>10</sup>

That means, in order to face the flag state beyond territorial waters it would not be unjustified if a zone is provided for the coastal state. L. Oppenheim views the contiguous zone in favour of the littoral state beyond its maritime belt particularly for self-preservation<sup>11</sup>. Shigeru Oda, a Japanese scholar favours the contiguous zone owing to the fact that it would better serve the needs and exigencies of the current world. According to him :

"The advantage which the coastal State may obtain by the extension of its jurisdiction over a wide area for the purpose of preventing smuggling or insanitary action is incomparably greater than any expected disadvantage that other States suffer therefrom"<sup>12</sup>.

If a provision can give some advantage to a number of bodies causing less disadvantages to others, then the provision cannot be regarded as illogical. The contiguous zone safeguards certain interests of the coastal state but restricts the flag state not to infringe the provisions concerned. The flag state is comparatively little affected by such provisions.

Taking into account the different views, the International Law Commission (ILC) aptly arranged the criteria for the contiguous zone in its different sessions. The 1950 and 1951 sessions took the view that a coastal state might exercise such control as was required for the application of its fiscal, customs and sanitary regulations over a zone of the high seas adjacent to the territorial waters<sup>13</sup>. The 1951 session of the Commission proposed that the contiguous zone should not extend more than twelve miles from the coast. The 1953 session formulated the contiguous zone for the coastal state for exercising jurisdiction over customs, fiscal sanitation and immigration matter<sup>14</sup>.

The provisions of the 1956 session of the Law Commission on the contiguous zone were discussed in different committees of the UNCLOS I.

<sup>10</sup>Edward D. Dickinson, "Jurisdiction at the Maritime Frontier", 40/1 (1926) *Harvard Law Review* 21.

<sup>11</sup>H. Lauterpacht (ed), *Oppenheim's International Law—A Treatise* 1(1963) Seventh impression, Longmans, 497.

<sup>12</sup>Shigeru Oda, "The Concept of the Contiguous Zone", 11/1-2(1962) *International and Comparative Law Quarterly* (ICLQ) 136.

<sup>13</sup>2(1950) *ILC Yearbook* 384, para. 195, 196 ; 2(1951) *ILC Year Book* 144, Article 4.

<sup>14</sup>See 2(1953) *ILC Yearbook* 219, 220.



Philippines and Ceylon (Sri Lanka) presented a proposal in the First Committee for including their items concerning 'immigration' in the resolution of the 1956 session of the ILC.

In spite of claims and counter-claims over the resolution the 1956 session set up the contiguous zone to be dealing with customs, fiscal and sanitary regulations. That is to say, the ILC had empowered the coastal state to adopt contiguous zone for exercising jurisdiction relating to customs, fiscal and sanitation over a zone adjacent to the territorial sea. As regards the breadth, the ILC provided that the contiguous zone would not extend beyond twelve miles from the baselines from which the breadth of the territorial sea would be measured<sup>15</sup>.

The TS&CZ Convention adopted the twelve-mile contiguous zone for the coastal state to deal with the prevention of its customs, fiscal, immigration or sanitary regulations<sup>16</sup>. Due to inadequacy of the three-mile territorial sea Canada raised a proposal suggesting fishing rights in the contiguous zone before the Convention. But it faced confrontations with the United States and Great Britain. From the Canadian point of view, the twelve-mile contiguous zone as adopted in the TS&CZ Convention would be regarded as fishing zone of the coastal state.

As a matter of fact, a number of coastal states had already adopted twelve miles and more as the breadth of the territorial sea. The contiguous zone appears indirectly to have inspired several states which had territorial sea less than twelve miles to prescribe a twelve-mile territorial sea. In this respect Michael Akehurst says :

"...the contiguous zone cannot extend more than twelve miles from the baselines from which the territorial sea is measured ; since the contiguous zone is an area of the high seas stretching beyond the territorial sea, it follows a *fortiori* that the territorial sea itself cannot extend more than twelve miles"<sup>17</sup>.

The twelve-mile territorial sea as provided in the UNCLOS III may accordingly be regarded as an outcome of the twelve-mile contiguous zone. From an imperative point of view, the contiguous zone cannot give better title to the coastal state than the territorial sea. Practically, it is a zone of limited jurisdiction for the coastal state. If the breadth of the territorial sea is less than that of the contiguous zone, then the latter extends beyond the territorial sea. In the context of twelve-mile

<sup>15</sup>See 2 (1956) *ILC Yearbook* 294, Article 66.

<sup>16</sup>Article 24.

<sup>17</sup>Michael Akehurst, *A Modern Introduction to International Law* (1971), Second edition, George Allen and Unwin Ltd.—London, 215.



territorial sea the concept of the twelve-mile contiguous zone would be meaningless. As a result, the contiguous zone should have an extent exceeding twelve miles.

The UNCLOS III has prescribed 24 n.m limit for the contiguous zone. If the 12-mile contiguous is regarded to have inspired the coastal states to adopt 12 n.m territorial sea, then 24 n.m contiguous zone will give rise to conflicts as to the breadth of the territorial sea less than contiguous zone. Had it been so, it should not recur again. That is to say, if the 12 n.m territorial sea is assumed to exist on this basis, in the days to come, the 24 n.m contiguous zone of the UNCLOS III will be the limit for the territorial sea. This may bring untold conflicts in the domain of the law of the sea. In the words of Michael Akehurst, such principle can be regarded as a surreptitious means of extending the territorial sea<sup>18</sup>.

Juridically, the contiguous zone is a part of the high seas. The contiguous zone is not merely a separate and different thing from the territorial sea, it is a part of the high seas, and its basic juridical status is that of the high seas<sup>19</sup>. It must follow and this is the important point that foreign vessels in the contiguous zone are not basically subject to the laws of the coastal state, or bound to conform to them, as they would be in the territorial sea<sup>20</sup>.

The fact that the LOS Convention has adopted 200 n.m exclusive economic zone (EEZ) whose legal status is not that of the high seas. As such, the present status of the contiguous zone cannot be regarded as that of the high seas. From this point of view, the coastal state is entitled to exercise jurisdiction in a degree greater than it was possible for this state by the TS&CZ Convention. It is said that the contiguous zone extends beyond territorial sea. It does not mean that irrespective of any breadth limit of the territorial sea the zone will extend beyond it. The contiguous zone in fact is independent of the breadth limit of the territorial sea.

#### Conventional provisions : Practical approach

Paragraphs 1 and 2 of Article 33 of the LOS Convention are similar to paragraphs 1 and 2 of Article 2 of the TS&CZ Convention. The only

<sup>18</sup>*Ibid.*, 220.

<sup>19</sup>Sir Gerald Fitzmaurice, "Some Results of the Geneva Conference on the Law of the Sea", 8 (1959) ICLQ 111.

<sup>20</sup>Sir Gerald Fitzmaurice, "The Law and Procedure of the International Court of Justice, 1951-54 : Points of Substantive Law", 31 (1954) *British Yearbook of International Law* 377.



difference in paragraph 2 is that the LOS Convention has prescribed 24 n.m limit in lieu of the TS&CZ Convention's 12 mile limit for the contiguous zone. Paragraph 3 of Article 24 of the TS&CZ Convention deals with the delimitation of the contiguous zone between adjacent and opposite states. Article 33 of the LOS Convention is lacking in such provision. According to Article 33 of the LOS Convention :

"1. In a zone contiguous to its territorial sea, described as the contiguous zone, the coastal State may exercise the control necessary to :

- (a) prevent infringement of its customs, fiscal, immigration or sanitary laws and regulations within its territory or territorial sea ;
- (b) punish infringement of the above laws and regulations committed within its territory or territorial sea.

2. The contiguous zone may not extend beyond 24 nautical miles from the baselines from which the breadth of the territorial sea is measured."

It is clear that the aspect of the contiguous zone is to prevent infringement of customs, health and immigration regulations of the coastal state. The point to take into account is that if the infringement of the regulations is committed in the territory or the territorial sea of the coastal state, then punishment can be made effective. If the infringement of the regulations takes place in the contiguous zone, according to paragraph 1(b) above, no punishment can be effected. But at present the regime of the EEZ has provided for the coastal state sovereign rights to explore and exploit the resources, both living and non-living of this zone. Consequently this state will not tolerate infringement of its interests in the resources of the EEZ. In this context, it will not be viable if it is said that the coastal state will be entitled to punish if the infringement is committed only in its territory or territorial sea. As the coastal state has sovereign rights over the resources of the EEZ, such a proposition cannot be made effective. From this point of view, the regime of the contiguous zone is becoming inapplicable.

According to paragraph 3 of Article 24 of the TS&CZ Convention :

"Where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its contiguous zone beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial sea of the two States is measured."



It signifies that the delimitation of the contiguous zone between two opposite or adjacent states is to be effected by 'agreement'. If there is no 'agreement' or if it is not possible to reach an 'agreement', the equidistance line can be applied for the delimitation of the zone between the states concerned. Actually, the equidistance line cannot be freely applied for the delimitation of the contiguous zone. It may be mentioned that in delimiting the territorial sea between two States, "historic title" or "other special circumstances" are required to be considered<sup>21</sup>. But nothing of these has been mentioned to be considered in the delimitation of the contiguous zone between the states. Since the contiguous zone does not concern with underwater situation, there arises no technical issues for its delimitation. As a result, the equidistance line appears suitable to the delimitation of the contiguous zone between two states.

Actually, the regime of the contiguous zone deals with the sea zone lying between the outer boundaries of the territorial sea and the contiguous zone. Considering this, the delimitation of the contiguous zone appears to be concerned with the sea zone lying outside the territorial sea.

It is a fact that the UNCLOS III has evolved wider sea zones such as the 200 n.m EEZ and the continental margin. The UNCLOS III has formulated provisions for delimiting the 12 n.m. territorial sea and the 200 n.m EEZ between two states opposite or adjacent to each other. But it has not provided any provisions for delimiting the contiguous zone between two opposite or adjacent states<sup>22</sup>.

It seems that the provisions which are applicable to the delimitation of the territorial sea or the EEZ between two opposite or adjacent states should be applicable to the contiguous zone. If so, then the delimitation of the contiguous zone should be effected either by 'agreement' between the states concerned or by drawing "equidistance line" from their baselines in the case where there exists no "special circumstances"<sup>23</sup>. But if there exists "special circumstances", the delimitation should be

<sup>21</sup>See LOS Convention, Article 15 ; TS&CZ Convention, Article 12.

<sup>22</sup>See LOS Convention, Article 33.

<sup>23</sup>Peculiar configuration of coastline, great variety of complex geographical situations, presence of Islands, and the economic value of proven deposits of minerals in the maritime zones are regarded as constituting "special circumstances". In the delimitation of maritime boundaries, special circumstances are taken into account. In order to be well-acquainted with the special circumstances see, E.D. Brown, "The Anglo-French Continental Shelf Case", 16/3 (1979) *The San Diego Law Review* 486-496 ; M. Habibur Rahman's unpublished thesis, *Delimitation of Maritime Boundaries With Special Reference to the Bangladesh-India Situation* (1982), University of Wales, 323-331.



effected by "equitable principles". Anyway, the absence of specific provisions in the LOS Convention results in propounding the view that the delimitation of the contiguous zone between adjacent and opposite states should be effected by the principle applicable to the delimitation of the territorial sea or the EEZ. If the delimitation of the territorial sea is effected by equidistance principles and the EEZ by equitable principles, the application of these principles may result in different boundaries of the sea zone beyond territorial sea.

There arise more issues of delimitation of the 200 n.m sea zone than any other similar zone. As regards the 200 n.m EEZ the 24 n.m contiguous zone appears to be a fading zone. To this end, in the Caracas session, 1974 it was argued by Mexico that if the UNCLOS III established the concept of an EEZ where the coastal state had certain rights beyond its territorial sea, the concept of the contiguous zone would have to be dropped<sup>24</sup>.

It is feared that in the near future the 24 n.m contiguous zone may not survive in the face of the importance that is being gained by the 200 n.m EEZ in the law of the sea.

#### **Bangladesh and India situation**

Both Bangladesh and India took part in the proceedings of the UNCLOS III. They have signed the LOS Convention. Still they have not ratified the Convention. As far as their Acts<sup>25</sup> are concerned, they can be regarded to basically comply with the UNCLOS III provisions. There is no agreement between Bangladesh and India in regard to the delimitation of maritime boundaries. As a result no principle can be imposed on them for the delimitation. There exists no "historic title" either for Bangladesh or for India to exercise claims over the sea zones in the Bay of Bengal. As adjacent states, every sea zone extending from the coasts is to be delimited between Bangladesh and India. Though the two countries appear to comply with the LOS Convention, however, provisions of their Acts seem dealing with special reference to their interests. According to the Bangladesh Act<sup>26</sup> :

<sup>24</sup> 28 (1974) *Yearbook of the United Nations* 79.

<sup>25</sup> Territorial Waters and Maritime Zones Act, 1974 (Bangladesh, Act No. XXVI of 1974 hereafter cited as Bangladesh Act); The Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1975 (India, Act No. 80 of 1976 hereafter cited as Indian Act).

<sup>26</sup> Section 4.



“(1) The zone of the high seas contiguous to the territorial waters and extending seawards to a line six nautical miles measured from the outer limits of the territorial waters is hereby declared to be the contiguous zone of Bangladesh.

(2) The Government may exercise such powers and take such measures in or in respect of the contiguous zone as it may consider necessary to prevent and punish the contravention of and attempt to contravene, any law or regulation in force in Bangladesh relating to—

- (a) the security of the Republic ;
- (b) the immigration and sanitation ; and
- (c) customs and other fiscal matters”.

Bangladesh is exercising 12 n.m territorial sea. The 6 n.m contiguous zone beyond territorial sea signifies that this zone extends to 18 n.m from baselines from which the breadth of the territorial sea is measured. From the juridical point of view, the 6 n.m sea zone beyond the territorial sea is the actual extent of the contiguous zone. The specification of 6 n.m contiguous zone beyond the territorial sea indicates that the boundary of the 18 n.m sea. zone is to be effected between Bangladesh and India. In other words, it is Bangladesh which is required to delimit the 6 n.m contiguous zone with India beyond the 12 n.m territorial sea.

In addition to the conventional provisions, it seems that the contiguous zone of Bangladesh is concerned with the security of of the country. That is to say, the contiguous zone of Bangladsh shall not be dealt only with the prevention of the infringement of customs, fiscal, immigration or sanitary laws and regulations but also with the security of the country.

According to the Indian Act<sup>27</sup> :

“(1) The contiguous zone of India . . . is an area beyond and adjacent to the territorial waters and the limit of the contiguous zone is the line every point of which is at a distance of twenty-four nautical miles from the nearest point of the baseline . . .

(2) Notwithstanding anything contained in sub-section (1), the Central Government may, whenever it considers necessary so to do having regard to International Law and State practice, alter, by notification in the Official Gazette, the limit of the contiguous zone.

<sup>27</sup>Section 5.



(3) No notification shall be issued under sub-section (2) unless resolutions approving the issue of such notification are passed by both Houses of Parliament.

(4) The Central Government may exercise such powers and take such measures in or in relation to the contiguous zone as it may consider necessary with respect to,—

(a) the security of India, and

(b) immigration, sanitation, customs and other fiscal matters.

(5) The Central Government may, by notification in the Official Gazette,—

(a) extend with such restrictions and modifications as it thinks fit any enactment, relating to any matter referred to in clause (a) or clause (b) of sub-section (4), for the time being in force in India or any part thereof, to the contiguous zone, and

(b) make such provisions as it may consider necessary in such notification for facilitating the enforcement of such enactment, and any enactment so extended shall have effect as if the contiguous zone is a part of the territory of India.

The contiguous zone of India extends to 24 n.m from the nearest points of baselines. It seems that the actual extent of the contiguous zone is 12 n.m beyond 12 n.m territorial sea. From the viewpoint of India, the boundary of the contiguous zone is required to be effected to 12 n.m sea zone beyond the territorial sea. As a matter of fact, the extent of the contiguous zone beyond the territorial sea requires to be delimited subject to the provisions dealing with this zone. That means, Bangladesh shall have to delimit 6 n.m contiguous zone and India 12 n.m zone beyond their 12 n.m territorial seas.

Beyond 18 n.m zone from baselines there is more 6 n.m contiguous zone for India. But this 6 n.m sea zone beyond 18 n.m zone measuring from Bangladesh baselines is the part of its EEZ. Both Bangladesh and India are exercising 200 n.m EEZ. As such, these countries are required to delimit 188 n.m EEZ beyond 12 n.m territorial sea.

India appears to have enacted such more provisions for the contiguous zone. Like Bangladesh the contiguous zone is not only concerned with customs, fiscal, sanitation and immigration matters but also with the security of the country. As regards the security of the country the contiguous zone is regarded as a part of India. In effect, India has aimed at prescribing the contiguous zone as a sovereign part of the country while its security will be in question.



Since there are no provisions in the LOS Convention and in the Acts of Bangladesh and India, it is not possible to suggest the principle for the delimitation of the contiguous zone between the two countries. But, in fact, the coastal state is more and more concerned with the 200 n.m EEZ than the 24 n.m contiguous zone. As a result, it would not be unfair if the boundary of the EEZ between two adjacent states is assumed to be the boundary of the contiguous zone existing outside the territorial sea. If the same boundary for the EEZ and the contiguous zone particularly between two adjacent states is effected, it would practically be much more convenient. From this point of view, the boundary of the contiguous zone between Bangladesh and India should be delimited subject to the principle applicable to the delimitation of the EEZ.

### Reflecting thoughts

In regard to the breadth, the 24 n.m contiguous zone appears to be subsumed in the 200 n.m EEZ. The coastal states which have territorial sea equal to or exceeding 24 n.m do not need the application of the contiguous zone. Though the 12 n.m breadth has been conventionally accepted for the territorial sea, still a significant number of coastal states are exercising the territorial sea exceeding 12 n.m. Speaking specifically, the number of coastal states exercising the territorial sea exceeding 24 n.m are also significant<sup>28</sup>. That is to say, the regime of the contiguous zone for these states is not applicable.

As far as is known, only six coastal states such as Burma (1977), Dominican Republic (1977), India (1976), Pakistan (1976), Sri Lanka (1976) and Yemen (1977) are exercising the contiguous zone extending to 24 n.m. Bangladesh (1974) as complying with the contiguous zone extending to 6 n.m beyond territorial sea<sup>29</sup>. All these states are applying the 12 n.m territorial sea and the 200 n.m EEZ. At present there is no reservation for the coastal states to adopt the 200 n.m EEZ.

The 200 n.m EEZ is now conventionally accepted. Every coastal state is entitled to adopt the 200 n.m EEZ. If there is no geographical constraints, it is possible for the coastal states to prescribe the 200 n.m EEZ. That is to say, the coastal state can exercise :

<sup>28</sup>The following coastal states are exercising the territorial sea exceeding 24 n.m : Argentina (200:1977), Benin (200:1976), Brazil (200: 1970), Cameroun (50: 1974), Cape Verde (100:1977), Congo (200:1977), Ecuador (200:1970), Salvador (200: 1974), Gabon (100:1972), Gambia (50: 1971), Ghana (200:1977), Guinea (200: 1965), Guinea-Bis(150:1974), Liberia (200:1977), Malagasy Republic (50:1973), Mauritania (70:1973), Panama ((200:1967), Peru (200:1947), Senegal (50:1976), Sierra Leone (200:1971), Somalia (200:1972), Tanzania (50: 1973), and Uruguay (200:1969).

<sup>29</sup>*Supra.*, n. 26.



- “(a) sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the sea-bed and of the sea-bed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds ;
- (b) jurisdiction as provided for in the relevant provisions of this Convention with regard to :
- (i) the establishment and use of artificial islands, installations and structures ;
  - (ii) marine scientific research ;
  - (iii) the protection and preservation of the marine environment ;
  - (iv) other rights any duties produced for in this convention<sup>30</sup>.

In the existence of the conventionally accepted 12 n.m territorial sea the contiguous zone will be applicable to the 12 n.m sea zone beyond territorial sea. This 12 n.m sea zone will only be concerned with the customs, fiscal and immigration or the sanitary laws or regulations of the coastal state. As a matter of fact, this 12 n.m sea zone is a part of the EEZ where the exploration and exploitation of the living and non-living resources by the coastal state can be effected. Before the emergence of the EEZ it was only possible for the coastal state to explore and exploit natural resources of the continental shelf beyond territorial sea. But this has now been changed.

At present the coastal state is required to be attentive more than it was to the sea zone beyond territorial sea. In other words, it is the coastal state which has all time to keep an eye to the EEZ. From this point of view, it can seldom be said that this state will not be serious to take into account measures necessary to control customs, fiscal immigration and sanitary matters in the EEZ beyond territorial sea.

It is irrational to propound the view that a vessel of the coastal state which for instance is exploring and exploiting the resources of the EEZ should not prevent a vessel from violating customs, fiscal, immigration and sanitary regulations. Naturally, the vessel of the coastal state should make efforts to prevent that vessel from infringing the regulations. The coastal states which are not exercising the contiguous zone appear lacking in taking measures against the infringement of these regulations. But, how far it would be viable that with the exer-

<sup>30</sup>LOS Convention, Article 56(1).



cising of the EEZ provisions the coastal states will not take measures for this purpose.

As far as the conventional provisions are concerned, the contiguous zone does not concern with the security of the coastal state. In effect, the controversial question of security remains unresolved. The question should not, however, necessarily preclude agreement. It will have to be accepted that, in the majority of cases, the exercise of customs control will afford a sufficient safeguard. As to defence measures against an imminent and direct threat to its security, it is clear that a state has an inherent right to take certain protective measures both within the contiguous zone and outside it. For this reason, it seems necessary, and even undesirable, to mention any special right connected with security among the rights which the coastal state exercises in the contiguous zone<sup>31</sup>.

It signifies that it will not be irrational to take measures in any zone beyond the territorial sea. In other words, this proposition is effective for the sake not only of the security of customs, fiscal, sanitation and immigration regulations but also for the security of the territory of the coastal state.

Efforts may be made to be acquainted with the practical experience as to the application of security measures in the 200 n.m sea zone. In the Falklands crisis, 1982 between Great Britain and Argentina, the former declared the 200 n.m sea zone as the "Exclusion Zone". The 200 n.m exclusion zone was supposed to be sovereign in connection with the security of Falkland Islands. There seems to be no doubt that the coastal states with 200 n.m EEZ will not fall back to take measures to enforce in the EEZ for its security. Apart from this, attempts may be made to exercise the regime of the contiguous zone in the EEZ. Inferences can be drawn that the jurisdiction of the coastal state over 24 n.m contiguous zone will be subsumed in the 200 n.m EEZ. That means, with the passage of time, the regime of the EEZ will take into account the prevention of customs, fiscal, health and immigration regulations.

From a practical point of view, the states with 200 n.m EEZ will not tolerate infringement of customs, fiscal, health and immigration regulations in this zone. In the days to come the coastal state will safeguard these matters in the 200 n.m EEZ. The importance of the contiguous zone is decreasing. The existence of the 200 n.m EEZ has made the 24 n.m contiguous zone useless to the coastal states.

<sup>31</sup>See 2(1956) *ILC Yearbook*, para, 30, p. 5.



The Law of the Sea Convention, 1982 practically seems not to give so much importance to the contiguous zone. Because, Article 33 provides no provisions for the delimitation of the contiguous zone between states whose coasts are adjacent or opposite to each other. The delimitation of the contiguous zone has been made dependent on the provisions applicable to the delimitation of the territorial sea or the EEZ. There should then be an assumption that the contiguous zone is in a position to bid goodbye from the law of the sea.



# Service Conditions of the Civil Service in Bangladesh

A.T.M. Obaidullah

## Introduction

When a country adopts modern technological methods to foster its economic and social development, the government duties become so complex that they cannot be left in incompetent hands.<sup>1</sup> Within the last century government has taken on various types of obligations. It provides working plant for the community ; express and feeder highways ; water, gas, electricity, and other utilities, airfields and beacons ; dams and irrigation works ; establishment for the production of fissionable materials. It seeks to protect the population against the hazards of disease, accident, dependency, unemployment, old age etc. The administrative system consequently grows and becomes diverse, and its repressive aspects diminish in proportion as its constructive and facilitating role expands.<sup>2</sup> In Bangladesh, like many other countries of the world, personnel factors received early attention due to the very important role of public services in the country's progress and development. But we can't conceive of a first rate staff unless it is accompanied by sound personnel policy and congenial service conditions. In this paper an attempt will be made to analyse the nature of the conditions of service in our country and their impact on administrative morale and efficiency.

An efficient and development oriented administration demands fulfilment of certain fundamental conditions such as sound recruitment policy, proper and effective training, assurance of reasonable pay, promotion, and security of tenure, which lie at the heart of any personnel administration.

## Recruitment

The recruitment of civil service involves three main questions ; firstly, who may be admitted, secondly, by what criteria, thirdly, in what

<sup>1</sup>*Handbook of Public Administration* (New York : United Nations Publication, 1961), p. 24.

<sup>2</sup>L.D. White, *Introduction to the Study of Public Administration* (New Delhi : Eurashia Publishing House Ltd., 1955) p. 5.



manner.<sup>3</sup> The first involves restrictions on eligibility on grounds of nationality ; health or physique, conduct, including prior political affiliations ; age, sex and community. These raise questions which transcend the purely administrative considerations but which have the greatest possible effect on the standard of administration.

### Eligibility of a Candidate

*Nationality* : Like most countries of the world recruitment into the most important segment of the service, the generalist administrative class is effectively reserved for Bangladeshi nationals. No person shall be eligible for admission to an examination unless he/she is a citizen of Bangladesh.<sup>4</sup> A candidate shall not be eligible for appearing at an examination if he/she is married to or has without the previous permission of the Government, entered into a promise of marriage with a person who is not a citizen of Bangladesh.<sup>5</sup> No discrimination is made in recruitment on the ground of sex. The decision of the Public Service Commission (PSC) as to the eligibility of a candidate for an admission to an examination shall be final.<sup>6</sup>

*Age limit* : Age limits for recruitment are imposed in almost all countries. They are an obvious consequence of the career concept, which aims at attracting people into government employment on completion of their education. The concept offers reciprocal benefits. The state offers and assured career, but receives in return a life-long service, steadily progressing in the skill and competence. Age limit fixed for the Bangladesh Civil Service is subject to change from time to time. Now, no person is eligible if he/she is less than 21 years of age or has exceeded 27 years of age on the first day of the month in which the Commission invites application for holding examination.<sup>7</sup> The date of birth as recorded in the Secondary School Certificate (S.S.C.) or any other certificate issued by an authority recognized by the Commission shall be accepted as proof of age of a candidate.<sup>8</sup> The maximum age limit is relaxable under following circumstances :

<sup>3</sup>*Handbook of Civil Service Laws and Practice* (New York : United Nations Publication, 1966), p. 52.

<sup>4</sup>*Bangladesh Civil Service (Age, Qualification, and Examination for Direct Recruitment Rules, 1982)*, (Bangladesh Gazette, Extra-ordinary), Dhaka, May 14, 1982, p. 1103.

<sup>5</sup>*Ibid.*, p. 1103.

<sup>6</sup>*Ibid.*, p. 1101.

<sup>7</sup>*Ibid.*, p. 1101.

<sup>8</sup>*Ibid.*, p. 1103.



- (a) In the case of a person who is a member of a backward section of the citizens, by such periods as the government may from time to time specify by notification, in the official gazette ;
- (b) In the case of a person who is freedom fighter on proper certificate by such period as the government may by order, specify from time to time ; and
- (c) In the case of a female candidate by such period as the government may by order specify from time to time.<sup>9</sup>

Exceptional recruitment, with wide age limits, may also be carried out to meet temporary emergencies.<sup>10</sup> This type of situation was faced in our country in 1983 and recruitment to 650 posts of Magistrates in the Bangladesh Civil Service (Administrative) was made extending the limit of age from 21-50 years.<sup>11</sup>

### System of Examination

Bangladesh Public Service Commission (PSC) carry on the task of recruitment and selection of Civil Service of Bangladesh through combined competitive examination. The system of examination has been based on the British Model. It consists of two parts—written and oral. The written part contains two sections—compulsory and optional. The compulsory subjects include English essay, General English, Bengali essay, Bengali literature ; general knowledge—every day science and Bangladesh affairs and Mathematics carrying a total of 700 hundred marks. The candidates are to select optional subjects carrying a total of 600 marks from a list of diverse subjects.<sup>12</sup> The minimum academic qualification needed to be a candidate in the Bangladesh Civil Service is a University degree, at least, in the Second Class, or any equivalent degree from foreign Universities.

**Viva-Voce Test :** To qualify for the viva-voce test a candidate must secure an aggregate of at least 45% marks in the written examination. Candidates securing less than 25% marks in any compulsory subject, optional subject or any relevant subject shall be deemed to have secured no mark in that subject.<sup>13</sup> The viva-voce test carries 300 marks of which 40% is the passing mark.<sup>14</sup>

<sup>9</sup>*Ibid*, p. 1103.

<sup>10</sup>*Handbook of Civil Service Laws and Practice, op. cit.*, p. 57.

<sup>11</sup>*Bangladesh Public Service Commission, Advertisement No. IE-23/82 239, Dhaka, 22nd December, 1982.*

<sup>12</sup>See Syllabus for the Bangladesh Civil Service Examination.

<sup>13</sup>*Bangladesh Civil Service (Age, Qualification and Examination for Direct Recruitment) Rules, 1982 op. cit* p. 1107.

<sup>14</sup>*Ibid.*, p. 1107.



**Psychological Test :** Candidates called for the viva-voce test are required to undergo a psychological test designed to assess their inherent tendencies and capabilities, their personal qualities and traits of character with special regard to their aptitude for the post.<sup>15</sup> A candidate's appointment to a post is subject to his being physically and mentally fit, to be determined by a competent Medical Board.<sup>16</sup>

In our country a real hindrance in working out the sound principle of recruitment is the involvement of the principle of effective reconciliation of equality of opportunity with efficiency in the service. With a view to achieving this reconciliation in the Government of Bangladesh has to follow a mixed principle, deviating from the merit principle, which results in the deprivation of the citizen of actually guaranteed rights in the constitution of equality of opportunity in the service of the Republic.<sup>17</sup> Because of lamentably poor rate of literacy<sup>18</sup> in our country the Government has been following a quota plus merit principle instead of purely merit principle to ensure equal participation of every region of the country and section of the community and to avoid feeling of exclusion of the people belonging to the backward region and section of the country.

According to the present recruitment policy only twenty percent of the total recruit is made on the basis of merit, and rest eighty percent on the basis of quota, of which ten percent for female, twenty percent for freedom fighters, and fifty percent for districts.<sup>19</sup> And it is not any exaggeration to say that if this policy continues for a long time it will be serving the interest of the beneficiaries and not the interest of the state, and efficiency of the administration will become a side issue.

### Training

United Nation's experts in 1961 declared that "Administrative improvement is the since quilon in the implementation of programmes of

<sup>15</sup>*Ibid.*, p. 1108.

<sup>16</sup>*Ibid.*, p. 1108.

<sup>17</sup>Art. 29, The Constitution of the People's Republic of Bangladesh, 1972. p. 16. There shall be equality of opportunity for all citizen in respect of employment or office in the service of the Republic (2) No citizen shall on grounds of religion race, caste, sex or place of birth be ineligible for or discriminated against in respect of, any employment or office in the service of the Republic.

<sup>18</sup>Bangladesh Census of Population, Bulletin 2, (Dhaka: Census Commission 1974), p. 43, only 22.27% of the people can read or write.

<sup>19</sup>Emajuddin Ahmed, *Bangladesh Public Administration* (Dhaka, Golden Book House, 1980), pp. 343-44.



national development.<sup>20</sup> In surveys of Public Administration, the problem mentioned almost invariably in the first place is the lack of properly qualified and trained personnel.<sup>21</sup> The United Nation's Special Committee on Public Administration Problems of 1951 observed that "No administrative system can be better than the men and women who conduct, it indeed it might be said who personify it."<sup>22</sup> Administrative machinery must be made capable of meeting the new demands arising from national development. Hence the training of personnel is of basic importance to all public services.

Training is designed to increase the knowledge and skills of of an individual in order to give an individual greater capacity in the field of work. It is a form of applied education related to skills needed on the job.<sup>23</sup> Three factors give particular urgency to the training for government services in developing countries.

- (a) the need for innovation in administration to meet changes in the economic and social systems ;
- (b) the rapid expansion of the functions which the Government is called upon to perform ;
- (c) the shortage of trained persons generally characteristic of these countries.<sup>24</sup>

The First Five Year Plan (FFYP) of Bangladesh stated :

the quality of administration and management in the country is directly related and dependent on the efficiency of the administrative personnel. The skills and motivation of the civil servants should therefore be improved through introduction of functional and fully coordinated training programmes that would meet the overall training needs of all personnel of various factors at appropriate stages of their careers covering all grades.<sup>25</sup>

The net work of administrative training run under the auspices of the Establish Division consists of (a) the Bangladesh Administrative Staff College (BASC) for training of Senior officials concerned with policy

<sup>20</sup>Cited in A.N. Shamsul Hoque, *Administrative Reforms in Pakistan* (Dhaka : NIPA, 1970), p. 193.

<sup>21</sup>Handbook of Civil Service Laws and Practice, *op. cit.* p. 2

<sup>22</sup>Standards and Techniques of Public Administration, Cited in Handbook of Training in the Civil Service, UNI, p. 2.

<sup>23</sup>*Handbook of Public Administration. op. cit.*, p. 57.

<sup>24</sup>*Ibid.*, 57.

<sup>25</sup>*The First Five Year Plan of Bangladesh (FFYP), 1973-78* ( Dhaka : Planning Commission, 1973), pp. 490-91.



making and administrative leadership and coordination, (b) the National Institute of Public Administration (NIPA) for training of mid-level officer responsible for policy execution and programme management, (c) The Civil Officer's Training Academy (COTA) for foundation training of Civil Service Probationers into regular executive and functional cadres and (d) The Staff Training Institute (STI) for training of secretarial staff. The actual training achievements of the above four training institutions are indicated in the table below :—

Institution	Number		Trained TOTAL
	FFYP	TYP	
1. Bangladesh Administrative Staff College (BASC)	303	47	350
2. National Institute of Public Administration (NIPA)	2113	2787	4900
3. Civil Officers Training Academy (COTA)	144	303	447
4. Staff Training Institute (STI)	1209	2492	3701

Includes persons trained under Crash Training Programme outside their normal schedule of training. **Source:** *Second Five Year Plan of Bangladesh (SFYP)*, p. 45, XVIII.

The existing facilities for public administration training at different levels in Bangladesh may be stretched to a maximum of 15,000 man days of training which compared to total requirement of administrative training needs appears to be far inadequate.<sup>26</sup> In the absence of realistic data it is difficult to estimate the actual quantum of training required for the civil servants in Bangladesh over next 15 years. However, one rough exercise indicates that about 91% of the civil servant have not undergone any training either within the country or abroad.<sup>27</sup>

The Second Five Year Plan (SFYP) put forward several recommendations for improving and reorganizing the training system of our country. The recommendations are:

- (1) The plan has proposed for the setting up of a National Training Council (NTC) by the establishment division with the task of formulation, development and review of the training and

<sup>26</sup>The First Five Year Plan (FFYP), *op. cit.*, pp. 490-91.

<sup>27</sup>*Ibid.*, p. 491.



career planning ; formulation of development policy and realistic assessment of longterm training needs in administration and management.

- (2) The plan has also proposed for the creation of a fullfledged Training and Career Planning Wing (TCPW) in the Establishment Division to plan, develop and manage career programs for civil servants on a systematic basis and to act as a secretariat to the (NTC)
- (3) The plan recommended for the further development of Bangladesh Administrative Staff College (BASC), the National Institute of Public Administration (NIPA) and increased facilities under the Public Administration Training Complex (PAT Complex).
- (4) The Second Five Year Plan (SFYP) recommended strengthening of the existing STI at Dhaka ; establishment of Staff Training Institutes in each division of the country ; adoption of non-traditional approach for enhancing training coverage, training of trainers ; creation of training facilities at the district level ; job induction training in major departments and agencies. Training courses will be designed to upgrade the skills of supporting staffs with "capsular" training course combining identified skill areas so that training creates positive impact and efficiency.<sup>28</sup>

The Plan has increased the officer training targets in the BASC, NIPA and COTA.

#### Training Target for the SFYP(1980-85) Training Officers

Institution	Annual Training capacity	Targets for 5 years
BASC	350	1,750
NIPA	650	3,250
COTA	440	2,200
Total	1440	7,200
Estimated numbers of officers	...	9,900
Percentage of total number of officers to be covered by training programme.	...	75%

<sup>28</sup>SRYP, *op. cit.*, Ch. XVIII, pp. 58-59.



### Staff Training

(i) STI and Divisional Centres	...	1,950	9,750
(ii) Crash Programme through TOT	...	7,560	37,800
Total		4,510	47,550
Estimated number of staff who will need training			
	...		1,06,000
Percentage of total number of staff to be covered by the programme.			
			45%

Source: *SFYP*, XVIII, Table 18.32, p. 59.

Second Five Year Plan (SFYP) is of the opinion that mere expansion of training facilities is not considered to be enough. The Establishment Division has to develop a policy on career planning for rational and scientific development of trained personnel to ensure their proper utilization. Besides, in order to ensure regular supply of capable trainers in administration and management a pool should be constituted.<sup>29</sup>

The Plan also mentions that there has not been any systematic effort to review and measure the effectiveness of training in this area so far. And programs in the areas of administrative training have been pursued in a rather uncoordinated manner and almost independent of an overall career development plan.<sup>30</sup>

### Promotion

The objectives of an efficient civil service cannot be attained unless it is followed by a proper system of promotion.<sup>31</sup> Without promotion the professional and functional time becomes moribund. Promotion aims at selecting the right type of persons for positions of higher and greater responsibilities.

The author of the Trevelyan North Cote Report realized that "the problem of the civil service was not merely what was the best method of providing it with a supply of good men, but of making the most of them after they had been admitted."<sup>32</sup> Not only should efficient and

<sup>29</sup>*Ibid.*, p. 60

<sup>30</sup>*Ibid.*, p. 45.

<sup>31</sup>*Law On Service* (in Bangladesh), *DLR*, (Dhaka: Al-Afsar Press, 1981), p. 34.

<sup>32</sup>Quoted in M.A. Chowdhury, *Civil Service in Pakistan* (Dhaka: NIPA, 1963), p. 296.



able men be retained, but persons of outstanding capacity should be discovered early in their career and given opportunities of finding their way to positions of higher and greater responsibilities while still young, fresh, energetic and vigorous.<sup>33</sup> The state needs not merely a static administration of each man performing his share of duties satisfactorily and without complaints but a dynamic administration calling for inventiveness, resourcefulness, ability, imagination, initiative and vigour to execute programmes.

An effective system of promotion has to achieve three important goals, namely :

- (1) To select the best man for higher position ;
- (2) To satisfy those to whom it is applied ; and
- (3) To have creative influence on the whole staff structure.<sup>34</sup>

A fundamental problem involved in the system of promotion is the determination of criteria of promotion. Should promotion be given on the basis of seniority or merit only ?

The principle of seniority has much to its credit. It is automatic and avoids the need for making invidious distinctions between one person and another, of placing the young over old and experienced. It is safe for the official who is charged with making promotions to say "the man has been in the office for so many years." In addition, it is a good defence of the older men against the newcomers; to the bulk of men and women who are not ready to run the risks of their avowed beliefs in themselves it is equitable and undisturbing.

But there are cogent and practical arguments to be put forward against the principle of seniority. An officer from junior rank should not be promoted simply because he has served in an office for several years. For, the aim of promotion is to secure the greatest possible efficiency in the public service, rather than to reward individuals for long and faithful service ; to pick up the best man and women for the job, even though he or she may not be the most senior candidate.<sup>35</sup> Rigid application of the principle of seniority blocks the hope of rising quickly for those who are young but quite capable and meritorious and thus prevents outstanding ability from being rewarded or fully used. From the public point of view the system of promotion on seniority has some drawbacks. The most im-

<sup>33</sup>*Ibid.*, p. 298.

<sup>34</sup>*Handbook of Public Administration, op. cit.*, p. 49.

<sup>35</sup>Ali Ahmed, *Role of the Higher Civil Service in Pakistan* (Dhaka: NIPA 1968), p. 254.



portant is that it gives the person appointed no extra-prestige. Age and seniority are accidents, and are accepted as such by the personnel involved. There is no distinction in obtaining a post on grounds of seniority. It is for this reason that in every civil service lower supervisory grades have the least control over their subordinates.<sup>36</sup> The principle of seniority seems to conjure up automatically the idea of bureaucracy, of working to rule, of selecting elderly men because of their age and, therefore, lack of enterprise. Merit, on the other hand, suggests both justice to the chosen and vigour to the system. Thus to defend seniority is to mark oneself down as a stick in the mud.<sup>37</sup>

Nothing is more destructive of the morale of public services than the impression that the promotions are capriciously made. In *Kazi Ali Noor Vs. Secretary Ministry of Agriculture*, the petitioner's promotion was denied after five years of his promotion on the ground that his promotion was mistakenly given. Kazi Ali Noor joined the Agriculture Development Corporation as a Zonal Accountant and was promoted upto the rank of Assistant Manager within short time because of his meritorious service. But suddenly he got the impugned order of demotion from Assistant Manager to office superintendent. The corporation revealed the fact that the petitioner's earlier promotions were irregular and mistakenly given. Selection Committee mistook him to be the senior most Head Assistant, where from his later promotions were given, but he was not actually so. After detection of this mistake the corporation decided to down grade the petitioner by one grade at least in order to remove the wide spread discontent of the senior persons, caused by the irregular promotion. But in this case the court held that since the petitioner got a vested right to the post of office Superintendent, it cannot be assailed after five years, on the ground of mistake committed by somebody else.<sup>38</sup>

A government servant cannot claim promotion as a matter of legal right. It was decided in *Mv. Lutful Huq Vs Province of East Pakistan*<sup>39</sup> in which the court was of the opinion that:

It would be incorrect to say that promotion merely involves the question of seniority and that the senior most incumbent in the post below must be promoted as a matter of course.

<sup>36</sup>*Ibid.*, p. 355.

<sup>37</sup>*Ibid.*, p. 356.

<sup>38</sup>*Kazi Ali Noor Vs, Secretary, Ministry of Agriculture. DLR, XXXI, 1979, pp. 427-30.*

<sup>39</sup>*Province of East Pakistan Vs. Mvi. Lutful Huq, DLR, pp. 168-79.*



Seniority is the most important and, usually the decisive factor in making a promotion, but is not the only consideration involved in making appointments by promotion. If a comparatively junior member of the service is found to be most competent to be promoted to a particular post and with due regard to the all important question of seniority, it is not only permissible but incumbent, under the rules of service, to appoint him to such post by promotion.<sup>40</sup>

Promotion from lower cadre to higher cadre in our country is made on the basis of two criteria in general:

- (a) Selection Posts: For promotion to these posts outstanding merit is the sole criterion, seniority in the cadre being taken into consideration in the case of indistinguishable merit only.
- (b) Other Posts: For promotion to these posts, seniority cum fitness is the criterion, viz, subject to fitness, the candidate being found fit to discharge the enhanced responsibilities of the higher posts, promotion is made according to the order of seniority in the lower cadre.<sup>41</sup>

In case of promotion of a government servant other factors such as efficiency, suitability, honesty etc. are also to be taken into consideration.<sup>42</sup> When an employee is promoted to officiate in a higher post involving the assumption of duties and responsibilities of greater importance he should be entitled to the minimum emoluments of the grade to which he was promoted to official. In *P.M.G. Eastern Circle Vs. Md. Hashim*,<sup>43</sup> the respondent, an employee of the central government in class II post was promoted by the P.M.G. to official in class I post but the order promoting him to class I post specifically mentioned that while officiating he would get his own pay in his substantive capacity in class II service. Respondent's contention was that he was entitled to the pay of class I while he was officiating to that post. He filed a writ petition and the High court gave judgement in favour of the respondent.

### Salary

The generally quality, tone and efficiency, integrity and morale of the civil servants are determined to a considerable extent by important

<sup>40</sup>*Ibid.*, XVI, p. 169.

<sup>41</sup>*Law on Service (in Bangladesh). op. cit.*, p. 49.

<sup>42</sup>*Ghazi Md. Ekhlal Vs. Bangladesh, DLR, XXVIII, 1976, p. 397.*

<sup>43</sup>*P.M.G. Eastern Circle Vs. Md. Hashim. DLR. XXIII, 1971, p. 49.*



conditions of service like pay and retirement benefits. Government should pay so much and so much only as is necessary to obtain the recruits of the right stamp and to maintain them in such comfort and dignity as will shield them from temptation and to keep them efficient for the term of their service.<sup>44</sup> Sound and equitable employment policy brings in a sense of dignity and security in work and increase its output both in quantity and quality.<sup>45</sup> The determination of salary of public employees demands consideration of different factors namely social, economic historical and psychological.<sup>46</sup>

After partition of India in 1947, the Government of Pakistan appointed several pay commissions to inquire into the conditions of service and to recommend a rational pay policy for Pakistan. Since determination of compensation was essentially an administrative process the pay structures were ever so much subject to intra bureaucratic power struggle, ending always in favour of higher bureaucracy.<sup>47</sup> The National Pay Commission of Bangladesh 1973, stated that proper pay plan, consisting of a well worked out pay policy, a balanced pay structure and responsive administration has to be evolved for a national bureaucracy which will dedicate itself to achieve the goals of national development.<sup>48</sup>

The first National Pay Commission was of the opinion that since the lowest pay could not be very radically increased due to constraint of resources, the highest pay should be brought down to keep the disparity between them within tolerable and reasonable limits.<sup>49</sup> Thus the Commission felt it worthwhile to arrive at a "living wage" for the lowest salaried employees and fair differentials for those above on basic assumptions regarding prices, the size of family etc.<sup>50</sup> In view of the objective conditions the commission recommended a national pay scales consisting 10 grades as follows:—

<sup>44</sup>Royal Commission on the Public Service in India. (1917), Vol. 1, p. 28. Cited in M.A. Chowdhury, *op. cit.*, p. 269.

<sup>45</sup>Report of the National Pay Commission, (Dhaka : 1973), Volume II, p. 160.

<sup>46</sup>*Ibid.*, p. 12.

<sup>47</sup>*Ibid.*, p. 15.

<sup>48</sup>*Ibid.*, p. 159.

<sup>49</sup>*Ibid.*, p. 139.

<sup>50</sup>*Ibid.*, p. 150.



National Grades	Recommended scales (in Taka)
I	2000 ( Fixed)
II	1475-75-1850
III	1150-60-1570
IV	800-45-1070-EB-55-1455
V	475-Con-510-35-685-EB-40-1005-45-1275
VI	375-Con-480-25-525-EB-30-765-EB-35-975
VII	310-Con-325-15-480-EB-18-544-EB-21-670
VIII	220-Con-228-268-EB-10-348-EB-12-420
IX	145-Con-151-6-205-EB-7-275
X	130-Con-135-5-180-EB-6-240. <sup>51</sup>

Recommendations of the National Pay Commission in respect of the National Grades and Scales were generally implemented. These recommendations, could not however, be fully implemented in view of the changes in objective conditions and various difficulties arising out of squeezing a large number of scales in a few national grades.<sup>52</sup> The government, therefore, decided to discontinue implementation of the National Pay Commission's recommendations and set up a new Pay and Service Commission. The Commission constituted in 1976, recommended a new national pay scales with due consideration to the following factors:

- (1) the functional needs and requirement of the government;
  - (2) the cost of living ;
  - (3) the resources of the government ;
  - (4) the need to reduce the disparity between the highest and lowest salary level ;
  - (5) the need to attract and retain in the public sector highly talented and trained professionally and technically qualified persons ;
  - (6) the requirement of efficiency, equity and incentives for work ;
- and

<sup>51</sup>*Ibid.*, p. 105.

<sup>52</sup>*The Bangladesh Times*, (Dhaka: 1976, Feb. 21).p. 1.



(7) the demand and supply in respect of various professions and occupations.<sup>53</sup>

### New National Grades and Scales of Pay

Grades	Scales
I	Tk. 3000 ( Fixed)
II	Tk. 2850 ( Fixed)
III	Tk. 2350-100-2750
IV	Tk. 2100-100-2600
V	Tk. 1850-75-2375
VI	Tk. 1700-75-2225
VII	Tk. 1400-75-2000
VIII	Tk. 1150-65-1800
IX	Tk. 900-55-1285-65-1610
X	Tk. 750-5-900-EB-1230-60-1470
XI	Tk. 625-45-985-EB-55-1315
XII	Tk. 470-35-645-EB-45-915-55-1135
XIII	Tk. 425-30-575-EB-40-735-50-1035
XIV	Tk. 400-25-525-EB-30-825
XV	Tk. 370-20-470-EB-25-745
XVI	Tk. 325-15-430-EB-20-610
XVII	Tk. 300-12-396-EB-180-540
XVIII	Tk. 275-10-275-EB-15-480
XIX	Tk. 250-6-280-8-360
XX	Tk. 240-6-282-EB-7-345
XXI	Tk. 225-6-315. <sup>54</sup>

Determination of rational pay structure and to keep pace with ever-changing conditions of labour market is really a problem for every government authorities in the world. Since World War Second, much of

<sup>53</sup>The Bangladesh Gazette, Extraordinary (Dhaka, 1977 Tuesday, December 20), p. 8030.

<sup>54</sup>The Bangladesh Gazette, Extraordinary (Dhaka, 1977) Tuesday, December 20) p 8030.



the world has been in an inflationary phase, and it is problem how to deal with effect of inflation on salaries. In advanced countries scales are influenced not only by budgetary considerations, but increasingly by the general trend of wages in the private-sector and the growing capacity of staff associations to assure comparability between the sectors.<sup>55</sup> In respect of determining the salary structure for the civil servants in our country, the effort to minimize the disparity at the salary levels, between public and private sectors, has never received any significant attention by the government since of Pakistani rule. Recently, this disparity has been widening and resulting in the failure to attract the talented people in the service on the one hand, and on the other hand making them disinterested and ambivalent who are already in the service. Hence some thing is required to be done without delay to restore contentment.

### **Retirement**

A dignified and planned system of retirement upon superannuation and pension is an integrated need of a modern career service plan.<sup>56</sup> The age of retirement should be fixed with realistic consideration. Too early and too late retirement age may produce undesirable effects either on the official or on public business. A public servant in our country retires from service on reaching fifty seven years of age.<sup>57</sup>

*Retirement benefits* : The retirement benefits in our country are of two kinds pension and provident fund.

*Pension* : No pension may be granted to a government servant dismissed or removed for misconduct, involency or inefficiency ; but compassionate allowances may be granted to such government servant on special consideration : provided that such allowances shall not exceed two-thirds of the pension which would have been admissible to him if he had retired on medical certificate.<sup>58</sup>

A government servant does not qualify for pension unless he satisfies the following three conditions :—

- (a) the service must be under the government ( appointed by the government )

<sup>55</sup>*Handbook of Civil Service Laws and Practice, op. cit., p. 201*

<sup>56</sup>*Ibid., op. cit., pp. 85-91.*

<sup>57</sup>*Law on Service (in Bangladesh), op. cit., p. 125.*

<sup>58</sup>(B.S.R. 249), *Cited in some Important Service and Financial Rule, Vol 1, (Dhaka: Ministry of Finance, 1983), p. 7.*



- (b) the service must be more than ten years without any break.
- (c) the service must be paid by the government.<sup>59</sup>

The amount of pension that may be granted is determined according to length of service. Fractions of a year are not taken into account in the calculation of any pension admissible to an employee. A government servant, as soon as he completes five years of qualifying service, nominates one or more persons to the right to receive any gratuity that may be sanctioned admissible and also any gratuity which having become admissible to him has not been paid to him before death. The family for the purpose of payment of gratuity will include the following relatives of the government servant :<sup>60</sup>

- (a) Wife or wives
- (b) Husband
- (c) Children
- (d) Widow or widows and children of a deceased son of the government servant.

In case of government servant who has rendered ten or more years of service qualifying for pension, gratuity payable to him on retirement or to his family in the event of his death will be calculated at the following rates for each take of his pension surrendered :

- (a) If qualifying service is 10 years  
or more but less than 15 years. — Tk. 210/-
- (b) If qualifying service is 15 years  
or more but less than 20 years. — Tk. 195/-
- (c) If qualifying service is 20 years or more<sup>61</sup> — Tk. 180/-

Pension shall be calculated according to the pension table given below subject to a minimum of net pension (pension after surrender commutation of ...100.00 inclusive of adhoc increase, if any) per month.

<sup>59</sup>(B.S.R. 258), *Ibid.*, p. 8.

<sup>60</sup>(B.S.R.) *Ibid.*, p. 16.

<sup>61</sup>*Ibid.*, p. 15.



### The Pension Table

Qualifying service	Percentage of last Pay drawn	Qualifying service	Percentage of last pay drawn
10 Years	21	18 Years	37
11 "	23	19 "	39
12 "	25	20 "	41
13 "	27	21 "	44
14 "	29	22 "	47
15 "	31	23 "	51
16 "	33	24 "	55
17 "	35	25 or above	60 <sup>62</sup>

*Provident Fund* : The Government servants till completion of two years of service may optionally subscribe to the general provident fund and on completion of two years continuous service shall join the fund as compulsory subscribers.<sup>63</sup> The minimum rates of subscription to the fund shall be as follows:

(a) Pay upto	Tk. 300	per month	-	1%
(b) Pay upto	" 310-500	"	-	6%
(c) Pay upto	" 501-1000	"	-	9%
(d) Pay upto	" 1001-2000	"	-	12%
(e) Pay exceeding	" 2000	"	-	15% <sup>64</sup>

The contributory provident fund rule shall apply to every non-pensionable government servant. The amount of subscription shall be fixed by the subscriber himself and such amount shall not be less than  $8\frac{1}{3}$  percent of his pay.<sup>65</sup>

### Dismissal

Security in service and protection against arbitrary termination of service, are vital elements and major attractions of the career service.<sup>66</sup>

<sup>62</sup>*Ibid.*, p. 16

<sup>63</sup>*Provident Fund Rules, 1979*, p. 43.

<sup>64</sup>*Ibid.*, p. 44

<sup>65</sup>*Ibid.*, P. 44

<sup>66</sup>*Handbook of Civil Service Laws and Practice, op. cit.*, p. 123.



The relation of public servants to government is not entirely analogous to the legal relation between master and servant. National interest requires that the government should have a reserve of power to deal with its employees, and that the public servants should be accorded certain degree of security. The Constitution of Bangladesh attempts to combine both these qualities in its public service system.

Art 135 of the Constitution of Bangladesh provides that "No person who holds any civil posts in the service of the Republic shall be dismissed or removed or reduced in rank by any authority subordinate to that by which he was appointed."<sup>67</sup> In *Province of East Pakistan Vs. Abdul Latif Talukder*, the Plaintiff respondent, Abdul Latif Talukder was dismissed from his service on several charges, by the Additional Director of the Land Records and Surveys who was subordinate to his appointing authority, the Director of the Land Record and Surveys. The plaintiff filed a suit and contended that his order of dismissal was illegal, void and without jurisdiction and hence inoperative. The court held that the proceeding could not be initiated and charge could not be framed by the Additional Director, who was not the appointing authority of the plaintiff respondent.<sup>68</sup>

The Constitution of Bangladesh also ensures observance of the principle of natural justice in the matter of dismissal. No person shall be dismissed or removed or reduced in rank until he has been given a reasonable opportunity of showing cause why that action shall not be taken."<sup>69</sup> In the *Province of East Pakistan Vs. Meheruddin Khan*, the plaintiff respondent was a lower division clerk and was absent from duty for a long time due to illness. The Medical Board declared him incapable of service permanently. He was then dismissed from service without giving him an opportunity to show cause against the proposed action as required under section 240(3) of the government of India Act 1935. The court expressed the opinion that in case of violation of constitutional provision the aggrieved person is entitled to the declaration as asked for and held that :

An order made in violation of the constitutional provision is void. An order which is void must be declared to be so and there is no scope for discretion in the matter.<sup>70</sup>

<sup>67</sup>The Constitution of the Peoples Republic of Bangladesh, 1972 55 Art 135 (2).

<sup>68</sup>Province of East Pakistan Vs. Abdul Latif Talukder, DLR XXII, p. 589.

<sup>69</sup>The Constitution of the People's Republic of Bangladesh, Art 135 (2).

<sup>70</sup>Province of East Pakistan Vs. Meheruddin Kha, DLR 1968, XX, pp 680-85.



The matters of dismissal, removal, reduction in rank, compulsory retirement or suspension, fall within the jurisdiction of departmental officers. The courts interfere only in case of lack of authority of such officers, absence of jurisdiction and when orders are mala fide.<sup>71</sup> During Martial Law some extra-ordinary measures were adopted to screen out corrupt officials without any formal inquiry. The courts generally insist on certain rules of procedure in disciplinary investigations and give effect to constitutional provisions and other service rules.<sup>72</sup>

### Conclusion

The foregoing discussion reveals some shortcomings in some of the areas of the civil service in our country. An efficient civil service in any country pre-supposes the adoption and implementation of the principles of merit in all spheres of the service. In the context of the civil service, merit system is used not only to convey a form of selection for entrance to the service but also to embrace other aspects of personnel system such as advancement on merit, pay related to the nature of the job and to the quality of performance, and desirable working conditions.<sup>73</sup> Unfortunately in our country, the merit system has not received its due weight in the administration of civil service till today.

No element of career service system is more important than the recruitment policy. Unless the recruitment policy is soundly conceived it is meaningless to think of a first rate staff. In our country, the recruitment policy based on quota, is a deterrent to the integrated and efficient administrative structure. "It is certain that if the recruitment of officials is to be improved in the years ahead, this eighty percent, of recruited on the basis of quota, must somehow be progressively reduced."<sup>74</sup>

As regards training, the government has been paying increasing attention to it, no doubt, but SFYP is of the opinion that administrative training has been pursued in the country in rather uncoordinated manner and almost independent of an over all career development plan. Training programmes have by and large, been copied from western institutions without considering their appropriateness to the needs.<sup>75</sup>

<sup>71</sup>Muhammad Anwar Vs Government of Pakistan PLD 1961, Lahore 443, Cited in A.N. Shamsul Hoque, p. 214.

<sup>72</sup>Khaza Ghulam Sarwar Vs. Pakistan, DLR 1962, Cited in *ibid.*, p. 214.

<sup>73</sup>O.G. Sthal, *Public Personnel Administration* (New York : Harper & Publishers 1962), p. 28.

<sup>74</sup>Cited in Ali Ahmed *op. cit.*, p. 291.

<sup>75</sup>SFYP, *op. cit.*, p. 45.



Pay is undoubtedly one of the most important motivating factors in any personnel system, particularly in underdeveloped countries, where biological needs, rather than self-actualization have received higher priority in the need hierarchy of the people.<sup>76</sup> Determination of pay has always been related to the conditions of existing labour market and the cost of living of the people. In this respect pay policy in Bangladesh is found to have failed to maintain a proper balance between cost of living and the quantum of salary. As a result, the public officials are found to have shown some sort of indifference to work and adopt corrupt practices, in most cases. Merit principle in determining salary for the public officials demands that the salary of the public officials should be determined in accordance with the nature of jobs and skills involved in it. In this regard the difference of pay, between public and private sectors, in respect of skilled involved in the job of private sector and the quantum of salary obtainable, and the skill involved in the public services and the quantum of salary obtainable for that, is easily distinguishable, and frustrating for the public officials. Government encourages corruption among their officials when salaries are inadequate.

No country can ensure an efficient administration unless it is based on merit and give due importance to the needs and satisfaction of the personnel. Behavioural scientists have produced much evidence showing that the need structure and the degree to which needs are met have a profound effect on man's motivation to work. Motivation, in turn, has a direct bearing on his performance in the work place.<sup>77</sup> Hence, fusion must occur between the policy of the government and needs of the officials, if the administration is to work for development of the country.

<sup>76</sup>Richard I. Henderson and Suojanen, *The Operating Manager* (New Delhi, Prentice Hall of India, 1975), pp. 32-35.

<sup>77</sup>*Ibid.*, p. 25.



# Foreign Aid and the LDCs with Special Reference to Bangladesh

Asraul Hoque

## Summary

The main contention of this paper is that the aid has hardly been able to raise income in the so-called developing countries beyond the unstable equilibrium point which was the subject of discussion for many years among the development economists. The reasons are many including the inadequate efforts in the developing countries itself. However, this paper concentrates mainly on the attitudes of the major donors (especially the United States), their objectives of giving aid to the needy nations, and how they use aid to serve their own economic, political and military interests. We shall focus the main events between 1950 and 1983 citing examples mainly from Pakistan and Bangladesh.

There are certain fundamental reasons for dependence on external economic assistance on the part of the developing countries. These are : (i) for bridging the savings-investment gap ; (ii) for improving the technological base ; (iii) for taking care of the adverse balance of payments position. These are all true. But our discussion will indicate that it is very difficult to obtain assistance from most of the major donors in a way the recipient wants or should want for achieving self-reliance. Under this situation, the most radical course a country can take is to accept no aid at all and become completely inward-looking. This is definitely possible for the countries like Brazil, Argentina and India. However, this is almost impossible for many developing countries with meagre natural resources like Bangladesh. They are forced to look for the second-best solution.

## 1. Introduction

Considerable attention has been paid in the literature to the possibility that some less developed countries are caught in a so-called low level equilibrium trap (see Nelson, 1956). However, it is believed that there exists a higher level of per capita income which corresponds to an unstable equilibrium. The term "critical minimum effort" refers to some exogenous policy aimed at pushing per capita income beyond this unstable equilibrium point into self-sustained growth (see Leibenstein, 1957). If such an unstable equilibrium point for per capita income really exists, it would clearly be of utmost relevance for assessing the effectiveness of foreign aid to the LDCs. If the aid givers succeed in raising the per capita income beyond this level, further aid would be considerably less urgent, since the receiving country would then be in a state



of self-sustained growth. On the other hand, a volume of foreign aid which is too small to raise income to this critical level would be fruitless in the long run, or would have to be maintained for ever. The main contention of this paper is that the aid has hardly been able to raise income in the LDCs beyond this unstable equilibrium point. The reasons are many including the inadequate efforts in the developing countries itself. However, this paper concentrates mainly on the attitudes of the major donors, their objectives of giving aid to the needy nations and how they use aid to serve their own economic, political and military interests. We shall also examine the role of multinational corporations with illustrations from Bangladesh. This study will roughly cover the period from 1950 to 1983.

## II. Motives of Aid

From the end of the Second World War to the end of fiscal year 1956, the net grants and loans from the US reached a total of \$ 56 billion. This is a substantial sum; but most of this amount (over \$ 26 billion) consisted of Marshall plan aid to Western Europe and about \$ 18 billion of the total was exclusively for military purposes. The Near East and Africa received less than 1.5% of the total, and some three-fifths of this went to Israel, the country with the highest per capita income in the region. Asia and the Pacific were accorded some 13% of the total, but over half of this went to Japan and Taiwan; it seems that political and military considerations guided the distribution of funds in this region. Latin America obtained less than 2% of the total, of which the half went to Brazil and Mexico. Thus, although, the US has spent considerable sums of foreign aid, it has spent rather little on economic development of the underdeveloped areas. The major share of the total aid went to a few countries where the US has special military interests (notably South Korea, South Vietnam and Taiwan) or where she is especially concerned to prevent them from turning comunist (such as Cambodia and Laos, Bolivia and Guatemala). Most of the others had received very little (see the UN report to the 26th session of the economic and social council in 1958). The amount of aid received by most underdeveloped countries was equivalent to some 1% or less of their national income—hardly enough to have a significant effect in stimulating their economic growth. The allocation of aid among countries bears little or no relationship to absorptive capacity. Indonesia, with its large resource potential and desperate need for capital, stands at the bottom in terms of aid delivery. India, with its elaborate planning commission, with two Five-Year plans in hand, with its excellent civil service and vigorous Schumpeterian entrepreneurs, is just second from



the bottom in this respect. On the other hand, Israel gets large scale aid, virtually unconnected with her resource base, because the US and many others have political and military interests in her success. South Korea gets large aid because of the US military interest in the area. Hardly a country has received large scale aid because it needed it and was able to use it effectively in a well planned economic development programme. More importantly, those who received large scale aid, did not receive it for making their economy self-reliant. Special care is taken so that a centre-periphery relation is maintained between the US and the aid receivers for ever with the possible exception of Marshall aid to Europe and Japan. Interdependent industrial base and technological advancement were hardly encouraged, because this will drastically reduce the US exports.

### III. Strings of Aid

National interests are the main criteria which are reflected in the assistance efforts of most of the donor countries (see Sobhan, 1982). Former US President Richard Nixon once said, "US aid in other countries is profitable for us both on economic and political grounds". Further, it is stated in a report of British government that since aid plays a significant role in enhancing foreign trade, they must increase aid in those areas where British products have a prospect of guaranteed markets. This is borne out by the preferences which individual donors show for the financing of projects rather than programmes, the frequency with which they tie their aid through procurement restrictions, the importance of surplus commodity aid for the US, the special incentives which are provided to encourage the extension of exports of the donor countries, and the substantial variation which exists in the terms on which assistance is extended.

There has been a longstanding preference in both bilateral and multi-lateral assistance programme for the financing of specific projects in developing countries. According to OECD sources, about 31% of bilateral commitments in 1965 was made for capital-project financing. Although, about 42% was apparently allocated for non-project assistance, it must be pointed out that only 9% was in the form of freely usable foreign exchange. The other 27% evidently reflected, in great part, the US surplus agricultural commodity shipments. The basic reason for project preference is that the projects can be tailored by the donor countries to coincide with their particular export availabilities and at times to further their national prestige. No doubt, project financing, if well meant, may have some definite advantages to developing countries. But, as



they are used, there are serious drawbacks in it. This is especially the case if projects are defined too narrowly without giving importance to national plan. Thus, insufficient account may be taken of the needs for additional resources to finance expansion in other sectors. It is also possible that distortions will be created if projects are financed subject to donor country procurement specifications or to further donor country prestige (e. g. by forcing to buy goods made in the donor country which cannot compete in the international market both in quality and price), and if inadequate attention is given to development priorities, technical skills, and other resource availabilities in the economics of the LDCs. The reluctance to finance the local costs of projects may produce still further distortions by increasing the capital intensity of investment, forcing the recipient to turn to more costly external financial alternatives, and creating greater pressure on the recipient to resort to deficit financing. There is a tendency, moreover, for project finance to be concentrated on relatively large investments. The consequence of this may be to retard the expansion of small scale investment which does not lend itself readily to project financing but which nevertheless contributes importantly to development. It may be mentioned, finally, that the time consumed in project negotiation and implementation may slow down the utilization of aid resources in the developing countries and thus have a retarding effect on growth. On the other hand, the advantage of programme financing is the assurance that adequate consideration will be given by the recipient to provisions for overall growth, price stability and balance of payments equilibrium. This is something which a project orientation cannot accomplish. But the point is, the programme assistance cannot serve the purpose of the donors as adequately and effectively as the project assistance does.

Tying of aid is one of the worst strings whereby the real benefit of the aid is drastically reduced. It has been estimated that during 1961-63 about two-thirds of the gross bilateral assistance of DAC member countries was contractually tied or otherwise limited. These restrictions have been sought not only for administrative reasons but also to see that aid means increases in the donor's exports. The increased use of suppliers' credits and other devices to stimulate exports has furthered tying. Further, aid tying has been extensively broadened because of the balance of payments difficulties, particularly on the part of the US. The objective of the US aid-tying restrictions is to curtail sharply the expenditure of aid proceeds by recipient countries on the export goods of the other advanced countries. The reason behind this is that when the export of these countries increases, they would be likely to accumulate additional foreign exchange reserves at the expense of the US rather than to



increase their imports from the US. Thus, the whole purpose of aid tying is to benefit the donor country at the expense of the recipient country. Since the US is the main country that has instituted tying on a broad scale, it is instructive to consider briefly the effects this has had on its balance of payments. Bhagwati (1967) has estimated that aid tying in 1966 may have saved the US as much as \$ 1.1 billion, which was equal to 39% of total procurement in that year. Bhagwati's results indicated an average potential excess cost of 50% due to higher prices in donor countries. He further estimated that the elimination of tying by all the DAC member countries would have resulted in an estimated loss in export proceeds for the US of about \$ 800 million in 1963 and \$ 688 million in 1964.

In his study of aid tying in Pakistan, Haq (1967) arrived at an estimate of 12% of excess cost in 1961-63 (loss of \$ 60 million out of the aid flow of \$ 500 million). Bhagwati (1967) argued that Haq's estimate may be too low because insufficient account has been taken of the possibility of monopolistic pricing of aid-financed goods by donor countries and limited substitution possibilities among supplying countries. Another Study by Eshag (1967) for the Iranian case has shown the same picture. Now, it is clear that the nominal aid figures may substantially overstate the real value of the aid being transferred to the developing countries. Thus, projects undertaken with tied aid may turn out to be inefficient unless their costs can be written down or some other adjustments made (see Johnson, 1967).

We now turn to surplus commodity aid. The sales of surplus commodities for local currencies under title I of PL 480 have provided some benefits to the recipient countries by enabling them to divert scarce foreign exchange to capital goods imports and to help control inflation. However, there might be some damaging effects if continued reliance on surplus commodity imports results in the diversion of government policies in the recipient countries away from needed improvements in their agricultural sector including land reform. This has actually happened in many countries including Bangladesh (during Pakistani period and after) where food imports have been going on for a long time on a regular basis. More importantly, the local currency sale of food has served a significant political interest of US. It has been alleged and bitterly criticized in many developing countries that the American Embassy spent huge amount of money of the local currency sale to support the political activities of its liking. In Pakistan, the local currency sale amounted to about 15% of the total money supply of Pakistan in early sixties and thus the US could exert strong pressure in formulating monetary



and fiscal policies of Pakistan (see Sattar, 1982). This is a direct interference in the internal affairs of the sovereign countries in the name of aid through a group of rulers (civil or military).

All donors accept that priorities are for recipients to decide. But in actual practice, this principle is hardly honoured. At a given moment of time, there may be more of project aid and less of commodity aid, thus making it difficult for the recipient to utilize the former productively while slowing down many priority activities for lack of the latter. Because the priorities and preferences of donors and the recipient may be at variance, a project of great urgency may not get funding while some projects not of that much importance may be enthusiastically supported by many donors. For example, the donors will hardly listen to the request of Bangladesh if she asks for large scale aid to be used for permanent flood control or installation of a steel factory or creating social overhead capital. But they have provided enormous loans for colour television, Sonargaon Hotel, Gold Hill complex (for producing Dunhil and Rothmans cigarettes, and prestigious cosmetics) etc. These are not at all urgent for Bangladesh, while opening enormous market for their products as well as creating huge opportunities of profits of their multinational corporations. Advanced leather processing factory could be one of the most useful projects in Bangladesh. But this will seriously affect the business of EEC countries. They want to import raw hide from Bangladesh and then export finished leather goods to Bangladesh and other countries.

Moreover, the source of assistance may not always be appropriate. Accessories for power supply may be available from a source which should better supply railway rolling stock and vice-versa. For example, consider a case of this nature. Recently, the US is helping Bangladesh in rural electrification. Apparently, this is praiseworthy. But the US put the condition that the electric polls must be procured from USA and these are wooden polls! Bangladesh had to swallow this at a much higher cost than metal poll which could be procured from somewhere else. In addition, the US sent consultants for the purpose which raises the real cost of the project to a still higher plane. Each consultant gets a monthly salary of \$ 7500.00 (about Tk 1.5 lakh). They will take about Tk. 8 crores in terms of salary alone (other physical facilities will be almost half of this).

Thus, although, they are no better than our local engineers, they eat away about 35% of the project money. If we estimate the procurement cost, consultancy cost, service charges and inflationary cost (due to delay in project implementation), the real aid will come to about 30% of the



tied project aid. One can easily see that the net benefit is really insignificant to the recipients especially those recipients whose economy may be described as dependent capitalism like Bangladesh.

#### IV. Debt Servicing and Trade Relations

Debt servicing in many developing countries reached so unmanageable that new loans are contracted to pay off old debts. In such a situation, the net inflow of aid becomes very insignificant for any meaningful contribution to the growth of the economy and the shadow cost of foreign aid tends to be higher than the benefit it brings to the recipient. A developing country must keep its debt servicing liability at the minimum and within the limit of 20% of its export earnings as set by Pearson Commission. Bangladesh has recently crossed this limit by 1%. It was only 4.69% in 1973-74 and even 14.59% in 1981-82. Many other recipients are going to be economically bankrupt. Phillipines, for example, has paid 35% of its export earnings by way of debt servicing in 1983; for Thailand this is more than 20% of her export earnings and many LDCs are going to join their ranks very soon. As a result, these countries are forced to cancel or postpone many development programmes. The fruits are partly enjoyed by the big western banks which lend at high interest rate and earn much higher profit in this way than by other forms of investment. The US policy of high interest rates and her policy of floating bonds in the advanced capitalist countries to make good her huge deficit budget, the interest rate has continued to rise in the world market reaching as high as 17.5% in 1982. It is interesting to note that a one percent increase in interest rate generates an additional burden of \$2 billion on the recipient countries in a year as reported by the director general of the IMF in July, 1983.

The developing countries, as a whole, had to pay about 55% of their export earnings in the form of debt servicing in 1980-82. In the same period, the prices of 33 primary goods exported by the developing countries have fallen by 25%, and also the volume of exports have been limited due to tariff wall and other protectionist policies of many advanced countries. In the beginning of 1960 (and also in the next decades), many developing countries undertook a large scale development and industrialization programme. This opened a large frontier of market opportunities for many industrially advanced countries and their multinational corporations. They got a very large market in the LDCs especially during their economic recession in the seventies. For example, in the middle of 1970s, the US exports to the developing countries increased by 30%. These countries usually acquire machines, spare parts, industrial raw



materials and finished commodities by way of loan at high prices and at high interest rates. More importantly, while exports of the advanced countries to the LDCs have increased, the reverse has occurred in the case of import from the LDCs to the advanced countries (see Khaleque, 1980). According to IMF, import of the advanced countries from the LDCs has fallen by 6% in 1982; for Japan it is 8%, for the US 6.8% and for West Germany 5.2%. These countries are the main trade partners of the ASEAN countries. As a result, export of Indonesia has fallen by 16%, that of Malaysia and Philippines by more than 5%. This caused balance of payments deficits for these countries. To overcome this they need more aid (thus more debt servicing liability) from the donors and once again face the same crisis for another round. These rounds go on and on and move in a "vicious circle of economic exploitation and political subjugation". To solve the problems of low level equilibrium trap, the LDCs are themselves trapped in a joint enclosure of aid and trade with the advanced capitalist countries".

#### V. Foreign Capital in Bangladesh

Foreign capital exists in Bangladesh in two forms : (a) in the form of official aid (loan or grants) ; (b) in the form of direct investments by multinational corporations. Let us consider official aid first. An account of pre-liberation period is added here to maintain the continuity of aid scenario. The US happened to be the major donor during this period. The US took keen interest in Pakistan in early 1954 when Pakistan moved from a nationalistic-neutralist foreign policy toward a definite alignment with the western security system especially after joining the US sponsored security alliances—CENTO and SEATO. The military assistance agreement of 1954 was the cornerstone on which was built up the massive military and economic aid to Pakistan. The number of projects increased from 47 to 72 immediately. All types of aid were on the rise after military takeover in 1958. Commodity aid increased from \$ 50 million in 1958 to \$95 in 1959. The PL 480 programme also reached a new peak at \$ 85.6 million. The upward trend continued during 1960s with a short break after Indo-Pakistan war in 1965. The increasing trend of US aid indicated general support of the policies of the military regime and helped continuing army rule at the expense of a possible participatory democratic system. It seems that, in general, the economic strings were accepted by Pakistan as a part of the overall aid relationship with the US. Pakistan government had hardly made any attempt to design their economic policies so as to accommodate the efficient use of foreign aid in a way the overall national plan demands. Instead they welcomed donor's economic policies to be carried out in Pakistan. Thus, the AID Mission in Pakistan



maintained a fairly large number of staff economists to prepare annually a comprehensive analysis of the Pakistan economy and strategy papers relating to general, economic, sectoral and other policies, and assessed economic plan performance and prospects. These were used for congressional presentation in Washington for granting aid to Pakistan. This process was further strengthened when the US joined the Aid-to-Pakistan consortium in 1960. The US put emphasis on the private enterprise system which was already there in Pakistan. But they were not happy with the way they worked. It was an objective of the US aid policy to induce liberalization in Pakistan's economic policies to allow the market mechanism to regulate the economy, instead of the government direct controls and regulations. Thus, the direct controls of the 1950s in the private sector investment had to be replaced in the early 1960s by fiscal and monetary tools. The most outstanding example of the effective influence of AID was the import liberalization. With an overvalued domestic currency this implied a strong preference for foreign goods (of better quality at cheaper prices) and created a consumption habit in Pakistan heavily dependent on foreign goods which continues in Pakistan and Bangladesh till today. The US could induce any kind of Policy changes in Pakistan because she contributed about 80% of the total foreign aid received by Pakistan.

Before 1962, there was not much restriction on buying goods from non-US sources, except for DLF (development loan fund) and the requirement that at least 50% of all aid shipments must be carried in American ships. The latter restriction is a very damaging string, because freight charges in the American ships are more than twice the other ships. But during the period 1962-65, over 90% of the aid was absolutely tied to the US sources. This restriction clearly has the same effects on the real value of US aid as do excesses of US prices of aid-goods above world market prices have (see Johnson, 1967). Haq (1967) shows that the US prices were 40-50% higher than international prices for most iron and steel products, and freight charges on US flag ships under tied credits were running 43-113% above the lowest quotation on international bidding.

Further, the US AID strongly discouraged industrial investment in the public sector; only 12% of the project aid was allocated to industries in the public sector, whereas 78% of non-project aid was largely meant for industries in the private sector. The large private sector in Pakistan had thrived under the US aid. It is widely known that since the 1950s with US aid's active support of the private sector, wealth and



economic power increasingly concentrated in a few hands—about twenty families controlled most of the banks and two-thirds of the industrial assets of the country. Extreme concentration of wealth and economic power was bound to create social and political tensions. The subsequent events in Pakistan clearly indicated this. The US aid programme did not give attention to the socio-political as well as the distributive aspects of aid in Pakistan. Pakistan's experience implies that for a successful aid-development relationship the socio-political and distributive aspects of aid may be equally important for the long run stability and growth of a developing economy. But, again this is not the objective of the major donors as has been observed in section I.

Aid scenario in Bangladesh has changed only in its diversification but not in character. The strings and interferences have been intensified in some cases and in some years. The funding of development expenditures is almost at the mercy of the donors and there is no sign of external dependence being reduced (see Hoque, 1982). The activities of the multinational corporations have increased by enormous proportion in Bangladesh. The US involvement was drastically reduced in the initial phase of the history of Bangladesh. But the US has emerged to be the most influential donor in Bangladesh today, the same position she enjoyed in Pakistan period. The US used 1974 famine as a leverage to shift economic policies in Bangladesh towards private sector orientation. Subsequent events are widely known how the US along with IMF and World Bank imposed different economic policies on Bangladesh including devaluation (several times), private sector-led industrial policy, withdrawal of controls and regulations in foreign trade as far as possible, withdrawal of foreign exchange restrictions, withdrawal of agricultural and other subsidies, monetary and fiscal policies to ensure private enterprise system, encouraging direct foreign investment including export processing zone. The economy is now completely controlled by the aid donors and multinational corporations. From 1971 to 1980 Bangladesh received \$6,593 million as foreign aid. OECD countries, IMF and World Bank together provided 80% of the total aid. The US alone contributed 22% of this 80%. Thus, the US and the other OECD countries along with IMF and World Bank (controlled by OECD countries) could induce a strong pressure on Bangladesh in formulating her economic policies. We shall now see how the multinational corporations (MNCs) control the production, pricing of commodities and the domestic market in Bangladesh. The following table will illustrate how the MNCs control the economy of Bangladesh.



## Multinational Corporations in Bangladesh

Name of items	Number of MNCs	Share of Output (in %)	Year
1. Medicine	8	66	1976
	8	81	1980
2. Detergent-soap	1	51	1979
3. Radio, Television, electric appliances	1	86	1979
4. Electric fans-motors	1	33	1979
5. Electric bulb	1	73	1979
6. Industrial oxygen	1	51	1979
7. Irrigation pump	1	35	1979
8. Cement roofing sheet	1	100	1979
9. Sewing machine	1	100	1979
10. Leather products	1	68	1979
11. Tobacco-cigarettes	1	75	1979
12. Banking	6	10*	1980
13. Tea	3	60	1980

\*of total banking assets (source : different govt. publications).

One can easily observe how the production, pricing and market of manufactured goods in Bangladesh are dominated by MNCs. The list is not yet exhaustive. In addition, MNCs have captured a large market in Bangladesh of their products produced elsewhere especially agricultural inputs. It appears that the aid givers and the MNCs in collaboration with the rulers of Bangladesh have made the economy of Bangladesh completely dependent on foreign capital and the dependence is increasing enormously over time. To solve the problems of low level equilibrium trap, Bangladesh is really trapped in an enclosure of hopelessness jointly fixed by the aid givers, MNCs and local ruler. Only a stable political system which is inward-looking and which cares for distributive justice can remove this hopelessness.

## VI. Conclusion

There are some fundamental reasons for dependence on external economic assistance on the part of the developing countries. First, external assistance is needed to bridge the savings-investment gap necessary



for realizing the growth potential of the country. Second, external help is necessary for improving the technological base of the country. Finally the balance of payments deficits of all the developing countries not producing crude oil must be met by the flow of external resources. These are all true. But our discussion in this paper clearly indicates that it is almost impossible to obtain assistance from most of the major donors in a way the recipient wants or rather should want. There are many strings and conditions which are not at all conducive to achieve the desired goals of the recipient. Under this situation, the most radical course a country can take is to accept no aid at all and become completely inward-looking. Of course, this necessitates a radical change in the political system of the country assuming full control of the industrial-financial assets and cultivable lands. This is difficult in the short run, but certainly rewarding in the long run. Brazil, India, Argentina and Mexico can do it without much difficulty so far as their resource base is concerned, although their political system needs change. However, this prescription is not useful for many developing countries and they have to look for the second best solution. It is to this end that we now turn.

The need for aid on balance of payments grounds can be drastically reduced if the developing countries join hands to solve the problems of one another. Import needs of the least developed countries can be met by relatively technologically advanced developing countries. They actually do not need highly sophisticated equipments for their industries. The idea of "trade for mutual benefit" has to be carried forward zealously and an operational system worked out. There are already some important international forums of the developing countries like non-aligned nations, Group of 77, TCDC (technical cooperation among developing countries), ECDC (economic cooperation among developing countries), SARC (south Asia regional cooperation) etc which can be used to this end. The situation is desperate and hence these forums must be working in a well coordinated manner to safeguard their own interest. Such a move would also directly raise income and employment of the less developed countries by raising their exports to the level of their imports and so ease the problems of providing savings for development. This is not impossible if there is mutual understanding, political tolerance among these countries and above all if there is a strong desire and determination to stand on their own feet.

If the savings-investment gap is too much, there is no alternative but to accept aid from outside. And there is not much to expect from within the developing countries. But the preference must be for multi-



lateral aid where conditions are normally softer and repayment period longer than most bilateral aid. At the same time a vigorous drive for internal resource mobilisation must be carried out. However, the most important question is the political question. Without solving this question, those radical actions are impossible to be undertaken, and hence self-reliance or self-sustained growth will just be another slogan in the economy called "developing".

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interest and where conditions are normally such that investment periods longer than most bilateral aid. At the same time a serious drive for internal resource mobilisation must be carried out. However, the most important question is the political question. Without solving this question, those radical actions are impossible to be undertaken, and hence self-reliance or self-sustaining growth will just be another slogan in the economy called 'developing'.

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# A Study of Functional Relationship Between Ethnicity and Sociopolitical Attitudes in the National Context of Bangladesh

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## ABSTRACT

The present study empirically investigates underlying implications of ethnicity and the sociopolitical attitudes like nationalism, democracy, socialism & secularism in the national context of Bangladesh. 40 male teachers of Rajshahi University equally divided into senior and junior according to their service cadre served as subjects in this Study. Four measures of ethnic attitude scale, ethnic behavior prediction scale, sociopolitical attitude scale and sociopolitical behavior prediction scale were utilized. Two predictions were formulated. First, individuals with high ethnicity would have conservative attitudes and low in ethnicity would exhibit radical attitude. Secondly, both ethnicity and sociopolitical attitude scores would tend to be positively correlated with ethnic behavior prediction scores and sociopolitical behavior prediction scores respectively. The findings provided confirmation to both of these hypotheses. It was found that senior teachers possessed ethnic and conservative attitudes and junior teachers disfavoured ethnicity at the cost of radical attitudes.

In recent years a large number of studies (Bourhis et al, 1973 ; Giles and Powesland, 1975 ;) has been directed towards understanding minority-majority self perception and ethnic preferences. Most of these studies showed that many subordinate and minority groups in a given society are beset with identity problems leading to low self-esteem, devaluation of ingroup and tendency to misidentify with the dominant or majority group. Parallel to these findings it has also been shown that some subordinate groups are rejecting their low status and are constructing a positive social identity for themselves as is the case with blacks in America (Hraba and Grant, 1970, Friedman, 1969), Maouris in Newzealand (Voughan, 1977), Schedule caste and Muslims in India (Majeed and Ghosh) and Bengali Hindus in Bangladesh (Huq), 1984, Huq, and Ghosh, 1984).



There is, however, another line of investigation involving sociopolitical issues which merges some basic factors neglected in the ethnicity studies. In some epoch making studies, for example, Adorno et al (1950), showed that conventionalism, authoritarian submission, authoritarian aggression, projectivity, stereotyping and destructiveness can well be attributed to the personality make-up of the individual concerned. Eysenck (1954) introduced his 'two-factor theory' in explaining attitude-personality matrix which crystallizes in the development of 'conservatism-Radicalism' and 'Tough-Tendermindedness'. The theory explains that tendermindedness and tough-mindedness are not in themselves representative of attitude constellations but rather the projection of personality variables on to a radical-conservative attitude continuum. Rokeach (1960), on the otherhand, provided further explanation elaborating the ideas of Adorno et al and Eysenck and concluded that ideological dogmatism has its origin in the belief systems of the individuals. His findings showed that dogmatism is not the same thing as belief in conservative ideologies as against liberal ideologies. It is rather a form of thinking which may be shared by individuals holding antagonistic political convictions, having different religious persuasions and subscribing to opposite scientific theories. On the basis of these theoretical orientations, a large number of investigators conducted empirical studies leading to a wide array of contradictory findings. Plant, Telford and Thomas (1965) found that highly dogmatic subjects were psychologically immature and could be characterized as being impulsive, defensive, conventional and stereotyped in thinking. Ray (1973) found dogmatism to be significantly and positively correlated with political, social and moral conservatism and negatively correlated with economic conservatism. Hsieh, Shybut, Lots of (1969) investigated the causes of ethnic relationship with internal-external control and concluded that individuals raised in a culture that value self-reliance and individualism are likely to be more internally oriented than those brought up in a set of values. In Indian context Sinha (1972) investigated the phenomenon of sociopolitical attitudes on traditionalism and conservatism-progressivism and attributed it to generation-gap. Hasan (1974) characterized dogmatism as a particular pattern of personality in the matrix of belief-disbelief systems providing confirmation to Rokeach's concept of open-mindedness and closed-mindedness. On cross national level Sinha, Hussain and Sinha (1983) found Bangladesh males comparatively greater dominance of freedom in comparison to Indian males which supported the conviction that belongingness to particular culture can make differential impact on value preferences. In a comparative study between Bangladesh and India, Ara (1984a, 1984b, 1985) reported some interesting findings in which cultural variations and ideological homogeneity appeared to be important variables in determining value



preferences and Sociopolitical attitudes. The findings outlined above represent a common denominator which may be termed as ethno-politico matrix in which social prejudice, ideology, and political beliefs are rooted and spread out their branches providing shelters to varieties of 'isms' and racial groupings. In view of this conviction it is proposed that a comprehensive understanding of political behavior necessitates a balanced study of both ethnicity, sociopolitical attitudes and environmental influences. The problem is thought to be very important in developing country like Bangladesh where political process poses several complex problems of analysis due to the differences in ethnic membership, religious and linguistic variations and conflicts of traditional patterns of authority with newly adopted political systems and value orientations. Very few systematic research attempts are available in the literature which take into account ethnicity and sociopolitical attitudes in their totality.

In view of these considerations a modest attempt has been made to show the underlying implication of ethnicity and sociopolitical attitudes like nationalism, democracy, socialism and secularism in the national context of Bangladesh. Furthermore, an attempt would also be made to show the joint products of ethnicity and sociopolitical attitudes on behavioral patterns of the groups in question. In these perspectives two predictions were made in the context of socio-economic background of Bangladesh. First, individuals with high ethnicity would have conservative attitudes and low in ethnicity would exhibit radical attitude. Secondly, both ethnicity and sociopolitical attitude scores would tend to be positively correlated with ethnic behavior prediction scores and sociopolitical behavior prediction scores respectively.

### **Method**

Forty male teachers of Rajshahi University equally divided into senior or junior served as subjects in this study. Teachers serving less than ten years were regarded as junior teachers and those serving more than fifteen years, regarded as senior teachers. To measure ethnic attitudes two parallel tests were developed. These were Ethnic Attitude Scale and Ethnic Behavior Prediction Scale. Similarly two parallel tests were developed for measuring sociopolitical attitudes. These are Sociopolitical Attitude Scale and Sociopolitical Behavior Prediction Scale. Ethnic Attitude Scale contained six items covering such dimensions as contact with outgroup, favouring cultural integration, favouring cultural segregation and language as a threat to ethnic identity. Ethnic Behavior Prediction Scale contained five items selected from



every day language usage expressing such behavioral style as is supposed to exhibit in intragroup and intergroup context in their social relations. Sociopolitical Attitude Scale, on the otherhand, contained eight items covering such dimensions as nationalism, socialism, democracy and secularism. Sociopolitical behavior prediction scale, however, was constructed with the intention of measuring above four dimensions of sociopolitical attitude scale as actually professed by the individuals concerned. In this scale four hypothetical situations were constructed reflecting the principles of nationalism, secularism democracy and socialism and subjects were asked to make a choice between two apparently conflicting ideological issues. In all these scales subjects were asked to express their choice by putting tick mark on any one of the two alternatives following each item. High score indicated ethnicity and conservatism but low score indicated not-ethnic and radicalism.

### Results

The results of the present study were computed and data were analyzed by computing means, SD, mean differences and product-moment correlations of each test separately. Further intervariable correlations were also computed for determining the strength of relationship among the variables.

Table 1

Mean Comparison between Senior and Junior Teachers of Ethnic Attitude Scale (N= 20 for each Group)

	Senior	Junior	t
Mean	10.3	8.4	3.73**
SD	1.34	1.76	

The results (table 1) reported mean of senior and junior teachers separately and also mean differences between these two comparable groups on ethnic attitude score. The results showed that mean scores of senior and junior teachers were 10.3 and 8.4 respectively indicating senior teachers to possess more ethnic attitudes than the junior teachers. This has been substantiated by further analysis of statistical significant mean differences between these two groups ( $t=3.73$ ,  $P<0.01$ ).



Table 2

## Mean Comparison between Senior and Junior Teachers on Sociopolitical Attitudes (N=20 for each group)

	Senior	Junior	t
Mean	11.9	10.42	3.22**
SD	1.41	1.36	

The results (table 2) showed mean comparison between senior and junior teachers on sociopolitical attitude scores. It was found that senior and junior teachers differed significantly ( $t = 3.22$ ,  $P < 0.01$ ) indicating the former to possess conservative attitudes and the latter radical attitudes. On the basis of these findings it might be argued that senior teachers who were found to possess ethnicity in greater extent were also found to exhibit a conservative attitude. Similarly junior teachers who moderately expressed non-ethnic attitudes were invariably found to hold radical attitudes.

Table 3

## Mean Comparison between Senior and Junior Teachers on Ethnic Behavior prediction scale (N=20 for each group)

	Senior	Junior	t
Mean	14.15	13.20	2.79**
SD	0.67	1.32	

These findings achieved confirmation in Ethnic Behavior Prediction Scale (EBPS) and Sociopolitical Behavior Prediction (SPBPS) Scale. The results (table 3) reported significant mean differences ( $t = 2.79$ ,  $P < 0.01$ ) between senior and junior teachers on ethnic behavior prediction score where senior teachers or teachers were found to exhibit comparatively more ethnic behavior style than the junior teachers.

Table 4

## Mean Comparison between Senior and Junior Teachers on Sociopolitical Behavior (N=20 for each group)

	Senior	Junior	t
Mean	5.7	5.2	2.08*
SD	.8	.7	



Furthermore, results (table 4) also showed significant mean differences between senior and junior teachers ( $t=2.08$ ,  $P<0.05$ ) on socio-political behavior scores expressing comparatively greater amount of conservative behavior style for senior teachers and radical behavior style for junior teachers.

Table 5

Mean Comparison between Ethnic Attitude score and Ethnic Behavior Score of Senior and Junior Teachers.

	Senior	Junior
E.A. Score	10.3	8.4
E.B. Score	14.15	13.2
r	0.24**	0.48**

Table 6

Mean Comparison between Socio-Political Attitude and Sociopolitical Behavior of Senior and Junior Teachers

	Senior	Junior
S. P. Attitude Score	11.9	10.45
S. P. Behavior Score	5.7	5.2
r	0.26	0.35

Product Moment Correlation was also computed between ethnic attitude scores and ethnic behavior scores and also between sociopolitical attitude scores and sociopolitical behavior scores for Senior and Junior teachers. Result (table 5) showed significant positive correlation between ethnic attitude scores and ethnic behavior scores for Senior teachers ( $r = 0.24$ ) Junior teachers ( $r = 0.48$ ). Again significant positive correlations were also reported (table 6) between sociopolitical attitude scores and sociopolitical behavior scores for senior ( $r = 0.26$ ) and junior ( $r = 0.35$ ) teachers.



Table 7

## Intervariable Correlation

Ethnic Attitude (E.A)	Ethnic Behavior (E.B)	Sociopolitical Attitude (S.P A)	Sociopolitical Behavior (S P B)
EA	0.57**	0.56**	0.32**
EB		0.31**	0.29**
SPA			0.21*
SPB			

\*\*  $P < 0.01$  \*  $P < 0.05$

Intervariable correlations (table 7) were also computed for the total sample (N=40) and this result showed significant positive correlation within all the variables indicating strong relationship among them.

### Discussion

The findings of the present study give considerable support to both the hypotheses that individuals with high ethnicity would exhibit conservative attitudes and individuals with low ethnicity would exhibit radical attitudes, and both ethnicity and conservatism would tend to be positively correlated with appropriate behavioral style. These findings might be explained in the context of psychoanalytic theory (Lasswell, 1977) social learning theory (Rotter, 1975) and social identity theory (Tajfel, 1978). In fact, the present study is a converging point of all these theoretical orientations leading to the macro-analysis of man's actual position in the societal environment. It is a metaphorical truth that man has to serve so many masters but psychologically man has to pass through a common thread of socialization process which is one way traffic in the dynamic process of intergroup relationship. The findings of the present study provide confirmation to the fact that ethnicity and conservatism are closely linked up and the individuals concerned are found to show the identical behavioral styles commensurating to their professed beliefs. Again individuals disfavoring ethnic attitudes showed common behavioral style in the support of radical ideology. It is really an enigmatic problem which awaits explanation and empirical verification to find out the decisive answer to such behavioral patterns and it is expected that further investigation should be directed in unfolding these ethnopolitical phenomena providing a psychological model common to all societal context.



Thus the juxtaposition of ethnicity and sociopolitical attitudes in the personality make-up of the individuals have been found useful in investigating the actual behavioral style. It is evident from the findings that senior teachers invariably intermixed ethnicity and conservatism. It is, however, a psychological curiosity to ask why the senior teachers should uphold ethnic and conservative attitudes while junior teacher disfavoured ethnicity at the expense of radical attitudes. It is thought that these distinctive marks between senior and junior teachers have their origin in the historical emergence of Bangladesh as a sovereign nation. Curiously enough Bangladesh achieved her independence twice. First, Bangladesh shared her sovereignty jointly with Pakistan in 1947 and secondly, she again emerged as a new nation through self annihilating war with Pakistan in 1971. In the first struggle for independence the concept of Islamic nationhood preoccupied the supporters of Pakistan which was supposed to be rooted outside the geographical region of the country. This imported concept of nationality raised a lot of controversy in the following years of independence and the Bengalis become enticed by a new concept of nationality based on language and culture embedded in the land they born and brought up. Majority of the Senior teachers being nourished within the cultural fold of Pakistan, developed ethnicity in the line of conservatism whereas most of the junior teachers fought for cultural and political independence from Pakistan and they experienced devastating consequences of independence struggle. As a result they favoured nationalism based on culture and language originating from the homeland they live. Because of these historical development junior teachers, in general, disfavoured ethnicity of any form and supported radical ideology in the true sense of the term.

In view of these facts it can be argued that the findings of the present study have uniquely grafted several conflicting and apparently contradictory ideological issues. On the whole, the findings of the study gives support to several recent studies related to social identity (Tajfel, Turner, 1978; Huq and Ghosh 1983; Huq, 1984) and socio-political attitudes (Adorno et al, 1950; Eysenck and W. Ison 1978; Rokeach, 1960; Ara, 1984b, 1985). In conclusion, broadly the results of the study point out to the fact that individual social identity appears to be nested in terms of ideological evaluation depending on the comparison with relevant outgroup in the total intergroup context. Thus the consensually accepted ideology is the convergence of a large number of competing attitudinal behavior emerging from the unique historical events and peculiarity of geographical position of the country. Thus the parameter of a given population is not an isolated event and its proper exploration necessitates empirical verification as to several psychological factors in a given intergroup context.



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# The Distribution of Jute Earnings Between the Production and Distribution Sectors\*

Muhamad Wazed Ali

## Introduction

Between 1870 and 1914 Bengali agrarian society enlarged its earnings from the cultivation of jute on a large scale and at a relatively rapid rate. The annual total earnings from jute increased in the above period from more than three million pounds in 1870-74 to over twenty-eight million pounds in 1909/10-1913/14 (see Table 1). Income from jute per head of Bengal's population amounted to 0.33 and 0.62 pounds in 1899/1900-1903/04 and 1909/10-1913/14 respectively (see Table 2). The purpose of this article is to calculate the returns of various groups involved in the production and distribution of jute.

## Methodology

In order to compute the share of various groups in jute earnings it is necessary to discuss the various markets through which jute passed on its way from the producer's home to the overseas (London)<sup>1</sup> market and the sellers and buyer at these markets. There were four markets<sup>2</sup> — the primary or village market, the secondary or *mufassal* market, the Calcutta terminal market and the Calcutta export market. At the village market the sellers were cultivators and *farias* (who bought jute from cultivators at their houses) and the buyers were *beparis* (petty dealers) and also *farias* (who bought jute from cultivators and sold to *beparis* at the village market)<sup>3</sup>. At the *mufassal* market *beparis* were the sellers

\*This article is the revised version of a part of the author's M.Litt. thesis. The author is indebted to Professor S. G. Checkland, Dr. J. F. Munro and Dr. N. Charlesworth of the Department of Economic History, University of Glasgow for their helpful suggestions and comments on an earlier draft.

<sup>1</sup>London prices have been used as a measure of overseas prices.

<sup>2</sup>For details about the markets see M. W. Ali, "The System of Marketing of Jute in British Bengal", *The Rajshahi University Studies*, Vol. VII, 1976, pp. 33-34.

<sup>3</sup>For details about the market operators see *Ibid.*



**Table 1**  
**Total earnings from jute sales in £000's**

1	2	3	4
Year	Value of raw jute exported	Value of raw jute consumed by Calcutta mills	Total
1870-74	3,251	NA	3,251
1875-79	3,201	„	3,201
1880-84	4,754	„	4,754
1884/85-88/89	3,709	„	3,709
1889/90-93/94	5,274	„	5,274
1894/95-98/99	6,425	6,660	13,885
1899/1900-1903/04	7,144	7,169	14,313
1904/05-1908/09	12,498	13,688	26,186
1909/10-1913/14	14,801	13,629	28,430

Source : For col. 2 *Statistical Abstract for British India* ; for col. 3 worked out from output figures minus total export multiplied by the export price for the respective years.

From 1884/85 to 1897/98 the statistics were recorded in Rupees. These figures have been converted into sterling at the rate of Rupee 15 per £ 1. This rate has been used for conversion in the *Statistical Abstract for British India* from 1889. The same rate has been used for calculating the value of jute consumed by the Calcutta mills.

NA = Not available.

**Table 2**  
**Per capita earnings from jute**

1	2	3	4
Year	Earnings in £ 000's	Total population of Bengal in 000's	Per capita earnings in £
1889/1900-1903/04	14,313	42.881 (in 1900)	0.33
1909/10-1913/14	28,430	46,035	0.62

Source : For col. 2 Table 1 ; for col. 3 *Census of India (Bengal)* 1921, Vol. V, Part 11, p. 4.



and *aratdars* (warehousemen) and merchants were the buyers. At the Calcutta terminal market *aratdars* and merchants sold jute to balers. The latter sold jute to shippers and exporters.

At each of these markets prices were paid by the buyers to the sellers. The selling price minus the buying price can be regarded as the share of a particular group of sellers. For example, the difference between the the buying price of *beparis* at the village market and the selling price at the secondary market will be the share of *beparis*. The producer's share can be calculated from the difference between the producer's prices, i.e., prices paid to the producer by *farias* and *beparis* and the overseas prices paid by manufacturers.

The crux of the problem is thus the availability of the data about prices at different markets. Prices at the overseas market (overseas prices), prices at the Calcutta export market (export prices) and prices at the secondary market (*mufassal* prices) are available. But data about prices at the Calcutta terminal market and at the village market (producer's prices) cannot be found. Thus the returns of *aratdars* and merchants and those of balers cannot be estimated separately, but their share can be computed together. As regards the producer's prices it is possible to get a nominal producer's price. Figs. 1 and 2 show that the gap between *mufassal* and export prices is relatively constant, although the gap did narrow in the period, 1904-10. These were years of intense pressure on jute markets as a result of very strong overseas demand. It is possible that, in the intensely competitive situation which arose, merchants and balers were forced into accepting narrower profit margins in order to obtain supplies. Apart from this period, however the price data tends to suggest that the *mufassal* merchants and balers worked on a cost plus basis. This view is supported by the answer of Gall, the Chairman of the European Jute Dealers Association, to questioning by the Indian Industrial Commission of 1916-18<sup>4</sup>. Evidence suggests that *farias* and *beparis* also worked on the same basis. According to the

<sup>4</sup>Question: "It was said that the difference between what the *ryot* got and what the jute was sold for in the Calcutta market was so much, but no attempt was made to analyse how much was profit, and how much was cost of transport?"

Answer: "I think there is no article marketed really on a less margin of profit proportionately than jute. Speaking from our experience I should say that the actual margin between the amount paid by the man who buys up-country and eventually sells in Calcutta works out at not over 4 annas a maund from which he has to pay charges of establishment and so on..." See *Report of the Indian Industrial Commission, 1916-18, Parliamentary Papers, 1919, Cd. 51, Minutes of Evidence, Vol. II, p. 708.*



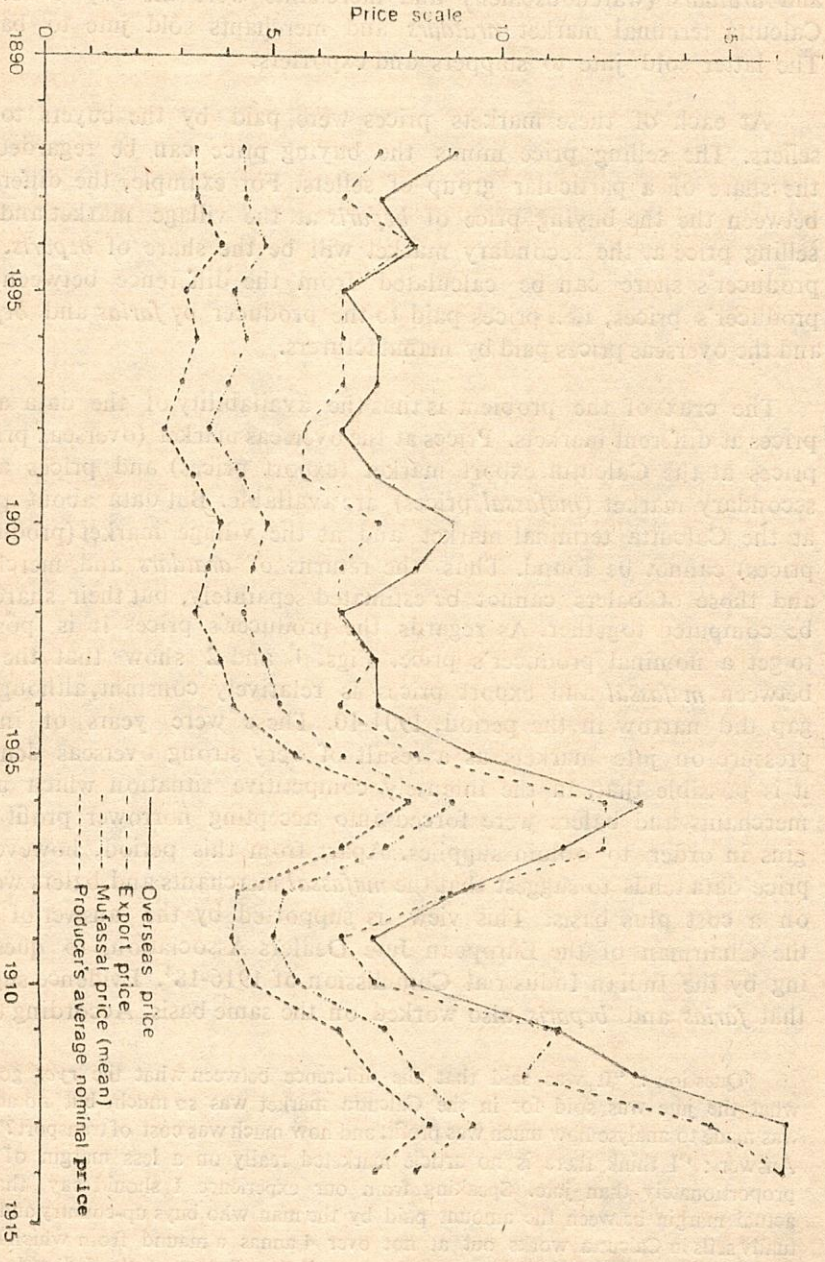
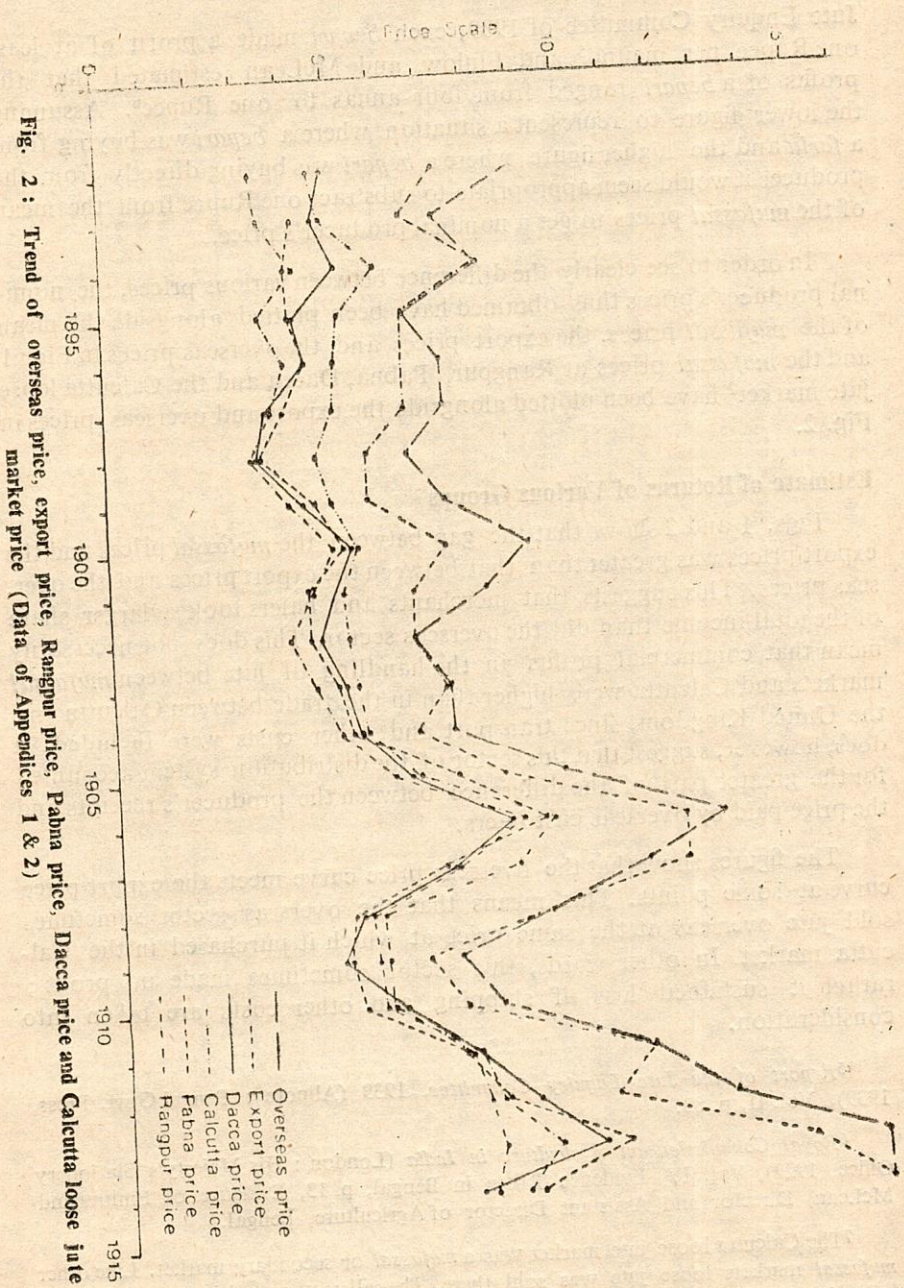


Fig. 1 : Trend of overseas price, export price, mufassal price (mean) and producer's average nominal price  
 (Data of appendices 1 & 3)



Distribution of Jute Earning





Jute Enquiry Committee of 1939, each *bepari* made a profit of at least one Rupee per maund<sup>5</sup> and Finlow and McLean estimated that the profits of a *bepari* ranged from four annas to one Rupee<sup>6</sup>. Assuming the lower figure to represent a situation where a *bepari* was buying from a *faria* and the higher figure where a *bepari* was buying directly from the producer it would seem appropriate to subtract one Rupee from the mean of the *mufassal* prices to get a nominal producer's price.

In order to see clearly the difference between various prices, the nominal producer's prices thus obtained have been plotted alongside the mean of the *mufassal* prices, the export prices and the overseas prices in Fig. 1 and the *mufassal* prices at Rangpur, Pabna, Dacca and the Calcutta loose jute market<sup>7</sup> have been plotted alongside the export and overseas prices in Fig. 2.

#### Estimate of Returns of Various Groups

Figs. 1 and 2 show that the gap between the *mufassal* prices and the export prices was greater than that between the export prices and the overseas prices. This suggests that merchants and balers took a larger share of the total income than did the overseas sector. This does not necessarily mean that commercial profits in the handling of jute between *mufassal* markets and Calcutta were higher than in the trade between Calcutta and the United Kingdom, since transport and other costs were included. It does, however, suggest that this sector of the distribution system accounted for the greater part of the difference between the producer's receipts and the price paid by overseas customers.

The figures show that the overseas price curve meets the export price curve at some points. This means that the overseas sector sometimes sold jute overseas at the same price at which it purchased in the Calcutta market. In other words, this sector sometimes made no profit; rather it sustained loss if shipping and other costs are taken into consideration.

<sup>5</sup>Report of the Jute Enquiry Committee, 1939 (Alipore : Bengal Govt. Press, 1939), Vol. II, p. 83.

<sup>6</sup>Royal Commission on Agriculture in India (London : His Majesty's Stationery Office, 1927), Vol. IV, Evidence Taken in Bengal, p. 13, Evidence of Finlow and McLean, Director and Assistant Director of Agriculture, Bengal.

<sup>7</sup>The Calcutta loose jute market was a *mufassal* or secondary market. Like other *mufassal* markets loose jute was sold there. The sellers were cultivators and *farias* (who bought jute from cultivators at their houses). The buyers were *beparis* and also *farias* (who bought jute from cultivators and sold to *beparis* at the same market).



Fig. 2 shows some divergence between the *mufassal* prices in the period from 1892 to 1898. Prices were higher at Calcutta than at the other centres. Two probable reasons might have produced this result. Assuming the data to be correct, harvest conditions creating differences in yields and quality might have created a situation giving Calcutta higher prices. But it seems unlikely that regional harvest conditions in the area serving the Calcutta market would be uniformly bad compared with other regions throughout this period. The most probable reason seems to be transport costs. Cultivators obtained higher prices at the Calcutta loose jute market, because it was close to the Calcutta terminal market, and the buyers would thus face lower transport costs. This suggests that differential transport costs continued to play an important part in setting local prices. If this deduction is correct than the vertical distance in the Fig. 2 between the various *mufassal* prices and the Calcutta loose jute market price measures transport costs plus dealers' profits.

In the period from 1898 to 1912 the prices at all four centres were moving in rough convergence within a fairly narrow band (see Fig. 2). Although the Calcutta price was still somewhat higher until around 1904, the others were closing on it. World market prices were obviously setting the trend. Export prices were rising high and merchants were probably in competition with one another. This seems to have compelled them to reduce their profit margin, and suppliers from the more distant *mufassal* markets made relatively greater gains.

In the period from 1912 to 1914 there are greater divergences between the *mufassal* prices (see Fig. 2). The conditions of the *mufassal* markets were obviously unsettled. The reasons for this cannot be stated with evidence. But some ideas can be formed. Having been concerned about the high prices of raw jute the Calcutta Jute Mills Association sought the help of the government in this matter in 1912-14<sup>8</sup>. It might be that at the same time the Association attempted to influence their *mufassal* buyers to purchase jute at lower prices. The divergence between the prices at the four centres might be due to the possibility that the Association was more successful in some than in others.

Fig. 1 shows that the estimated producer's nominal prices were less than half of the overseas prices in the years from 1892 to 1902 and slightly more than half in the years from 1903 to 1913. This suggests

<sup>8</sup>For details see *Bengal Revenue Proceedings*, Br. Agriculture, June 1912, Progs, No. 16, from the secy., Indian Jute Mills Association to the secy., Govt. of Bengal, RD, May 7, 1912, proposing the creation of a jute department to look after the extension of jute cultivation with a view to reducing prices.



that the production sector received about half of the total income from jute down to its point of sale in London. Onlookers also thought that the producer received half of the price which the consumer paid. As O'Malley stated "... the price received by the producer may be only half that paid by consumer; thus the cultivator may get Rs. 5 per maund for jute which fetches Rs. 10 in the (Calcutta) market"<sup>9</sup>.

It should, however, be mentioned that the real prices paid to the producer would probably be less than the estimated nominal price for two reasons. First, the prevailing market conditions tended to create a situation in which producers were likely to be deceived by *farias* and *beparis*. Growers sometimes brought jute to the market in damp condition. For driage they had to make deductions from their price<sup>10</sup>. These deductions were sometimes fixed by *farias* and *beparis* at a higher rate than the dampness demanded. Another factor was the variety of weights and measures which prevailed in the districts of Bengal and in some cases in different parts of the some districts.<sup>11</sup> A seer might contain anything from 60 to 120 tolas. As a result, growers found it difficult to compare the prices ruling in different centres and to know whether they were getting the same price as their counterparts in other districts<sup>12</sup> *Farias* and *beparis* took advantage of this situation. Growers sold and petty dealers bought jute in bulk. No classification on the basis of quality was made and no premium was claimed or given for better quality jute<sup>13</sup>. As a result, producers might get lower price for better quality jute. *Beparis* had a better knowledge of the prices ruling at the Calcutta export market than producers which gave *beparis* further opportunities to cheat them. Secondly, many producers grew jute under advances. The key characteristic of the advance system is that the producer had to pay the principal and interest in jute either at some rupees below the market price or at a price fixed at the time of taking the advance<sup>14</sup>. The result was that they had to pay a high rate of interest for the advance. The producer growing jute under the advance system received further lower prices.

<sup>9</sup>L.S.S. O'Malley, *Bengal District Gazetteers, Pabna* (Calcutta : Bengal Secretariat Book Depot, 1923), p. 69.

<sup>10</sup>*Report of the Jute Enquiry Committee*, 1939, Vol. I, p. 42.

<sup>11</sup>*Ibid*, p. 41.

<sup>12</sup>*Report of the Bengal Provincial Banking Enquiry Committee*, 1929-30 (Calcutta: Bengal Govt. Press, 1930), Vol. I, para 173.

<sup>13</sup>*Report of the Jute Enquiry Committee*, 1939, Vol. I, p. 43.

<sup>14</sup>For details see *Proceedings of the Meeting of the Registrars of the Co-operative Credit Societies of India* held at Simla on November 8 and the following days, 1907 Appendix 8, Note of the Registrar of Eastern Bengal and Assam, p. 40.



It is, therefore, impossible to establish the true return to the producer, although we can get some idea of the relative share of the production and distribution sectors in the total income. But it is difficult to believe that some element of price recovery from the late 1890s did not percolate down to the villages. Fig. 1 shows that roughly from 1899 until 1912 the gap between the mean of the *mufassal* prices and the export prices was narrowing, although in some years the gap was as great as that in the period before the 1890s. This suggests that merchants were narrowing their profit margins as a result of competition among themselves. This was probably associated with higher prices for the producer. But even if this was true, it did not automatically mean that peasants were better off. The increase might have been siphoned off in any of three different ways; by taxation, through rent increases or by production costs.

The land revenue charge in Bengal was fixed in perpetuity under the Permanent Settlement. The peasant had to pay no direct tax to Government, although they had to pay local cesses such as the road and public work cess. Direct taxation, therefore, did not bear heavily on the Bengali farmers. Peasants were, however, subject to demands from *zamindars* who were required to meet their land revenue obligations; the rate for these was, however, fixed.

No precise data about rents is available. It is not known definitely by how much rents increased in the period under review. The Bengal Tenancy Act of 1859 provided for increases in rent where the value of the produce had risen. The Tenancy Act of 1885 too allowed rent increases on the same grounds, with the provision that rents could be increased only once in fifteen years and that the increase should not exceed twelve per cent. We do not know how effective this legislation was. There were, however, many cases of conflicts between landlords and tenants over the question of increases in rent, the former insisting on increases and the latter refusing to pay<sup>15</sup>. But whether landlords succeeded in enhancing rents significantly remains unknown.

The cost of production evidently increased. The most important element in the cost of production on jute was the cost of labour. The wages of agricultural labourers had been increasing in period under review. In order to see the trend of wage rates and the mean of the *mufassal* prices, the monthly wage rates for agricultural labourers in the districts of Murshidabad, Dacca, Rangpur and Dinajpur have been plotted again

<sup>15</sup>For details see *Report on the Land Revenue Administration of the Lower Provinces, 1886/1887-1910/11*.



not the mean of the *mufassal* prices in Fig. 3 and the mean of the wage rates of the four districts have been plotted against the mean of the *mufassal* prices in Fig. 4.

Fig. 3 shows that agricultural wage rates were increasing in all the four districts. Wage rates in Murshidabad, however, were rising slower than the mean of the *mufassal* prices. In this district wages were lower than in the other three. Murshidabad was not a major jute growing district<sup>16</sup> and hence the demand for labour was never great.

Wages in Dacca remained constant up to 1900 (except for the year 1894). Thereafter they were rising until 1905 after which they remained constant. Throughout the period after 1900 labourers in Dacca were improving their position relative to jute prices. In the period from 1900 to 1905 wage rates rose faster than the price of jute (mean of the *mufassal* prices). From 1907 they did not decrease to the same extent as the decrease in the price of jute.

Labour wages in Rangpur up to 1901 remained almost constant with merely a slight increase in some years. In 1902 and 1903 they registered a sharp rise and remained at the level of 1903 upto 1906. Again, in 1907 they increased markedly and remained at that level for the next two years. Consistently from 1901 wage rates rose faster than the price of jute.

In Dinajpur, too, labour wages were rising after 1900. The rise, again, was larger than the increase in the price of jute. Wage levels here were more erratic than those in the other three districts. In the eastern districts of Bengal the local supply of labour was supplemented by labour from Bihar and Orissa<sup>17</sup>. It may be that in the years of high wages more immigrant labourers went to more distant eastern districts with the expectation of higher wages, thereby creating a shortage of labour in Dinajpur with a consequent further rise in wage rates.

Fig. 4 shows that the mean of wage levels in the four districts remained almost constant up to 1900, with just a slight increase in some years. Thereafter it was increasing and the increase was always faster than the increase in the mean of the *mufassal* prices.

<sup>16</sup>For the position of Murshidabad among the jute growing districts see M.W. Ali, "Jute Cultivation in Bengal (1870-1914) : A Study of its growth", *The Journal of the Institute of Bangladesh Studies*, Vol. I, No. 1, 1976, pp. 63-68.

<sup>17</sup>For details about the employment of immigrant labourers in Bengal see *Royal Commission on Agriculture in India, 1927*, Vol. IV, Evidence Taken in Bengal, p. 12; F.A. Sachse, *Bengal District Gazetteers, Mymensingh* (Calcutta : Bengal Secretariat Book Depot, 1917), pp. 86-87; J.A. Vas, *Eastern Bengal & Assam District Gazetteers, Rangpur* (Allahabad : Pioneer Press, 1911), p. 32 ; F.O. Bell, *Final Report on the Survey & Settlement Operations in the District of Dinajpur, 1934-1940* (Alipore : Bengal Govt. Press, 1942), p. 23.



## Distribution of Jute Earnings

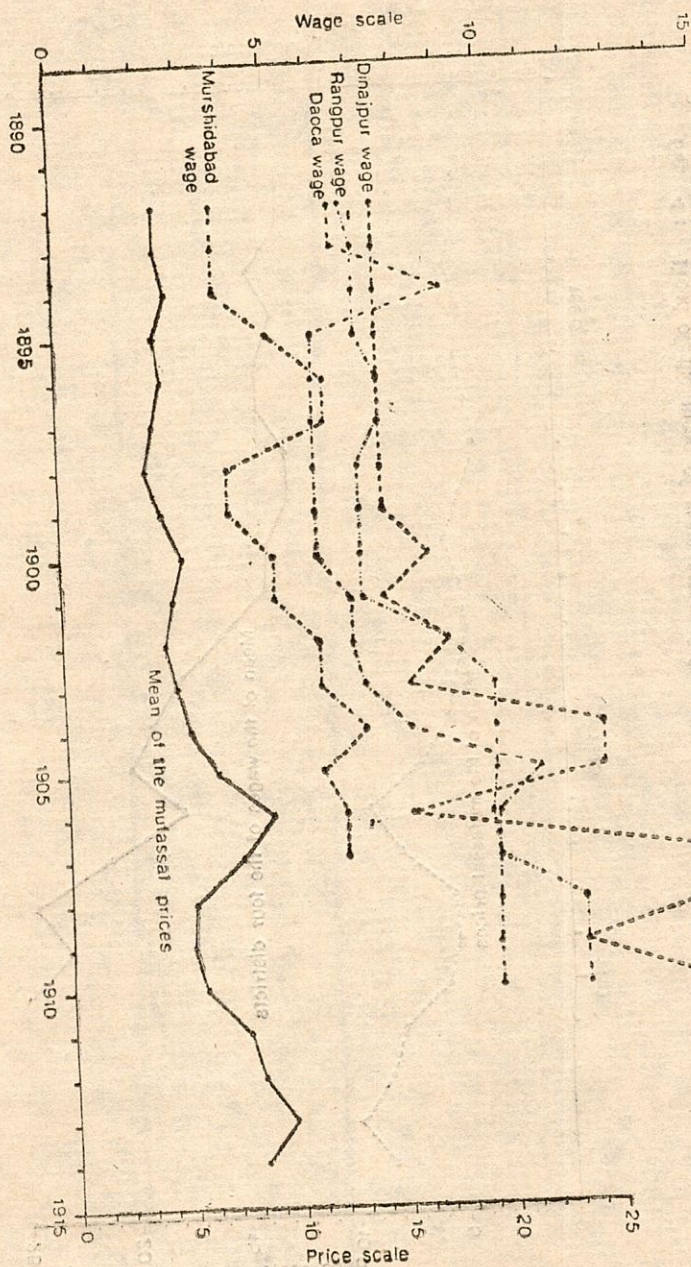


Fig. 3 : Trend of wage rates in Murshidabad, Dacca, Rangpur and Dinajpur and mean of mutassal prices  
( Data of Appendices 3 & 4 )



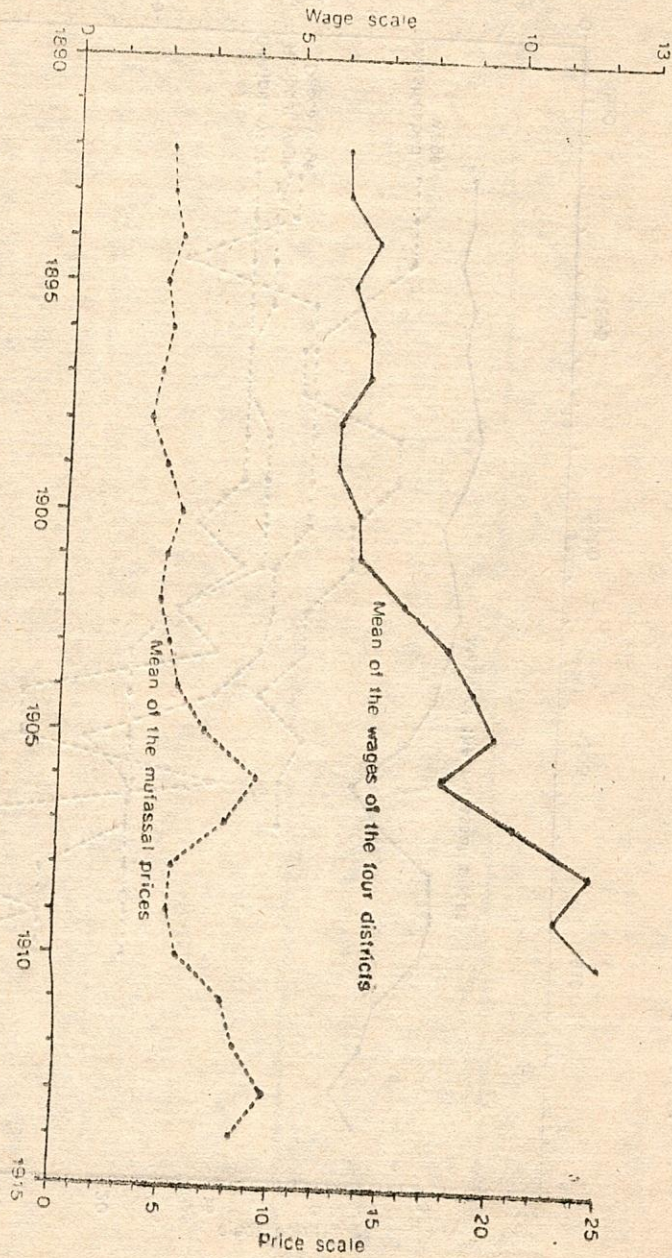


Fig. 4 : Trend of the mean of wage rates of four districts and mean of the mufassal prices  
(Data of Appendices 3 & 4)



It is, therefore, certain that wage rates were rising with the rise of price of jute. This means that the producing peasants were absorbing the rise in wage costs. Thus, although they enjoyed a price rise, they also paid more for labour and probably more than proportionate to the increase in the price of jute. However, the increased wages were being absorbed mainly within the village community, because many of the labourers came from the poorer section of the village society. Certainly any loss by jute cultivators due to wage increase represented merely a gain to their fellow villagers: there was no redistribution of returns away from the village.

### **Conclusion**

On the available data it does not appear to be possible to go beyond some general comments on gross shares of producers and distributors in jute earnings. It would appear that, roughly speaking, producers enjoyed a share of the proceeds of jute growing that was of the order of 50 percent or somewhat less. To judge whether this is a reasonable return would require data is not available, especially with respect to the costs having to be met by producers and distributors respectively. There is some evidence to suggest that agricultural wage rates were increasing to the extent to which they grew more rapidly than the labour costs of marketing, the net share of growers would have deteriorated. However, much of the benefits from increased labour wages would have remained within the village.



At the present time, certain that wages were rising with the rise of prices in the land, this means that the producing peasants were absorbing the rise in wage costs. This, although they charged a price rise, they also paid more for labour and probably more than proportionate to the increase in the price of their product. However, the increased wages were being absorbed mainly within the village community, because many of the labourers came from the poorer section of the village society. Certainly any loss by the cultivators due to wages must be represented by a gain to some fellow villagers, there was no redistribution of wealth away from the village.

Conclusion

On the evidence of the facts that appear to be possible to be beyond some general comments on the share of products and distribution in the village. It would appear that, roughly speaking, producers enjoyed a share of the price of the product, but what the order of the share or somewhat less. To judge whether this is a reasonable return would require data as not available, especially with regard to the share to be met by producers and distributors respectively. There is some evidence to suggest that agricultural wage rates were increasing to the extent to which they grew more rapidly than the broad costs of production. The net share of products would have been fairly high, however, much of the remaining value would have been retained within the village.



# Strategies of Leadership : Bengal Society in the Early Twentieth Century

Ahmed Shafiqul Huque

Leadership plays an important role in political movements. The nature of leadership, organization ideology and political strategies provide invaluable information for the analysis of the movement. Bengal politics during British rule in India is an example. The diverse nature of the society and lack of political consciousness among the people resulted in the need for able leadership which could integrate the various indigenous groups for the common purpose of independence. This paper is a study on leadership in the province of Bengal in British India in the early twentieth century. The national movements led by the Indian National Congress and the Muslim League gradually acquired a mass base with the incorporation of widely discrepant groups into the movements. The nature of the movements changed with the inclusion of such groups. The role of leadership in creating the linkages between the national movement led by the upper-middle class, western educated and urban biased politicians and the vast number of population in the rural areas, both landlords of affluence and peasants of meagre means, provides an interesting topic of study. This paper intends to demonstrate that some of the leaders in Bengal succeeded in developing these essential links between the national movement and the rural society, and to examine the nature of the linkages.

The selection of cases has been greatly influenced by the availability of data. Nevertheless, an attempt has been made to include a variety of personalities. Chitta Ranjan Das was an obvious choice as one of the most popular leaders in Bengal during the period under study. The opposition of the moderate and compromising attitudes of the national leaders of the Congress by Das was appreciated by the people of Bengal. Subhas Chandra Bose was an avowed disciple of Das who continued to differ with the Congress aim of achieving independence through constitutional methods. He established himself as one of the most popular leaders of his time with surprising rapidity, especially among the young generation in Bengal. Jatindra Mohan Sengupta was another disciple who followed closely in the footsteps of Das. He had a very strong base in both urban and rural Chitta-



gong and contributed to the maintenance of a link between the rural areas of Bengal and the national movement. A. K. Fazlul Huq was a Muslim leader with a strong rural base in an urban dominated field of provincial politics.

Das, Sengupta and Huq were lawyers, while Bose qualified for the Indian Civil Service. Bose resigned from the service after a short time. The leaders represented almost similar social classes. Sengupta and Huq had direct links with the rural society while Das and Bose were based in the city. The Calcutta Municipal Corporation provided an useful training ground and stepping stone for the politicians and all the leaders under study were associated with this institution at one stage or another of their careers.

One of the major obstacles in the way of the national movement was the integration of the landlords who often provided the movement with useful financial support on the one hand, and those of the peasantry whose support was indispensable for the movement to be successful<sup>1</sup>. The cooperation of the two main religious groups, the Hindus and the Muslims, was another problem that was prominent. A prior alliance between the urban professionals and the landlords had to be established for forging the others. Political leadership faced the difficult task of establishing and maintaining the linkages among various discrepant groups. Their entrance and success in politics depended largely on their ability to survive competition from the earlier generation of leadership. The strength to compete successfully stemmed from their bases of support, the rural constituencies.

The rural constituencies became important with the extension of franchise and the colonial rulers' attempts to introduce responsive and responsible governments in the provinces. Political reforms during this period underlined the advent of electoral politics based on mass, adult franchise. The nature of political power shifted from the control of restricted constituencies with limited franchise to a much wider arena where the large rural population was to play a vital role. The reforms had profound impacts on Bengal where the overwhelming majority of the population lived in rural areas. The leaders were faced with a situation which necessitated moves to cultivate, reestablish, strengthen and maintain their links with the rural society. Few were able to comprehend the nature of the changes in the power base, and many leaders failed to respond to the needs of the time.

The rural society included different types of inhabitants at various levels. Apart from the big landlords and the poor peasants, there were

<sup>1</sup>J.R., McLane, *Indian Nationalism and the Early Congress*. Princeton, 1977, p. 3.



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intermediate groups of the rich peasants, the 'bhadraloks'<sup>2</sup>, and the 'land management agents'<sup>3</sup>. The increased devolution of administrative functions bestowed more responsibility and powers to the village leadership which was provided by the rich farmers. Under the existing social structure, it was pragmatic to try to appeal to the dominant groups and organize the indigenous population through such groups. However, none of the other groups could be neglected. Those at the upper level were wooed for financial support and the influence they enjoyed while those at the lowest levels constituted a potent force because of their number. In the past, rural tranquility in Bengal depended on a smooth relationship between landlords and the rich peasants<sup>4</sup>. The latter group with their relatively strong economic position in the society and some access to educational facilities, but not occupying a high rank in the caste and social hierarchy, served as a link between the groups at the extreme ends of the continuum, i.e., the poor peasants and the landlords. The land management agents, too, provided a link for economic activities and precluded direct confrontation between the rent payers and rent receivers. The society was divided on many different lines and the political leaders were confronted with the task of identifying and utilizing the most important links. By this time, it was obvious that the support of the rural constituencies was crucial for survival in Bengal politics.

### **Chitta Ranjan Das**

Das was born in 1870 in a Vaidya<sup>5</sup> family which hailed from Vikrampur, Dacca district in East Bengal<sup>6</sup>. His father was a lawyer and was associated with journalism. The family had moved out and settled in Calcutta. Some members of the family stayed back in Vikrampur, while some others migrated early to Barisal and settled there. Thus with Calcutta

<sup>2</sup>The 'bhadraloks' abhorred any occupation involving manual labour and preferred literate professions and office jobs. They would rent out their land or hire other persons to cultivate for them.

<sup>3</sup>McLane, *op. cit.*, includes the dewans and gomashtas who collected rents, issued receipts, kept accounts and performed other unpleasant functions (e.g. coercion) to help the landowners under the category.

<sup>4</sup>J. Gallagher, "Congress in Decline: Bengal, 1930-39", in Gallagher, John, Gordon Johnson and Anil Seal, eds., *Locality, Province and Nation; Essays on Indian Politics, 1870-1940*, Cambridge, 1973.

<sup>5</sup>One of the high-caste families among the Hindus, equivalent in rank to the Kayasthas.

<sup>6</sup>For biographical details on Das, see P.C., Ray, *The Life and Times of C.R. Das*. Calcutta, 1927; H., Dasgupta, *Deshbandhu Chittaranjan Das* (in Bengali), Delhi, 1960; and D.K., Chatterjee, *C.R. Das and Indian National Movement*. Calcutta, 1965.



as the base, Das and his family easily had access to the rural society through relatives in Vikrampur and Barisal. Interestingly enough, his relatives were mostly in the profession of law<sup>7</sup>. Coming from a family of lawyers associated with the reformist group of Brahmo Samaj, Das was influenced by these values. He attended Presidency College and was sent to England to sit for the Indian Civil Service examinations which he failed<sup>8</sup>. Ultimately he studied law and was called to the Bar. Das joined the Calcutta High Court and had to struggle for several years to pay off his father's debts. Despite initial difficulties, Das was able to establish himself in his profession.

Das participated in political activities during his study in England, and made several speeches on political reforms in India. The formation of "Swadeshi Mandali" in his house (1904), active participation in establishing National Educational Institutes (1905), and the drafting of the resolution for the Bengal Provincial Conference at Barisal (1906) indicate his involvement in the national movement without formally joining it. The legal practice brought him into close contact with several political activists who were charged with sedition and other anti-government activities. His performance in defending many such persons made him well known to the public as well as the political leaders. By 1917, Das was one of the leading lawyers of Bengal, prospering in his profession and building up a political base by coming to the aid of people involved in the movement for independence.

Das presided over the Bengal Provincial Conference in Calcutta in 1917. He appealed to the people to go back and find the soul of India in a new scheme of social and political economy and took advantage of the platform to preach a new gospel and a philosophy of life<sup>9</sup>. The Conference was the starting point of his political career. Earlier associations with Surendra Nath Banarjee, Bipin Chandra Pal and Aurobinda Ghosh had helped Das to remain abreast of political problems and developments in the country. He decided not to follow the beaten track of constitutional politics pursued by the Congress. He began to attend Congress meetings regularly and spoke out against the Moderates in the party. Since the Non-Cooperation movement in the 1920s, Das assumed a prominent position in the Congress and was twice elected President of the Congress sessions in 1921 and 1922. He gave up his legal practice and undertook

<sup>7</sup>Ray, *op. cit.*, p. 16.

<sup>8</sup>Dasgupta, *op. cit.*, pp. 6-7.

<sup>9</sup>Ray, *op. cit.*, pp. 82-3.



extensive political tours in Eastern Bengal and Assam. In rural Bengal, he appealed for communal harmony and called for the inclusion of all classes in the independent movement for its success.

Within a brief period, Das was able to formulate his council-entry formula which sought to bring about the destruction of the "corrupt" councils from within. He introduced the Swaraj Party to revitalize the national organization. The Swaraj Party emerged as the strongest in the Bengal Legislative Council in the general elections. Das declined an offer to form a cabinet. Instead, he worked in accordance with his formula in opposition. As the leader of the opposition, he was able to force the resignation of three ministries in quick succession<sup>10</sup>. The Swarajista won the Calcutta Corporation elections in 1924, and Das became the first Mayor of Calcutta. One of the most significant achievement of Das was the Hindu-Muslim Pact in 1923 which was an attempt to bring together different religious groups and maintaining the unity for the sake of the movement. Das attended the Bengal Provincial Conference in Serajunge and presided over the All-India Trade Union Congress at Calcutta. In 1925, he willed his property to be used in the services of the country<sup>11</sup>. The same year, he attended the Bengal Provincial Conference at Faridpur and asserted that unity has been achieved in the movement for independence<sup>12</sup>. The following month, he died in Darjeeling.

The dominant place of two main themes can be detected in the political career of Das. He was in favour of pressing for demands and did not depend on passive resistance alone. The unification of all classes and communities was another objective that Das tries to achieve. The difficult task was accomplished through a variety of methods. His family connections in rural Bengal provided a regular channel of communication with the small towns and the countryside. The profession of law brought him into contact with rural people who needed help with litigations. Periodic visits to the far corners of the province allowed the opportunity to present his views and continue efforts to bridge the distance between the national movement and the rural public.

Das sought to transcend the class and religion structures in the appeals for unity. He propagated a demand for Swaraj to be attained through the united efforts of all classes and religious communities. Das placed emphasis on a new structure for the administrative system and the organization of the villages as important units of the society ; he advocated the delegation

<sup>10</sup>Dasgupta, *op. cit.*, p. 128.

<sup>11</sup>For details of the will, see Dasgupta, *op. cit.*, pp. 152-3.

<sup>12</sup>*Ibid*, p. 160.



of responsibilities to the local centres<sup>13</sup>. The ideas invoked a sense of participation among the rural inhabitants. Prior to the formation of the Swaraj Party, Das and his followers organized intensive relief activities in North Bengal. Das presided over the Trade Union Congress and called for the inclusion of "98 per cent" of the people who were left out of the movement. He was referring to the peasants and workers as well as the Muslims and low-caste Hindus who were neglected by political leaders. Such appeals and activities went a long way in strengthening the mass base of the Swaraj Party.

Das had great social qualities of making friends with all kinds of people and was able to turn a large number of politically minded men into loyal and faithful followers<sup>14</sup>. The fact is supported by Gordon who states that "Das had a rare gift for recruiting and selecting able, intelligent and committed lieutenants and supporters".<sup>15</sup> He was aided by able followers in the task as well as the publication of the Swaraj Party, the *Forward*. Das was associated with the *Bande Matram*<sup>16</sup> in its early days. The literary talents of Das which were revealed before he started taking an active part in politics, gave him some exposition to the world of publication and mass communication. He felt the need for a vehicle to propound his views. The *Forward* was founded in 1923 and served as the voice of Das. The newspaper helped in maintaining the link between the leader and his followers all over the province. The role played by Das had a profound effect in shaping the politics of Bengal in subsequent years. The utilization of the mass base effectively caught the imagination of other leaders and it becomes evident in the course of action pursued by other leaders included in this study.

### Subhas Chandra Bose

Bose was born in 1879 in a prominent Kayastha family which hailed from village Kodalia in West Bengal<sup>17</sup>. His father was a prominent citizen and lawyer settled in Cuttack, Orissa. Bose attended a missionary school and was greatly influenced by Vivakananda's preachings in his school days.

<sup>13</sup>Chatterjee, *op. cit.*, pp. 100-2.

<sup>14</sup>Ray, *op. cit.*, p. 238.

<sup>15</sup>I.A., Gordon, *Bengal : The Nationalist Movement, 1876-1940*. New York, 1974. Many of the followers of Das played prominent roles in Bengal politics for a long time after his death.

<sup>16</sup>An English language daily. See Chatterjee, *op. cit.*, p. 5.

<sup>17</sup>For biographical details on Bose, see S.C., Bose, *An Indian Pilgrim, An Unfinished Autobiography and Collected Letters, 1897-1921*. Calcutta, 1965 ; and H. Dasgupta, *Subhas Chandra*. Calcutta, 1946.



He had experiences of village reconstruction work, did some teaching in a village primary school, and participated in nursing expeditions in epidemic stricken areas<sup>18</sup>. After the matriculation examination, Bose joined the Presidency College. Later, he graduated from the Scottish Church College<sup>19</sup> and was sent to England to prepare for the Indian Civil Service examination. He qualified for the service, but on the advice of C.R. Das, resigned. He started working for the National College and was assigned a number of important tasks for "national service". He took active part in the Non-Cooperation movement and was gradually building up a place of his own, particularly among youths and students. The national institutions were thus used as training grounds for the prospective political leaders.

Bose became the political idol of Bengal youth with large followings among the college and university students. Soon the spirit permeated some sections of the rural society where the young men began to organize themselves in order to resist colonial rule through militant methods. Bose became an advisory editor for the *Forward*. He was the first Chief Executive Officer of the Calcutta Corporation. He received valuable guidance from Das, and the supporters of the latter had little hesitation in accepting Bose as the follower and chosen successor of the "Deshbandhu". Das groomed Bose as a political leader since the latter entered politics, and their continued association made him well known as one of the most trusted lieutenants of Das.<sup>20</sup> Bose had to face no trouble in entering politics under the tutelage of Das, and it reduced the competition for claims to leadership. Bose was arrested and detained at Mandalay jail until 1927. Das passed away while Bose was still under internment. He has difficulty in making the transition to leadership, even though he felt especially chosen by Das to take up the work and the leadership role left by him<sup>21</sup>.

Bose was elected to the Bengal Legislative Council while still in jail. He was elected President of the Youth Congress and the All-India Union Congress. Bose pressed for the adoption of a resolution for independence but was opposed by many Congress leaders on the issue. He served as President of the All-India Trade Union Congress in 1929. After being elected

<sup>18</sup>Bose, *op. cit.*, pp. 39, 58-9.

<sup>19</sup>Bose was expelled from the Presidency College following an incident of assault on a professor. Later he was granted special permission to continue his studies. Bose completed his B.A. from the Scottish Church College, Calcutta.

<sup>20</sup>Das noticed the talents of Bose early and did not hesitate to select him as the Publicity Secretary of the Bengal Provincial Congress Committee in 1921, in spite of protests from other members. See *Subhas Chandra*, pp. 36-7.

<sup>21</sup>Gordon, *op. cit.*, p. 239.



the Mayor of Calcutta, he designed an elaborate programme for education, medical care and aid to the poor, similar to the programmes of Das. Bose became the President of the Indian National Congress twice in 1938 and 1939. Difference of opinion with important Congress leaders including Gandhi compelled him to resign from the office. He found the Forward Bloc, a progressive group, and continued in his own line of propaganda and action. Bose was arrested and interned in his house, but suddenly disappeared in 1941. He is reported to have died in an air crash in 1945.

Bose injected new vigour into the Indian national movement by trying to identify it with youth movements. His militant attitudes and actions brought a new approach, yet identified strongly with traditions in religion, politics and the society.<sup>22</sup> A controversial figure in the freedom movement, Bose derived some benefits from family connections. He never developed a party structure or a cadre of talented followers, but had "the support of his brother Sarat, who often acted as a kind of alter-ego for the more dynamic and charismatic Subhas, and the two worked in a kind of flexible tandem, that made Subhas Bose's political career possible".<sup>23</sup> He did not have a professional career outside politics which could be useful in cultivating support and bringing him into regular contact with the rural constituency. He appeared to have overcome this handicap through the party platform. The association with the Calcutta Corporation further tied up Bose to the urban arena of politics, although his political ideas and views encompassed the entire society and included all groups. He tried to integrate the movement by avoiding factional politics, but the involvement of his elder brother and political confidante Sarat Chandra Bose in intraparty conflicts did not allow him to remain clear of such conflicts.<sup>24</sup>

Bose benefitted from the rural links established by his mentor, Das. The political circumstances in the province and especially within the Congress, was tense. Bose played a significant role in the movement not in Bengal alone, but the entire country. Among the leaders under review, Bose was able to create the strongest impact on the movement. The *Forward* enabled him to make his views known all over the province, and the interactions with the members of the Bengal Congress, the Swaraj Party and the Calcutta Corporation proved to be an important channel of communication with rural and urban Bengal. The group led by Bose

<sup>22</sup>*Ibid*, p. 225-6.

<sup>23</sup>*Ibid*, p. 251.

<sup>24</sup>*Ibid*, p. 224.



“became the major faction in Bengali politics to resist Gandhian control of regional Congress organization<sup>24</sup> and the links developed by Bose outside the provincial capital contributed substantially to the effect.

### **Jatindra Mohan Sengupta**

Sengupta was born in 1885 in a Vaidya family in village Barama, Chittagong in East Bengal. His father was a lawyer who acquired a substantial amount of landed property and became a prominent citizen of Chittagong<sup>25</sup>. His father was a member of the Brahmo Samaj and was elected to the Bengal Legislative Council. Sengupta's father J.M. Sen had to attend to businesses in Calcutta, Chittagong and Burma and developed several links with the three regions in the process.

Sengupta had his early schooling in Chittagong. Later, he attended Hare School in Calcutta and went on to study at the Presidency College. He earned his Law Tripos from Cambridge and was called to the Bar. During his stay at Cambridge, he took part in sports and debates, and became the President of the Indian Majlish, which was a platform for expressing the opinions for the Indians. After a brief stay in Chittagong, Sengupta moved out to Calcutta. He joined the Calcutta High Court and was a part-time instructor at the Ripon Law College. Gradually, he established himself in his profession. Sengupta travelled with his family to Chittagong and Burma every year during the Puja holidays<sup>26</sup>. The festivals provided him with opportunities to renew acquaintances with the people of Chittagong and Burma.

Sengupta's first political venture took place at the Faridpur Conference in 1911, which he attended as a representative from Chittagong<sup>27</sup>. In his initial political activities, he built upon the reputation of his father. Gradually he became associated with Das and actively participated in the Non-Cooperation Movement and 'Chandpur Satyagraha'<sup>28</sup>. He suspended legal practice at Calcutta High Court temporarily and stayed in Chittagong to organize the national movement. It was very well organized in Chittagong and Sengupta received accolades for his leadership. After the success of the Congress Conference in Chittagong he emerged as an established

<sup>25</sup>For biographical details on Sengupta, see P. Sengupta, *Deshapriya Jatindra Mohan Sengupta*. New Delhi, 1968; and M. Bagchi, *Deshapriya Jatindramohan* (in Bengali). Calcutta, 1972.

<sup>26</sup>Sengupta, *op. cit.*, p. 16.

<sup>27</sup>*Ibid*, p. 18.

<sup>28</sup>A movement which resulted from the attempts of the coolies of the tea plantations to escape inhuman exploitation, and the planters' efforts to get them back to work.



and popular leader, particularly in East Bengal. The Assam Bengal Railway Union was formed, and he became its first President.

Sengupta resumed his practice in 1922 and was elected to the Bengal Legislative Council. On the formation of the Swaraj Party, he became the Secretary of the organization. He held similar offices in the Congress Municipal Association and the Bengal Provincial Congress Committee. Subsequently, he went on to become the President of the Swaraj Party and the Bengal Provincial Congress Committee as well as the Mayor of Calcutta. The policies and programmes followed by Sengupta were similar to those pursued by Das and Bose. He believed in the need for communal harmony and sought to take positive measures for the promotion of communal unity<sup>29</sup>. He was arrested several times, and on his release, attended the Round Table Conference in London in 1931. He was arrested from the ship on his return, and died under internment in 1933.

Sengupta's views and activities conformed largely with those of the leader who guided and moulded him, Das. Sengupta believed it was necessary to organize all strata of the society, particularly the lower, into an integral unit to make the national movement successful<sup>30</sup>, and tried to bring about the unity of various groups. The task was greatly facilitated by his father's benevolent landlordism and intimate relationship with rural Chittagong. A number of philanthropic activities by his father<sup>31</sup> and their supervision by Sengupta after J.M. Sen's death, provided a link for him with the rural constituency. The legal practice got him in touch with people who were important in politics and won him friends, especially from rural Bengal. The prominent position in Calcutta, combined with strong and intimate links in the mofussil gave Sengupta an opportunity to attempt to bring together the interests of various groups under the banner of the national movement.

Sengupta rose to political prominence with his active role in various forms of movements in far corners of the province. The efficient discharge of official duties for political organizations lent credence to his claims to leadership. He undertook extensive tours of the province frequently and maintained contact with the people. The *Forward* voiced his views on several occasions and assisted in getting his messages through.

<sup>29</sup>Sengupta, *op. cit.*, p. 70.

<sup>30</sup>*Ibid*, p. 23.

<sup>31</sup>J.M. Sen got a post office opened in Burma village by persuading the government. Other welfare activities included the Trahi Menaka School in Burma, Jatra Mohan Sen Charitable Dispensary in Burma, Dr. Khastgir High School for girls in Chittagong, and a Community Hall. See Sengupta, *op. cit.*, pp. 5-7.



He believed in non-violence and was blessed with Gandhi's support. His position in rural and urban Bengal was an asset to the Congress and the Swaraj Party. Being members of the same organizations, Das and Bose derived the benefits of such connections. They, in turn, contributed through their own connections to the larger constituency to the position and popularity of Sengupta. Thus all three leaders benefitted mutually from each other, and the task of evaluating them separately remains extremely difficult.

### A.K. Fazlul Huq

Fazlul Huq was born in a Muslim family in 1873 at Barisal, East Bengal<sup>32</sup>. His father, Muhammad Wajid, was a lawyer at the Calcutta High Court, but later moved to practice law in Barisal. He acquired a zamindari in Barisal and indulged in several charity activities<sup>33</sup>. Huq's grandfather was also in the legal profession. Huq had a brilliant academic career and graduated from Presidency College, Calcutta. After obtaining a law degree, he joined the Calcutta High Court. He had to move to Barisal when his father died, to look after the property. Huq started practising law at the local Bar, and was a part-time instructor at the local college. He gave up his legal profession briefly and joined the civil service, but later he resigned and resumed practice. Nawab Sir Salimullah of Dacca invited him to organize the Muslim Educational Conference in Dacca,<sup>34</sup> following which the Muslim League was formed. This can be considered to be the point when Huq started his political career. The Congress leader of Barisal Ashwini Kumar Dutta induced Huq to contest local body elections and he was elected to the Barisal Municipality and subsequently to the Bakerganj District Board.

Huq was elected to the Bengal Legislative Council for the first time in 1913. The following year, he presided over the Bengal Presidency Muslim League. He played an active role in the signing of the Lucknow Pact between the Congress and the Muslim League which was the first conscious effort by the two major political parties to work together. Huq presided over the Delhi session of the All-India Muslim League in 1918, the Provincial Congress at Midnapore in 1919, and the Second All-India

<sup>32</sup>For biographical details on Huq, see B.D. Habibullah, *Sher-e-Bangla* (in Bengali). Barisal, 1967; K.A. Khaleque, *Ek. Satabdi* (in Bengali). Dacca, 1962; and A.S.M.A. Rab, *A.K. Fazlul Huq*. Lahore, 1967.

<sup>33</sup>Muhammad Wajid participated in the establishment of many Maktabs, Madrasas, and schools in Bakerganj. He held offices in the Bakerganj District Board, Barisal Local Board, and was the Secretary of the Barisal Zilla School.

<sup>34</sup>Khaleque, *op. cit.*, pp. 44-5.



Khilafat Conference at Delhi. He became the General Secretary of the Indian National Congress and was included in the provincial cabinet in 1924. Huq participated in the Round Table Conferences in London. He became the first Muslim Mayor of Calcutta and later the Chief Minister of Bengal. He moved the resolution for Pakistan at the session of the All-India Muslim League at Lahore. Huq was subsequently expelled from the Muslim League and succeeded in heading a coalition government in the province for some time. Later, he led the opposition in the Bengal Legislative Council, and after the independence of Pakistan, moved to Dacca. The rest of career will not be discussed as it is not relevant to the purpose of this study.

Huq had a very intimate link with rural Bengal. The philanthropic activities of his father provided a good base to start with, and these were carried further by Huq. He established a college in his village, Chakhar, and helped in the establishment of a number of educational institutions. Huq was a spokesman for the peasants and workers, followed a secular ideology in politics and spoke of harmonious, even growth of Hindus as well as Muslims for Bengal's good.<sup>35</sup> He travelled widely in rural Bengal and worked hard to voice the demands of the peasants and workers which made him extremely popular with these groups.

During his brief career in the civil service, Huq saw life in rural Bengal from the administrator's point of view, and through the performance of his duties, was able to win over those with whom he worked. The legal profession was one of the most useful means for strengthening the basis of support.

Because of the exigency of legislative politics and professional calling, Huq had found it necessary to take up his residence in Calcutta where he also gained considerable influence but at the same time, through his relentless effort in upholding the interest of the peasantry, he was able to retain his contact with the rural masses.<sup>36</sup>

Huq edited the weekly *Balak* while he practised law. He was the joint editor for another weekly *Bharat Suhrid*. His assistance was crucial in the publication of the *Naba Yuga* edited by Comrade Muzaffar Ahmad and Kazi Nazrul Islam.<sup>37</sup> It must be noted that unlike the *Forward*, these

<sup>35</sup>See Shila Sen, *Muslim Politics in Bengal, 1937-1947*. New Delhi, 1976.

<sup>36</sup>E., Rahim, "Bengal Election 1937 : Fazlul Haq and M.A. Jinnah : A Study in Leadership Stress in Bengal Politics." *Journal of the Asiatic Society of Bangladesh*. Vol. XXII, No. 2, August, 1977, p. 101. The statement reveals the tactic followed by Huq throughout his career.

<sup>37</sup>Khaleque, *op. cit.*, pp. 101-5.



publications were in the Bengali language and was thus able to reach a much larger section of the population.

Visualizing the impact of mass enfranchisement on the future political processes of the province, Fazlul Huq deeply appreciated that the criteria of effective leadership was to be one's sincere effort to mobilize the masses in the countryside through initiatives in agrarian issues.<sup>38</sup>

The *Naba Yuga* served this purpose and propagated strong support for the uplifting of the peasants. Huq developed a body of followers who were more associated with rural Bengal than with Calcutta. The followers<sup>39</sup> continued untiring efforts to provide and maintain the link between Huq and the rural constituency.

### Comparison

The four leaders under discussion represent similar social backgrounds. All were members of the middle and upper-middle classes, well educated. The previous generation was totally composed of lawyers. Das's father was a lawyer based in Calcutta and Bose's family settled in Cuttack. Sengupta's father moved into Calcutta, while Huq's father moved out. This appears to be one of the reasons why Huq had a stronger base than the others in the rural areas. He often referred to his blood connections in rural Bengal in addressing the people.<sup>40</sup> The continuation of charity activities of the family and Huq's own contribution brought him closer to the people. Sengupta benefitted greatly from his regular trips and an added advantage was his father's involvement in local political activities.

Das had preferred to live in Calcutta. This could have affected his links, but was made up by his charitable activities in Calcutta. He was able to cultivate the links easily when he started making frequent trips to rural areas for presiding over conferences and addressing meetings. Going through bankruptcy, and later, giving up a lucrative practice of law to devote all his time and energy for the national movement established Das as a champion of the downtrodden. His ideology and activities confirmed the belief and within a short time, Das shot to prominence and enjoyed support in rural Bengal as well as in urban Calcutta.

<sup>38</sup>Rahim, *op. cit.*, p. 122.

<sup>39</sup>See Habibullah, *op. cit.* For a description of the peasant movements, pp. 30-7; for electoral activities and contribution of the followers, pp. 69-81.

<sup>40</sup>Habibullah, *op. cit.*, pp. 74, 77.



There were a number of differences between Bose and the other leaders. His family lived outside Bengal and had little connection with rural Bengal. He was not a lawyer like the other leaders and did not belong to any profession. He had to draw upon the bases established by Das initially, and soon was able to capture the imagination of the students and youths. The spirit of active resistance permeated the villages. Bose made a rapid transition from the realm of provincial politics to that of the national. Hence, in discussing provincial politics, Bose appears to have a shorter role than the others.

The programmes and policies advocated by the leaders were similar in content. The Swaraj Party toiled hard for establishing a harmonious relation between Hindus and the Muslims. The party called for the boycott of government schools, colleges, law courts and foreign goods and to wreck the Councils. It pledged to work for the establishment of national schools, colleges, arbitration courts and the formation of labour and peasant unions.<sup>41</sup> The *Forward* stressed the importance of the progressive role of the landlords and called for their participation in the national movement<sup>42</sup>. Huq was equally vocal on the issue of communal harmony and worked to achieve it although he was aware of the backwardness of the Muslims and sought to bring about their advancement. His vigorous anti-communal stands made him equally popular among Hindus and Muslims. The religious considerations were transcended by political and other factors and were demonstrated in the success of the leaders. Huq was associated with the creation of the Tenants Party which later became the Nikhil Banga Praja Samiti. He usually approached the peasants at the lowest level of the society directly. The act can be viewed as an attempt to organize erstwhile dependent people and form political groups to compete with those at higher levels. But the identification of Muslim leaders with the interests of peasants and cultivators brought polarization in Bengal politics not only between Hindus and Muslims but also between zamindars and peasants.<sup>43</sup> The majority of the constituency, mostly Muslims and poor voters was too large a group to be overlooked even by the higher groups. The advent of mass enfranchisement caught the interest of the other leaders as is evident from their emphasis on rural issues. But Huq was one step ahead through his close association with the society. During their respective terms as Mayors, the leaders pursued a common policy aimed at uplifting

<sup>41</sup>The program of the Swaraj Party, See Amalendu De, *Bangali Buddhijibi O Bichhinnatabada* (in Bangali, Bengali Intelligentsia and Separatism). Calcutta, 1974, p. 358.

<sup>42</sup>*Ibid.*, p. 316.

<sup>43</sup>Sen, *op. cit.*, p. 67.



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the poor and lower classes. By dint of their merits, backgrounds and professions, all the leaders were in tune with the upper classes. Thus they were in very convenient positions to forge alliances between different groups, communities and classes.

Newspapers and publications served as useful links between the leader and their constituencies. Das realized it as soon as he found himself differing with the established leaders in the Congress. He invested more than half of his Village Reconstruction Fund in buying the *Indian Daily News* and turning it into the *Forward*, a Calcutta daily, committed to the policies of Das<sup>44</sup>. It served as a valuable aid to Bose and Sengupta, too. Under the guidance of the Swaraj Party leaders, the *Forward* became a leading nationalist newspaper<sup>45</sup>. Huq financed the publication of the *Naba Yuga*. It carried his messages to all parts of Bengal and became popular with both religious communities<sup>46</sup>. The range of population which such media could reach was, however, limited. Given the poor rate of literacy, the newspapers, particularly those in the English language, had obstacles in fulfilling their purposes. Nevertheless, they were useful in establishing contacts with local leaders who had some access to education. They, in turn, were able to function as links between the political leaders and the indigenous communities. Frequent contacts with the rural mass was another mode of maintaining the links. The leaders did not stay away from the people for too long periods. The people were made to feel that they could depend on the leaders in times of need. Huq was a familiar personality in the province during his stay in Barisal. He continued to meet the people even after he took up residence in Calcutta. He commanded the respect of a saint from the rural people, and orthodox Muslims were impressed by his use of Urdu and Arabic<sup>47</sup>. Das attended Congress sessions and visited remote areas in his attempts to maintain such links. Sengupta had similar opportunities during the Non-Cooperation movement and subsequently through Congress conferences. As already stated, Bose gradually lost the direct link with his increasing involvement in national politics.

Well-organized parties were useful instruments in maintaining the connections between the leaders and the people. The Indian National Congress, with its organized structure, was significant in providing a platform to the leaders. Das used it to propagate his views and lamented at the lack of connections between the movement and the common man<sup>48</sup>. He

<sup>44</sup>Gallagher, *op. cit.*, p. 274.

<sup>45</sup>Gordon, *op. cit.*, p. 193.

<sup>46</sup>Khaleque, *op. cit.*, p. 105.

<sup>47</sup>Habibullah, *op. cit.*, pp. 161-5.

<sup>48</sup>Dasgupta, *Deshbandhu*, p. 40.



believed that a movement guided by any particular class would not make it a mass movement in the real sense<sup>49</sup>. Das called for the reconstruction of villages and making them units of administrative, political and economic activities<sup>50</sup>. The rural reconstruction was emphasised time and again by Sengupta and Bose. The Swaraj Party did not turn out to be organizationally as efficient as the Congress, but the leaders made good use of both. Huq was initially guided by a Congress leader of Barisal, Ashwini Kumar Dutta. The Muslim League was a weak organization at its inception, and Huq was thrown out of the party when it became an efficient organization. He maintained the vital link through the organization of the Krishak Praja Party. He made whatever use he could of the Muslim League and the Congress platforms<sup>51</sup>.

### Summary

Nationalist political activity shifted from the "non-Bengali city of British administrators and businessmen, Marwari merchants, and non-Bengali workers," that is, Calcutta, to the mofussail in the early years of the twentieth century<sup>52</sup>. Political leaders sought to bridge the immense gap between the national movement and the rural people, especially the cultivators, through constructive social work. There were manifestations of this emphasis—the glorification of the rural life, village uplift work, revival of village industries, and political recruitment among the peasantry<sup>53</sup>. The leaders were successful by their appeals for such changes, and secured the support of the rural people. Many obstacles were faced in the efforts to integrate a variety of interests in the movements for independence. The appeal for an awakening of the peasants had to be made while safeguarding the interests of the landlords who were also a party to the movement<sup>53</sup>. The task had to be accomplished by emphasizing the progressive role of the landlords in the system and the need for mutual cooperation. The degree of success was not remarkable, but the attempt deserves appreciation. Such an inverse relationship could also be noticed between the Hindus and the Muslims. The ruling elite pitted one group against the other and created an impression that the rise of one will lead to the decline of the other. The problem was more complicated in areas where social groups coincided with

<sup>49</sup>Chatterjee, *op. cit.*, p. 99.

<sup>50</sup>*Ibid*, pp. 99-101; Dasgupta, *Deshbandhu*, pp. 41-2.

<sup>51</sup>Huq held offices in the Muslim League from its inception to 1942. He also attended Congress sessions and held offices in the party.

<sup>52</sup>J.R. McLane, "Calcutta and the Mofussalization of Bengali Politics." R.L., Park, ed., *Urban Bengal*, Michigan, 1969, p. 63.

<sup>53</sup>*Ibid*, p. 63.



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religious groups, that is, the members of a particular community all belonged to either the peasant or the landlord class.

The leaders placed considerable emphasis on incorporating the labourers and industrial workers. The process broadened their bases as the working class was expanding in the wake of industrial development in the country. Through appeals for class and communal harmony, the leaders were able to reconcile such groups to a large extent in most parts of the province. They were able to secure active responses to the call for independence and were able to maintain the spontaneity of the movement. The leaders were outstanding in their academic and professional careers. The transition from professional life to the political scene was smooth. In spite of the differences with the Congress, Das had complete control over Bengal, and Bose successfully met the challenge of the moderates within the party. Huq differed with the Muslim League leadership on several occasions, but his own base was strong enough to tackle such oppositions. Sengupta did not have any problems as the Congress high command backed him against Bose in the leadership race.

Family connections and charitable activities provided a means to cultivate links with the villages. The legal practice allowed for interactions with the rural people who had to travel to the city courts for litigations. Mass contact through tours, and the use of party platforms to call for unity and mutual cooperation among different groups were aided by able followers, party organizations and the media. Newspapers played a vital role, however limited, in the process. The shifts in attitudes can be explained in terms of the changes in the political situations of the time. These four leaders were among the few who could perceive the nature of changes in the offing and thus endeavoured to strengthen their political bases by uniting various groups. A wide array of competing factions, interests, ideologies, regional feelings, personalities and strategies had to be coordinated under the banner of a united movement for freedom. Leaders of provincial as well as local and rural distinction provided this all important linkage.

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