

**JOURNAL  
OF  
THE ASIATIC SOCIETY OF BANGLADESH  
(HUMANITIES)**

---

**Vol. 61**

**No. 2**

**December 2016**

---

**Editor  
Akmal Hussain**

**Associate Editor  
A.S.M. Ali Ashraf**



**ASIATIC SOCIETY OF BANGLADESH**

## EDITORIAL BOARD

|                  |  |
|------------------|--|
| Chairperson      | Professor Sharif uddin Ahmed   |
| Editor           | Professor Akmal Hussain  |
| Associate Editor | Dr. A.S.M. Ali Ashraf  |
| Members :        | Professor Biswajit Ghosh<br>Professor Sajahan Miah<br>Professor Md. Akhtaruzzaman<br>Professor AKM Golam Rabbani |

*Journal of the Asiatic Society of Bangladesh* (Humanities), is published by the Asiatic Society of Bangladesh in June and December every year. Scholarly articles relating to *Peoples and Nature of Asia* are considered for publication in the Journal. It also receives books for reviewing.

**Correspondence** : All correspondence may be addressed to: Editor, Journal of the Asiatic Society of Bangladesh (Humanities), 5, Old Secretariat Road, Nimtali, Ramna, Dhaka 1000, Bangladesh.

Telephone : (880+2) 9576391

E-mail : asiaticsociety.bd@gmail.com

Website : www.asiaticsociety.org.bd

**Published by** The Asiatic Society of Bangladesh

**Price** Tk. 200.00 (Two hundred taka)

**ISSN** 1015-6836

## Guidelines for Contributors

The *Journal of the Asiatic Society of Bangladesh* is a peer-reviewed journal. Manuscripts submitted for publication in the journal should be printed, double-spaced on one side of A4 size paper with generous margins, and should not normally exceed 10,000 words. In addition, a soft copy of the manuscript should be submitted. A *quotation* that will run more than fifty words should be set off as a single-spaced, double-indented paragraph. **Notes and references should be numbered consecutively throughout and be placed at the foot of the page.** *Tables* should be given separate numbers in the manuscript, such as Table 1, Table 2, etc. with running headings.

Notes and References should be cited as follows:

1. P.J. Marshall, *Bengal: The British Bridgehead, The Cambridge History of India*, (Cambridge 1987), p. 77.
2. Willem Van Schendel, 'Economy of the Working Classes'. Sirajul Islam (ed.), *History of Bangladesh 1704-1971*, Vol. II, (Economic History), (Asiatic Society of Bangladesh 1992), pp. 542-99.
3. W.H. Morris-Jones, "Pakistan Post-Mortem and the Roots of Bangladesh", *Political Quarterly*, Vol. 18 (April-June), 1972, pp. 187-200.

### DECLARATION

A manuscript which is concurrently under consideration by another journal or press or which has been published elsewhere will not be considered for publication in the Journal.

The author of a paper will sign a declaration to the effect that (i) the work submitted has been written by her/him; s/he takes public responsibility for the content of the paper; (iii) the content of the paper has not been published before in any referred journal or has not been submitted to such journal for publication; and (iv) s/he accords consent to the Asiatic Society of Bangladesh to publish the paper.

### BOOK REVIEW

Books sent to the journal for review should be given in duplicate.

## CONTENTS

|  |     |
|--|-----|
| <b>AN APPRAISAL OF VICTIM PROTECTION IN BANGLADESH</b><br>Hussain Mohammad Fazlul Bari   | 183 |
| <b>COLONIAL AND POST-COLONIAL POLICY ON MADRASAH<br/>EDUCATION IN BENGAL (1914-1964) : A HISTORICAL<br/>OVERVIEW ON “REFORMED MADRASAH SCHEME”</b><br>Md Abdullah Al-Masum | 207 |
| <b>ANALYSING THE REPRESENTATION OF GENDER IN A BENGALI<br/>TEXTBOOK FOR CLASSES IX-X FROM A POST-COLONIAL<br/>PERSPECTIVE</b><br>Pratiti Shirin                            | 243 |
| <b>DOMESTIC INPUTS IN BANGLADESH FOREIGN POLICY:<br/>A CRITICAL REAPPRAISAL</b><br>Md. Rezwanul Haque Masud  | 259 |
| <b>RECONSTRUCTING THE SHERPA IMAGE–CREATION OF THE<br/>SAHIB AND SHERPA IDENTITIES</b><br>Anjashi Sarkar   | 283 |
| <b>Book Reviews</b>  |     |
| <b><i>CASES ON MUSLIM LAW OF INDIA, PAKISTAN AND BANGLADESH</i></b><br>Md. Zakir Hossain   | 297 |
| <b><i>INTELLIGENCE, NATIONAL SECURITY, AND FOREIGN POLICY:<br/>A SOUTH ASIAN NARRATIVE</i></b><br>Niloy Ranjan Biswas  | 301 |

## **AN APPRAISAL OF VICTIM PROTECTION IN BANGLADESH\***

Hussain Mohmmad Fazlul Bari\*\*

### **Abstract**

Notwithstanding piecemeal and passive statutory recognition of the victims of crime, victims' right to meaningful access to criminal proceedings falls short of adequate protection. Our constitutional commitment to fair trial revolves around a cluster of procedural safeguards to the offender. The victims of crime enjoy no better protection under Code of Criminal Procedure 1898. Over the years a host of special legislations have been enacted to combat violence against women which also offer rather hazy victim protection scheme. The agencies of criminal justice system appears to be oblivious to the plight of the victims of crime. This article transpires that in absence of holistic legal as well as institutional framework protecting the witnesses and victims of crimes, victim justice still remains highly elusive in Bangladesh. It is thus emphatically argued that victims' rights should be high in the agenda of our criminal justice reforms. Consequently, an exhaustive legislation for victim and witness protection is urgently required.

### **Introduction**

Despite the episodic and passive recognition of the victims of crime in our national legislations, victims' right to 'meaningful access to criminal proceedings'<sup>1</sup> falls short of exhaustive protection. Our common law system provides more procedural rights to the offenders which make them more active and dominant in the judicial process.<sup>2</sup> Our commitment to fair trial in the constitution and international human rights instruments including International Covenant on Civil and Political Rights

---

\* The paper was presented in the Fifth Monthly General Meeting, Asiatic Society of Bangladesh on 21 June 2016.

\*\* Deputy Secretary at Law and Justice Division of Ministry of Law, Justice and Parliamentary Affairs, Bangladesh Secretariat, Dhaka.

1 Meaningful access to justice requires more than sporadic theoretical rights. It can be thwarted at every step by lack of information, resources, and support; by justice sector personnel not emphatic, or who seeks excessive fees; and by court room procedures that are intimidating and revictimise the victim and witnesses. See Nancy Hendry, "Remarks on Access to Justice for the Victim of Domestic and Sexual Violence", *Souvenir 2015*, Bangladesh Women Judges Association, pp. 48-50.

2 M. Shah Alam, *Bangladeshe Ainer Sangsker o Ain Commission (Legal Reforms in Bangladesh and Law Commission)*, (New Warsi Book Dhaka 2016), p. 122.

(ICCPR)<sup>3</sup> basically deals with a cluster of procedural safeguards to the accused. The victims of crime are typically excluded from taking a participatory role in the justice process other than to serve as lone witnesses. The Code of Criminal Procedure 1898<sup>4</sup> provides no better protection for the victims of crime. Over the years a host of special legislations have been enacted to combat violence against women which also offer hazy victim protection scheme. Though the victims need protection, safe accommodation, support, counselling and legal assistance, the agencies of criminal justice system are also often oblivious to the plight of the victims of crime and witnesses. In absence of holistic legal as well as institutional framework, victim protection still remains highly elusive in our criminal proceedings.

This article is based on both primary sources including statutes, rules, regulations, and secondary sources including books, journal articles, periodicals, reports and other sources from internet. It contains several sections. Following this brief introductory note, Part II sheds light on international concern for victim protection in justice system. Part III specifically deals with importance of victim protection in criminal litigation. Part IV reflects the rights of the victims of crime available in Code of Criminal Procedure and other special laws. It also makes a brief reference to the institutional scheme on victim protection. Part V discusses the multitude of challenges faced by victims of crime and witnesses in criminal justice system. Part VI offers recommendations for the better protection of victims and witnesses in criminal proceedings. Finally, a brief conclusion wraps up the discussion.

### **International concern for victim protection**

International human rights law has been explicit in specifying procedural rights of the accused that are necessary ingredients for fair trial discourse. In particular, access to justice is included in the catalog of human rights as enshrined in International Covenant on Civil and Political Rights (ICCPR) 1966.<sup>5</sup> The ICCPR, however, touches the basic procedural rights that are accorded to the offender alone. It does not specifically focus on the importance of the substantive and formal rights of victims in the context of criminal proceedings. Nevertheless, over the years there has been growing recognition at the international, regional and national levels of the relevance of highlighting the role of victims in criminal litigation. In

---

3 International Covenant on Civil and Political Right (ICCPR) 1966; available at <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>; last accessed 01.01.2016.

4 Act V of 1898.

5 International Covenant on Civil and Political Rights 1966, art. 14.

particular, in 1985 United Nations General Assembly adopted Basic Principles of Justice for Victims of Crime and Abuse of Power, which note that:<sup>6</sup>

- Victim should be treated with compensation and respect for their dignity.
- Victims are entitled to the mechanisms of justice and promote redress, as provided for by national legislation, for the harm they have suffered.

Accordingly, the United Nations prescribed the Model Witness Protection Law 2000 and the Good Practices for the Protection of Witnesses in Criminal Proceedings involving Organised Crimes 2008.<sup>7</sup>

Under the UN Convention against Transnational Organised Crime,<sup>8</sup> State - parties are also legally required to take appropriate measures to provide effective protection from retaliation or intimidation for witnesses who give testimony in cases involving transnational organised crime. In addition, under Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice,<sup>9</sup> adopted by the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, member - States recognised the importance of giving special attention to the need to protect witnesses and victims of crime and terrorism and committed themselves to strengthening, where needed, the legal and financial framework for providing support to such victims, taking into account, inter alia, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power 1985.

It is pertinent to mention that such declarations mostly fall within the ambit of soft international law bearing no direct legal obligation to the State- parties.<sup>10</sup> However, its persuasive importance cannot be readily brushed aside as the instrument was passed by overwhelming majority of member States. It is declared by the High Court Division (HCD) that the beneficial provisions and principles of international law can be resorted to and implemented in relevant cases unless they are contrary to the existing national laws.<sup>11</sup> In *Professor Nurul Islam v Bangladesh*<sup>12</sup> the HCD even

---

6 UN Resolution A/RES/40/34 of November 29, 1985; available at <http://www.un.org/documents/ga/res/40/a40r034.htm>; last accessed 01 January 2016.

7 Available at <https://www.unodc.org/documents>; last accessed 01 January 2016.

8 General Assembly Resolution 55/25, annex I, art 24; available at <https://www.unodc.org/documents>; last accessed 01 January 2016.

9 General Assembly Resolution 60/177; available at <https://www.unodc.org/documents>; last accessed 01 January 2016.

10 J. G. Starke QC, *Introduction to International Law*, (Aditya Books Butterworths 1994), pp. 52-55.

11 *Anika Ali v Rezwanul Ehsan* [2012] 17 MLR (AD) 49, *Hussein Mohammad Ershad v Bangladesh and Others* [2001] 21 BLD (AD) 69. See generally, Abul Hasanat, "Using

considered and applied non-binding instruments in the interpretation and application of domestic law.

In commensurate with the international standards, in many jurisdictions the victims of crime are fairly protected, assisted, restituted and compensated by appropriate laws and measures.<sup>13</sup>

### **Importance of victim justice in criminal proceedings**

Now-a-days, it goes without saying that right to fair trial involves consideration of a popular triangulation entailing the interests of the victim, the accused and the society.<sup>14</sup> In our criminal justice system, the victims of crime are generally left out from assuming participatory role other than to serve as mere witnesses.<sup>15</sup>

The victim of a crime plays a crucial role in the administration of criminal justice both as a complainant or informant and also as a witness for the prosecution.<sup>16</sup> Victim - protection is thus indispensable for restoring the confidence of the common man in the criminal justice system by protecting the innocent and the victim and by punishing unsparingly the offender. Likewise, restorative justice, which seeks to include the victim in the process in an effort to make an offender appreciate the significance of his crime, apologies and gain forgiveness is one approach that has also gained popularity.<sup>17</sup> Actually, restorative justice is far more concerned about the restoration of the victim and victimised community than costly punishment to the offender and it also elevates the importance of the victim in the criminal justice process through increased involvement, input and services.<sup>18</sup>

International Law in National Courts: Bangladesh Perspective”, *Bangladesh Journal of Law*, Volume 13, 2013, pp.49-72.

12 [2000] 52 DLR (HCD) 413.

13 For instance, Australian Witness Protection Act 1991, Canadian Witness Protection Program Act 1996, the United States Code, Chapter 73 provides for victim protection laws and schemes.

14 W. Morrison *et al*, *Common Law Reasoning and Institutions*, (University of London Press 2006), p.186.

15 Hussain M. F. Bari, “Plight of the victims of crime”, *The Daily Star (Law and Our Rights)*, 6 May 2014.

16 Law Commission, 108th Final Report on a proposed law relating to protection of victims and witnesses of crimes involving grave offences, available at <<http://www.lawcommissionbangladesh.org/reports.htm>>; Last accessed 01 January 2016.

17 David Ormerod, *Criminal Law*, (Oxford University Press 2008), p. 5. Also see G. Johnstone and D. W. Vannes, *A Handbook of Restorative Justice* (London 2006); available at [www.homeoffice.gov.uk/crime-victims/restorative-justice](http://www.homeoffice.gov.uk/crime-victims/restorative-justice); last accessed 01 January 2016.

18 See, K. I. Vibhute, “Justice to Victim of Crime: Emerging Trends and Legislative Models in India”. K. I. Vibhute (ed.), *Criminal Justice*, (Eastern Book Company Lucknow 2004), pp. 370-395.

Adequate protection of victims and witnesses plays a key role in the successful functioning of the Court, aiming to ensure that witnesses participate in and testify freely and truthfully without fear of retribution and further harm.<sup>19</sup> In principle, the Court is duty-bound to take appropriate measures for the safety, physical and psychological well-being, dignity and privacy of the victims and witnesses. It is also incumbent upon the State to ensure that victims who would be witnesses are adequately protected against threats and intimidation from the accused side.<sup>20</sup> It is true that not all petty offences require massive victim protection scheme. However, victim and witness protection is essentially required in trials of offenders involved in serious types of crimes.

For every crime committed, there are two victims: first sufferer is the society that sees violation of its laws that renders the peace of its citizens in jeopardy and the actual victim of crime endures an injury to person or property. According to C. K. Allen, a crime is a crime because it consists in wrongdoing which directly and in serious degree threatens the security or well-being of the society, and because it is not safe to leave it redressable only by compensation of the party injured.<sup>21</sup> Therefore, criminal justice system allows the State to play the prominent role in the prosecution of a criminal case. In our current system the public prosecutor takes centre-stage and represents the interests of the state in delivering justice and the actual victim of the crime is relegated to the role of witness for the prosecution.

There is no gainsaying that assistance to the victims of crime is of paramount importance because they have been subjected to irreparable loss as a result of crime. Adequate protection of witnesses and victims of crime is thus *sine qua non* for efficient investigation and prosecution of the offenders. The victim is an important player in the whole process of criminal justice system. Therefore, much attention be given to the rights, privileges and protection of the victims.<sup>22</sup> According to David Garland, it is imperative that individual victims must be kept informed, to be offered the support they need, to be consulted prior to decision making, and to be involved in the judicial process.<sup>23</sup> He also argued that the victims

---

19 Atwar Rahman *et al*, "Necessity of legislation for protection of witness in Bangladesh: A legal study", *Journal of Judicial Administration Training Institute*, Issue 14, 2015, p.26.

20 Eshanul Haque Shomaji, "Final Report on Proposed Amendments for Code of Criminal Procedure 1898", *unpublished work with support from UNDP*, p. 28.

21 C. K. Allen, "The Nature of a Crime", *Journal of Society of Comparative Legislation*, (1931, reprinted 2007), p. 233.

22 *Op. cit.*, note 16.

23 David Garland, *The Culture of Control: Crime and Social Order in Contemporary Society*, (Oxford 2009), p. 179.

must be protected, their voices must be heard, their memory honoured, their anger expressed, their fears addressed.<sup>24</sup>

However, some scholars question whether victim's active participation in criminal litigation blurs the distinction between civil and criminal proceedings. Some are also concerned about the possibility of increased sentencing disparity and bias based on victim attributes. Another conservative approach is that such victim protection scheme may incur additional costs to the justice system and it may ultimately procrastinate the proceeding.

In spite of such myopic concerns about the victim participation in criminal proceeding, while writing extra-judicially, Justice Hamidul Haque observed that ensuring the right to fair trial to both the accused and the victim is equally important for arriving at a fair decision.<sup>25</sup> He elaborated that an aggrieved person or a victim has also right to get justice as the right of a victim of rape or acid burn, for example, to get justice is no less important than the right of the accused to get fair trial, right of the victim to get protection is also not less important than the offender's right to defend.<sup>26</sup> The High Court Division has also emphatically laid down that:<sup>27</sup>

In a democratic country governed by rule of law, the government is responsible for ensuring free and fair trial not only to the accused but also to the victim of crime. It is also emphasised that the court is not only to see the right of the accused persons, but also to see that the victim of crime can have a trial free from all fear and insecurity.

Nevertheless, the criminal justice system has gradually recognised that its failure to grant victims a prominent role in the dispensing of justice. Actually, the continued functioning of the criminal justice system depends on victim cooperation both in reporting offences and in assisting the prosecution of crimes.<sup>28</sup>

Bangladesh Law Commission rightly points out that our criminal justice administration will assume a new direction towards better and quicker justice once the rights of the victims are recognised by law and restitution for loss of life, limb and property are provided for in the system.<sup>29</sup>

---

24 *Op. cit.*, note 23, at p.11.

25 Md. Hamidul Haque, "Some loopholes and deficiencies in the existing laws relating to trial of criminal cases", [2005] 25 BLD (Journal Section) 28.

26 Md. Hamidul Haque, "Victim's Compensation Right", *Souvenir 2015*, Bangladesh Women Judges Association, p. 35.

27 *Tayazuddin and another v State* [2001] 21 BLD 503 (HCD).

28 *State v Zakaria Pintu* [2008] 60 DLR 420 (AD).

29 Law Commission, 74th Final Report on a proposed law relating to protection of victims and witnesses of crimes involving grave offences; available at <http://www.lawcommissionbangladesh.org/reports.htm>; last accessed 1 January 2016.

There is now universal consensus that victim's participatory role in criminal proceeding will surely enhance the quality of justice. Only with an increased understanding of victims' emotional needs, criminal justice professionals will be offering better services that essentially address victims' needs and promote victim satisfaction within the justice process. Increased compassion for the rights of victims will lead to a higher reporting of crime and victim participation at trials and an increase in the system's ability to secure more convictions and seek adequate sentences. Accordingly, the Judge has an important role in protecting the rights of all which necessarily include the accused and the victim. It is expected that the scale of justice is balanced, not tilted in favour of one party or the other.<sup>30</sup>

Currently, two tribunals, established under the International Crimes Tribunal Act 1973, are in operation. The International Crime Tribunal-1 and the International Crime Tribunal-2 have separate rules of procedures of their own that offer adequate compatibility with the rights of the accused enshrined under Article 14 of the ICCPR. However, the paucity of provision for reparation of victims of crime has drawn the attention of the ICT. In particular, ICT-1 expressed grave concern for lack of victim protection in it.<sup>31</sup> In particular it held that there is no provision of victim - compensation in ICTA of 1973 nor in the Penal Code 1860. As such the Tribunal restrained to make an order against the accused for reparations to the particular victim of sexual violence. However, the Tribunal opines that all the victims including P.W-01, of sexual violence committed during the War of Liberation, 1971 should be adequately compensated and rehabilitated by the State itself without further delay.<sup>32</sup>

#### **Legal and institutional framework for victim protection**

Bangladesh follows the tradition of common law.<sup>33</sup> The British colonial rulers sanctioned the legal system in the Indian sub-continent on the basis of Mughal principles of Islamic laws, Hindu laws and common law perspective of justice, equity and fairness.<sup>34</sup> The Code of Criminal Procedure (V of 1898), the Penal Code (XLV of 1860) and the Evidence Act (I of 1872) along with few special laws laid the basic foundation of legal regime dealing with substantive offences and criminal

---

30 Nancy Hendry, "Remarks on Access to Justice for the Victim of Domestic and Sexual Violence", *Souvenir 2015*, Bangladesh Women Judges Association, pp. 48-50.

31 The Chief Prosecutor v A T M Azharul Islam ICT-BD 05/2013 (ICT-BD 1).

32 *Ibid*, p.154.

33 *Op. cit.*, note 2, p. 122

34 H. M. F. Bari, *An Appraisal of Victim Protection in Bangladesh*, (Asiatic Society of Bangladesh 2016), p. 2.

procedure that are followed in our criminal justice system.<sup>35</sup> Though a victim has the right to set the law in motion by lodging a complaint or first information report (*ejahar*), in essence the victim of crimes still retains no rights to be present, informed and heard, to have a voice in criminal litigation except to be a lone prosecution witness when being summoned by the Court.

***i. Victim protection under Code of Criminal Procedure***

In general, the Code of Criminal Procedure 1898 offers a host of rights to the victim of crime which may be summarised below:

- a) Lodging a lawsuit: A victim can lodge an information relating to the commission of a cognizable offence in black and white or orally to an officer in charge of a police station.<sup>36</sup> This is known as filing an *ejahar* in police case or general register (GR) case.<sup>37</sup> Similarly, a victim can file a complaint<sup>38</sup> to the Magistrate of facts which constitute an offence and the Magistrate can take cognizance of such offence accordingly after observing all legal formalities.<sup>39</sup> The Magistrate taking cognizance of an offence on a complaint shall at once upon oath the complainant and present witnesses including the victim.<sup>40</sup>
- b) *Rights and duties during investigation*: A police officer investigating an offence may examine orally any persons (which necessarily include the crime-victim) who are supposed to be acquainted with facts and circumstances of the case.<sup>41</sup> A Magistrate records the statement or confession of victims in the course of investigation after observing all legal formalities.<sup>42</sup>
- c) *Victim as prosecution- witness in police case*: It is worth-mentioning that in a complaint case (CR case) the complainant directly and actively participates in

---

35 Hussain M. F. Bari, "An Appraisal of Sentencing in Bangladesh: Between Conviction and Punishment", *Bangladesh Journal of Law*, Volume 14, 2014, p. 90. Also see Shahdeen Malik, "Perceiving Crimes and Criminals: Law Making in the early 19th century Bengal", *Bangladesh Journal of Law*, Volume 6, 2002, p. 59.

36 Code of Criminal Procedure 1898, s 154.

37 GR cases are those cognisable cases which are entered in the General Register in Form No. (R)3 (as found in Criminal Rules and Orders (Practice and Procedure of Subordinate Courts) 2009, Volume II, p. 44) in accordance with Rule 381(4) of Criminal Rules and Orders (Practice and Procedure of Subordinate Courts) 2009, Volume I.

38 *Complaint is the allegation made orally or in writing to a Magistrate, with a view to his taking action that some person has committed an offence, but it does not include the police report*: The Code of Criminal Procedure 1898, s 4(h).

39 Code of Criminal Procedure 1898, s 190(1)(a).

40 *Ibid.*, s 200.

41 *Ibid.*, s 161.

42 *Ibid.*, s 164.

the proceeding. However, in police case (GR case) he stands on a different footing as a mere prosecution witness. In CR case it is the individual responsibility of the complainant to produce his witnesses including the victim. However, in GR case it is the duty of the concerned police officer (prosecution) to ensure appearance of the witnesses including the victim.<sup>43</sup>

- d) *Oppose the offender's move*: In practice, the victim may oppose release of an accused on bail or release of any property seized during investigation, or oppose the prayer of accused in criminal revision, appeal and writs filed, but he has no status to be necessarily informed by Court, when such applications are filed by the accused.
- e) *Victim's lawyer to function under the direction of Public Prosecutor*: In sessions- trial, the Public Prosecutor has the authority to conduct the prosecution.<sup>44</sup> Though there is no clear statutory sanction in Code of Criminal Procedure, in practice the Assistant Public Prosecutors play the prosecutory roles in trials of cases at judicial Magistracy.<sup>45</sup> Public Prosecutors may plead in all Courts in police cases. However, if the victim engages a private lawyer to conduct the prosecution, such private lawyer is required to act under the directions of the Public Prosecutor.<sup>46</sup>
- f) *No withdrawal of police case*: A victim/ complainant can withdraw the complaint case at any stage of the proceeding.<sup>47</sup> However, victim/ informant cannot withdraw a police case as such.
- g) *Fine may go to the victim*: When a monetary fine is imposed as the sole or an additional punishment, the Court may, at its discretion, direct all or part be paid to the victim.<sup>48</sup> In cases where the state is the perpetrator, the Apex Court, exercising the writ jurisdiction for the violation of fundamental rights of the Constitution, sometimes order compensation to be paid by the state for certain crimes, including illegal detention and custodial torture.
- h) *Right of appeal*: There are two important rights of victim, after pronouncement of judgment. He may file a criminal appeal against the judgment of acquittal and also against inadequate sentence. The victim also has the right to receive compensation in appropriate cases.

---

43 *Ibid.*, s 171(2).

44 *Ibid.*, s 265A.

45 Police used to conduct the prosecutory role during trial of case in Magistrate Courts till 2007.

46 Code of Criminal Procedure 1898, s 493.

47 *Ibid.*, s 248.

48 *Ibid.*, s 545.

- i) *Protective framework under Evidence Act and Penal Code:* The Evidence Act 1872 clearly provides for court room protection of the witnesses by way of prohibiting indecent, scandalous and insulting questions put to the witnesses by way of cross examination.<sup>49</sup> Further, the Penal Code 1860 provides for punishment for committing criminal intimidation to any person which may necessarily include the witness and the victim.<sup>50</sup>

**(ii) Victim sensitive special laws**

Recent special legislative reforms clearly reflect the concern for the wellbeing of the victims of crime especially those who are subjected to offence relating to violence against women. For instance, the statutes listed below will indicate the sporadic legislative attempts aiming at protection of the victims of crime in our jurisdiction:

- (a) *Act for Suppression of Cruelty to Woman and Children*<sup>51</sup>: This statute is a special legislative step which offers victim protection in Bangladesh. The law aims to protect only women and children victims of crime including abduction, rape, sexual harassment etc. Various procedures are laid down in sections 13, 15, 16, 32, 33 & 33 of the said Act. For instance, section 20 (6) provides for trial *in camera* for the protection of privacy of rape victim and witnesses to the offences. Section 20(4) provides that the Court must take into consideration the interests of the victim while deciding the issue of custody of a victim. Section 22 makes provision for recording of the statements of the victim by the Judicial Magistrate. Section 31 provides for safe custody of the victims of crime in safe home.
- (b) *Act for Control of Acid*<sup>52</sup>: This law aims to protect the victims of acid -crime. Its preamble speaks about medical treatment, rehabilitation, legal aid to the victims. It also provides for compensation, examination of witness, chemical test, medical test of the victim. This statute contemplates formation of a council that will make fund available for treatment and rehabilitation of the victims of acid- crime. However, the government is responsible for establishing a rehabilitation centre. It also authorises the local officers to make arrangements for the treatment of acid -victims. It authorises the District Committee to make arrangement for legal aid to them. It also enjoins that any amount of fine realised from an offender shall be given as compensation to the survivors or her surviving heirs.

---

49 Evidence Act 1872, ss. 151, 152.

50 Penal Code 1860, ss. 503, 506.

51 Act VIII of 2000.

52 Act II of 2002.

- (c) *Acid Offences Act*<sup>53</sup>: This law provides for protection of victims of crimes. According to section 9, an acid victim is entitled to compensation from the convict. The Court is to realise the amount of money from the property of the convict. In case of death of the victim, such amount goes to her surviving heirs. The statute also dictates the government to establish rehabilitation centres.
- (d) *Law and Order Disrupting Offences (Speedy Trial) Act*<sup>54</sup>: This Act empowers the trial judge to direct the convict to pay appropriate compensation to the victim, be the victim state property, an organisation or any person.<sup>55</sup>
- (e) *Prevention of Human Trafficking Act*<sup>56</sup>: This Act provides for comprehensive victim and witness protection. To ensure justice and speedy trial, the Court may furnish any order including a protective order for the victim and witness. The Court may order for safe custody of the victim to government, non-government home or any other suitable place for the welfare of the victim. There is also a provision for trial *in camera* in appropriate cases. The unique feature of the Act is that court may take evidence of the victim by himself or on commission directly or through electronic way. Likewise, threat to witness is made punishable under this Act.
- (f) *Prevention & Protection of Domestic Violence Act*<sup>57</sup>: This Act also provides for adequate protection for the victim of domestic violence. According to section 10, upon a petition the Court may pass an order directing the opposite party not to obstruct the stay right of the victim in the house. Section 15 states that a victim shall have the right to stay in the joint house. The Court may also order for safe custody of the victim under the supervision of the enforcing officer in an appropriate situation. Under section 13, in appropriate cases the Court may pass a protection for the victim. According to section 16, in case of domestic violence, the court may award compensation order directing the opposite party to pay the same to the aggrieved person. According to section 23, with the consent of the parties or in the opinion of the Court the trial proceeding may be held *in camera*. According to section 6, Enforcement Officer is duty bound to take proper steps for arranging legal aid for the victim within the purview of Legal Aid Act.

---

53 Act I of 2002.

54 Act XI of 2002;

55 *Ibid.*, s. 4(2).

56 Act III of 2012.

57 Act of 2010.

- (g) *National Legal Aid Act*<sup>58</sup>: Though the National Legal Aid Act does not specifically mention about protection, rights and privileges of the victims of crime, in essence many beneficiaries of our legal aid program are victims of crime. The term ‘incapable justice seeker’ used in the statute necessarily includes the victim of crimes in criminal proceeding.<sup>59</sup>
- (h) *Children Act*<sup>60</sup>: In 2013 Bangladesh enacted the Children Act in view of Convention on the Rights of the Child 1989. The Children Act 2013 offers a new paradigm aiming at justice for children in Bangladesh. According to Children Act 2013, Children Court is given ample power to pass necessary orders for the better protection of the child victim. Some measures to reduce fear through the avoidance of face-to-face confrontation with the accused may be placed for the child victim. For instance, shielded testimony, *in camera* session, presence of parent or guardian as support for the child, withholding the identity of the child, evidence by video linkage etc. are few illustrative measures aiming at juvenile victim.<sup>61</sup> The Children Court may direct the convict (adult) to pay compensation to the child victim of crime in appropriate case. If the convict is child, the Court may direct his parent or guardian to pay compensation to the child victim.<sup>62</sup>
- (i) *Torture and Custodial Death (Prevention) Act*<sup>63</sup>: In furtherance of our adherence to Convention Against Torture, death and torture in custody is made punishable under Torture and Custodial Death (Prevention) Act 2013. Viewing the torture as serious infringement of fundamental human rights, the Act creates two core offences: firstly, torture by a law enforcement officer, punishable with at least 5 years imprisonment and a Taka 25,000 fine, and secondly, custodial death due to torture, punishable with life imprisonment and a Taka 100,000 fine. The Act applies to all law enforcement agencies and renders inadmissible various excuses for torture. The Act also provides for easy avenues of complaint and investigation. If a person brought before a Court complains of torture, the Court will immediately record the statement of the person, send a copy to the police and direct that a case be registered. The police must then complete the investigation within 3 months. The law further provides that victims or their families may apply to the Court for protection

---

58 Act VI of 2000.

59 Act VI of 2000, Preamble, s 2(a).

60 Act XXIV of 2013.

<sup>61</sup> *Ibid.*, s 55

<sup>62</sup> *Ibid.*, s 39

<sup>63</sup> Act LX of 2013.

measures. If a person is convicted, monetary compensation is available to the victims or their families.

**(i) Institutional framework for victim protection**

Under the auspices of the government, the One Stop Crisis Centre (OCC) and the Victim Support Centre (VSC) are providing support for the protection of the victims of crime. The Ministry of Women and Children Affairs in joint collaboration of other four ministries has established OCC for victims of violence that provide medical, legal and social services to victims in six divisional governmental hospital.<sup>64</sup> The functions of most of police stations and investigating agency in providing immediate support to the victim of crimes appear to be meagre due to plethora of reasons. The role of District Legal Aid Office (DLAO) in providing legal aid service to the victims of crime is praiseworthy. In addition, many Non- Governmental Organisations (NGOs) are actively working in safeguarding the victims of serious crimes. The Ain Salish Kendra (ASK), the Bangladesh Legal Aid Services Trust (BLAST, the Bangladesh National Women Lawyers' Association (BNWLA), and the Acid Survivors' Foundation (ASF) are popular NGOs working towards victim justice within their own terms and references.

**Major Challenges in victim protection**

Based on constitutional framework<sup>65</sup> and substantive vis-a-vis procedural laws, at least theoretically it can be termed that ours is founded on 'due process model' in contrast to 'crime control model'.<sup>66</sup> The criminal justice system in Bangladesh is based on the adversarial model. It predominantly focuses on the rights of the offender and is often blamed for its inertia and insensitivity towards victim protection.<sup>67</sup> It is often articulated that current criminal justice system rather places the victims in a passive position. The victims feel powerless and vulnerable; some

64 See generally Md. Abdur Rahim Mia, "Role of One Stop Crisis Centre (OCC) in Protecting Women's Rights: An Analysis with Special Reference to Rajshahi District", *Bangladesh Journal of Law*, Volume 11, 2011, pp. 149-174.

65 Constitution, arts 27, 33, 35 provide for provisions relating to procedural due process in criminal trials.

66 See L. H. Packer, "Two Models of Criminal Process", in George F. Cole (ed.), *Criminal Justice: Law and Politics*, Massachusettes, 1990, pp. 17-33. However, as failure of the law enforcing agencies to quickly apprehend and prosecute the real offenders for trial, long delay in disposal of cases, increasing costs of litigation and at times those give rise to lack of respect in the law and induces many to take the law in their own hand. See generally Kazi Ebadul Hoque, *Administration of Justice in Bangladesh*, (Asiatic Society of Bangladesh 2003), pp. 252.

67 Abdullah Al Faruque, "Victim Protection in Bangladesh: A critical appraisal of legal and institutional framework", *Bangladesh Journal of Law*, Volume 13, 2013, p. 33.

even feel twice victimised, first by the accused, and then by the justice sector officials who often overlook their concerns and needs. In particular, insensitive questioning by the police, inadequate provision of information, delays, or unexplained decisions by prosecutors to discontinue cases entail further suffering to the victims.<sup>68</sup> Criminal law, which reflects the social ambitions and norms of the society, is designed to punish as well as to reform the criminals; however it takes little notice of the victims of crime. In our jurisdiction, the poor victims of crime are entirely overlooked in misplaced sympathy for the criminal. A distinguished scholar thus pointed out that ‘the guilty man is lodged, fed, clothed, warmed, lighted and entertained in a model cell at the expense of the State, from the taxes that the victim pays to the treasury’.<sup>69</sup> In absence of legal and institutional victim protection scheme, our criminal litigation is bound to suffer.<sup>70</sup> The Appellate Division also found that rights of the victim in most of the cases have been ignored while granting *ad interim* bail to the accused.<sup>71</sup> The Law Commission rightly observed that absence of protection of victim and witnesses renders our justice system into jeopardy.<sup>72</sup>

Following challenges are apparent in the exercise of the rights of the victims of crime in our criminal justice system:

- (a) *Hurdles in instituting case*: In most countries including Bangladesh, officially reported crimes are only ‘the tip of the iceberg’ as many crimes go unnoticed and unreported to the machinery of law due to myriad of reasons.<sup>73</sup> It is not always easy to set the law in motion by instituting the case by a victim. In particular, stigma and other cultural barriers keep the women and girls from reporting sexual offences and seeking justice. Further,<sup>74</sup> accessing justice can be practically daunting and challenging for victims of gender based violence. Sometimes, the real culprit lodges First Information Report of the occurrence with concocted or different story to divert the attention of people and it causes hardship to the hapless victim in institution of FIR of cross case.<sup>75</sup> In practice,

---

68 Lucia Zender, *Criminal Justice*, (Oxford University Press 2004), p. 143.

69 K. D. Gaur, *Commentary on Indian Penal Code*, (Universal Law Publishing Co. 2006), p. 155.

70 Hussain M. F. Bari, “An Appraisal of Sentencing in Bangladesh: Between Conviction and Punishment”, *Bangladesh Journal of Law*, Volume 14, 2014, p. 112.

71 *Op. cit.*, note 28.

72 *Op. cit.*, note 17.

73 *Op. cit.*, note 16.

74 *Op. cit.*, note 30, p. 49.

75 Md. Hamidul Haque, “About First Information Report”, *Journal of Judicial Administration Training Institute*, Volume VII, 2008, pp. 7-15.

in many instances there is a procrastination tendency in registering the cases involving serious offences like dacoity, rape, extortion, human trafficking.

- (b) *Victim's challenges during investigation and pre-trial proceeding:* The victim has no right to withdraw a case at investigation stage. It is the exclusive domain of the investigating officer to conduct the investigation where the victim has nothing to do unless being called for by the investigating officer. Sometimes, the investigating officer refrain himself from recording the statements of the victim and the witnesses at the earliest opportunity. The statement of victim or other witness cannot also be recorded under section 164 of Code of Criminal Procedure by the Magistrate unless s/he is produced by investigating officer. Same is the position about holding Test Identification Parade (TIP) of person or property, forensic examination of any seized article or viscera etc. If the police submits the police report after investigation, result of the investigation is supposed to be transmitted to the informant in BP Form <sup>76</sup>. If the crime victim himself is not the informant, he remains unaware about the result of the investigation. In practice, the victim or the informant may not also receive notice about the police report. If the prosecution fails due to faulty investigation, the victim of crime never gets justice.

If the crime- victim is not the informant in FIR, s/he does not get information in the above mentioned matters. Therefore, after institution of FIR, the victim has no other alternative but to visit the Court every day to verify as to whether any bail application, release application or criminal revision against any order has been filed by accused.

- (c) *Uncomfortable testimony:* As stated earlier, a victim is a mere prosecution - witness in trial of cases where s/he can provide a testimony if s/he is summoned by the Court. In most cases, the victim and other witnesses lost enthusiasm to depose during trial that usually takes place after long time. Sometimes the prosecution side may fail to produce the prosecution - witnesses including the victim as their present trace and location change. More so, in some heinous crimes including offence relating to violence against women, the victim is often compelled to offer obliging evidence in favour of the accused due to some 'local compromise'. Lack of protective measures for the witnesses is obviously a major concern in our paralysed trial system. In practice, many a time hardened -criminals and gangsters hold out threats to the victim and witnesses not to lead evidence. In certain cases, the victim feels uncomfortable while giving answers in the immediate presence of the offender. Further, many victims of crime relating to violence against women become vicious target of

---

76 Police Regulations of Bengal 1943, BP Form 40, 40A.

further psychological assault by way of unhealthy cross-examination by the defence lawyer. Law Commission observed that victims of sexual violence feel uncomfortable to depose in open trial proceeding.<sup>77</sup> Though many special laws provide for trial *in camera*, the judges rarely resort to such protective measures.

- (d) *Rare utilisation of compensation order*: According to the Code of Criminal Procedure, when a monetary fine is imposed as the sole or an additional punishment, the court may, at its discretion, direct all or part be paid to the victim.<sup>78</sup> In practice, such power of sentencing judges is sparingly exercised, and even if it is, compensation amount is poor. In many cases, the courts order for compensation considering the number of dependents of the deceased and capacity of the accused to pay. However, if there is an acquittal or if the offender cannot be apprehended, there is no opportunity for victim compensation. That is, the status of victim for the purpose of compensation solely depends upon the determination of guilt. In cases where the state is the perpetrator, the Supreme Court, exercising the writ jurisdiction for the violation of fundamental rights, very rarely order compensation to be paid by the state for certain crimes. Nevertheless, such avenue for providing compensation to the victim remain largely unused perhaps due to insensitivity of judges towards victims.<sup>79</sup> The Law Commission rightly pointed out that the victim's right to get justice, protection and compensation to cover the loss sustained by him is not less important than the right of the accused to defend him.<sup>80</sup> Justice Krishna Iyer emphatically identified that victim reparation is still the vanishing point of criminal law in this region and this is a deficiency in the system which must be rectified by the Legislature.<sup>81</sup>
- (e) *Victim term is not defined in law*: Victims have long played a secondary role in criminal trials. Several pieces of national legislation utilise the term "victims" without defining it.<sup>82</sup>

---

77 *Op. cit.*, note 29.

78 Code of Criminal Procedure 1898, s 545.

79 Abdullah Al Faruque, "Goals and Purposes of Criminal Law", *Bangladesh Journal of Law*, Special Issue, 2007, p. 1.

80 Law Commission, 75th Final Report on a proposed law relating to payment of compensation and other reliefs to the crime victims; available at <http://www.lawcommissionbangladesh.org/reports.htm>; last accessed 01 January 2016.

81 *Rattan Singh v State of Punjab* [1980] AIR 84 SC (India).

82 For instance, UN Declaration of Basic Principles of Justice for Victim of Crime and Abuse of Power defines victim as 'persons who individually or collectively have suffered harm including physical and mental injury, emotional suffering, economic loss,

- (f) *Absence of victim's voice during trial:* In our jurisdiction, victims are often reluctant to participate in the justice process due to the fear of re-victimisation, fear of retaliation by the accused, a general lack of knowledge or notification of their right to present their arguments and finally very poor conviction rate in criminal cases. It can be argued whether a judge can take a proper view in sentencing if he cannot juxtapose the accused and victim through the balanced scale. The prosecutor, being appointed on *ad hoc* basis, may not fully aware of the sufferings and agony the victim has undergone. Many victims will receive psychological healing if he is allowed to present 'victim impact statement' during sentencing. Absence of sentence hearing is also a challenge of our criminal proceeding.<sup>83</sup>
- (g) *Absence of an exhaustive law:* A widespread concern has been raised over the lack of rights and protection of the victims and witnesses.<sup>84</sup> At present, there is no specific law on the protection of victim and witnesses in Bangladesh. However, in *BNWLA v Government of Bangladesh*<sup>85</sup> The High Court Division observed that the government shall take immediate steps to enact law for introduction of witness and victim protection system for effective protection of victims and witnesses of sexual harassment as well as the people who come forward to resist sexual harassment. Further, Law Commission in its reports strongly advocated for enactment of legislation on protection of victims and witnesses.<sup>86</sup>
- (h) *Absence of plea bargaining and restorative justice:* Unlike other standard legal systems we have no plea bargaining stage. In absence of legal framework of plea bargaining, there is little institutional space for settling the occurrence in between the accused and the victim. Though there is scope for compounding of offences at a later stage of trial, the victim has very feeble voice to have his grievance compromised under the existing system. Though in recent time restorative justice paradigm has been gaining currency with academia and NGO workers, in absence of specific legal framework such avenue can never be fully explored for the benefit of the victims of crime.

---

or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws'.

83 *Op. cit.*, note 69; Also see, M. Imman Ali, "Sentenced without a hearing", *Journal of Judicial Administration Training Institute*, Volume 8, at p. 16.

84 *Op. cit.*, note 29.

85 Writ Petition No. 8769 of 2010 (HCD).

86 Law Commission, *Op. cit.*, note 16, 29,80.

- (i) *Sporadic victim protection in special laws*: Though few special laws often refer to sporadic victim and witness protection, these provisions appear to be mere marginal and hence insufficient in absence of exhaustive legal and institutional framework. The justice sector agencies including the judges also seem to be lukewarm in resorting to such protective measures aimed at victims and witnesses.
- (j) *Oblivious justice sector professionals*: In practice, justice sector agencies are often indifferent to the plight of the victims in implementing the existing laws affecting their rights and well-being. The officials are either ill-equipped or have little idea about the development, trend, scope and sensitisation regarding concerns of the victims. Paucity of funding in government institutions is also a challenge in giving adequate protection to the victims of crime.
- (k) *Poor institutional scheme on victim protection*: Though many actors are working in victim protection, the existing legal and institutional framework on victim protection is inadequate and has not also developed in a coherent fashion.<sup>87</sup> The Government initiatives do not appear to be adequate, both the institutions work mostly at capital with poor facilities and equipment. They are not immune from institutional maladies as well. District Legal Aid Office can be highly explored in this regard.<sup>88</sup> National and regional committees on victim protection as contemplated in special laws have not been either fully formed or their actions are yet to be clearly visible. Abdullah Al Faruque *et al* observed that the victims are not getting full support and protection according to their needs.<sup>89</sup> The role of Non-Government Organisations (NGOs) in protecting the victims of crime is praiseworthy; nevertheless, there is still room for greater collaboration and continuous development.
- (l) *Huge resource required*: There is no denying that active victim support scheme may require huge financial involvement from state exchequer. Nevertheless, now-a-days victim compensation is neither the sole liability of the offender nor does it depends on the determination of guilt of the offender. Rather, a democratic society should necessarily compensate the victims of grave crimes like murder, rape, kidnapping, decoity, human trafficking, custodial torture and illegal detention etc. A State adhering to rule of law can

---

87 *Op. cit.*, note 66, p. 48.

88 H. M. F. Bari, "Elusive Victim Protection in Criminal Litigation: Legal Framework and Challenges", *Chancery Law Chronicles*, 2015, at <<http://www.clcbd.org/journal/14.html>>; accessed 01 January 2016.

89 *Op. cit.*, note 67, p. 47.

in no way skew the victim protection and rehabilitation scheme for long. However, resource allocation for such scheme is a huge challenge for an emerging economy like ours. In this regard, donor agencies may come forward to accelerate victim justice.

- (m) *Dearth of legal scholarship and empirical data:* In Bangladesh there is scarcity of legal scholarship and relevant empirical data on impact of the lack of victim protection in our criminal proceedings. It is mentionable that the Law Commission in its couple of reports tried to assess the necessity of victim and witness protection and proposed the draft law. However, no statute on the basis of such reports has been enacted yet. Though Atwar Rahman *et. al.* opined that the Law Commission proposed draft - legislation does not provide for comprehensive scheme,<sup>90</sup> in my opinion, the observations, findings and draft law proposed by Law Commission appear to be fair enough to set the victim justice in motion in serious crimes given the practicality of the available human resource and financial liability involving the issues.

#### **Key Recommendations**

In view of the above challenges in victim and witness protection in Bangladesh, the following recommendations can be offered:

- (a) The victim, no less than the offender, bears a germane interest in seeing the imposition of a just penalty to the offender. In Bangladesh the victims of crime and witnesses are often denied fair participation in the justice system. Therefore, review of existing procedures and laws for dealing with victims of crime is urgently needed. Obviously, the victims of crime require legal entitlement to participate in proceedings as a matter of right. It is imperative that a national policy for victim assistance and protection in our criminal jurisdiction is drafted.<sup>91</sup> In particular, certain rights and protection of victims and witnesses should, therefore, be granted by enacting an exhaustive law. In this connection, the draft reports of Law Commission may be under consideration for the policy makers.
- (b) The provisions of criminal law be amended in a way that after receiving any information of occurrence of heinous crimes from any person other than the crime- victim, the officer-in-charge of the police station, shall enter such information in the station diary and proceed to search and take statement of victim of crime immediately. It may form the basis of First Information Report

---

90 *Op. cit.*, note 19, p. 30.

91 *Op. cit.*, note 16.

(FIR) after initial scrutiny. It will thus prevent the accused and their cohorts to institute the concocted case who in practice often try to divert the course of law by bypassing the hapless victim and their relatives. It will ultimately accelerate the victim's access to justice and fair treatment in criminal justice system.

- (c) The officials working in various agencies of the criminal justice system should be more receptive to the needs of the victims of crime and address their issues sincerely and empathetically. In particular, initial compassionate and prompt response from the officials, participatory voice of the victims and rehabilitation scheme of the most vulnerable of victims should be high in the reforms-agenda of the mainstream criminal proceeding. Specifically, immediate medical, psycho-social support and fair treatment to access to justice for victims should be structured, systematic, free of charge, easily accessible and available beyond the immediate post-occurrence period.
- (d) All criminal justice officials should be well-versed with existing legal and institutional scheme on victim protection. They should work together to develop creative methods to generate public awareness to alert the victims about their rights available in law. It is also necessary that criminal justice professionals working with the crime- victims have a complete and thorough understanding of the devastating effects of crime on its victims.
- (e) Some measures to reduce fear through the avoidance of face-to-face confrontation with the accused may be in place especially for the victim of heinous crimes like rape, abduction, trafficking, dacoity etc. For instance, shielded testimony through the use of a screen, curtain or two-way mirror; removal of the public from the courtroom (*in camera* session); presence of an accompanying person as support for the witness and use of statements of victim made under section 161 of the Code of Criminal Procedure etc. should be accommodated during trial. In this way the victims and witnesses will feel assured to narrate the entire occurrence in a free atmosphere at Court without any fear or embarrassment. It will essentially work as a psychological healing for the crime- victims.
- (f) Currently, the judicial discretion in allowing compensation to the victim is very rarely exercised by the judges. Suggestion may be advanced that the trial judge is to assign specific explanatory note in his judgment as to why an order for compensation is not given in a judgment convicting the accused for more than 02 (two) years. Accordingly, the Criminal Rules and Orders (Practice and Procedure for Subordinate Courts) 2009 may be amended containing such directives.

- (g) It is necessary for taking legal steps to minimise the inconvenience to victims, protect their privacy where necessary and ensure their safety as well as that of their relatives and witnesses on their behalf, from intimidation and retaliation. The victims of rape, sexual harassment etc. should also be protected from being overly exposed in the media. The distinction between investigating journalism and media trial should always be maintained.<sup>92</sup> Medical examination of rape victim should be conducted by the female medical officers. Investigation of crimes involving rape, other violence against women and girls etc. should preferably be done by the female investigating officer. Likewise, examination of female victim under section 22 of the Act for Suppression of Cruelty to Woman and Children should preferably be conducted by the female Judicial Magistrates.
- (h) Bangladesh can in no way readily ignore victim compensation for want of resource allocation. It is rather expected that a State owes an obligation of providing state - compensation to victims of serious crime, whether the offender is apprehended or not, convicted or acquitted. Thus, an exhaustive victim compensation scheme will be in order. Accordingly, a victim compensation fund is to be administered possibly by an autonomous quasi-judicial body. It should provide for the scaling of compensation in view of gradation of offences for the guidance of the Court. It may specify offences in which compensation may not be granted and conditions under which it may be awarded or withdrawn. There must be a provision to compensate the crime-victim if the prosecution fails due to laches in investigation and the State can reimburse itself by realizing the amount of compensation from the delinquent officers. Review of the availability of existing resources to meet victims' needs and the capacity of existing agencies to provide effective protection and assistance to victims of crime is also needed. Accordingly, required budgetary allocation should be in place.
- (i) Due to the transnational effects of acts of terrorism, human trafficking etc., it has become increasingly important to establish cross-jurisdictional links that facilitate the functioning of victim support mechanisms in appropriate cases.
- (j) Legislation may be amended for providing crime victims the right to submit victim impact statements at the time of sentencing in heinous offences punishable with more than 5 (five) years' imprisonment.

---

92 See, Hussain M. F. Bari, "Legal Aspects of Media Trial in Bangladesh: Free Press versus Fair Trial Dilemma", *Bangladesh Journal of law*, Volume 13, 2013, pp. 89-104

- (k) In addition to legal aid services, Government and non-governmental organisations require to be pro-active in providing both emergency and prolonged medical, psychiatric, psychological and social services to the victims of crime.
- (l) The Office of the Ombudsman for Victims of Crime may be established with clear mandates so that it can spearhead victim justice in our jurisdiction.
- (m) A Victim Justice Centre should be established in each district keeping in view the aspects of restorative justice paradigm which will in turn improve the quality of justice. It may ultimately reduce the huge backlog of criminal cases.
- (n) More shelter homes should be established for the women and children victims of serious crimes.
- (o) Co-ordination among various ministries and agencies is also important for ensuring victim justice.

### **Conclusion**

Though active participation of victims of crime and witnesses is crucial for successful prosecution and trial of criminal cases, the criminal justice system in Bangladesh lags behind international standards for protection, compensation, restitution and rehabilitation of victims and witnesses. There has been widespread concern about the the lack of rights and protection of the victims and witnesses in our legal regime. Though we are constitutionally committed to speedy and fair trial, the balance between the rights of the accused and of those of the crime- victim appears to be lopsided in favour of the offender.

Our legal and institutional framework for the protection of victims and witnesses appear to be sporadic, piecemeal, passive, and hence inadequate. It may be noted that victim protection was not a prominent issue 150 years ago when British colonial rulers imposed the modern criminal law in this region. With the passage of time, advancement in human value, philosophy and technology, exhaustive review of Penal Code 1860, Code of Criminal Code 1898 and Evidence Act 1872 may be under serious consideration aiming at paradigm shift in balancing the scale of justice.

Despite the challenges as indicated above, the investigators, prosecutors, judges and probation officials still require to be pro-active in accelerating victim justice within the framework of existing legal regime. In particular, an exhaustive statute for the protection of victims and witnesses is urgently required. The raising voice of the victims in criminal litigation, state sponsored compensation scheme, quick and

compassionate response of the justice sector officials to the concerns of the victims, collaborative efforts of the Government and Non-Governmental Organisations and creative intervention of the judiciary will surely ameliorate the current dismal status of the victim protection in our jurisdiction. A victim protection scheme should provide a full range of physical protection, psychosocial support, compensation and rehabilitation to the victims thereby creating a conducive environment to report the cases and to follow the criminal proceedings accordingly. It is a key to ensuring access to justice which in turn combats impunity of the perpetrators of crimes. More participatory role of the victims of crime will ultimately enhance the quality of criminal justice in Bangladesh.

**COLONIAL AND POST-COLONIAL POLICY ON  
MADRASAH EDUCATION IN BENGAL (1914-1964):  
A HISTORICAL OVERVIEW ON “REFORMED  
MADRASAH SCHEME”**

Md Abdullah Al-Masum\*

**Abstract**

This paper looks into the colonial and post-colonial policy of *madrasah* education reform, and its impact on Muslim society in Bengal. It reviews how the British Government took various plans on Madrasah education from the eighteenth to the early twentieth century to adapt with the modern education system. Notable among the plans included the establishment of Calcutta Madrasah (1782) and the *Mohsinia* Madrasahs (donated by ‘mohsin fund’ in 1873-74), and initiating the Middle Madrasah Scheme (1905), and the Reformed Madrasah Scheme (1914). I argue that despite various measures taken by the British colonial administration, the initiatives for modernizing the *madrasahs* achieved limited success. The only exception was the Reformed Madrasah Scheme, which was an innovation for enhancing the education of the Muslims of Bengal and India. The paper then addresses the concerns over the linkages between *madrasah* education and violent extremism in Bangladesh. The paper takes a historical approach and relies on archival materials, including educational commission reports, official records, and secondary analyses.

**Introduction**

Reform of ‘Madrasah’ education is one of the most focused issues regarding recent education reorganization movement in Bangladesh. In this context, the present Western World together with a section of intellectuals in Bangladesh thinks that the students educated in *madrasah* are responsible for terrorism. For this reason, *madrasah* education needs reforms for national and international security. However, it is observed that personalities who were educated under ‘Reformed Madrasah Scheme’, introduced by the Colonial government in Bengal in 1914, played a peaceful role and leadership in worldly life in Bengal and India. The ‘Reformed Madrasah Scheme’ made English language compulsory and excluded Persian language with the aim of elevating the *maktab* and *madrasah* to the standard of modern institutions. As a result, the popularity of modern English

---

\* Professor, Department of History, University of Chittagong, Bangladesh

education system gradually increased among the Muslims in Bengal. But this reformed system of *madrasah* education was changed after the British colonial period (post-1947). Under this circumstance in 1964, the East Pakistan government abolished the reformed scheme for different reasons. In this paper, a comprehensive review of the colonial and post-Colonial policy of *madrasah* education reform in Bengal has been presented. It has also focused on the success of Reformed Scheme achieved in the field of development and modernization of *madrasah* education in Bengal with the help of public-private efforts. Finally, whether *madrasah* education is an impediment to the worldly life or a threat to the social security in the context of Bangladesh has been evaluated.

### **Madrasah Education in the Middle Ages**

The word *madrasah* is extracted from the Arabic language which refers to a place or centre for Islamic teaching and research. In essence, *madrasah* is a seat of learning which plays a role in the dissemination of knowledge. During the Muslim age (1204-1757), the *madrasahs* of Bengal, generally were institutes for traditional Islamic higher education. *Madrasahs* providing lower education were known as *maktab*, where primary level of education was given on religious basis. At that period *maktabs* and *madrasahs* of Bengal were run privately and to achieve knowledge was considered by each and every Muslim man and woman to be their religious obligation or the means to satisfy the Creator.<sup>1</sup> The Muslim rulers, *amirs* and courtiers, *sufis*, *ulema*, *zamindars* or wealthy men of Bengal were devoted to education and they involved themselves in the activities of developments and spread of education, in many ways. As a result, a huge number of *maktab-madrasah centres* of education were instituted in different parts of the country. All these *maktabs* and *madrasahs* used to grow mainly keeping the mosques, places of worship, as their nuclei. According to the Provincial Committee of Bengal of the Indian Education Commission (1882), in the whole country there was no such

---

1 In Islam, education is compulsory for all. It is also mentionable that the first direction from God is to read in the names of the Creator who created the human beings and whole universe. *Al Quran*, *sura* no 96, sentences 1-5, *sura* no. 39, sentence 9. In this context, William Adam (1796-1881), a famous Scottish missionary said in his reports (1835-1838), "... many private Mahomedan schools begun and conducted by individuals of studious habits who have made the cultivation of letters the chief occupation of their lives, and by whom the profession of learning is followed, not merely as means of livelihood. But as a meritorious work productive of moral and religious benefit to themselves and their fellow creatures." James Long (ed.), *Adam's Reports on Vernacular Education in Bengal and Behar, Submitted to Government in 1835 1836 and 1838: With a brief view of its present condition*, Calcutta: Home Secretariat Press, 1868, p. 215.

mosque where education centre had not been established.<sup>2</sup> When the country went under British rule, in the eighteenth century, there were 80,000 *madrasahs* in Bengal, on an average one *madrasah* for every four hundred persons, functioning efficiently, maintaining high standard of teaching and offering a high degree of intellectual training with large funds for their maintenance and smooth functioning.<sup>3</sup> To keep these educational institutions i.e. *maktabs-madrasah* operational Muslim rulers, *zamindars* or noblemen used to donate land free of tax. Since no fee was imposed on the students, all section of people, wealthy or poor, got a chance to educate their offsprings.<sup>4</sup>

Persian was the state language, and the medium of instruction in Bengal. Arabic was also taught in higher education and teaching of Urdu was included in the education system of the Muslims since the 17<sup>th</sup> Century.<sup>5</sup> Moreover, Bengali (language of Bengal) used to be taught at the primary stage. According to one Chinese diplomat, Ma Huan, who was visiting Bengal during the 15<sup>th</sup> century, Bengali was the language of general masses, Persian was the court language, and Arabic was the language for religious pursuits.<sup>6</sup> The Muslims of Bengal as well as Indian subcontinent introduced the *Darse Nizamiya* (syllabuses of Nizamiya University at Baghdad) following the pattern of education of their predecessor, the education system in vogue during the period (750-1258) of Caliphs of Baghdad.<sup>7</sup>

---

2 Education Commission: Report by the Bengal Provincial Committee with Evidence taken before the Committee and Memorials Addressed to the Education Commission Calcutta: The Superintendent of Government Printing, 1884, p. 51.

3 Abul Barkat, Rowshan Ara, M. Taheruddin, Farid M Zahid and Md. Badiuzzaman, *Political Economy of Madrassa Education in Bangladesh: Genesis, Growth, and Impact*, Dhaka: Ramon Publishers, 2011, p. 62; Please also see, James Long (ed.), *Adam's Reports*, pp. 18-19.

4 W.W. Hunter, *The Indian Musalmans*, Reprinted from the First Edition Lahore: Premier Book House, 1964, 137-138. Obidullah al Obaidi, 'Muhammadan Education in Bengal', *The Bengal Magazine*, January 1873, p. 307.

5 *Report of the Moslem Education Advisory Committee*, Alipore: Bengal Government Press, 1934, p. 72.

6 Abul Barkat et. al., *op. cit.*, p. 62. N.K. Bhattasali, *Coins and Chronology of the Early Independent Sultans of Bengal*, Cambridge: W. Heffer & Sons, 1922, p.170.

7 Azizul Huque, *History and Problems of Moslem Education in Bengal*, Calcutta: Thacker, Spink and Co., 1917, p.2. During the late Abbasid period(750-1258), the Seljuk vizier Nizam al-Mulk created the first major official academic institution known in history as the Madrasah Nizamiyyah, based on the informal *majalis* (sessions of the shaykhs). However, the first universities in the modern sense, namely institution of higher education and research ,which issued academic degrees at all levels(bachelor, master, and doctorate), were medieval *madrasahs* known as Jami'ah founded in the 9<sup>th</sup> century. The University of Al Karaouine in Fez, Morocco is thus recognized by the

But in the eighteenth century, the *Darse Nizamiya*, introduced by Mollah Nijamuddin (1677-1749) of Lucknow, started to replace the former *Darse Nijamiya* of Baghdad, in the subcontinent.<sup>8</sup> This system of education became popular from Bengal to Peshawar (presently in Pakistan) and its standard was well recognized.<sup>9</sup> The Scottish Missionary William Adam (1796-1881) highly appreciated the standard of Arabic higher education introduced during the Muslim period in his report (1835-1838) and said that the whole of the curriculum of Arabic *madrasah* was incorporated, very precisely, with the research based materials of metaphysic to achieve high quality of knowledge for the students.<sup>10</sup> General Sleeman, a renowned contemporary English scholar, also praised higher education of the Muslims in India and observed that the way the Muslims progressed in terms of higher education was rarely found in the case of any other communities of the world.<sup>11</sup>

#### **The State of Madrasah Education during the Early Colonial Period**

In 1757, the traditional education system started to change in Bengal after the loss of the Muslim's political power to the English East India Company in the Battle of Palassey. Since then, Arabic and Persian were replaced with English and other indigenous languages. Due to loss of political power, the Muslim rulers, *amirs*, courtiers and nobles lost the administrative and economic support and as a result the sources of income for the *maktabs* and *madrasahs* narrowed and that education system faced so challenges that it was eventually ruined. The fall of Muslim *zamindars* and barons was caused due to introduction of various policies of the Company such as the Permanent Settlement and declaration of forfeiture of tax free properties (*lakheraj*) by Lord Cornwallis in 1793. Innumerable *maktabs* and *madrasahs*, consequently were closed forever. Due to change of Lakheraj property (donated land free of revenue for religious and educational purposes) into government property in 1793, about 1,00,000 primary *madrasahs* were forced to

---

Guinness Book of World records as the oldest degree granting university in the world with its founding in 859 by the princess Fatima al-Fihri. See, Abul Barkat et. al., *op. cit.*, p. 62.

8 *Report of the Moslem Education* 1934, p. 72.

9 Mahmud Husain et al. (eds.), *A History of the Freedom Movement*, Vol. II, 1831-1905, Part 1, Karachi: Pakistan Historical Society, 1960, p. 177.

10 James Long (ed.), *Adam's Reports (1835-1838)*, p. 215.

11 W.H. Sleeman, *Rambles and Recollection of an Indian Official*, Vol. II, London: J. Hatchard & Son, 1893, pp. 270-271.

close down.<sup>12</sup> This is because the wealthy Muslims managed those *madrasahs* mainly depending on the income fetched out of those tax-free lands.<sup>13</sup> In this context, William Hunter (1840-1900), a British civilian, said “Hundreds of ancient families were ruined, and the education system of the Musalmans, which was almost entirely maintained by rent-free grants, received its death-blow.”<sup>14</sup> To continue the higher education institutions i.e. *madrasahs* under the circumstances was difficult for them, though the Muslims tried and succeeded in keeping alive the primary education of *maktabs* for some time.

After taking over the rule of Bengal by the East India Company, the English did not pay attention to education of people in Bengal for half a century. Moreover, it was considered to be damaging for the empire and against the interest of the company to give any kind of education to the people of this country.<sup>15</sup> As a commercial organization, the primary goal of the East India Company was generating more revenue and caring less about social welfare.<sup>16</sup> As the Persian language was in use in the Law Court till 7<sup>th</sup> March 1835, the Company Government felt it mandatory to produce intellectuals skilled in Persian language. Consequently, some of the administrators of the Company patronized Arabic, Persian and Sanskrit learning personally. Under this circumstance, in 1780, the Governor General Warren Hastings established the “Calcutta Madrasah” for the first time on his own expenditure based on appeal raised by a group of distinguished Muslims.<sup>17</sup> In 1781 the Company Government took over the administrative responsibility of this institution on its own. From this time the reform of *madrasah* education started under the management of the Government.<sup>18</sup> In accordance with the new rules for *madrasah* education the first public

---

12 Abul Barkat et. al., *op. cit.*, p. 63.

13 Syed Ameer Ali, ‘Mussalmaner Sarbhahnas’ (Totally ruined of Mussalmans), *Nabnur* (A monthly periodical), Vol.8, Argoyhayan, 1312 (Bengali year), pp. 365-379.

14 W.W. Hunter, *op. cit.*, p. 139.

15 Education Commission: Report by the Bengal Provincial Committee 1884, p.3. Syed Mahmood, A History of English Education in India, Its Rise Development, Progress, Present Condition and Prospects (1781 to 1893), Aligarh: M. A. O. College, 1895, p.2.

16 Warren Hastings, *Memories Relative to the State of India with an Introduction* by Anil Chandra Banerjee, First Indian Education, Calcutta: M. L. Ghosh & Co., 1978 (First Published, 1786), pp. 23-30.

17 S. C. Sanial, ‘History of the Calcutta Madrassa’, *Bengal Past and Present* (Journal of the Calcutta Historical Society), Vol. VIII, January-June 1914, pp. 83-84. Please also see, H. Sharp (ed.), *Selections from Educational Records Part 1, 1781-1839*, Calcutta: Superintendent Government Printing, 1920, pp.7-8.

18 ‘Minute by the Governor-General, Warren Hastings, dated the 17<sup>th</sup> April 1781’, H. Sharp (ed.), *Educational Records*, pp. 7-8.

examination was held on 15<sup>th</sup> August 1821.<sup>19</sup> At that time few other *madrasahs* took part in that examination system with a hope to get Government aid and employment.<sup>20</sup> Thus, from this point of time *madrasah* education continued to develop in two ways- public and private. Besides, a medical class, headed by Dr Breton, Professor of Medicine, was started at this Madrasah in 1826 for the first time in British India. Breton was authorized to purchase a skeleton and collect medical books. An anatomical work published by John Taylor was arranged to be translated into Arabic. The medical class continued here till the establishment of Calcutta Medical College in 1836. However, the students of the Madrasah were allowed to study medicine at Calcutta Medical College. This speaks for the high standard of education at the Madrasah in those days.<sup>21</sup>

On the other hand, right from the last half of eighteenth century, the establishment of private English medium education institutions started in different places of Bengal by the Christian missionaries, Company and indigenous Hindu merchants. In 1817 it was inevitable to establish Hindu College especially because of the increase of interest for learning English among Bengali Hindus.<sup>22</sup> At that time though there was an attempt to introduce English in *madrasah* education in Calcutta Madrasah, it failed because of the apathy of Muslim aristocrats and lack of proper guardianship on the part of the Government. But at that time the demand for *madrasah* diminished as the use and demand of English were increasing in various fields of the country and society.<sup>23</sup> The necessity of *madrasah* education for government officials ceased when English was declared as the language of law courts in 1835 and the medium of instruction in place of Persian in 1837.<sup>24</sup> The

---

19 Muhammad Azizul Huque, *Moslem Education in Bengal*, pp.7-8. Thomas Fisher, 'Memoir on Education of Indians', *Bengal Past and Present*, Vol. XVIII, January-December, 1919, 78. H. Sharp (ed.), *Educational Records*, pp. 36-37. S. C. Sanial, 'History of the Calcutta Madrassa', pp. 89- 93.

20 *Calcutta University Commission 1917-19*, Vol. I, Calcutta: Superintendent Government Printing India, 1919, p.170.

21 Abul Barkat et. al., *op. cit.*, p. 64. Also see, *Calcutta University Commission 1917-19*, Vol. II, p. 110.

22 Jogesh Chunder Banerjee, *Lord Macaulay and Higher Education in India: Address delivered at the Thirty -Fifth Anniversary of the Death of David Hare*, Calcutta: Stanhope Press, 1878, pp.7-9.

23 *Calcutta University Commission 1917-19*, Vol. II, p.111. S. C. Sanial, 'History of the Calcutta Madrassa', p. 5.

24 *Report of the General Committee of Public Instruction of the Presidency of Fort William in Bengal 1835-36*, Calcutta: Military Orphan Press, 1836, pp. 60-61; J. A. Richey (ed.), *Selections from Educational Records (1840-1959)*, Part II, Calcutta: The Superintendent of Government Printing, 1922, p. 90.

East India Company wanted to form a servile and docile class amongst its people, who would only look to their vested interests.<sup>25</sup> During this time tremendous debate and discussions were initiated in respect of the future of such education. The Government stopped financial help for *madrasah* education at all levels after it declared English as the medium of instruction and recommendations from different quarters were raised to stop Persian education. Besides, thousands of Muslims youths, having had *madrasah* education, became unemployed after English had become the state language and a psychology of non-cooperation with the Government developed in the mind of those youths.<sup>26</sup>

### **Wood Despatch and the situation of Madrasah Education**

In 1854, in the Wood's Despatch there was a recommendation about affiliation of the eminent *madrasahs* of the country with the universities, but Calcutta University did not include Calcutta Madrasah or other *madrasahs* in its arena.<sup>27</sup> As a result, *madrasah* education was cornered again and the Muslims were deprived of modern higher education for a long time. During this period no donation from the British colonial administration was sanctioned for the modernization of *maktabs* and no effort was made to reform those, though *pathsalas* of Hindus were reformed. Above all, after the Sepoy Mutiny (1857-58) the Calcutta Madrasah was designated by Lieutenant Governor of Bengal as the breeding ground of mutiny and advocated for its closure. But during the most crisis period of the Muslim education in Bengal, Nawab Abdul Luteef (1828-1893) and W.N. Lees, Principal of the Calcutta Madrasah raised their voice for the necessity of madrasah education. As a result, the Government of India rejected the view of the Lieutenant Governor of Bengal.<sup>28</sup> Abdul Luteef placed the demand before the British Government for reformation of Muslim education through the rational discussions held at various seminars and symposiums in 1867.<sup>29</sup> In this perspective in 1871 Lord Mayo took a resolution for the uplift of Muslim education in India as a

---

25 T.B. Macaulay, *Minutes on Indian Education, dated 2<sup>nd</sup> February, 1835*, Calcutta: Central Printing Office, 1835, p.7.

26 Calcutta University Commission 1917-19, Vol. III, pp. 37-38.

27 Despatch from the Court of Directors of the East India Company, to the Governor General of India in Council on the subject of the Education of the people of India, (No.49, dated 19<sup>th</sup> July, 1854), Reprint, Shillong: Eastern Bengal and Assam Secretariat Printing Office, 1907, pp. 2, 6.

28 Government of Bengal: General Department, Education Proceedings, Progs. No. 11, 22<sup>nd</sup> July 1860.

29 Abdool Luteef, 'A Paper on Mahomedan Education in Bengal', *Transactions of the Bengal Social Science Association* (Edited by General Secretaries), Vol. II, Part I, Calcutta: W. Newman and Co., 1868, pp. 45-64.

whole.<sup>30</sup> The special feature of the resolution in respect of education, declared by the Bengal Government, in 1872-73, was the reform of Muslim education and a decision was taken to reform the *maktabs* and to upgrade the level of government primary schools.<sup>31</sup> But even after that the lower standard of *madrasah* education continued to draw widespread attention. In the Report of the Director of Public Instruction (1884-85) it was stated that the students of *madrasah* hardly got a chance in Government services because of their poor proficiency in English and Mathematics.<sup>32</sup> Loyalty to religion, fondness for Urdu and Persian and apathy to secular education of the Muslims were identified as the major problems.<sup>33</sup>

The Government continued its support for *madrasah* education on the plea from Abdul Latif in spite of recommendation made by a section of Muslim leaders including Syed Ameer Ali (1849-1928) and Syed Ameer Hossein (1843-1914?) for its discontinuance. Ameer Ali and Ameer Hossein opined that the necessity of *madrasah* education for government officials ceased when English was declared as the language of law courts in 1837 and as the medium of instruction in place of Persian in 1835. In consequences Ameer Ali argued in his evidence of the *Indian Education Commission* (1882), memorandum (before the British Government), statement and comments in different articles (such as ‘A Cry from the Indian Mahommedans’ in *The Nineteenth Century*, August 1882) that there is no need of separate institution in mass level for Bengal Muslims such as *madrasah* education.<sup>34</sup> Ameer Hossein also gave his comments and evidence before the Education Commission (1882) and wrote in his book *A Pamphlet on Mahomedan Education in Bengal* that there is not necessity for the instruction of religious education in any academic institute.<sup>35</sup> However, the Colonial government continued the *madrasah* education system and in this context in 1873-74, it established a few Madrasahs in different cities such as Dhaka, Rajshahi and

---

30 Correspondence on the subject of the Education of the Muhammadan Community in Government of India, Home Department, No. CCV. Calcutta: The Superintendent of Government Printing, 1886, pp. 355-356.

31 Review of Education in India, Calcutta: Calcutta: Central Printing Office, 1886, p.317. Abdul Karim, *Muhammadan Education in Bengal*, Calcutta: Metcalf Press, 1900, p.8.

32 General Report on Public Instruction in Bengal, 1884-85, Calcutta: Bengal Secretariat Press, 1885, pp.153-154. Review of Education in Bengal, 1892-93 to 1896-97, First Quinquennial Report, Calcutta: Bengal Secretariat Press, 1897, p. 150.

33 *General Report on Public Instruction in Bengal, 1890-91*, Calcutta: Bengal Secretariat Press, 1892, p.93.

34 Education Commission: Report by the Bengal Provincial Committee, 1884, pp. 218-220.

35 *Ibid.*, pp. 228-229; Syud Ameer Hossein, *A Pamphlet on Mahomedan Education in Bengal*, Calcutta: G.C. Bose & Co.,1880, pp. 20-30.

Chittagong with the contribution of the 'Mohsin Fund.' The new Madrasahs followed the curriculum of Calcutta Madrasah.<sup>36</sup> Therefore, although *madrasah* education was a main subject of discussion of the society in Bengal during the whole of the nineteenth century, no progress of its reform was achieved.

### **Middle Madrasah Scheme**

In the beginning of the 20<sup>th</sup> century, especially after partition of Bengal in 1905, the case of reform of *madrasah* education came forward with an increase of interest among the Muslims to co-operate with the Colonial Government in the field of education. After the establishment of the new province "Eastern Bengal and Assam," the introduction of Middle Madrasah Scheme was an important step by the local Government. Because of the demand from Muslim leaders, this Middle Madrasah Scheme was approved in the education conference held in Barisal.<sup>37</sup> The aim of this scheme was to render modern secondary education along with Islamic education in Muslim populated areas.<sup>38</sup> Though Middle Madrasah was not similar to Middle English school, it was also not similar to conventional junior *madrasah* which was popular for Arabic-Persian and Urdu. Basically it was a modern higher standard Middle Madrasah the main aim of which was to reach the standard of secondary schools.<sup>39</sup> In Middle Madrasahs, there was a facility to study Arabic, Persian or Urdu along with English and other modern subjects of secondary schools. But separate Arabic Department was also opened in many Middle Madrasahs.

Middle Madrasah was first established in Dhaka division and later it spread to different places. There was 32 Middle Madrasahs in Dhaka division in the year 1907-08 and the number of the students was 1885. In this division, Middle

---

36 *General Report on Public Instruction in Bengal, 1880-81*, Calcutta: Bengal Secretariat Press, 1881, p.96-97. Also see please. *Report of the Indian Education Commission, 1882*, Calcutta: The Superintendent of Government Printing, 1883, pp. 505-507.

37 Report on the Progress of Education in Eastern Bengal and Assam, 1907-08 to 1911-12, Vol. I, Calcutta: Bengal Secretariat Book Depot, 1913, pp. 112-114; Report of the Second Session of the Provincial Muhammadan Educational Conference, Held in Mymensingh on the 18<sup>th</sup> & 19<sup>th</sup> April, 1908, Calcutta, 1908, p. 52; Report of the Moslem Education 1934, p. 37.

38 Report on the Third Session of the Provincial Muhammadan Educational Conference, 1910, held at Bogra on the 26<sup>th</sup> and 17<sup>th</sup> March, 1910, Calcutta, 1910, p. 43; Report on the Progress of Education in Eastern Bengal and Assam, 1907-08 to 1911-12, Vol. I, p. 115.

39 Progress of Education in Bengal, 1912-13 to 1916-17, Fifth Quinquennial Review, Calcutta: Bengal Secretariat Book Depot, 1918, pp. 135-136; Report on Progress of Education in Eastern Bengal and Assam, 1907-08 to 1911-12, Vol. I, p. 115.

Madrasahs were the most popular and due to this, in 1911 the number of students rose up to 4607.<sup>40</sup> In Rajshahi division Middle Madrasah started in 1908-09 with huge interest. Within two years, the number of students in 9 Middle Madrasahs rose up to 1395. They followed the syllabus of Middle Madrasah Scheme. The Middle Madrasahs in Chittagong came out less successful in comparison with those of other regions in the province. The Madrasahs in Chittagong were divided into two types, religious and modern. For this reason, no syllabus of Middle Madrasah could gain popularity and ultimately these died down.<sup>41</sup> In spite of everything, Middle Madrasahs could draw the attention of Muslims along with other types of institutions. It can be taken to be true by the amount spent after these. In 1911, the expense of Middle Madrasahs of East Bengal was Taka 45,078, out of which only Taka 9121 was available from the government fund. The rest of the amount was completely available from the private source.<sup>42</sup> In a government report regarding the contribution of Middle Madrasah it was mentioned:

There can, however, be no doubt that these institutions, whether they do or do not conform to the original scheme, have done more than any class of schools to help forward the cause of Muhammadan education.... in Faridpur, is reported to have brought education to the stronghold of the *Ferazis*, a sect of Muhammadans who, until five years ago, were certainly more backward than any other section of the Muhammadan community.<sup>43</sup>

#### **Contribution of Muslim leaders for reforming Madrasah education**

On the other hand, it was in the beginning of the partition days that the attention of the leaders of the Muslim community, like Nawab Sir Salimullah (1871-1915), Nawab Sir Syed Shamsul Huda (1863-1922), Nawab Ali Chowdhury (1863-1929) and Shams-ul-Ualma Abu Nasar Muhammad Waheed and also the Eastern Bengal and Assam Provincial Muslim Education Association was drawn to the importance of the Madrasah system. When the New Provincial Muslim Educational Conference met at Dhaka in 1906 a resolution on the general reform of Madrasahs was moved by Nawab Sir Syed Shamsul Huda and it was unanimously adopted. As a result, a 'Madrasah Reform Committee' was constituted with Abu Nasar Waheed (1872-1953), the then principal of Dacca Madrasah, as its secretary.<sup>44</sup>

---

40 *Ibid.* Report of the Third Session of the Provincial Muhammadan Educational Conference 1910, p. 43.

41 Report on the Progress of Education in Eastern Bengal and Assam, 1907-08 to 1911-12, Vol. I. pp. 115-116.

42 *Ibid.*, p. 115.

43 *Ibid.*

44 Proceedings of the First Provincial Mahomedan Educational Conference of Eastern

The All India Muhammadan Educational Conference (founded by Sir Syed Ahmed Khan 1817-1898) which met at Dacca soon afterwards unanimously reiterated the resolution. Sir Bamfylde Fuller, Lieutenant Governor of the new province, encouraged the idea. Consequently the centres of Islamic learning in Egypt, Palestine, Syria and Turkey, as well as the Oriental Institutes in Budapest, Vienna, Berlin and Paris were visited by Abu Nasar Waheed. And a scheme was drawn up as a basis of discussion.<sup>45</sup> The scheme was a comprehensive one leading to a very high standard in Islamic learning and culture modernized, as far as practicable even on its Arabic and Islamic side, and English and other secular subjects were included as far as possible. To effect these improvements the whole course from *maktab* (primary section in Madrasah) upwards was proposed to extend over 18 years and Persian was altogether omitted. The *maktab* course was proposed to be extended for 4 years and it was also suggested to make equivalent to the lower primary course. The junior *madrasah* course extended over 7 years and was sufficiently secularized to allow a boy to pass on to Class VII of a modern high school if he so chose. The senior *madrasah* course extended over 5 years and was also adequately secularized to approach the high school standard. The advance course in Islamic Studies was so framed as to reach a high standard. The scheme was considered by some to be a most ambitious one, as if aiming at a Muslim University.<sup>46</sup> In fact, the scheme placed a strong demand to upgrade through introduction of modern knowledge and science and other subjects together with English in *maktab-madrasah* education, and Abu Nasar Waheed submitted his proposal in the second Provincial Muslim Education Conference which met in Mymensingh in 1908.<sup>47</sup>

After long discussion on this scheme in the second provincial conference, the delegates recommended the constitution of another Madrasah education committee with the Government representative which might be convened for the purpose. By this time, in 1907, the Government of West Bengal appointed a committee under

---

Bengal and Assam, Held in Dacca on the 14<sup>th</sup> and 15<sup>th</sup> April, 1906, Dacca, 1906, pp.13-26; Report of the Moslem Education 1934, p. 76.

45 Report of the All India Muhammadan Anglo-Oriental Conference, held in Dacca on the 27<sup>th</sup> 28<sup>th</sup> and 29<sup>th</sup> December, 1906. Report of the Madrasah Education Committee, 1941, Alipore: The Bengal Government Press, 1941, p.4; Report of the Moslem Education 1934, pp. 76-80.

46 Report of the Moslem Education 1934, p. 76. Report on the Progress of Education in Eastern Bengal and Assam, 1907-08 to 1911-12, Vol. I. pp. 112; Report of the Dacca University Committee, 1912, Calcutta: The Bengal Secretariat Book Depot, 1912, p.97.

47 Report of the Second Session of the Provincial Muhammadan Educational Conference, held in Mymensingh on the 18<sup>th</sup> & 19<sup>th</sup> April, 1908, Calcutta, 1908, pp.52-54.

Mr. (later Sir) Archdale Earl, Director of Public Instruction, to consider the whole problem of Muslim education in Bengal including Calcutta Madrasah. He held a series of conferences of Muslim leaders of West Bengal and East Bengal in 1907-08. The Title (Masters) degree was conferred only in the Calcutta Madrasah on *Hadiths* and *tafsir* in the year 1909, although the recommendation was also to have courses in Literature, Law, Logic and Philosophy. The leading members of East Bengal advocated with much vigor for modernization of the whole *madrasah* course and introduction of English as an integral part of the *madrasah* course, but their proposal was opposed by narrow majority.<sup>48</sup>

### Reformed Madrasah Scheme

In 1909, the Bengal Government approved the appointment of a education committee led by Sir Henry Sharp, Director of the Public Instruction (DPI) in the new province, to consider the proposal for the reform of *madrasah* education submitted by Abu Nasar Waheed and recommended by the second Provincial Muslim Education Conference. Sir H. Sharp was unwilling to make any recommendation to Government unless reputed *ulemas* of Upper India, as well as the leading *Anjumans* (Islamic Association) of the province, were consulted and their opinion obtained in writing.<sup>49</sup> Abu Nasar Waheed, member of the Sharp Committee, after consulting a number of *ulemas* in various parts of India, prepared and submitted a revised syllabus for the consideration of the committee. After that, in March 1910, a conference of the Sharp Committee along with representatives of the Muslims of Eastern Bengal and Assam (particularly with those involved with Madrasah Reform Committee of 1906) was held at Dhaka. This conference drew up a revised syllabus on the basis of previous proposal as per:

1. The courses comprise instruction in the junior classes: Secular teaching and considerable amount of Bengali, omission of Persian, inclusion of compulsory English, Quran and Arabic literature, Urdu, Arithmetic, Geography, History, Drawing, and Handwork and Drill.
2. In the senior classes attention was concentrated on Arabic, English and mathematics with other subjects presumably approximate in standard to those of the Calcutta Matriculation. The Muslim Law and Rhetoric, Logic in Arabic and a vernacular up to matriculation standard were also taught. The history of

---

48 *Ibid.*, pp. 57-58. *Progress of Education in Bengal 1907-08 to 1911-12, Fourth Quinquennial Review*, Calcutta: Bengal Secretariat Book Depot, 1913, p.148; 'A. Earle, Director of Public Instruction of Bengal, to Government of Bengal, 10 June, 1908', General Department: Education Proceedings, para 27, August 1908.

49 Report of the Moslem Education 1934, p. 76; Report of the Madrasah Education 1941, p.15.

India was taught in English and the subject covers the Hindu, Muslim and British periods. (It was expressly stated that the passing of the senior course examination would in no sense be an entitlement to entrance into any standard of the University course).

3. The Title Course: Of three years' duration. The first year would be one of common ground work. In the second and third year alternative courses were suggested in Theology, Jurisprudence, Literature and Philosophy.
4. Special English Course: Of two years' duration. The course was intended to be arranged for those who had passed the senior or Title course.<sup>50</sup>

But Sharp, pointed out, in submitting the revised curriculum to Government that it attempted too much and comprised a heterogeneous mixture of subjects. He was unable to recommend its general adoption. He submitted it to the government of Eastern Bengal and Assam in August 1910 and recommended its introduction as a tentative measure. As a result the reformed scheme was first introduced with Dhaka, Chittagong and Hooghly Madrasah experimentally in August 1910.<sup>51</sup>

At this point, Sir Robert Nathan, a new DPI, was placed on special duty to thrash out the whole question. "The position which he assumed was that revised curriculum should be as simple as possible and should be introduced into as many *madrasahs* as financial considerations would permit. With this object in view Conference was held in Dhaka in March 1912, when the proposals of the 1910 conference were taken as a basis of discussion, and such modification in them were suggested as appeared likely to make the course simpler and more practicable".<sup>52</sup>

In May 1912, the Government of Bengal published a resolution in regard to the proposed Dhaka University appointed a committee with Sir Robert Nathan as president to frame a scheme.<sup>53</sup> This committee which had four highly placed Muslim gentlemen of Bengal on it, recommended that a Department of Islamic Studies should form an integral part of Dhaka University, the subjects being Arabic language and literature, the various branches of Islamic learning and English. The University course must necessarily be an extension of the studies of the Madrasah. The Sub-committee formed to draw up the scheme had, therefore, took into consideration the proposed Madrasah curriculum. The committee endorsed the

---

50 Report of the Third Session of the Provincial Muhammadan Educational Conference 1910, pp. 34-35; Also see please, Eastern Bengal and Assam Education Proceedings, August, 1910.

51 Report on the Progress of Education in Eastern Bengal and Assam, 1907-08 to 1911-12, Vol. I. pp. 117. Report of the Moslem Education 1934, p. 76-77; Report of the Madrasah Education 1941, p.15.

52 Report of the Moslem Education 1934, p. 77.

53 Report of the Dacca University Committee, 1912.

opinion that "...a student thus trained will become a man of culture, who should make a good Government officer or a suitable recruit for the learned professions."

<sup>54</sup> The whole question was further examined in March 1913 at a conference over which Sir Robert Nathan presided and the previous proposals of the Madrasah Reform Committee were adopted with slight modification. The courses of study was finally recommended for the junior classes comprised instruction in the Quran, Urdu, Bengali, Arithmetic, Geography, History, English, Arabic Drawing and Handwork and Drill. In the senior classes attention was concentrated on Arabic, English and Mathematics. The Muslim Law and Rhetoric, logic in Arabic and a vernacular up to matriculation standard were to be also taught. The history of India was to be taught in English and the subject covered the Hindu, Muslim and British periods. It was thought that the course of study thus designed though not exclusively secular as was the case in High School would serve to produce cultured Muslims fit to entire one or other of the careers open to all Indian students.<sup>55</sup> As a result, 31 July 1914, the British Government approved this revised course namely "Reformed Madrasah Scheme" and described it as follows:

The leading Moslems of Bengal are fully alive to this evil and repeatedly expressed their desire for a general reform of madrasahs. They hold that the course of study pursued therein, whilst not being exclusively secular, should be such as is likely to produce cultured Muhammadans fit to enter one other careers open to educated men, and to play their part in the various activities which go to make up the public life of modern India...The Governor in Council is satisfied that the syllabus of studies drawn up by experts in consultation with the leaders of the Muhammadan community is well calculated to serve the highest interests of that community. His Excellency in council has accordingly decided to adopt this syllabus for all government madrasah except the Calcutta Madrasah... while not absolutely debarring from Government aid such institution as adhere to the Orthodox course, the Government in Council will in future give preference to those that adopt the new course and entertain a staff on the scale prescribed.<sup>56</sup>

Therefore, it can be said, mainly because of the demand and proposal of the Madrasah Reform Committee (1906), in 1914, the British Government introduced the 'Reformed Madrasah Scheme' making English compulsory and excluding Persian language with the aim of elevating the *maktabs* and *madrasah* to the standard of modern institutions.

---

<sup>54</sup> *Ibid.*, p.100.

<sup>55</sup> *Ibid.*, pp. 99-100; Report of the Madrasah Education 1941, p.16.

<sup>56</sup> Quoted in Report of the Madrasah Education 1941, p.16; Please also see, Report on Public Instruction in Bengal, 1913-14, Calcutta: Bengal Secretariat Book Depot, 1914, p. 18; Report on Public Instruction in Bengal, 1914-15, Calcutta: Bengal Secretariat Book Depot, 1916, p.17, appendix page 3.

The reformed scheme came into operation with effect from April 1915. It was to be introduced gradually and by the year 1919, the course would have been introduced throughout all the classes of the junior department of *madrasahs* adopting them. The revised scheme was introduced in the three government senior *madrasahs* at Hooghly, Dhaka, and Chittagong and in the Government junior *madrasah* at Rajshahi and in all the aided senior and junior *madrasahs*. Many Middle Madrasahs and aided *madrasahs* also adopted the course.<sup>57</sup> It is notable that Calcutta Madrasah was left outside the scheme in order to teach the orthodox course with English or without. The rationale behind this was that Madrasah would be shut out from worldly prospects by Muslims who would betake themselves to the English system of secular education.<sup>58</sup> At that time, *madrasah* education was divided into two systems—“Reformed Scheme” and “Old Scheme”.

The two outstanding features of the Reformed Madrasah Scheme are the omission of Persian, and the introduction of English as compulsory subject for study. It is historically true that the Persian language was the most favourite study of the Muslims not only as a medium of instruction but also as an official language of Mughal Empire in Bengal and Indian sub-continent. But by the course of time Muslims were forced to abandon this influential language. In this regard, Sir Azizul Haque (1892-1947) said:

It obviously necessitated much boldness to pass beyond the orbit of influence of Persian which found a most congenial home in this country for several centuries. But the stern needs of the hour have forced the Government to take decisive action

---

57 Progress of Education in Bengal, 1912-13 to 1916-17, Fifth Quinquennial Review, Calcutta: The Bengal Secretariat Book Depot, 1918, p. 137.

58 However, a new committee was appointed under A.H. Harley, Principal Calcutta Madrasah, in February 1915, which made certain observations as to the revision necessary in the course of studies of the Madrasah. The Committee made recommendations with regard to the course of studies, the medium of instruction, the introduction of Bengali as an optional subject in junior classes and the study of unani system of medicine. It is also recommended the introduction of logic in the Title (Kamil) classes. As regards to the learning of languages, it was recommended that (a) Urdu should be compulsory optional in the senior classes, and that (b) English and Persian should be optional both in the junior and senior classes and that (c) Bengali should be optional in the junior classes. But at that time, the Government did not accept the recommendation, and they approved the proposed courses with some revised from the session 1928-29. *Report on the Calcutta Madrasah for the Quinquennium Ending the 31<sup>st</sup> March 1917*, Calcutta: The Bengal Secretariat Book Depot, 1918, p. 1; *Report of the Moslem Education 1934*, pp. 75-76, 95; *Report on Public Instruction in Bengal, 1927-28*, Calcutta: Bengal Secretariat Book Depot, 1929, pp. 31-32; *Eighth Quinquennial Review on the Progress of Education in Bengal, 1927-28 to 1931-32*, Calcutta: The Bengal Secretariat Book Depot, 1933, pp. 81-82.

and the Mahomedan to shake off the influence of a subject which has for centuries been regarded as culture and an accomplishment to a Mahomedan gentlemen.<sup>59</sup>

The Government prioritized Madrasahs under the reformed scheme providing sufficient fund. During the of 1912-1917 under a review a sum of Tk. 84,000 a year was earmarked in 1914-15 from one of the recurring imperial grants for the improvement of Muslim education with special reference to the Reformed Madrasah Scheme. This allotment has enabled the Department to increase the grants of all the six aided senior *madrasahs* and seven aided junior *madrasahs* and also to aid 55 junior *madrasahs* which had previously not been aided.<sup>60</sup> Moreover, an additional sum of Tk 25000 was provided in the budget for increasing grants-in-aid to new scheme *madrasahs*. About one half of the amount was spent on giving new grants to 18 junior *madrasahs* and enhancing grants of seven other junior *madrasahs* adopted to reformed scheme. In addition, revised rules for the award of free-studentship and Mohsin Scholarships were introduced in 1917. In terms of these rules Government aided school for the Muslims and reformed *madrasahs* were entitled to free-studentships up to the limit of 15%. Formerly, there were Mohsin scholarships of different values tenable at Government *madrasahs*. With effect from 1917-18 they were converted into a number of stipends of a uniform rate of Tk. 5 a month and 66 stipends were offered for the students of reform scheme.<sup>61</sup>

In 1918, the Government sanctioned the opening of Islamic studies in intermediate classes for the higher studies of 'Reformed Madrasah Scheme.' These classes were opened in 1919, in Dacca Madrasah, which was subsequently developed into an intermediate college consisting of the four senior classes of the *madrasah* and the two Islamic intermediate classes.<sup>62</sup> At the same time, a special board styled the Advisory Board for Islamic studies, with the Director of Public Instruction and the Assistant Director of Public Instruction for Muslim Education, Bengal, as President and Secretary, respectively, was constituted to conduct the special Matriculation and Islamic Intermediate Examinations and to grant certificates and award scholarships and stipends. This Board exercised its function till the formation of the

---

59 Muhammad Azizul Huque, *Moslem Education in Bengal*, pp. 87.

60 Report on Public Instruction in Bengal, 1914-15, Calcutta: Bengal Secretariat Book Depot, 1916, pp.17-18; Progress of Education in Bengal, 1912-13 to 1916-17, p.134.

61 Progress of Education in Bengal, 1917-18 to 1921-22, Sixth Quinquennial Review, Calcutta: The Bengal Secretariat Book Depot, 1923, p. 81; Report on Public Instruction in Bengal, 1917-18, Calcutta: Bengal Secretariat Book Depot, 1919, p.18.

62 Report on Public Instruction in Bengal, 1918-19, Calcutta: Bengal Secretariat Book Depot, 1920, pp.18; *Progress of Education in Bengal, 1912-13 to 1916-17*, p.138.

Board of Intermediate and Secondary Education at Dhaka in 1921 to which was given control of the reformed Madrasahs and Islamic Intermediate Colleges in the presidency (Government resolution No.1011 Edn. Dated the 7 May 1921), in order to enable the board to make the High Madrasah (Under the Reformed scheme) and Islamic Intermediate education a part of the intermediate and secondary education.<sup>63</sup>

A public examination at the Senior Class VI of Reformed Madrasahs was instituted in 1916. The first Junior Madrasah Examination was held in 1917. Moreover, the Islamic Intermediate Examination was held for the first time in 1921. These two examinations were conducted first by the Department with the assistance of an Advisory Board and certificates were granted by the Director of Public Instruction, Bengal. In 1921, the control of these examinations was transferred to the Board of Intermediate and Secondary Education, Dhaka. The Islamic matriculation Examination was called “High Madrasah Examination” and the Islamic Intermediate Examination was called “Intermediate Examination in Group-C”.<sup>64</sup>

With the above mentioned steps of the Government, reformed scheme *madarsahs* spread throughout the country. On the other hand government recognition was withdrawn from the *madrasahs* unwilling to follow the reformed scheme. The reformed system of Madrasah education supplied the long felt need of the Muslim community. A large number of students were attached to this system who would otherwise had gone to the old type *Madrasahs* or would not had gone to any school at all. Far from weakening the general line by keeping Muslim boys out of secondary schools, the reformed system was becoming a source of strength to it. The progress of Reformed Madrasah Scheme was a matter to be mentioned. In the *Sixth Quinquennium Review* (1917-1922), the British Government observed that when as a result of political unrest, “the total secondary school-going population decreased by nearly a quarter, there was a steady increase in the number [of students] attending Madrasahs, viz., from 21222 to 25,036.”<sup>65</sup>

#### **Madrasah Studies under the control of University**

Meanwhile, the ‘Reformed Madrasah Education’ was brought under the control of the university by opening of the ‘Islamic Studies Department’ in Dhaka University,

---

63 Progress of Education in Bengal, 1917-18 to 1921-22, p. 80; Report of the Moslem Education 1934, pp. 78-79.

64 Report on Public Instruction in Bengal, 1925-26, Calcutta: Bengal Secretariat Book Depot, 1927, p.31. *Report of the Moslem Education 1934*, pp. 78-79.

65 Progress of Education in Bengal, 1917-18 to 1921-22, p. 80.

established in 1921.<sup>66</sup> As the University course must necessarily be an extension of the studies of the Madrasah, the Dhaka University Committee (1912) recommended a modification of the Madrasah curriculum by adopting as far as possible the course laid down by the Madrasah Reform Committee, but reduced the length of the school course in Arabic and Islamic studies by about two years, in view of the longer period of subsequent study which it proposed to introduce. The Committee endorsed the opinion that a student thus trained would have the opportunity of becoming a good scholar and a man of culture who would be eligible to be Government officer or a social reformer. The Dacca University Committee also recommended that the degrees in Islamic studies should be styled Bachelor of Islamic studies (B.I.) and Master of Islamic studies (M.I.) and should be regarded as equivalent to the degrees of B.A. and M.A. for Government employment and admission to the B.L. course. As a result *madrasah* education was placed under control of modern university education for the first time in Bengal as well as in India. A regular student beginning from Class III of a *madrasah* would take 10 years to reach the University stage.<sup>67</sup> The remarkable growth of the reformed system within short period, in spite of difficulties, proved beyond doubt that it was popular with a large section of the Muslim society. After establishment of the Dacca University, 82 students of the Islamic studies department graduated from this University till 1932, of whom 25 obtained first class honours, and 39 second class. Of these, again 46 obtained the M.A. degree, 21 securing first class and 17 second class, 3 the B.T. and 2 the B.L. degrees. Out of total of 82 Muslim students who graduated from Dacca University with honours, during 1927-32 the number of students of the Islamic Studies department were 29 or more than one third.<sup>68</sup> The number of students migrated, to the Universities of Calcutta and Aligarh is unknown.

Thus, statistics shows that the students of the reformed *madrasahs*, after completing their studies in Dhaka University, were able to extend intellectual, social and cultural contribution to the development of the country. Again, the record of reformed *madrasah* students shows that they were identifying themselves closely with this aspect of the University life. As Vice-Presidents of the Muslim Hall Union and members of its cabinet, as debaters and prize-winners in extempore speech competitions in English and Bengali, in University sports, as representatives

---

66 Quinquennial Report on the Dacca Madrasah 1917-18 to 1921-22, Calcutta: The Bengal Secretariat Book Depot, 1922, p.1.

67 Report of the Dacca University Committee, 1912, pp. 97-100.

68 Report of the Moslem Education 1934, pp. 80-84.

of the Hall to the University Students' Union, and to the University Athletic Club, as Secretaries to the University Journal Committee, and to the Social Service League, and to the Library Section of the Hall, and as members of the University Training Corps, they did not in any way lag behind the other students of the University. From the following statement of the Government Education Report (1934), it is understandable about the progress of social and organizing activities of the Islamic Studies Department of the University of Dacca:

1. The present Vice-President of the Moslem Hall Union, its chief elected executive and two out of five members of the Cabinet are student of Islamic Studies.
2. Student of Islamic Studies secured its prize for extempore speech for 3 years in English and for 2 years in Bengali in open competition in the Moslem hall.
3. In the last Annual Sports of the Dacca University an student of Islamic Studies secured the champion prize. He created a record by securing as many as 3 out of 8 first prizes for the whole University. It is noteworthy that Nasim (Nassim) and Al-Hajj Ramizuddin (Romiz) two prominent figures in the sporting circle, are old boys of the Dacca Islamic Intermediate College. Their names are mentioned in the sporting columns of the "Statesmen", and other papers, sometimes with photos.
4. The present representative to the University Students' Union is an student of Islamic Studies.
5. The present representative to the University Athletic Club is also an student of Islamic Studies.
6. The present Secretary to the Social service League is also an student of Islamic Studies.
7. About half of regular members of the University Training Corps from the Moslem Hall are students of Islamic Studies. Two are lance corporals and one a corporal, the first in the history of the Moslem Hall.<sup>69</sup>

It is evident that reformed scheme created unprecedented educational awakening among a large section the Muslims in Bengal. It stimulated private enterprise, opened up backward localities and drawn students from sources hitherto untapped—a fact which was admitted even by the adverse critics of the new system. In 1931-32, the number of students in 686 reformed Madrasahs was about 60,000. Similarly, the three Islamic intermediate colleges which had been brought under the Board as part of its general scheme made regular contribution to the number of Muslim pupils in the Universities.<sup>70</sup>

---

69 *Ibid.*

70 *Ibid.*

In 1927, on recognition of 'Reformed Madrasah Scheme' by the Calcutta University, these students got a chance for admission not only in the Islamic Studies Department of Dacca University but also in other general departments of Calcutta University. As a result the popularity of English education among the Muslims grew in a big way.<sup>71</sup> "An Islamic under-graduate can now take up Honours not only in Islamic Studies, but also in any of the general Subjects, such as English, History, Economics, Mathematics, Philosophy etc."<sup>72</sup> Even most parts of the modern Middle Madrasahs were converted with Reformed Madrasah course although Middle Madrasah was most similar to Middle English school.<sup>73</sup> But in the Reformed Scheme, many subjects on science and knowledge as well as English were incorporated along with religious education. Consequently, the method got popularity among the Muslims within a very short period of time. The *Seventh Quinquennial Review* (1922-1927) of Government says: "That the community desires these separate institutions and that their popularity cannot be denied."<sup>74</sup> The Bengal Government resolution (No. 1918 Edn., dated the 3<sup>rd</sup> July 1928) on the progress of reformed *madrasah* education during 1922-27, has the following: The numbers in the High Madrasahs rose from 1,196 to 4,204 and the Junior Madrasahs from 23,840 to 46,795, showing that the Muslims were still anxious to retain connection between religion and learning.<sup>75</sup>

#### **Orthodox Madrasahs and the Reformed Scheme**

The Government did not affiliate the Calcutta Madrasah in 'Reformed Madrasah Scheme' to teach the orthodox course without English or with English as an optional subject. Hence the followers (lesser *madrasahs*) of Calcutta Madrasah course were identified as the 'Old Scheme Madrasah.' Under this circumstance, there were some important proposals about the Calcutta Madrasah by the different Committees and conferences before the government. The recommendations were, however, so general that no definite action could be taken on them.<sup>76</sup> Besides, the Calcutta University Commission, constituted in 1917 by the British Government,

---

71 Report of the Madrasah Education 1941, pp. 30-31.

72 S. M. Hussain, "Islamic Education in Bengal", *Islamic Culture*, Vol. VIII, No.1, July, 1934, p. 445.

73 Seventh Quinquennial Review on the Progress of Education in Bengal, 1922-23—1926-27, Calcutta: The Bengal Secretariat Book Depot, 1928, p.74.

74 *Ibid.* p.73

75 *Ibid.* Resolution-No.1918 Edn., p.8.

76 Report on the Calcutta Madrasah for the Quinquennium ending the 31<sup>st</sup> March 1917, Calcutta: Bengal secretariat Book Depot, 1918, p. 1; Report of the Moslem Education 1934, p.76.

also reviewed the problems of Calcutta Madrasah and problems of higher education of the Muslim society. Calcutta University Commission prepared a huge report based on the above and evidences, suggestions and memoranda of the Muslim leadership, on also various appeals and prayers and a deep search on higher education of the country.<sup>77</sup>

Besides the Calcutta Madrasah and its followers, there were *madrasahs* that continued to follow the old *Darse Nizamiya* completely financed by private source and they did not follow either the Old or the Reformed Scheme Madrasah. All these *madrasahs* were designated as 'Qawmi (community) Madrasah'. In modern India a large influential *madrasah* of this kind was first established in Deobondh in 1866.<sup>78</sup> That is why all the '*Qawmi* Madrasahs' of Bengal used to follow the syllabus of Deobondh Madrasah. By the end of the British era mainly three types of aforesaid *madrasah* education was in vogue.<sup>79</sup> As a result various problems were created in the way of true reform of *madrasah* education. In spite of getting momentum of popularity for the 'Reformed Madrasah Scheme', a controversy surfaced against the pressure of multilanguage study on the students. Not only the followers of 'Old Scheme' and *Qawmi* Madrasah criticized the modernity of the reformed *madrasahs* but also a part of modern educated Muslims opposed to the new scheme. Patronization of Colonial Government to a separate education was also under scrutiny and many believed that these activities of the Government were taken from political motive.

#### **Different opinion and controversy about the Colonial policy on madrasah education**

Abul Hossain (1896-1938), lecturer of the University of Dhaka, opined that the pressure of multilanguage study in Reformed Scheme would be harmful for the Muslim students. To him, because of the multi-lingual stress, about 60% Junior

---

77 Calcutta University Commission, 1917-19, Vol. II, pp. 112-113; Muhammad Azizul Huque, *Moslem Education*, p. 27.

78 As an aftermath of the Sepoy Mutiny in 1857, the British demolished many *madrasahs* and *madrasah* education had a severe setback. After the failure of the mutiny in 1857, a part of the Muslims in the sub-continent realized that they could not depend on the government for their religious education; so, they decided to have their own schools so their youth would know their knowledge. The traditional *ulemas* led by Maulama Qasim Nanutabi (1833-1880) rejected everything western, and established a madrasah in 1863 known as "Darul Ulum Deoband" in Deoband, a small town in Uttar Pradesh in India. Based on the Deoband model of *madrasah*, many *madrasahs* sprang up all over India including Bengal. Abul Barkat *et. al.*, *op. cit.*, p. 65.

79 *Report of the Moslem Education 1934*, pp. 90-91. *Report of the Madrasah Education 1941*, p. 59.

Madrasah students used to drop out of their student life before completing studies. He suggested English and Vernacular language as the medium of modern and religious instruction accordingly.<sup>80</sup> Wazed Ali (1896-1954), a prominent writer and litterateur, said that following reformed scheme system Muslim students cannot be skilled neither in religious field nor in modern subject. He opposed any separate education scheme for the Muslims and he also believed that patronization of *madrasah* education by the British Government was a political motive.<sup>81</sup> Mozaffar Ahmed (1881-1973) also criticized the prevailing Madrasah education system. But he did not oppose the religious education. He suggested religious teaching through Vernacular.<sup>82</sup> Nasiruddin Ahmed (1888-1994), the editor of the famous journal *Saugat*, suggested for converting the reformed *madrasahs* into modern school and college.<sup>83</sup> Maniruzzaman Islamabadi (1875-1950), a renowned nationalist leader in contemporary India, widely criticized the reformed scheme. Because, to him, Muslim students could not learn religious education properly in new scheme *madrasahs* where they were only taught clerical knowledge of modern life. He also said that this sort of education system could only produce a servant class for the Colonial government.<sup>84</sup>

Therefore, there occurred a mixed reaction regarding Reformed Madrasah Scheme. It is notable that from late 19<sup>th</sup> century, a section of educated Muslims demanded to abolish separate education i.e. Madrasah system totally. On the other hand, another part of the Muslims advocated continuing Madrasah education. However, no parts of the Muslims denied the necessity of religious education. Majority of the Muslims proposed to modify the reformed *madrasah* course. Even in 1928-29, all School Inspectors of the country recommended to relieve the students from the over burden of language in junior *madrasahs*.<sup>85</sup> At that time, Hartog Committee of Simon Commission (1929) recommended for converting *madrasah* education into general one.<sup>86</sup>

---

80 Abul Hossen, *Bangali Mussalmaner Siksha Samassay* (New Scheme Madrasah Sangskar Proshhab), Dhaka: Modern Library, 1928, pp. 22, 44-45.

81 Muhammad Wazed Ali, 'Mussalmaner Siksha -Samassay', *Probashi*, Vol.2, Part-28, No. 6, 1335 (Bengali year), pp. 846-849.

82 Muzaffar Ahamad, 'Banghodeshey Madrasaher Siksha', *Banghio-Mussalman Sahithay Patrika*, Vol. 3, 2<sup>nd</sup> Year, 1326 (Bengali year), p. 233.

83 'Mussalmaner Skhsah Samassay:Editorial', *Saugat*, Vol. 8, 6<sup>th</sup> Year, 1335 (Bengali Year).

84 Islamabadi, 'Arabic Bishawbidhalaya', *Al-Islam*, Vol.3, Part-6, 1327, pp. 135-142; 'Jatio Siksha', *Ibid.* Vol. 6, Part-6, 1327, pp. 312-317.

85 *Report on Public Instruction in Bengal, 1928-29*, Calcutta: The Bengal Secretariat Book Depot, 1930, p. 42.

86 Indian Statutory Commission: Interim Report of the Indian Statutory Commission, Calcutta: Central Publication Branch, 1929, pp. 203, 209-210.

**Observation of different committees on Reformed Madrasah Scheme**

In this context, in 1931, the Government of Bengal took an important step for the further development of Madrasah education in general and Calcutta Madrasah in particular. Muslim Education Advisory Committee headed by Khan Bahadur Abdul Momen (1876-1946) or “Momen Committee” was formed which submitted its report in 1934.<sup>87</sup> The report of the Committee that deals with all aspects of Muslim education embodies a separate chapter (Chapter VI) on Madrasah education. The Committee thoroughly examined the Reformed Madrasah system in actual operation. They expressed the merits of the Reformed Madrasah Scheme from various points of view and came to the conclusion that for educational advancement of the Muslim community its retention as an integral part of the educational system of the country was of considerable importance. The Momen Committee held the opinion that if the Reformed Madrasah were abolished there would be a setback to the progress of Muslim education in Bengal. The Committee examined the phenomenal growth of the system within a short span of a little more than a decade and a half and showed that Reformed system created unprecedented educational awakening among a large section of the Muslims in Bengal. But the Committee put emphasis on the necessity of modifying and improving the curricula of the reformed *madrasahs* and the Department of Islamic Studies.<sup>88</sup>

According to the *Ninth Quinquennial Review* (1932-1937) on education by the Bengal Government, the report of the Momen Committee is an exhaustive discussion of the various aspects of Muslim education and it gives a valuable account of the history of the education of the community under the British Raj, written from the Muslim view point.<sup>89</sup> A Special Government Officer was appointed to deal with its recommendations and to examine their implications.

Consequently, the Bengal Government further revised the syllabus of reformed Madrasahs. After the consideration by the government, the High Madrasah under the reformed scheme would run like the High English Schools but in an Islamic environment. In junior forms of the reformed scheme *madrasahs*, the Middle English curriculum was followed except in drawing and science which had been

---

87 Report of the Moslem Education 1934.

88 *Ibid.*, pp. 93-95.

89 *Ninth Quinquennial Review on the Progress of Education in Bengal, 1932-1937*, Alipore: Bengal Government Press, 1938, pp.112-113.

replaced by Arabic and Rituals of Islam as compulsory subjects. The curriculum and examinations of high *madrasahs* were regulated by the Board of Intermediate and Secondary Education, Dhaka, and those of junior *madrasahs* by the department of public instruction.<sup>90</sup>

In February 1937, the general election of Bengal was held and A. K. Fazlul Haq (1873-1962), the leader of *Krisak Proja Party* became the Chief Minister of Bengal. The tenure of the Fazlul Haq Ministry (1937-41 and 1941-43) may be described as a period of consolidation of Muslim League's power and influence in Bengal. In his *League-Proja* coalition ministry Fazlul Haq kept for him the portfolio of education with the object of extending educational facilities to the common people. He wanted to recognize the *madrasah* education in general and Calcutta Madrasah in particular. Presiding over the prize distribution function of Calcutta Madrasah, he openly criticized the policy of discrimination in the matter of grant-in-aid to Reformed Scheme and Old Scheme Madrasah in Bengal. He assured the people that no further discrimination would be made. He also wanted to raise Calcutta Madrasah to the level of Islamic Arabic University in Bengal.<sup>91</sup> With this view he appointed an Inquiry Committee (on 27<sup>th</sup> July 1938) headed by Khan Bahadur Maula Bakhsh as a special officer for Muslim education.<sup>92</sup> On the basis of the report of Maula Bakhsh Committee, he assured the people that *madrasah* education would be reoriented to suit the needs of the Muslim society.

The Maula Bakhsh Committee submitted its passed report to the Government of Bengal on 10<sup>th</sup> October in 1940. The committee proposed certain reforms in the course of studies for the Old Scheme Madrasahs. Its most important recommendation was with regard to the controlling authority for the Madrasahs. The Committee recommended the establishment of a University of Islamic Learning at Calcutta, having its jurisdiction and control over all Madrasahs both old and new type including Islamic intermediate college. The Maula Bakhsh Committee observed that Reformed Madrasah course was too heavy for the average pupil as it introduce as many as three foreign languages, namely, Urdu, English and Arabic in the elementary stage. It is educationally unsound to burden the young

---

90 Report on Public Instruction in Bengal, 1935-36, Calcutta: Bengal Government Press, 1937, p. 28; Report of the Madrasah Education 1941, pp. 30-31.

91 Abdus Sattar, *Tarikh -i- Madrasah -i- Aliah*, Dacca: Madrasah- E -Aliah, Dacca, 1959, pp. 165-166.

92 Report of the Madrasah Education 1941.

mind with so heavy a course which would tend to blunt his intellect instead of developing it.<sup>93</sup>

#### **Development of Madrasah education both in Reformed and Old Scheme**

Although, the recommendations of the Committee were considered by the Government carefully, no action, however, appeared had been taken on the recommendations of the Committee before partition (1947). The main reason of was the declaration of Second World War in 1939 and economic depression including political unrest of the country. A.K. Fazlul Haq himself accepted his failure for the implementation of this report. In the annual functions of Calcutta Madrasah, held in 1941, he declared that “the Maula Bakhsh Committee, had submitted some very useful suggestions, no doubt, but the war efforts have come in our way to spare any fund for new educational project.”<sup>94</sup> But Bengal Government took an important step for developing the reformed *madrasah* scheme in particular to *maktabs* or primary education. With the introduction of a uniform curriculum for all types of primary schools the difference in nomenclature between primary schools and *maktabs* ceased to exist by the Government in 1941.<sup>95</sup> In addition, government established some Islamic Intermediate Colleges in Hooghly, Serajganj and Magura and made permanent the intermediate classes attached to the Chittagong Madrasah for the progress of modern higher education of the reformed *madrasah* scheme.<sup>96</sup> Thus, with contribution of government, students in reformed *madrasah* scheme advanced rapidly, which is reflected in the following table-1.

As the data show the increase in the number of Muslim students is very remarkable in reformed *madrasah* education of Bengal. But simultaneously, it is interesting that the prosperity of old scheme of *madrasah* education survived in a competitive way with the new or reformed scheme. The popularity of old scheme was in the rise though the government did not extend any financial assistance to *madrasahs* of the ‘old scheme’ except Calcutta Madrasah for a long time after introduction of reformed *madrasah* scheme. From the following table, a clear idea can be generated about the number of students of the old scheme *madrasahs*.

---

93 *Ibid.*, 24-69.

94 Quoted in A. K. M. Ayub Ali, *History of Traditional Islamic Education in Bangladesh*, Dhaka: Islamic Foundation Bangladesh, 1983, p. 114.

95 *Report on Public Instruction in Bengal, 1940-41*, Calcutta: Bengal Government Press, 1943, p. 9.

96 *Ibid.*, p.25. Report on Public Instruction in Bengal, 1937-38, Calcutta: Bengal Government Press, 1939, p. 29; Tenth Quinquennial Review on the Progress of Education in Bengal, 1937-38 to 1941-42, Alipore: Bengal Government Press, 1944, p. 78.

**Table 1**  
**The progress of Reformed Madrasah Scheme in Bengal, 1934- 1947**

| Year    | Nature of Madrasah     | Number of Madrasah | Total student |
|---------|------------------------|--------------------|---------------|
| 1934-35 | Reformed Scheme High   | 37                 | 6,284         |
| Same    | Reformed Scheme Junior | 546                | 50,885        |
| 1941-42 | Reformed Scheme High   | 46                 | 9,866         |
| Same    | Reformed Scheme Junior | 678                | 70,678        |
| 1947    | Reformed Scheme High   | 69                 | 11,798        |
| Same    | Reformed Scheme Junior | 938                | 90,444        |

Source: *Report on Public Instruction in Bengal, 1934-1935*, Alipore: Bengal Government Press, 1936, p.27. *Report on Public Instruction in Bengal, 1941-1942*, Alipore: Bengal Government Press, 1943, p.26. *Report on Public Instruction in East Bengal, 1947-1948*, Dacca: East Bengal Government Press, 1951, p.28. *Quinquennial Review on the Progress of Education in West Bengal 1942-43 to 1946-47*, Alipore: West Bengal Government Press, 1951, p.85.

Table 2 shows that the number of madrasah students for old scheme in the affiliated of Calcutta Madrasah had considerably increased in spite of the unsuitability of the course followed therein, the poor quality of teaching in them and the meager financial support from Government. Even the continued political unrest during the last decade of the British colonial period in India or so and the economic depression through which the country had to pass could not check their growth. In fact, before 1938 no Government grant was given to Old Scheme Madrasahs except one Madrasah at Furfurah. So it is understood that these institutions are based on the unalterable religious faith of the Muslims which is the outcome of their loyalty to their traditional learning based on religion.<sup>97</sup> Alongside, though the detailed statistics of Qawmi Madrasah could not be traced, we may note the establishment,--completely private and unhindered--of Hathazari Madrasah (1901), Patia Madrasah (1910) of Chittagong Kanaighat Madrasah (1904) of Sylhet, Lalbagh and Chawkbazar Madrasah (1931) of Dhaka, Unisia Madrasah (1907) of Brahmanbaria and Gazalia Madrasah (1935) of Bagerhat during the first half of the 20<sup>th</sup> century. In this context, the comment of *Tenth Quinquennial Review* on the Education in Bengal (1937-1942) is very significant:

---

<sup>97</sup> Report of the East Bengal Educational System Reconstruction Committee, Dacca: East Bengal Government Press, 1952, pp. 104-105.

But a great number of Muslims prefer to attend their own special institutions, in which the language, theology, and ritual of Islam form an important compulsory subject. They are happier in that orthodox atmosphere and feel that religion must play a great part in forming the mind and character of the young. The appeal of these schools is also due, in part, to the cheapness of their education. At any rate, there has been an extraordinary revival of their popularity in certain parts of the province. In one Division, the number of *madrasahs* rose from 78 to 126, in another from 167 to 233; during the period...that *madrasah* education is still in strong demand.<sup>98</sup>

**Table 2**

**The state of students of the Old Scheme Madrasahs in Bengal, 1934-1947**

| Year    | Nature of Madrasah | Number of Madrasah | Total student |
|---------|--------------------|--------------------|---------------|
| 1934-35 | Old Scheme Senior  | 48                 | 6,204         |
| Same    | Old Scheme Junior  | 82                 | 4048          |
| 1941-42 | Old Scheme Senior  | 115                | 16060         |
| Same    | Old Scheme Junior  | 94                 | 6149          |
| 1947    | Old Scheme Senior  | 227                | 27,889        |
| Same    | Old Scheme Junior  | 149                | 12,678        |

Source: *Report on Public Instruction in Bengal, 1934-1935*, Alipore: Bengal Government Press, 1936, p.27. *Report on Public Instruction in Bengal, 1941-1942*, Alipore: Bengal Government Press, 1943, p.26. *Report on Public Instruction in East Bengal, 1947-1948*, Dacca: East Bengal Government Press, 1951, p.28. *Quinquennial Review on the Progress of Education in West Bengal 1942-43 to 1946-47*, Alipore: West Bengal Government Press, 1951, p.85.

In this connection, the Government of Bengal after the end of the Second World War, and on the eve of partition, appointed the Madrasah Syllabus Committee in term of their resolution, dated the 4<sup>th</sup> July, 1946, with Khan Bahadur Syed Muazzamuddin Hossain(1882-1972), the then Minister of Education as Chairman, to draw up revised syllabus of Madrasahs, both Old and Reformed.<sup>99</sup> In consultation with various interests and incorporating various reforms demanded from time to time, the Committee framed a new syllabus for both the Old and

<sup>98</sup> Tenth Quinquennial Review on the Progress of Education in Bengal, 1937-38 to 194142, p. 77.

<sup>99</sup> Report of the Madrasah Syllabus Committee 1946-47, Alipore: Bengal Government Press, 1947, p.1.

Reformed Scheme Madrasahs and its final report and recommendation submitted to Government on 30<sup>th</sup> April 1947.<sup>100</sup> According to recommendations of the Madrasah Syllabus Committee the new curriculums thus framed were referred to the Dhaka University and the Board of Intermediate and Secondary Education, Dhaka, which were directly concerned with the Reformed Madrasah Education.

The Muazzamuddin Committee was the best one appointed by the Government for the improvement of the traditional Islamic education in Bengal during the British period. The British Government, having been in a critical situation at that time, readily accepted the recommendations of the Madrasah Syllabus Committee. But before any practical action could be taken on the proposal of the Syllabus Committee, great political and constitutional changes occurred in the sub-continent resulting in the establishment of two separate independent sovereign states of Pakistan and India on the 14<sup>th</sup> August, 1947.

#### **Post Colonial policy on madrasah education**

With the establishment of Pakistan, the opinion leaders felt the necessity of reorganizing the educational structure including Reformed Madrasah Scheme of the country. From time to time attempts were made to rationalize and reorganize the system of reformed scheme so as to make it more useful and fitted for modern requirements. Although in the Reformed Madrasah course, a happy combination was effected between secular subjects and basic Islamic subjects, there was a question to retain the two systems of Madrasah education undisturbed or one of them or to combine them or to liquidate them both with a view to unifying the Muslim educational system.<sup>101</sup>

Though for a time the Reformed Madrasahs were sought to be encouraged at the cost of the old system, the Government policy was to draw a ground to make the two systems run smoothly. This being the position, the question of the total abolition of one or other of the systems did not arise at all. The only alternative, according to directives of Pakistan Educational Conference, 1947, and the Advisory Board of Education for Pakistan, was to make an attempt to bring Madrasah education into line with the general system without, at the same time, sacrificing the essential elements of the former.<sup>102</sup>

In this regard, Post-colonial government in East Pakistan took initiative to further reform new scheme *madrasah* course by excluding Islamic studies and including

---

100 *Ibid.* pp. 30-35.

101 Report of the East Bengal Educational System Reconstruction Committee, 1952, p.114.

102 *Ibid.*, pp. 116.

general subjects. As a result there was no deference between English High School and High Madrasah of reformed scheme except name and environment. In 1957, an education committee headed by Aaur Rahman Khan (1907-1991), the then Education Minister, recommended to integrate rapidly the High Madrasah and Islamic Intermediate College of reformed scheme with the general education system.<sup>103</sup> Then the Government started to implement the recommendations properly. As mentioned above, Government initiated a uniform curriculum in general primary school and *maktabs* of reformed course in 1941. As a result *maktabs* of reformed scheme turned into general primary school and students became fond of English High School instead of High Madrasah. In 1959, another National Education Commission Reported that finally East Pakistan Government had decided to unify Reformed Madrasah Scheme and general education system.<sup>104</sup> In consequence, all reformed *madrasahs* were adapted to the general education within 1965.<sup>105</sup>

Therefore, it is evident that during the Colonial and Post-colonial era the *madrasah* education in Bengal of three forms sustained in spite of different hindrances. Introduction of reformed or new scheme *madrasah* was an epoch-making due to modernization of the Government in the field of *madrasah* education. In this reformed scheme both types of education, religious and modern, were synthesized and because of this a part of *madrasah* education achieved substantial modernization. But this reformed *madrasah* education system was changed and adapted to general education policy after the British colonial period. In Post-colonial period, although the Reformed Madrasah system, in fact a modified form of general High School education, the name “Madrasah” acted as a charm for a great majority of the Muslims in Bengal. It is proved that the number of High Madrasah in 1955-56 was 84 and the number of the students was 21,567 which broke all previous records.<sup>106</sup> Despite this kind of popularity, why did Reformed Madrasah Scheme abolish? East Bengal Educational Reconstruction Committee indentified four grand causes behind the conversion of reformed *madrasahs* and colleges into general high school and colleges. Those were: (i) Inadequate financial

---

103 Report of the Educational Reforms Commission, East Pakistan, 1957, Dacca: East Pakistan Government Press, 1957, pp. 30-37.

104 *Report of the Commission on National Education, 1959*, Dacca: Government of Pakistan Press, 1960, p. 279.

105 Abdul Haq Faridi, *Madrasah Siksha: Bangladesh*, Dhaka: Bangla Academy, 1985, p. 65.

106 Annual Statistical Report on Public Instruction, East Pakistan, 1955-56, Dacca: East Pakistan Government Printing, 1959, pp. 40-42, 107.

aid; (ii) Untrained teachers; (iii) Unsuitability and inadequacy of the inspecting staff for Muslim education; (iv) Abolition of Reformed Maktabas. Many others accused the illusion of the Muslims for the old Madrasah education system and hostile attitude of some conservative *ulemas*.<sup>107</sup>

### Recent aspects of Madrasah education in Bangladesh

Bangladesh has two types of Madrasahs—Aliah and Qwami—attended by about 10 million students.<sup>108</sup> Majority students from these religious institutions do not get enough employment opportunity, largely due to a mismatch between the job markets' demand and the skill sets of the Madrasah graduates. In this context, the common criticisms against *madrasah* education have been that it is obsolete, backward and unfit to keep pace with modernity; that it is unproductive in the sense that *madrasah* graduates are ill-equipped to run public offices and, thus, to contribute to the country's development; and that it produces only religious functionaries like mosque imams and *kazis* (or *qadi*, Islamic judge). Madrasah education in Bangladesh came under intense scrutiny and received renewed critical attention in the wake of the 9/11 attacks against the United States and then, more so, after the 2005 bombings in different parts of Bangladesh. In this context, many in civil society in the country as well as the wider world feel that *madrasah* students are responsible for generating both backwardness and terror. Consequently, a section of the intellectuals demand complete eradication of *madrasah* education in Bangladesh.<sup>109</sup> On the other hand majority of the Islamic scholars think that *madrasah* educated students are contributing a lot in the development of the country far from being threat to the security.<sup>110</sup> They also think

---

107 Report of the East Bengal Educational System Reconstruction Committee, 1952 , pp. 112-113.

108 It is known from a very reliable research work that there are about 10 million students enrolled in the *madrasah* education (both in Aliya and Qawmi) during 2008. Abul Barkat *et. al., op. cit.*, p. 129; Also see, *Bangladesh Bureau of Educational Information & Statistics (BANBEIS) 2000-2015*, [http:// banbeis. gov.bd/data/images/ chap06.pdf](http://banbeis.gov.bd/data/images/chap06.pdf). Retrieve online :05-08-2016.

109 *Danik Samakal* , Dhaka ,7 April, 10 June, 2006.

110 According to Ahmed Safi of the president of the Befaql Madarisil Arabia Bangladesh, a largest Qawmi *madrasah* education board in Bangladesh, *madrasah* educated students are contributing a lot to the development of the country far from being involved in current radicalism. The president also said that the Qawmi *madrasah* students are not related with any extremist. Abdul Jabbar, Secretary of the Befaql Madarisil Arabia Bangladesh, also supported this view. He opined these are mere isolated incidents, having no connection with Islamic educational institutes in the country. Mumtaz Ahmad, 'Views from the Madrasa: Islamic Education in Bangladesh'

that besides providing the religious leaderships, *madrasah* education is also providing morality based professional in the worldly sectors. This kind of polarization creates the demands for *madrasah* education reform in Bangladesh.

Actually, it can be said, Madrasah education in Bangladesh has been reared up as a tradition for almost one thousand years and its role to preserve the tradition of the Muslim is remarkable. It is necessary to rethink the concept of Madrasah education to make it more suited to the present modern requirements. It cannot be said that Madrasah education is totally unnecessary. There should be no confusion regarding Madrasah education and religious learning. Every Muslim student should know the moral and spiritual values of religion and their fundamental duties to God and men.<sup>111</sup> To the Muslims, religious education is more important than that of Sanskrit studies of the neighbouring Hindus.<sup>112</sup> Noticing this fact, British government also did not close the Madrasah education completely. We have already mentioned that a large number of committed scholars and leaders educated in Reformed Madrasahs appeared in the Muslim community under the Colonial rule. Moreover, in spite of persistent attempts of Government to discourage the old type Madrasahs in various ways, these institutions have not only survived but also increased in number. Even now the process of expansion continues. Although entrenched in the country's educational landscape, *madrasah* education has always had its critics—especially following Bangladesh's independence in 1971—among secular intellectuals who are opposed to this very system of education and have repeatedly urged successive governments to abolish *madrasah* education and introduce a unified education system. However, such demands never gained either public support or approval from successive Bangladeshi governments. It is noted that a mentionable part of Aliah *madrasahs* teach all the required modern subjects such as English, Bengali, Science, social studies, Mathematics, Geography, History, etc., along with a revised version of *Dars-i-Nizami*. Unlike the graduates of Qawmi *madrasahs*, whose degrees are not recognized by the government and who pursue their careers in religious establishments and private businesses, the majority of the graduates of

---

*Islamic Education in Bangladesh and Pakistan: Trends in Tertiary Institutions*, NBR Project Report, The National Bureau of Asian Research, 2009, pp.33-34.

111 *Report of the Commission on National Education, 1959*, p. 280.

112 According to Mr. Chapman, a British scholar and contemporary principal of the Calcutta Madrasah, "...the Muslims religious education is more important than that of the neighboring Hindu Sanskrit." Quoted in *Report on the Progress of Education in Eastern Bengal and Assam, 1907-08 to 1911-12*, Vol. I, pp. 159-60.

Aliah *madrasahs* merge into the main stream of education by continuing their education in colleges and universities.

In spite of different kinds of obstacle, a part of *madrasah* students are contributing to modern professions. It is a wonder that a recent survey found that 32% of Bangladesh university teachers in the humanities and social sciences were graduates of Aliah *madrasahs*.<sup>113</sup> It is also a wonder that while a group of general educated students in some public universities and colleges are engaging in bloody clash equipped with fire arms due to the different causes, there are no such mentionable records of clash created by Madrasah students in their institutions in Bangladesh. So, whatever the condition of the rest of the Muslim World is, it is true to some extent, a part of Madrasahs, is making moderate people with humanistic spirit in country. Meanwhile, recently Bangladesh Government also has taken initiatives for reforming *madrasah* education, Qawmi *madrasah* in particular and has formed a Committee led by the prominent *ulemas*. The Committee has published by this time a proposed report on education policy of Qawmi *madrasah*.<sup>114</sup> In this context, the Government of Bangladesh can take lessons from the Reformed Madrasah Scheme under the Colonial and Post-colonial rule.

### Conclusion

During the British Colonial and Post-colonial period *madrasah* education was the most discussed and controversial subject in both government and non-government sectors in Bengal. The British colonial policy governing *madrasah* education had undergone three important changes since the introduction of the English system of secular education. At the outset the policy was to side-track the Madrasah system to a water-tight compartment, outside the pale of the University, in spite of the suggestion for its inclusion therein in the Despatch of 1854. After a cycle of sad experience, this policy of passive discouragement was changed into one of active encouragement which further complicated the situation. As a result of the latter British policy which was evolved during 1871-73, government *madrasahs* of the old type were multiplied in number and Calcutta Madrasah was invested with all the outward paraphernalia of an affiliating University, instead of being included in the University itself. After another cycle of failure, a fresh policy was inaugurated

---

113 *The Daily Star, Dhaka*, 9 June, 2000.

114 *Qawmi Madrasah of Bangladesh Shikhaniti 2012*, <http://bdloan.net/qawmi-madrasah-of-bangladesh-shikhaniti-2012.html>. Retrieve online: 05-08 -2016.

about the year 1909-1914 by which the reformed course of the Madrasah system of education was incorporated with the University according to which, at the suggestion of the Government of British India, the Islamic Studies were included in the Dhaka University Act of 1920.

The *madrasah* education became ineffective in the first half of the 19<sup>th</sup> century when English was established in place of Persian as a medium of instruction and as a royal language. That's why a section of Muslim leaders wanted the abolishment of *madrasah* education. On the other hand a large part of Muslim community kept demanding the reformation of *madrasah* education although they had known well that this education system had been useless. They also demanded the inclusion of religious study in the curriculum of general education.<sup>115</sup> Though there was difference of opinion in British governmental sector, the government finally started patronizing *madrasah* studies for the progress of Muslim education in Bengal. It is also mentionable that in 1782 the British government emphasized Islamic education by nationalizing the Calcutta Madrasah. In line with that thought the Government has taken various initiatives to reform and modernize *madrasah* in the form of arranging different meetings and constituting committees after 1891. In fact, it was not possible for the British Government to exclude religion from the system of education. The Muslims believed that education would remain incomplete without religion. Besides these, it was also true that there was the existence of religion in British owned education system and the minority Jews used to study their religion.<sup>116</sup> So, as a British colony, in Bengal and India the government wanted to keep religious education and introduced a comprehensive course with Islamic learning and culture, modernized as far practicable even on its Arabic and Islamic side, and English and other secular subjects were included as far as possible. Consequently, Madrasah education became a part of modern higher education with the inclusion of reformed or new scheme course in the curriculum of Dhaka University. Moreover, the *madrasah* education played vital role in the advancement of the Muslims higher education. A huge number of befitting scholars and leaders of reformed *madrasahs* appeared in the Muslim society who offered

---

115 Md. Abdullah Al-Masum, *British Amole Banglar Muslim Siksha: Samassaya O Prossar 1871-1941* (Muslim Education in Bengal During the British Period: Problems and Progress), Dhaka: Bangla Academy, 2008, p. 629.

116 Nawabzada Liaquat Ali Khan, *Muslim Educational Problems*, Lahore: Shaikh Muhammad Asraf, 1945, pp. 23-24.

their leadership in social and political movement of Bengal and the subcontinent as well.<sup>117</sup>

But it is observed that the British colonial policy and modernization of *madrasah* education created pressure of multi-languages on Muslim students in Bengal. Though Persian was excluded from reformed scheme, in some *madrasahs* Persian was continuing.<sup>118</sup> Consequently, the learning of languages such as Bengali, English, Arabic, and Urdu emerged as a challenge for the students. This led to the evolution of the reformed system of Madrasah education in Bengal, while Calcutta Madrasah was left outside “to teach the orthodox course without English.” The rationale behind this was that, shut out from worldly prospects, the Madrasah would be deserted by Muslims who would take themselves to the English system of secular education. Unfortunately, for the Muslims’ secular interest, this dual policy of Colonial Government caused a great deal of harms to the success of the reformed scheme. On the other hand, the progressive Muslim intellectuals and leaders criticized both Reformed and Old Scheme. According to the critics, the students of reformed *madrasah* gained real expertise neither in religious study nor in modern education and the British government tried to keep Muslims in ignorance by continuing such unscientific and ancient education. On the other side, the number of students began to rise in the Old Scheme system surrounding Calcutta Madrasah by competing with the Reformed Scheme. Beside these, a third stream *madrasah* education called ‘Qawmi Madrasah’ existed in Bengal in the form of the oldest Deoband Madrasah. Thus the real progress of Muslim education was hindered by

---

117 Some mentionable scholars and leaders come out from Reformed Madrasah Scheme is as follows: Professor Dr. Syed Moazzem Hossain (1901-1991), Professor Dr. Serajul Haque (1905-2005), Shah Azizur Rahman (1908-1988, Former Prime Minister of Bangladesh), Professor Dr. Abu Mohamed Habibullah (1911-1984), Professor Muhammad Abdul Hai (1919-1969), Professor Dr. Syed Sajjad Hossain (1920-1995), Professor Golam Azam (1922-2014), Tazuddin Ahmad (1925-1975, Former Prime Minister of Bangladesh), Professor Mafizullah Kabir (1925-1986), Professor Dr. Kazi Din Muhammad (1927-2011), Professor Dr. Abdul Karim (1928-2007), Journalist Sanaullah Nuri (1928-2001), Professor ATM Musleduddin (1929-2013), Professor Golam Samdani Quraishy (1929-1991), Professor Abdul Gafur (1929-), Professor Dr Muhammad Abdullah (1930-2007), Moulana Yaqub Sharif. *Hooghly Madrasah Patrika, 2001-2002*, pp. 43-44, Muahammad Zinnatulla Sheik, ‘Shikhsha Bistare Ytijjabahi Hooghly Madrasah (1817-2006): Dhisotoborsher Alope Ferey Dekha’, *Itihas O Sanskriti*, Vol. II, 2016, p.1066. Syed Murtaza Ali, *Muztaba Katha O Annannaya Proasango*, Dhaka: A B Book Centre, 1976, p. 71.

118 *Tenth Quinquennial Review on the Progress of Education in Bengal, 1937-38 to 1941-42*, p. 78.

the internal conflict and by the clash between old and reformed scheme education .In this respect, the progressive Muslim leaders also failed to come into a consensus about the development of modern education for their own society. As a result, the reform of *madrasah* education proceeded in the midst of different complexities.

On the whole, the new education system was effective in spreading modern education among the Muslim community in Bengal. But after the British period, the reformed system ceased, this education method chose complete modernism and all institutions had been converted to general high school and college. However, on the other hand, British government had not taken any step to reform or to modernize the private Qawmi *madrasahs* and the Calcutta-centered Old scheme.

**ANALYSING THE REPRESENTATION OF GENDER IN  
A BENGALI TEXTBOOK FOR CLASSES IX-X FROM  
A POST-COLONIAL PERSPECTIVE**

Pratiti Shirin \*

**Abstract**

This paper analyses the representation of gender in the Bengali textbook used for teaching classes 9 and 10. It takes a post-colonial perspective to explore the following questions: a) Who are the authors, users, and publishers of the book? b) Who is being given a voice and who is being marginalised or silenced in the book and why? c) How do the perception of this textbook differ from the young schoolchildren to an adult researcher who finds herself in a post-colonial situation? And d) what kind of gender portrayal do the authors want the nation to adopt, as is evidenced from this textbook? What are its implications? The article concludes that there is an adequate representation of both genders with an emphasis on gender equality although the non-Bengali population has been marginalised in its representation with regards to both genders due to the writers' emphasis on or willingness to produce homogeneity by representing Bengali nationalism as the dominant discourse of Bangladeshh.

**Introduction**

There is an old Bengali saying: the Mullah can only go up to the mosque. It means that each of us is capable of perceiving the world as such and not go beyond it and that each of us has certain limitations regarding perceptions we often are unable to overcome. Gender and textbook is a topic that has been widely worked on. Different researchers at various points and in various contexts have taken up the issue of analysing gender from various perspectives, including a post-colonial one. However, due to contextual limitations, it is usually the case that although the findings are related, no two studies will produce the exact same result. In the context of Bangladesh, gender and textbooks represents a largely unexplored theme. I intend to take the Bengali<sup>1</sup> textbook used for teaching classes 9 and 10

---

\* Assistant Professor, Department of English, University of Dhaka

1 There is a debate regarding the usage of Bengali/ Bangladeshi nationalism. Bengali nationalism denotes the language, culture and history of the Bengali race. Bangladeshi nationalism refers to the language, culture and history of the Bengali race after the people of Bangladesh gained their independence from Pakistan through Bangladesh's War of

(written for children aged 15-16 years) in Bangladeshi government schools and analyse the representation of gender, using a post-colonial lens. My key concerns are exploring answers to the following questions:

- a) Who are the authors, consumers, and producers of this text?
- b) Who is being given a voice and who is being silenced or marginalised in this text and to what extent? Why?
- c) How might the perception of this textbook vary by schoolchildren?
- d) What kind of gender portrayal do the authors want the nation to adopt, as is evidenced from this textbook? What are its implications?

This paper addresses these questions in several parts. First, I present a brief discussion of post-colonialism. I intend to explore its key concerns and how the theoretical perspective of post-colonialism is related with the questions I raise above. Next, I offer a brief review of the relevant literature and what key issues come out of them as well as how they are related to my study. Third, I analyse the representation of gender as portrayed in the Bengali literature textbook, focussing on answering the key questions above.

### **Post-Colonialism**

Post-colonialism is a complex term and the key ideas associated with it are very difficult to summarise in a brief article. I shall however endeavour to outline some of the key assumptions underlying this approach by presenting some definitions and ideas of some key thinkers associated with post-colonialism. According to Sharp<sup>2</sup>

Post-colonialism is an analysis and critique of the ways in which western knowledge systems have come to dominate. ... post-colonialism is also a more positive project which seeks to recover alternative ways of knowing and understanding -often talked of in terms of 'other voices'- in order to present alternatives to dominant western constructs.

Ashcroft, Griffiths and Tiffin<sup>3</sup> use the term post-colonialism to cover all the culture affected by the imperial process from the moment of colonization to the present days. For my essay, I shall adopt the definition and usage of the term as given by Ashcroft et al.<sup>4</sup> In their view, post-colonialism has its roots in post-structuralism.

---

Liberation in 1971. In my article, I use both the terms Bengali/Bangladeshi to indicate the same thing.

2 J. P. Sharp. *Geographies of Postcolonialism*, London, California, New Delhi and Singapore: Sage, 2009, p.5.

3 B. Ashcroft , G. Griffiths, & H. Tiffin (eds.), *The Empire Writes Back: Theory and Practice in Post Colonial Literatures*, London: Routledge, 1989, pp.1-2.

4 *Ibid.*, p.2.

Some key thinkers associated with post-structuralism include Jean Jacques Derrida, Michel Foucault, Gilles Deleuze, Judith Butler, and Jacques Lacan. A key notion associated with post-structuralism is deconstruction. Deconstruction denies the possibility of an essential or intrinsic meaning<sup>5</sup>. Post-structuralism in turn, arose as a critique of structuralism. Structuralism was an intellectual movement which developed in Europe from the early to mid-20th century. Post-structuralism questions the binary opposites that constitute structures.

In post-colonial theory, some of these binary opposites include the notion of us/other, dark/white, oriental/occidental, central/marginal as propounded by Said.<sup>6</sup> Essentially, Said<sup>7</sup> argues that these binaries are just concepts which the west has invented in order to come up with the notion of the Orient as a ‘place of romance, exotic beings, haunting memories and landscapes, remarkable experiences’.<sup>8</sup> In my article, I shall examine the ways in which binaries are present in the textbook of my study.

A key feature of post-colonialism, is, it is usually associated with issues of voice, agency or control. Spivak<sup>9</sup> argues in her complex essay that marginalised groups such as women, the poorest classes and ethnic minorities or what she calls subalterns (a concept taken from the work of Italian Marxist philosopher Antonio Gramsci), cannot speak for the reason that subalterns do not hold the positions of power and authority which construct the dominant, nationalistic discourses. This is related to issues of knowledge production; who controls and distributes knowledge; what kind of knowledge is produced and why. Foucault<sup>10</sup> asserts that knowledge is a tool whereby the ruling classes discipline the masses by controlling the selection and dissemination of the type of knowledge they want the masses to know. This is associated with what Gramsci<sup>11</sup> termed as cultural hegemony which means that the elite of a society dominates and manipulates the knowledge structures of that

---

5 J. Derrida, Chap. 10, ‘Structure, Sign, and Play in the Discourse of the Human Sciences (A. Bass, Trans.) in *Writing and Difference* (Taylor & Francis e-Library ed.), London: Routledge, 2005, pp. 353-354.

6 E. Said, *Orientalism*, England: Penguin Group, 1978.

7 *Ibid.*

8 Said in B. Ashcroft, G. Griffiths & H. Tiffin (eds.), *The Post-Colonial Studies Reader*, London: Routledge, 1995, p. 24.

9 G. C. Spivak, ‘Can the Subaltern Speak?’, C. Nelson & L. Grossberg (eds.), *Marxism and the Interpretation of Culture*, Urbana: IL: University of Illinois Press, 1988, pp. 271-313.

10 M. Foucault, ‘The means of correct training’, *Discipline and Punish: The Birth of the Prison*, London: Allen Lane, 1977.

11 A. Gramsci, *Selections from the Prison Notebook*, Q. Hoare & G. N. Smith (eds.), English ed., London: Lawrence and Wishart, 1971.

society in order to establish a certain kind of knowledge as the only valid or legitimate form of knowledge. This is done with a purpose to control the masses and in order to prevent resistance —or what post-colonial literature terms as subversion— from the masses. I want to explore if there is a similar power play at work in the Bengali textbook through its portrayal of gender.

### **Literature Review**

There is a huge number of literature available in the area of gender and textbooks. Below, I present a discussion of some of the works that I consider to be relevant for my study as these works bring out some of the key issues I mentioned above.

Khurshid, Gillani and Hashmi<sup>12</sup> analyse the representation of women in the English and Urdu textbooks taught in classes 9 and 10 of secondary level in Pakistani schools. There is no mention if the schools are private or public schools. These researchers mainly use quantitative and qualitative approaches in order to i) count the number of male and female characters; ii) to locate the status and roles assigned to male and female human characters in the textbooks; and iii) indicate occupations, activities and human attributes assigned to males and females in the textbooks.<sup>13</sup> Poems were not included in the study. For each book, each page was taken as a unit and counted only once. The percentages obtained were calculated using statistical analysis. The findings of the study were that women were underrepresented or discriminately represented in the books. Men are represented in the public domain as breadwinners, spiritual leaders, political leaders and women in the family as home-makers or housewives. In some places, women also tend to appear as spiritual leaders as well as being involved in religious activities and being travellers. Occasionally, women tend to be represented as working women.<sup>14</sup> This research can mainly be linked with the WID (Women in Development) approach. This approach is linked with modernisation theory and regards gender as a noun. The framework understands gender equality in terms of classroom enrolment, attendance, women's inclusion, etc.

Durrani<sup>15</sup> has analysed the representation of gender and national identities in Pakistani public school textbooks written for grade 5 (and children aged 9-10

---

12 K.Khurshid, I. G. Gillani & M.A. Hashmi, ‘‘A Study of the Representation of Female Image in the Textbooks of English and Urdu at Secondary School Level’’, *Pakistan Journal of Social Sciences*, Vol. 30 (2), 2010, p. 425.

13 *Ibid*, p. 428.

14 K. Khurshid *et. al.*, *Op. cit.*

15 N.Durrani, ‘‘Schooling the ‘Other’: The Representation of Gender and National Identities in Pakistani Curriculum Texts’’, *Compare*, Vol. 38 (5), 2008, pp. 595-610.

years).<sup>16</sup> Using predominantly a post-structural and empowerment approach, she has shown how the textbooks for teaching Urdu, Social Studies and English, promote a gendered notion of femininity and masculinity as dictated by the Pakistani state religion Islam. Post-structuralism regards gender as a verb and is concerned with ‘doing’ gender. Empowerment is another dominant framework. It is linked with the capability approach as advocated by Sen<sup>17</sup> and Nussbaum.<sup>18</sup> Empowerment views gender in terms of capability constraints and capability enhancements. The central concern of the capability approach is with the ability of people to live different kinds of lives they have reason to value. Durrani<sup>19</sup> in her article explores how the Pakistani state severely restricts women’s capabilities. The state does this by portraying women in the textbooks mentioned above, in stereotypical roles of submissiveness as dictated by Islam—or the version of Islam that the state wants the people to follow—because Islam is the most prominent means of upholding Pakistani national identity and to promote ‘internal homogeneity’<sup>20</sup>. According to Durrani<sup>21</sup> the Pakistani state wants to eliminate issues such as ethnicity, class, race and other factors that might hamper the perception of Pakistani identity and the state is using Islam as a tool for promoting national unity. Durrani<sup>22</sup> bases her findings on a series of drawings made by children of both genders of grade 5, by asking these children to draw what they understand by the concept of ‘us’. Students used mainly Islamic symbols along with other symbols to represent ‘us’.<sup>23</sup> Girls showed a tendency to draw boys as upholders of national identity,<sup>24</sup> presumably as the textbooks depicted men in positions of leadership, power and privilege. Durrani<sup>25</sup> also shows that both male and female teachers take the under-representation of women and the use of sexist language like he/him used throughout the books, as granted.

---

16 Durrani, *Op. cit.*, p.598.

17 A. Sen, *Development as Freedom*, New York: Oxford University Press, 1999.

18 M.Nussbaum, ‘A woman seeking justice’, *Creating Capabilities: The Human Development Approach*, Boston: Harvard University Press, 2011, pp. 1-17.

19 Durrani, *Op. cit.*, p. 598.

20 Cited in Durrani, *Op. cit.*, p. 597.

21 Durrani, *Op. cit.*

22 *Ibid.*

23 Durrani, *Op. cit.*, p. 600.

24 Durrani, *Op. cit.*, p. 602.

25 Durrani, *Op. cit.*, p. 601.

Nurwanto<sup>26</sup> too looks at the portrayal of gender justice in a textbook used in Muhammadiyah secondary schools in Indonesia, mainly from an Islamic perspective. He<sup>27</sup> mentions that although different interpretations of the Quran are still being contested, the writing of this particular book is guided in the light of the teachings of the Quran and the Hadith (anecdotal compilations on the life of the Prophet Muhammad, meant to provide guidance to Muslims). This, however, leads to students' developing certain beliefs as well as hesitations.<sup>28</sup> Overall, there is tension in creating a new understanding of gender sensitivity in the textbook<sup>29</sup> when trying to interpret gender justice in the light of the Quran and Hadith especially since the interpretation is influenced by the social setting in which the interpreter lives.<sup>30</sup> Nurwanto<sup>31</sup>'s main findings are that although there are attempts at doing gender justice, the book promotes gender injustice and stereotypes in some cases. Also, although teachers are of the opinion that women in the book need to be portrayed as doing more work in the public sphere without compromising their domestic roles,<sup>32</sup> the possibility of exploring women's role is given less attention in the book.<sup>33</sup>

Amini and Birjandi<sup>34</sup> study gender bias present in the 2010-11 Iranian English textbooks developed for the second and third grades of high school, using the five categories of visibility, firstness, generic masculine constructions, sex-linked occupations and activities. Overall, Amini and Birjandi<sup>35</sup> findings are that male characters are overrepresented both linguistically and visually in frequency and order of occurrence, occupation, stereotypical activities, and the linguistic manifestation of masculine generic referents like he/his etc.<sup>36</sup>

Arizpe<sup>37</sup> uses post-structuralism and feminist criticism together with reader-response criticism to examine gender bias in a Mexican secondary textbook. Using

---

26 N. Nurwanto, "The Portrait of Gender Justice and Injustice in the Islamic Teaching Text-Book and Muhammadiyah Teachers' Responses", *Indonesian Journal of Islam and Muslim Societies*, Vol. 3 (1), 2013, pp.149-173.

27 *Ibid.*, p. 154.

28 *Ibid.*

29 Nurwanto, *Op. cit.*, pp. 153-154.

30 Nurwanto, *Op. cit.*, p.152.

31 *Op. cit.*

32 Nurwanto, *Op. cit.*, p. 150.

33 Nurwanto, *Op. cit.*, p. 149.

34 M. Amini & P. Birjandi, "Gender Bias in the Iranian High School EFL Textbooks", *English Language Teaching*, Vol. 5 (2), 2012, p.134.

35 *Ibid.*

36 *Op. cit.*, p. 138.

37 E. Arizpe, "Responding to a 'Conquistadora': Readers Talk about Gender in Mexican Secondary Schools", *Gender and Education*, Vol. 13 (1), 2001, pp. 25-37.

the concept of *machismo*, Arizpe<sup>38</sup> tries to find out the students' response to a novel which portrays the adventures of Maria de Estrada who is a female conquistador in a year 8 adolescent novel. *Machismo* is a dominant cultural practice in Latin America,<sup>39</sup> associated with 'a strong sense of masculine pride...[with] the supreme valuation of characteristics culturally associated with the masculine and a denigration of characteristics associated with the feminine'<sup>40</sup>. Arizpe's<sup>41</sup> findings suggest that young peoples' view on gender relation dynamics are shaped and negotiated by their own understanding of these issues and by the views transmitted to them by the media, schooling and their own personal experiences. At the same time, students also show an understanding of possible shifts in gender patterns, as revealed to the researcher through a series of students' discussions, based upon their reading of the story.

Knudsen<sup>42</sup> uses an intersectional and post-colonial perspective to analyse the representation of the Sami in Norwegian Social Studies school textbook used for teaching grade 9. Intersectionality is an approach which was introduced in America as a critique of how gender-based researches homogenised race as a category. An intersectional approach thus examines the relationship of gender with socio-cultural categories such as race, class, sex, culture, nationality etc.<sup>43</sup> In her paper, Knudsen firstly presents a theoretical discussion of intersectionality. Secondly, she applies her framework to the representation of the Sami who are a Norwegian indigenous minority group. By critically looking at chapter arrangement; tasks students have to do in relation to the chapter on the Sami; narrative style and techniques employed as well as language usage, Knudson<sup>44</sup> reveals how the Sami are portrayed as the other in the Norwegian student's psyche.

From the above discussion, the key points that can be identified and that are related to my questions above are:

1) Issues of under and overrepresentation: Generally, there is an under-representation of women in comparison to males in textbooks and usually, women

---

38 *Ibid.*

39 N. Stromquist, *Gender and Democracy in Education in Latin America*, Council on Foreign Relations, Working Group on Educational Reform, New York, 1996.

40 Merriam-Webster, 'Machismo', *Merriam-Webster online encyclopedia*, 2015.

41 *Op. cit.*

42 S. V. Kundsén, 'Intersectionality– A Theoretical Inspiration in the Analysis of Minority Cultures and Identities in Textbooks', *Caught in the Web or Lost in the Textbook*, Vol.53, pp. 61-76,2006.

43 *Ibid.*, p. 61.

44 *Op. cit.*

are represented in their traditional roles, according to the norms and cultures of the societal context in which the textbook is written. Where there is a portrayal of an ethnic minority, they are portrayed as the other. I aim to find out if there is a similar trend in the Bengali textbook.

2) Issues of who gains voice, identity and agency: Underrepresentation is also an issue of silence and marginalisation of women and ethnic minorities. In the case of ethnic minorities as evident from Knudson,<sup>45</sup> there is a tendency towards what Spivak<sup>46</sup> calls epistemic violence which refers to the destruction done to the ways of knowing and understanding non-western, indigenous people.<sup>47</sup> I would like to exemplify these issues further in my discussion of the Bengali literature textbook.

3) Perception of the textbook by the children: As Arizpe's<sup>48</sup> work shows, there is tension regarding norms of femininity and masculinity in the students as is revealed through students' response to how they view the character of Maria and her adventures. In the work undertaken by Durrani,<sup>49</sup> the portrayal of gender reveals a desire by the curriculum developers to maintain the status-quo regarding gender which possibly plays a bigger role and is a mechanism in maintaining a national unity which is revealed through the students' responses to the notion of 'us'. Students possible responses to the Bengali literature textbook, is an area I intend to explore in the later part of this essay as well.

4) The role of gender in the nation-making mechanism: The dominant view is that the state tends to eliminate notions of the other and the unconventional as well as non-stereotypical by assigning females and males social and sexual roles as well as task-divisions that are in accordance with the dominant, hegemonic societal norms and contexts within which the textbooks are produced. This can be said to point out to a tendency of the state to eliminate and silence subversive elements that might already be present in the societal structure as well as to prevent the creation of new subversive elements mainly by propagating the marginalisation as well as the silencing of women through textbooks (the Pakistani context discussed in this study is a revealing example). I want to see if there is a similar notion in the Bengali textbook.

---

45 *Op. cit.*

46 *Op. cit.*

47 Sharp, *Op. cit.*, p.111.

48 *Op. cit.*

49 *Op. cit.*

5) Consumers and producers of the books: The consumers of the textbooks are mainly schoolchildren although there are other stakeholders like parents involved. The producers are mainly the governmental education boards and ministries of these respective countries. There is a Foucaultian and Gramscian notion of power play at work in the production and dissemination of the knowledge through these textbooks. The government is a dominant authority which exercises the power to control and select what type of knowledge will be distributed to its people. In doing so, the state dominates the masses—in this case, schoolchildren—in order to propagate certain types of ideologies by means of which the state prevents anarchy or an uprising by the masses. This in turn, is possibly linked with the desire of the state to maintain a national unity as is evident in Arizpe<sup>50</sup> and Durrani's<sup>51</sup> works. I explore if the portrayal of gender in the Bengali textbook conveys a similar message.

#### **The Representation of Gender in the Bengali Textbook from a Post-Colonial Perspective**

The Bengali textbook is fairly dull-looking with pages using newsprint—perhaps the cheapest material available in a low-income country like Bangladesh and especially since this book—like all other government textbooks, is distributed freely to schoolchildren. There is not a single picture used in the book, so that no child will be made to feel at taking an interest in the book, at a first glance. Bengali or Bangla is the mother tongue of Bangladeshis and despite the existence of some indigenous languages, is spoken over 98 per cent of the population<sup>52</sup>. It becomes therefore of my utmost personal interest to see what type of ideology regarding gender, this textbook wants to disseminate to the majority of the schoolchildren.

The book is neatly divided into two sections. One section contains only prose extracts and the other, only poetry. It therefore neatly fits into the category of binaries I discussed earlier. There are fifty-six writers included in the book. Out of them, only four are women.<sup>53</sup> The issue of marginalisation of women therefore is seen clearly in the criteria for authors' selection. This reflects the taste of the compilers (out of six, one is a woman) all of whom are university teachers. In addition, there are two editors who are male and who are also renowned

---

<sup>50</sup> *Op. cit.*

<sup>51</sup> *Op. cit.*

<sup>52</sup> Bangladesh Bureau of Educational Information and Statistics (BANBEIS), *Pocket book on educational statistics*, Dhaka: BANBEIS, 2004.

<sup>53</sup> Rokeya Sakhawat Hossain, Jahnara Imam, Selina Hossain and Sufia Kamal.

educationists of Bangladesh. These people then, have been given the charge of editing and compiling this book produced by the National Curriculum and Textbook Development Board (NCTB) of Bangladesh. Therefore, they comprise the educated elite. However, the users of the textbook may not comprise only the elite of the society. This textbook is used among all walks of the population ranging from the middle classes based in the city of Dhaka as well as the indigenous population based mainly in the hilly, southern part of Bangladesh. It looks as if the future of generations of children rests on the whim of eight individuals regarding author and text selection for this book —eight individuals who do not teach school and might therefore not be aware of the proper needs of schoolchildren. One wonders why no school teacher could have been given a voice by their being included in the compilation board.

There is clearly a preference for including canonical writers. The canon comprises key literary figures of Bengal and Bangladesh. Many of these writers became iconic by writing on the Liberation War of Bangladesh (such as the poet Shamsur Rahman whose representative work ‘In Order to get you, My Freedom’ has been included in the book) whereby Bangladesh gained independence from Pakistan in 1971 through a bloody genocide committed by the Pakistani army; on the natural beauty of the country (depicted in the book by Jibanananda Das who is regarded as the premier poet of the post-Tagore era in India<sup>54</sup> and Bengal; or by depicting traditional village life (as for example, Bibhutibhushan Bandyopadhyay who is famous for having done so in his novel *Panther Panchali* one extract from which is included in the book). All the women writers are from the Bengali mainstream literary canon as well and alone Rabindranath Tagore has been included five times as well as Kazi Nazrul Islam —Bangladesh’s national poet— three times. Now, the preface of the book says that the stories, essays and poems have been selected in such a way that students are made aware of the historical continuity of Bengali literature as well develop an idea of the country’s history and tradition; art and culture; morality and values. The preface<sup>55</sup> also mentions that a key priority has been given to make students aware of the lifestyle of this people, of the achievement of the Liberation War of Bangladesh, patriotism, humanity, sense of nature, sense of equality between women and men, fraternity as well as scientific

---

54 D. R. Mookerjee-Leonard, *The Facts on File Companion to World Poetry 1900 to the Present*, R. Victoria Arana (ed.), New York: Facts on File Inc., 2008.

55 No page number is mentioned for the preface in the book.

awareness<sup>56</sup> (my translation). Each extract chosen in the book is preceded by a short introduction of the writer and followed by a short background history of the passage chosen (i.e. when was it written and what the extract is about), relevant word meanings as well as questions related to the passage.

The historical continuity has been maintained since one or two texts have been chosen from the eighteenth century when Bangla started to develop as the language as we know it today, a few texts have been chosen from the nineteenth century and the majority of the poems and literary texts have been chosen spanning the whole of twentieth century. The texts and prose pieces focus generally well on bringing out the rural, traditional lifestyle of Bangladesh; the cultural norms and values as well as heritage.

However, there is a tendency to focus predominantly on the Bengali (and therefore, the dominant) cultural values of the country and to underrepresent marginal ethnic groups. Bangladesh has a population of over two million ethnic minorities and about 45 ethnic minority groups.<sup>57</sup> This study found only one prose piece in this selection in which an indigenous population is represented. However, it is not a positive representation. In the excerpt from ‘Palamou’<sup>58</sup> by Sanjeeb Chandra Chattyapadhay, the indigenous population of Palamou in India, has been represented as the other. The women of this tribe have been presented as ‘black’<sup>59</sup> in this travel writing; men have been depicted to grow as quickly old as Bengali women<sup>60</sup> and there is a stark tendency towards adopting oriental-occidental attitudes<sup>61</sup> when Europeans are called civilised and the Palamou people as

56 A. A. Sayeed, & M. Hoque (eds.), *Madhyamic Bangla Sahittya: Nobom-Doshom sreni [Secondary Bengali Literature: Classes nine-ten]*, Dhaka: National Curriculum and Textbook Board (NCTB), 2012.

The original lines written in Bengali and mentioned in the third paragraph of the preface read as follows:

ciV'cj'KuWi Mí, cêÜ I KueZv Ggbfvrte wbePb Kiv ntqtQ hvZ GKw tK wk'lv\_xPv evsjv  
mwn'tZ'i HwZnwmK avivµg m=útk®AeMZ nq Ges Ab'w tK Gt' tki BwZnvm-HwZn', wkí-  
ms' wZ,bwZ-%bwZKZv I gj'teva m=útk®aviYv jvf Kti| GQov GB RbtMvxi Rxebhucb,  
gj'³h't>xi grvb AR®, t' ktçj, gibeZt'eva, cKwZtPZbv, bvix-cj'tl i mgh® t'eva, ávZZ'teva I  
weÁvb'tPZbv BZ'Kvi wclql ciV'cj'KuW c'v'qtb ,i'tZj mvt\_ wetePbv Kiv ntqtQ|

57 I.Iva, *Status of Minorities in Bangladesh*, retrieved from Colombo: <http://www.southasianrights.org/wp-content/uploads/2009/10/final-BD-Minority-Report-2011.pdf>

58 Sayeed & Hoque, *Op. cit.*, pp. 6-11.

59 *Ibid.*, p. 8.

60 *Ibid.*, p. 9.

61 As discussed in Said, *Op. cit.*

‘savages’.<sup>62</sup> As the compilers say, this text was chosen for the cinematic style of narration,<sup>63</sup> but the text has not paid attention to how an indigenous people are represented in this book.

While many of the prose extracts and poems have the Liberation War as the theme (and therefore emphasize on patriotism) and some of the texts may make students’ aware of the heightened sense of beauty associated with the natural landscape of Bangladesh, there is no specific text which is targeted at raising student’s environmental or scientific awareness. Moreover, while the Liberation War becomes a prominent theme in texts, there is no representation of freedom-fighters of both genders from an ethnic minority in the book or any portrayal of the contribution of ethnic minorities in the Liberation War. Indigenous people of Bangladesh contributed as much to the Liberation War as did Bengalis. But nowhere does the book acknowledge this role of ethnic minorities. In this way, the voice of ethnic minorities of both genders is completely silenced or ignored in the book. Silence about this issue could be regarded as a form of epistemic violence. Moreover, it can be said that by silencing the voices of ethnic minorities, the textbook is trying to legitimise one ‘unique’ form of history and national narrative, i.e., the history of Bengalis. Whether this is done to suppress any potential rebellion from these ethnic groups, is more difficult to understand from only the reading of the textbook.

Bengali women as well as other subalterns of both genders, however have been given adequate voice. Unlike many of the findings of the literature review mentioned above, there is no general evidence to suggest that this textbook is trying to silence or marginalise the voices of Bengali women and other marginal people; or to underrepresent them. For example, Jahanara Imam depicts in her autobiographical writing as to how she loses her freedom-fighter son to the Pakistani junta.<sup>64</sup> Unlike Imam who comes from the educated middle classes and therefore has the power to speak for herself, Rahman’s Mother<sup>65</sup>— the nameless entity— comes from the lower stratum of the society but nonetheless, depicts sufficient awareness of national-political issues after she too loses a son to the War. This is done by the symbolic uncovering of her facial veil which she chooses to give up after she loses her son. The uncovering of the veil can be regarded as a symbol by which she empowers herself (paradoxically through the loss of a son)

---

62 Sayeed & Hoque, *Op. cit.*, p. 9.

63 *Ibid.*, p.10.

64 *Ibid.*, pp. 114-119.

65 *Ibid.*, pp. 101-103.

and therefore gains a voice. Another text<sup>66</sup> depicts the process by which Ohi,— a street urchin— is sufficiently politically motivated in order to join a demonstration in which he is killed by the Pakistani army. In another text by Tagore,<sup>67</sup> Subha is born dumb and the tears she sheds on the eve of her marriage for her childhood friend who never reciprocates Shubha's feelings for him, might be the only means left to Subha to 'talk'. There is Kangali<sup>68</sup> who is so poor that he is unable to buy the wood needed to give his mother a proper funeral rite. Kangali does not have a voice or agency. However, against this, are a group of young and superstition-free men in the short excerpt 'Bandh'.<sup>69</sup> The men, under the leadership of the local village school master, are able to resist the societal pressure of elderly but superstitious men, to build a dam in order to resist a flood.

The portrayal of gender equality is more complicated. While none of the texts bring out this issue overtly, there are one or two texts in which the issue of gender equality features as a major theme. For example, in the excerpt from Denapaona<sup>70</sup> by Tagore, Nirupoma's dilemma is brought out. Her father has to pay dowry to her father-in-law every time he visits her so that at one point, Nirupoma cries out 'am I a bag of money?'.<sup>71</sup> Ultimately, Nirupoma dies of psychological pressure that her in-laws subject her to. However, this text seems to aim more at raising consciousness among students of the negative social practice of taking dowry, rather than promote women's empowerment. The portrayal of women in this excerpt serves an instrumental purpose of creating social awareness rather than the intrinsic purpose of promoting women's empowerment.

It is clear from the above discussion that the state assumes that all Bangladeshi children are of same ethnicities and that all children will respond perhaps in the same way to the text. This could be the reason why an effort becomes evident to present the history of Bangladesh as being the history of people belonging to the Bengali ethnicity only. The text developers overlooked possible ways and responses the book might evoke from children and teachers from ethnic minorities. They would feel totally marginalised when they read this text in their schools since their histories and narratives have been excluded and therefore silenced in the book. Also, equally important becomes the issue of Pakistanis. None of the narratives

---

66 *Ibid.*, pp. 150-155.

67 *Ibid.*, pp. 17-22.

68 *Ibid.*, pp. 37-45.

69 *Ibid.*, p. 129.

70 *Ibid.*, pp. 26-31.

71 *Ibid.*, p. 29.

includes a theme whereby many Pakistanis saved the lives of Bengalis during 1971<sup>72</sup> perhaps because this would involve a re-presentation and revision of dominant historical discourses as constructed by Bangladeshi historians which these textbook writers are unwilling to do because they are trying to construct one dominant national narrative which emphasizes on nationalism of the Bengali race. The textbook developers have perhaps forgotten that non-Bengalis are Bangladeshis nonetheless.

From the above discussion, it is clear that the textbook portrays women as primarily mothers or care-givers and men as brave freedom fighters. Stromquist<sup>73</sup> suggests that the state produces activities which sanction social representations of women's 'proper role' in society. This is evident in the textbook as well. The implication is that the state through the textbook, sanctions and endorses traditional sexual divisions of labour as well as stereotypical notions of femininity and masculinity. However, in their conventional role as mothers, there are elements of resistance that these women present to the existing power imbalances and social injustices. The excerpts 'Rahman's Mother'<sup>74</sup> and 'Denapaona'<sup>75</sup> are glaring examples. Men and especially marginalised men, too at times, subvert existing power structures as is evident in 'Bandh'.<sup>76</sup>

The overall pattern that therefore emerges from the textbook is that although the fundamental roles women and men play in the Bangladeshi society have remained undisturbed, great effort has been made to represent Bengali marginalised people of both genders in the excerpts. More effort should have been made to give a voice to the indigenous population of the country by choosing excerpts which would have represented the interests, rights and cultures of these people. However, although there is at least one instance in the book in which the representation of indigenous people has not gone well, overall, a special attempt has been made to emphasise the historical, cultural and socio-economic forces that have shaped Bengali/Bangladeshi nationalism which is the dominant nationalism of the country. Generally, Bangladesh's War of Liberation and the theme of freedom has gained towering importance in the criteria for excerpt selection and marginalised people of

---

72 Y. Saikia, *Women, War, and the Making of Bangladesh: Remembering 1971*, Durham: Duke University Press, 2011.

73 N. P. Stromquist, "Educating Women: the Political Economy of Patriarchal States", *International Studies in Sociology of Education*, Vol.1 (1-2), 1991, pp. 111-128. doi:10.1080/0962021910010107

74 Sayeed & Hoque, *Op. cit.*, pp. 101-103.

75 *Ibid.*, pp. 26-31.

76 *Ibid.*, pp. 129-134.

both genders have been adequately represented in relation to this war. However, a notion of contemporary gender equality issues in the context of post-war Bangladesh remains elusive in the book.

### **Conclusion**

This article has analysed the representation of gender in the Bengali literature textbook used for teaching classes 9 and 10 in Bangladesh. Taking a post-colonial perspective it finds that ethnic minorities are neglected in the book. This can possibly be defined as a form of epistemic violence but whether this is done purposefully to silence or suppress potential rebellions from ethnic minorities or whether this has been done due to a sheer neglect of the editors and compilers of the textbook, is more difficult to understand. What is more prominent however, is that through the marginalisation of ethnic minorities, the textbook is aiming to legitimise one version of history which is the history of Bengalis. In this way, the textbook is targeting to construct a unique version of history in order to uphold Bangladeshi/Bengali nationalism. Moreover, although the Bengali women and men have been given a voice predominantly for their contribution to the Liberation War of Bangladesh, and although promoting gender equality is an aim of the textbook, contemporary gender equality issues do not gain any prominence in the book.

## **DOMESTIC INPUTS IN BANGLADESH FOREIGN POLICY: A CRITICAL REAPPRAISAL**

Md. Rezwanul Haque Masud<sup>\*</sup>

### **Abstract**

Foreign policy is the set of principles that guides a state's external relations with other state and non-state actors in the international system. The objective of foreign policy is to ensure national interest of a country outside its own territory in carrying out negotiations, signing treaties, joining forums and in other issues concerning the country's economic, geopolitical and strategic interests. However, as neoclassical realism assumes, dealing with external environment does not necessitate that the regional and global settings solely influence decision-making procedures of foreign policy. The role of domestic inputs cannot be overlooked in influencing foreign policy formulation process. Foreign policy formulation process of Bangladesh is influenced by both external environment and domestic considerations. The domestic inputs in Bangladesh foreign policy are supposed to be working in a participatory manner as a country running under democratic principles as mentioned in the constitution. What domestic inputs are playing decisive role in foreign policy decision making in Bangladesh? This paper addresses the question from a neoclassical realist perspective and argues that the domestic inputs in Bangladesh are not properly functioning. In analyzing the role of domestic inputs, the paper reviews major decisions in Bangladesh foreign policy bearing theoretical and policy implications.

### **Introduction**

Foreign Policy is defined as an extension of domestic policy for dealing with external actors in order to pursue national interest of a country at the international level. International system, regional setting, geopolitical compulsion, economic interconnectedness and many other external factors play a vital role in shaping the formulation of foreign policy. Foreign policy decision making process is thus supposed to be influenced by external factors and systemic pressures. However, it cannot be concluded that external factors solely play the role in formulating foreign policy as the process consists of diverse policy instruments.<sup>1</sup> A domestic lens is inevitably associated with the decision

---

<sup>\*</sup> Lecturer, Department of International Relations, University of Dhaka

<sup>1</sup> Helen B. Milner and Dustin Tinglay, *Sailing the Water's Edge: The Domestic Politics of American Foreign Policy*, Princeton University Press, New Jersey, 2015, p. 7

making process of foreign policy in which internal environment, ideology of decision makers, public opinion, political parties and other issues play significant roles. International relations and domestic politics are so interrelated that they should be analyzed simultaneously, as wholes.<sup>2</sup> Bangladesh foreign policy decision making process is likewise influenced by a number of domestic inputs which play a very crucial role in shaping the country's foreign policy directions. The trends, priorities, objectives and orientations of Bangladesh foreign policy have changed significantly in different times depending on domestic socio political environment. In the age of global interconnectedness the geopolitical significance of Bangladesh is being felt by powerful regional and global actors and the role of Bangladesh in international arena has got multifaceted character. The process of globalization has brought nation states closer than ever and the importance of pro-active diplomacy and dynamism in foreign policy decision making process has increased manifold. It is undeniably necessary to identify the focal point of foreign policy decision making and know what issues play role in transforming foreign policy behaviour of Bangladesh. It is in this context it becomes imperative to study the domestic inputs that shape foreign policy decision making process of Bangladesh. The number of domestic inputs operational in decision making process is enormous. Several past events suggest that there was lack of coordination and combination of factors involved in foreign policy formulation process in Bangladesh. A few institutions play big roles in determining the foreign policy directions. The paper examines the foreign policy functions of Bangladesh in different times, influence of regime changes in foreign policy formulation, role of bureaucracy, political parties, parliament, public opinion and important policy makers and periodical changes in Bangladesh foreign policy.

#### **Framework of Analysis: Neoclassical Realism**

The relative power position in international system has a role to play but this is not overwhelming except an intervening role of domestic decision makers. The post-Cold War politics has demonstrated the efficacy and relevance of this argument in different cases. Foreign policy formulation takes into account the internal variables along with external pressures. Neoclassical realism assumes that intervening variables, such as the internal structures of states and the

---

<sup>2</sup> Peter Gourevitch, "The second image reversed: the international sources of domestic politics", in *International Organization*, Vol. 32, no. 4 (Autumn), 1978, p. 911

perceptions of leaders, act as pivotal intermediaries between the pressures of power configurations and the decisions of actors.<sup>3</sup> The term ‘neoclassical realism’ was coined by Gideon Rose in a 1998 *World Politics* review article<sup>4</sup> that cements the linkage between external environment and domestic pressure. Neoclassical realists stand in the middle of *Innenpolitik* and *Aussenpolitik* viewpoints.<sup>5</sup>

In order to analyze Bangladesh foreign policy, as neo classical realists believe, ‘understanding the links between power and policy requires close examination of the contexts within which foreign policies are formulated and implemented.’<sup>6</sup> Bangladesh achieved independence in 1971 and it started its journey as a follower of parliamentary democracy. The primary objective of Bangladesh foreign policy in the initial years was to gain recognition from as many countries as possible. The ideological perspectives and leadership played a role along with Cold War politics at that point of time. In the neoclassical realist world, leaders can be constrained by both international and domestic politics.<sup>7</sup> Thus, a combination of domestic variables and international structure is visible in foreign policy of Bangladesh from the very beginning. The national decision makers had to consider the external reality as can be seen in case of Delhi tripartite agreement in 1974. Before the tripartite agreement, during a talk between India and Pakistan in New Delhi on 18 August, 1973, Aziz Ahmed, the leader of the Pakistani delegation, dangled the threat of trying 203 Bengalis detained in Pakistan if Bangladesh’s proposed trial of 195 Pakistani prisoners of war was not dropped.<sup>8</sup> Besides, Bangladesh, seriously affected by the worldwide oil crisis and other economic problems, became vulnerable to the pressure tactics of the oil rich “brothers”<sup>9</sup> which required a diplomatic response

---

<sup>3</sup> Stefano Costalli, “Power over the Sea: The Relevance of Neoclassical Realism to Euro-Mediterranean Relations,” *Mediterranean Politics*, Vol. 14, No. 3, November 2009, p. 327

<sup>4</sup> Nicholas Kitchen, “Systemic pressures and domestic ideas: a neoclassical realist model of grand strategy formation”, *Review of International Studies*, Vol. 36, 2010, p. 117

<sup>5</sup> *Innenpolitik* is a German word meaning ‘domestic policy’ while *Aussenpolitik* is a German word referring to ‘foreign policy’. The terms are used by Fareed Zakaria, Bhumitra Chakma and others in different articles.

<sup>6</sup> Gideon Rose, “Neoclassical Realism and Theories of Foreign Policy”, a review article, *World Politics*, Vol. 51, No. 1, October 1998, p. 147

<sup>7</sup> *Ibid*, 152

<sup>8</sup> Jaya Krishna Baral, “From Simla to Delhi : A case study of sub-system diplomacy”, *The Indian Journal of Political Science*, Vol. 38, No. 2, April-June 1977, p.228

<sup>9</sup> *Ibid*, p. 230

to a deadlock situation which resulted in compromise from all parties. In return, Bangladesh gained recognition from Pakistan as an independent country which was crucial for the country at that point of time. However, not always the systemic pressure could actively intervene. Bangladesh decided to be a part of Non-Aligned Movement as an attempt to stay away from close clutch of bipolar rivalry. For neo classical realism, to paraphrase Clausewitz, explaining foreign policy is usually very simple, but even the simplest explanation is difficult.<sup>10</sup> A combination of domestic factors and external pressures became prominent as can be seen in time of all succeeding regimes in Bangladesh.

Domestic factors such as economic condition, number of migrant workers, and emergence of ready-made garment industries shaped Bangladesh foreign policy orientation from time to time.<sup>11</sup> External factors like Bangladesh's geo strategic location in between South and Southeast Asia, water sharing of international rivers lying through the heart of the country did have important contributing role too. Bangladesh, from the beginning, had to face external pressures of various types from various corners. Some powerful countries did not recognize the independence of Bangladesh in the initial years. Foreign policy objectives likewise were affected by those. In turn, domestic policy changes could also be observed from internal regime changes in Bangladesh. Significant transformation in foreign policy posture took place with the change of political regime in the country. The above mentioned situation can be linked up with the following assumption that 'neoclassical realism aims to explain how states adjust to systemic changes. Neo-classical realism thinkers emphasize the constraining effects of the international system but nevertheless recognize that considerable scope exists for the exercise of national foreign policy preference.'<sup>12</sup>

So, it becomes clear as William Wallace has argued that 'foreign policy is that area of politics which bridges the all-important boundary between the nation-state and its international environment'.<sup>13</sup> It is also quite conspicuous that neoclassical realism not only deals with system level approach, but also takes

<sup>10</sup> Gideon Rose, *Op. cit.*, p. 166

<sup>11</sup> See Mohammad Yunus and Tatsufumi Yamagata, "The Garment Industry in Bangladesh", in Fukunishi (ed.), *Dynamics of the Garment Industry in Low-Income countries: Experience of Asia and Africa (Interim Report)*, IDE, JETRO, 2012

<sup>12</sup> Lorenzo Cladia and Mark Webber, "Italian foreign policy in the post-cold war period: a neoclassical realist approach", *European Security*, Vol. 20, No. 2, June 2011, p. 207

<sup>13</sup> W. Wallace, *Foreign policy and the political process*, Macmillan, London, 1971, p. 7

state level and individual level analyses into account. However, this is necessary to recall that neo-classical realism is not beyond criticism as there have been divisive ontological and epistemological debates in the history of the discipline of International Relations.<sup>14</sup> Neo-classical realist scholars emphasize the role of policymaking executives. Domestic inputs in Bangladesh foreign policy is an important field of study that require extensive academic investigation. This should not be viewed as opportunistic justification to use neoclassical realism to explain domestic inputs in foreign policy decision making as what makes neoclassical realist theory 'new' is its ongoing attempt to systematize the wide and varied insights of classical realists within parsimonious theory, or to put it in reverse, to identify the appropriate intervening variables that can imbue realism's structural variant with a greater explanatory richness.<sup>15</sup> It prioritizes and stresses 'power, interests and coalition making as the central elements in a theory of politics' but seeks to recapture classical realists' appreciation that we need to look within societies as well as between them, to deny that states are simple, 'irreducible atoms whose power and interests are to be assessed.'<sup>16</sup>

Waltz states that "A domestic political structure is defined, first, according to the principle by which it is ordered; second, by specification of the functions of the formally differentiated units; and third, by the distribution of capabilities across those units."<sup>17</sup> This helps understand how roles of different institutions should be categorized according to precise needs. In foreign policy formulation process, it is held that the Ministry of Foreign Affairs, the parliament, public opinion and bureaucrats play a wide variety of role within the internal state structure. Mark Webber and Michael Smith suggest that contemporary foreign policy focuses on the ways in which, 'and the extent to which, national governments have succeeded in dealing with the challenges of a substantially transformed world'.<sup>18</sup> As neoclassical realists say, to understand the way states

---

<sup>14</sup> Eun, Yong-soo, "Why and how should we go for a multi-causal analysis in the study of foreign policy? (Meta)theoretical rationales and methodological rules", *Review of International Studies*, Vol.38, No. 4, 2012, p.764

<sup>15</sup> Nicholas Kitchen, "Systemic pressures and domestic ideas: a neoclassical realist model of grand strategy formation", in *Review of International Studies*, Vol. 36, No. 1, 2010, p. 118

<sup>16</sup> *Ibid*, p. 141

<sup>17</sup> Kenneth N. Waltz, *Theory of International Politics*, Waveland Press, Illinois, 1979, p. 82

<sup>18</sup> M. Webber and M.H. Smith, eds., *Foreign policy in a transformed world*, Pearsons Education Limited, Harlow, p. 22

interpret and respond to their external environment, one must analyze how systemic pressures are translated through unit level intervening variables such as decision-makers' perceptions and domestic state structure.<sup>19</sup> It is in this context neoclassical realism has been used as a framework of analysis to describe role of domestic inputs in Bangladesh foreign policy. The next section presents a list of five sets of domestic-level variables.

### **Bangladesh Foreign Policy and Domestic Inputs**

Critics often note that Bangladesh does not have a foreign policy<sup>20</sup> rather than foreign relations.<sup>21</sup> Such views are supported by the evidence of Frequent transformations in foreign policy orientations caused by regime changes.

The Bangladesh Constitution sets forth some basic principles which clarify the existence of Bangladesh foreign policy. Foreign policy suffers from political polarization and partisan stance rather than objective analysis of national interest. The Constitution lays down the basis of Bangladesh foreign policy in articles 25, 63 and 145(A). Article 25 mentions the principle of promotion of international peace, security and solidarity, article 63 talks about declaration of war and article 145(A) discusses the code of international treaties. In addition to this, there is an acceptance that Bangladesh foreign policy stands on the principle of “friendship to all, malice to none”.<sup>22</sup> The objectives of Bangladesh foreign policy focus on the principles of national security, peaceful co-existence and development.<sup>23</sup> For a veteran diplomat, Bangladesh has two broad foreign policy aspirations – first, the search for its security and preservation of sovereignty, and second, the quest for resources for its development and economic welfare.<sup>24</sup> The means and methods of pursuing the foreign policy aspirations change over time and domestic inputs play crucial role in this regard.

---

<sup>19</sup> Gideon Rose, *Op. cit.*, p.152

<sup>20</sup> Ambassador Nasim Ferdous mentioned the viewpoint in a conversation with the author on December 03, 2013

<sup>21</sup> Ambassador Ashfaqur Rahman observed so at a workshop held in the University of Dhaka on August 31, 2013

<sup>22</sup> Md. Abdul Halim, “Foreign Policy of Bangladesh: Framework of Analysis”, in Emajuddin Ahamed (ed.), *Foreign Policy of Bangladesh: A Small State's Imperative*, Komol Kuri Prokashon, Dhaka, 2007, p.21

<sup>23</sup> Harun ur Rashid, “Bangladesh in International Affairs: Birth of Bangladesh and Foreign Policy”, in Harun ur Rashid, *International Relations and Bangladesh*, The University Press Limited, Dhaka, 2004, p.217

<sup>24</sup> Iftekhar Ahmed Chowdhury, “Foundations of Bangladesh's Foreign Policy Interactions”, ISAS Insights, No. 120, March 2011, p.03

Domestic inputs may be defined as combination of domestic actors and factors that play role in determining foreign policy courses of a particular country. Along with international systemic structure, there are a wide range of domestic sources of inputs from which foreign policy options are guided. Domestic inputs may vary from country to country, regime to regime on the basis of the system of governance. While examining Bangladesh's foreign policy decision making, the following domestic inputs may be examined.

**a. Idiosyncratic Factors of the Leadership**

Idiosyncratic factors play an important role in the making and shaping of a state's foreign policy. In case of foreign affairs, inactivity on the part of leaders in the face of demands for action will be penalized because it will be viewed as neglectful of national interest, while activity in excess of that demanded by the constituency will be penalized because it will be viewed as a diversion of resources away from more important tasks.<sup>25</sup> Since individuals are exposed to different experiences and everyone is to some extent unique, decision makers inevitably develop beliefs and outlooks that are to some extent idiosyncratic and peculiar to them.<sup>26</sup> The Prime minister, under the parliamentary system of Bangladesh, is not "first among the equals", but virtually is the most powerful person in the government.<sup>27</sup> It has been observed in Bangladesh that the head of the executive controls core issues of defense and foreign affairs, something embedded in the political culture of the country. The political parties in Bangladesh have a tendency to avoid democratic practices in conducting party affairs and in almost all cases the voice of party head remains the strongest and unchallenged. When party head becomes the Prime Minister the cabinet members rarely challenge his/her decisions.

The personal choices of prime ministers are thus reflected in foreign policy directions. The AL chief, Bangabondhu Sheikh Mujibur Rahman, was the most dominant personality in Bangladesh politics, and he had near absolute authority over his party and the government.<sup>28</sup> In the second half of that decade, that role was played by the chief of the military regime and founder of the BNP, General

---

<sup>25</sup> Bear F. Braumoler, *The Great Powers and the International System: Systemic Theory in Empirical Perspective*, Cambridge University Press, New York, 2012, p. 36

<sup>26</sup> David Patrick Houghton, *The Decision Point: Six Cases in US Foreign Policy Decision Making*, Oxford University Press, New York, 2013, p. 249

<sup>27</sup> Harun ur Rashid, *Op. cit.*, p. 35

<sup>28</sup> Bhumitra Chakma, *Op cit.*, p. 19

Ziaur Rahman.<sup>29</sup> When these two personalities were assassinated in separate military coups, their positions within their respective political parties were inherited by close relatives: in the case of the AL, Sheikh Hasina (current prime minister), Mujib's daughter, took charge of the party, while in the case of the BNP, Zia's widow, Khaleda Zia, became the party's chairperson; and since the 1980s, these two figures have dominated Bangladesh politics.<sup>30</sup> Interestingly, the ideals of Ziaur Rahman are held by Khaleda Zia, as seen in the latter's favorable foreign policy orientations toward China and the Middle East. By contrast, the legacy of Sheikh Mujib can be observed in Hasina's approach to dealing with India and Russia. The change of foreign policy attitude along with the change of person in office demonstrates how crucial role prime minister plays in formulating Bangladesh foreign policy.

The Prime Minister also chooses advisors whose role in Bangladesh foreign policy may not be publicly visible always, but undoubtedly the advisors play a big role in foreign policy decision making process.<sup>31</sup> Prime minister discusses foreign policy issues with chosen advisors, a few bureaucrats and a limited number of ministers known as "kitchen cabinet".<sup>32</sup> The role of advisors could be publicly understood especially during the Awami League led grand alliance government during 2009-2013 tenure. It was seen that the advisors of foreign affairs and economic affairs were given special assignments during government's negotiation with India, USA and World Bank in recent years. Their activities and promptitude at times outshined the accomplishments of foreign ministry. Gowher Rizvi, advisor of international affairs to the prime minister Sheikh Hasina, clarifies that advisors work on the basis of given duties to them being assigned by the prime minister and they play advisory role.<sup>33</sup> He disregards any discussion of tussle between foreign minister and foreign policy advisor as "unnecessary myth".<sup>34</sup> Nonetheless, the negotiation phase with regard to Teesta river water sharing treaty shows lack of coordination among the advisors and ministers. The influence of idiosyncratic factors of the head of the government will be exemplified in the next section.

<sup>29</sup> Rounaq Jahan, *Bangladesh Politics: Problems and Issues*, University Press Limited, Dhaka, 1980

<sup>30</sup> Bhumitra Chakma, *Op. cit.*, p.19

<sup>31</sup> Interview with Ambassador Waliur Rahman on November 03, 2013

<sup>32</sup> Harun ur Rashid, *Op. cit.*, p. 35

<sup>33</sup> Interview of Gowher Rizvi In Independent TV, April 02, 2012, available at <http://www.youtube.com/watch?v=3YtC4L1Oh90>, accessed on December 15, 2013

<sup>34</sup> *Ibid*, accessed on December 15, 2013

### **b. Institutional Factors**

A government is a vast conglomerate of loosely allied organizations, each with a substantial life of its own.<sup>35</sup> Apart from the head of the government, institutions like the ministry of foreign affairs, parliament, bureaucracy, intelligence agencies play important role in foreign policy decision making in varying degrees. The Ministry of Foreign Affairs is primarily responsible for the formulation of foreign policy. The foreign minister is supposed to play leading role in this regard. During the regime of Sheikh Mujibur Rahman, foreign office played role hand in hand with the Prime Minister's office, although under the overwhelming influence of Mujib's principles. Ziaur Rahman used to consult his foreign minister Muhammad Shamsul Huq on various foreign policy issues, but there was no account of anyone else's involvement in Muhammad Shamsul Huq's narrative. After the restoration of parliamentary democracy in 1990, the foreign ministry was expected to play a leading role in shaping foreign policy directions. Professional diplomats insist, the foreign ministry plays a key role in prioritizing foreign policy issues.<sup>36</sup> However, the reality is that prime minister can "hire and fire" cabinet ministers, and hence, ministers often wish to tender advice what the prime minister would like to hear. It is a fact that the foreign office co-ordinates with other concerned ministries only after the prime minister sets the direction of foreign policy.<sup>37</sup>

The national parliament is another important institution in the formulation of foreign policy. In theory, it is the prime law making institution formed by the elected representatives, who are expected to debate issues related to public interests. Ideally, any treaty with international organizations or foreign countries needs to be discussed in the parliament where people's representatives will have a say on behalf of people's interests. By scrutinizing the issues, the parliament may press the government to review its thinking and change or make "fine tuning" of some aspects of foreign policy.<sup>38</sup> In reality, the Parliament in Bangladesh rarely plays an active role in deliberating issues related to foreign affairs. Due to the political culture of Bangladesh, the party members rarely disagree with party chief's stance fearing they may violate article 70 of the constitution, which equates party discipline with strict

---

<sup>35</sup> Graham T. Allison and Philip Zelikow, *Essence of Decision: Explaining the Cuban Missile Crisis*, 2nd ed. Longman, 1999, p. 143

<sup>36</sup> Interview with Ambassador Muhammad Zamir on November 07, 2013

<sup>37</sup> Harun ur Rashid, *Op. cit.*, p.35

<sup>38</sup> *Ibid*, pp. 35-36

adherence to a top-down decision process. As a consequence decisions taken by the higher authority are unquestionably passed in the parliament if ruling party has a brute majority in the parliament which has been the case in Bangladesh in recent regimes. The Bangladesh Parliament has a standing committee for foreign affairs and theoretically foreign minister is accountable to the standing committee. In practice it could be seen that often foreign ministers did not bother to attend the meetings called by the standing committee on several occasions.<sup>39</sup>

Bureaucracy is another crucial institution in foreign policy formulations that works ‘behind the scene’ and is assigned with executing foreign policy tasks as per directions.<sup>40</sup> It is undeniably the civil servants who are major stakeholders in foreign policy making. The officers of the foreign office and those who are posted abroad implement foreign policy decisions.<sup>41</sup> By dint of being posted in foreign office they are the ground level staffs who look at the decision implementing process and negotiation stakes closely. As Bangladesh foreign policy directions are not static, bureaucrats are to work according to the will of government. As a consequence, the regime priorities become important in case of any government coming to power and bureaucrats need to satisfy the needs of executive decision makers. The opinion of civil servants in this regard is not adequately considered.

It is important to note that civil and military secret intelligence services have a vital role to play in the process of formulating foreign policy.<sup>42</sup> The intelligence gathering is considered to be an integral part of diplomacy since the inception of the notion. In democratic institutions, intelligence services are important too, but in Bangladesh they are one of the key role players as they are directly answerable to the prime minister only. It is the prime minister’s domain to obtain information from intelligence services and s/he may or may not pass on the gathered information to the cabinet colleagues on a “need to know” basis.<sup>43</sup> The important officials of intelligence agencies are selected on the basis of allegiance to the incumbent regime and key leader; hence intelligence services too tend to satisfy cherishes of the prime minister. In turn the prime minister

---

<sup>39</sup> Report, “Parliamentary standing committees are working slowly”, in *the Daily Samakal*, January 29, 2017

<sup>40</sup> Interview with Ambassador Afsarul Qader on November 06, 2013

<sup>41</sup> Harun ur Rashid, *Op. cit.*, p. 35

<sup>42</sup> Harun ur Rashid, *Op. cit.*, p.36

<sup>43</sup> *Ibid*, p.37

generally trusts the options put forth by the intelligence services than formal decision making authorities. Thus it can be observed that institutional factors in Bangladesh are centralized with almost no autonomy in making foreign policy decisions in an objective manner.

### c. Societal Factors

Societal actors such as public opinion and media may play varying role in the foreign policy decision process. In most cases, when the executive branch of the government, headed by the prime minister, formulates a policy, the parliament and the mass people either remain indifferent or exercise a marginal role in determining the direction of foreign policy.<sup>44</sup> However, the “informed public” expresses their views through the print and electronic media though.<sup>45</sup> On the other hand, public opinion is formulated and interpreted in different ways by different regimes to suit policy planning. From supply side mechanism, during the military rule, it was seen that religion and Bangladeshi nationalism were used politically to raise anti-Indian public opinion which suited with government’s actions. On the other hand, different interpretations are given by Sheikh Hasina regime to mould public opinion about India.<sup>46</sup> For example, in 2016, Bangladesh allowed India to build a mega coal plant in the ecologically sensitive Sundarbans mangrove forest<sup>47</sup> despite strong reservation from national and international environment activists,<sup>48</sup> however, the government continues to reiterate that the Indo-Bangla power plant has no chance of causing damage to the Sundarbans.<sup>49</sup>

The role of media is also important. Media helps people know facts and figures. With regard to border killings by the Indian Border Security Force, media play important roles in forming public opinion. Steps of government do not give signals that media outcry could have strongly influenced decision making process of the government. From demand side mechanism, there is in fact no way in which people can participate in decision making process and express

---

<sup>44</sup> Harun ur Rashid, *Op. cit.*, p. 215

<sup>45</sup> *Ibid*, p. 36

<sup>46</sup> Shoaib Daniyal, “Hindi-Bangla bhai-bhai: How Dhaka became India's most important ally in the subcontinent”, *Scroll.in*, October 13, 2016

<sup>47</sup> *Ibid*, October 13, 2016

<sup>48</sup> Chelsea Harvey, “A new power plant could devastate the world’s largest mangrove forest”, *The Washington Post*, July 18, 2016

<sup>49</sup> Report, “Sheikh Hasina defends Indo-Bangla power project near Sundarbans”, *The Economic Times*, January 28, 2017.

their views. Civil society does raise voice through media, but dissenting voices are demonized often. Therefore what people actually want does not get reflected and public voices remain unheard leaving foreign policy decisions a top-down approach mostly. But, democratic governments need to act in ways consistent with general views of the public.<sup>50</sup>

#### **d. Ideological Factors**

Ideological beliefs of the ruling parties have always mattered in shaping foreign policy orientations in Bangladesh. Incumbent governments align their foreign policy priorities with the party ideology. Upholding national interest is a prime concern for any government. The question is then who defines national interest? It has been seen that there is no continuity in foreign policy directions of Bangladesh. Part of the reason lies with the fact that different regimes view national interest from different lenses. When ideological divisions over an issue are very large, this ideological structuring makes substitution across the policy instruments very difficult.<sup>51</sup> For instance, the incumbent government in 2001, thought that it was in national interest to adopt a 'Look East' policy. The next regime did not act on the Look East policy, and instead chose to look west by getting closer with India. In fact, the regime interest worked in both cases like all other circumstances. The next section of the paper will discuss with examples how party ideologies of Awami League and BNP contribute to foreign policy formulation. Evidence can be found in the foreign policy attitudes of Bangladesh toward China, the USA and the Middle East. Although senior government officials choose what would best suit their goals, they often set national priorities through the lens of political ideologies.

#### **e. Interest Groups**

Interest groups keep close contact with high ups of the government to promote their interests in foreign policy decision making. Individuals in these groups tend to have similar preferences and thus strong incentives to seek policies that will benefit themselves.<sup>52</sup> In an era of global interconnectedness, economic doors are opening incrementally in different forms. Business groups have good influential power in persuading government to take trade friendly approaches. In case of foreign visits by the prime ministers, it is seen that business community takes part. Ready-made garments exporters are importantly viewed

---

<sup>50</sup> Helen V. Milner and Dustin Tinglay, *Op. cit.*, p. 186

<sup>51</sup> *Ibid*, p. 196

<sup>52</sup> Helen V. Milner and Dustin Tinglay, *Op. cit.*, p. 77

in eyes of foreign policy decision makers. Bangladesh's relations with Myanmar are perceived to have close influence of the business lobbies. Military lobbies also influence decision making to some extent. The Foreign Office has to accommodate military personnel in designated posts at home and abroad. Bangladesh Institute of International and Strategic Studies, a think tank of Bangladesh government is headed by a military officer. UN peacekeeping and weapons purchase issues have important impacts upon foreign policy directions. Aid dependence also affects foreign policy decision making. Bangladesh tries to maintain close contacts with aid giving countries and agencies to promote economic development.

Overall, it can be seen from conventional wisdom that the prime minister ultimately decides what will be the foreign policy directions of the country. The advisors are chosen by him/her and they are selected on the basis of allegiance to party principles. As a consequence, prime ministers' visions get reflected in advisor's decisions. The foreign minister also plays role as s/he is officially is assigned in charge of conduction of the ministry of foreign affairs. But in the democratic system of Bangladesh, foreign minister does not have the scope to act very autonomously. At times, the role of senior party leaders is considered as significant as at vital times prime minister discusses issues with selected party leaders. Tabarak Hossain lists role of public opinion, shadow of India, aid dependence, geographical position as key domestic inputs to have played role in Bangladesh foreign policy formulation.<sup>53</sup> In practice, however, political leadership ultimately appears as the key factor in deciding foreign policy issues. Abul Kalam describes globalized systemic inputs in and process of national decision making taking the impact of political process, institutions and market forces into account.<sup>54</sup> The historical impression of foreign policy decision making suggests that polarized political priorities immensely influenced foreign policy directions of Bangladesh. The basic nature of parliamentary democracy demands exercise of pluralism and participation. Unlike many other democratic countries, foreign policy has not experienced democratic process of institutionalization of Bangladesh. There was an influence of ideological principles held by the regimes in determining foreign

---

<sup>53</sup> Tabarak Hussain, "Domestic Inputs in Bangladesh Foreign Policy", in S.R. Chakravarty and Virendra Narain (eds.), *Bangladesh: Global Politics*, Volume three, South Asian Publishers, New Delhi, 1988

<sup>54</sup> Abul Kalam, "Globalized Systemic Inputs and National Decision Making", in Abul Kalam, *Globalization and Bangladesh in the New Century*, Palok Publishers, Dhaka, 2004, pp. 45-48

policy directions along with change in external political dynamics. The next section exemplifies how domestic inputs interplay in the case of Bangladesh through case studies.

### **Major Decisions of Bangladesh Foreign Policy**

This section investigates three major decisions of Bangladesh during three regimes that will help understand the role of domestic inputs and the shifting nature of Bangladesh foreign policy orientation. From the perspectives of the long term influences of the decisions, significance in guiding foreign policy orientation and the wide reach of policies at the international level, the three cases are viewed as major decisions in Bangladesh foreign policy.<sup>55</sup> Investigation of these will help understand the actors and factors that are generally taken into consideration. However, Houghton warns that “foreign policy decision making theory is not like supermarket, where we simply drop into our grocery basket the things we like.”<sup>56</sup> Therefore, the domestic political context and chronology of events need to be kept in mind while analyzing the following case studies.

#### ***Case 1: Foreign Policy Shift towards Muslim Countries***

Bangladeshis are not culturally as close to the Arabs, the Persians or the Turks as the Pakistanis or the North Indians are,<sup>57</sup> and the geopolitical reality of Bangladesh does not necessitate her closeness with the Muslim world.<sup>58</sup> Yet Bangladesh foreign policy is significantly known for its intimacy with the Muslim countries.<sup>59</sup> This is in fact the product of a foreign policy shift consciously taken by the Bangladeshi policymakers. The partition of Pakistan and the formation of independent Bangladesh created a source of discord between the latter and the Muslim countries in the Arab and the Middle East region. The search for diplomatic recognition and foreign aid required Bangladesh a shift in foreign policy that prioritizes maintaining close relations with the Muslim World.

---

<sup>55</sup> Cases for investigation have been selected considering the opinion held by different experts regarding the far reaching implications of the decisions

<sup>56</sup> David Patrick Houghton, *Op. cit.*, p. 252

<sup>57</sup> Kamruddin Ahmed, *The Social History of East Pakistan*, Crescent Book Center, Dhaka, 1967, pp. 1-XLIX

<sup>58</sup> Akmal Hussain, “Bangladesh and the Muslim World”, in Emajuddin Ahamed (ed.), *Foreign Policy of Bangladesh: A Small State’s Imperative*, Komol Kuri Prokashon, Dhaka, 2007, p. 110

<sup>59</sup> *Ibid*, p. 110

Bangladesh foreign policy's shift towards the Muslim countries progressed in various stages. The initial foreign policy pursuit was quest for recognition but Muslim countries did not happily agree to recognize because of Pakistan's attempts to convince these countries that the birth of Bangladesh was part of Indian conspiracy while constitutional provisions of secularism and socialism<sup>60</sup> were viewed in suspicious eyes in Muslim countries. The first Muslim country to recognize Bangladesh was Malaysia which was the 43<sup>rd</sup> country to do so, while Iraq was the first Muslim Arab country which was the 76<sup>th</sup> nation to do so.<sup>61</sup> In 1972, when Bangladesh's application for the membership to the Geneva-based World Health Organization (WHO) was put to vote, all Islamic countries except Egypt and Iraq voted against the admission of Bangladesh into WHO.<sup>62</sup> The meager response from the Muslim countries compelled the newly independent Bangladesh to recognize that diplomatic support from the Muslim majority countries would be crucial for playing an active role in international institutions.

Bangladesh had its first opportunity to demonstrate overt support for an Arab cause during the Arab-Israel War of 1973 when rallies, processions and public meetings supporting the Arab cause were held all over Bangladesh resulting in sending of a twenty-eight member army medical unit in the war front and fifty tons of Bangladeshi tea in Egypt as a gesture of goodwill and solidarity with the Arabs in their fight against Israel.<sup>63</sup> Domestically, government retained the study of Islamiyat and Arabic in school syllabus introduced during the Pakistani days<sup>64</sup> and Islamic Academy (currently known as Bangladesh Islamic Foundation) continued getting government's financial support.<sup>65</sup> These actions were intended to make it clear to Muslim countries that Bangladesh's principles of secularism and socialism would not stand in her way of patronizing the religion in practice. Bangladesh participated in the second Islamic Summit

---

<sup>60</sup> Shaheen F. Dil, "The Myth of Islamic Resurgence in South Asia", *Current History*, April 1980, p. 168

<sup>61</sup> Harun ur Rashid, "Bangladesh's Foreign Relations with Other States", in Harun ur Rashid, *International Relations and Bangladesh*, The University Press Limited, Dhaka, 2004, p.277

<sup>62</sup> *Ibid*, p. 278

<sup>63</sup> Ishtiaq Hussain, "Bangladesh and the Gulf War: Response of a Small State", *Pakistan Horizon*, Vol. 50, No. 2, April 1997, p.43

<sup>64</sup> Akmal Hussain, *Op. cit.*, p. 118

<sup>65</sup> K.M. Mohsin, "Islam in Bangladesh: Society, Culture, and Institutions", paper presented in a program organized by *Bangladesh Itihas Samity*, 24-26 December, 1982, p. 6

Conference which was held in Lahore on February 22, 1974.<sup>66</sup> It can be observed how international relations were maintained making changes in domestic arena from a neoclassical realist point of view. However, whether the decision making process was participatory remains as a question.

After the assassination of Sheikh Mujib and subsequent regime changes, Bangladesh foreign policy was closely aligned with the Muslim countries through various steps taken at home and abroad. The extent of this decision was so large that a separate article of the constitution was added in order to accommodate the transformation. Major insertions and deletions took place in the constitutional provisions with a view to desecularizing it<sup>67</sup> as President Zia amended the constitution of Bangladesh in 1977 stating that “Bangladesh shall endeavor to consolidate and strengthen fraternal relations among Muslim countries based on Islamic solidarity as article 25 (2) of the constitution.”<sup>68</sup> The prospect of getting Arab financial support as external source for materializing ambitious economic programs appeared to be high on the successive governments’ agenda.<sup>69</sup>

The foreign policy decision to shift towards Muslim countries served in a two-fold manner. The decision benefitted economically and politically.<sup>70</sup> “Islamization” of the constitution was adopted to appease the local pro-Islamic sentiments and to project Bangladesh’s deep commitment to Islamic ideals and precepts to the Islamic world.<sup>71</sup> The Zia and Ershad regimes used Islam for political ends<sup>72</sup> as it lacked proper constitutional validity and popular support was a necessity at that time which was gained by Islamist gesture.

If one looks at the decision making process from the perspective of domestic inputs, there was no real parliament working at that time and constitutional amendment came through martial law proclamation. Decisions were taken in a dictatorial manner during the military rules of Zia and Ershad. The Supreme Court in 2010 delivered a verdict declaring the Fifth Amendment

---

<sup>66</sup> Akmal Hussain, *Op. cit.*, p. 117

<sup>67</sup> In the preamble of the constitution, ‘Bismillahir Rahmanir Rahim (In the name of Allah, the Beneficent, the Merciful) was added; and dropping secularism as one of the state principles, the following was added by the same proclamation: “Absolute trust and faith in the Almighty Allah shall be the basis of all actions.”; *Ibid*, p.119

<sup>68</sup> Harun ur Rashid, *Op. cit.*, p. 279

<sup>69</sup> K.M. Mohsin, *Op. cit.*, p.14

<sup>70</sup> Akmal Hussain, p. 119

<sup>71</sup> Harun ur Rashid, *Op. cit.*, p. 279

<sup>72</sup> Akmal Hussain, *Op. cit.*, p. 122

unconstitutional<sup>73</sup> and through the fifteenth amendment article 25(2) was omitted. The omission of the article from the constitution has not resulted in any hostile reaction from the Muslim countries proving the fact that Islamization of the constitution at that time was used to attain political means. The key leader of the time, President Zia defined national interest and it had significant imprint in foreign policy decision making of that point of time.

In 2015, the Sheikh Hasina regime decided to join a Saudi Arabia-led 34 state “Islamic military coalition” to fight terrorism.<sup>74</sup> The decision came as a surprise to many as the form and structure of the alliance remains vague since the coalition has “no practical arrangements, no joint forces, no military co-ordination, no defined objectives or methods.”<sup>75</sup> It can be understood that the decision was taken to serve economic interests in the Middle East. However, from a foreign policy perspective, such a major decision deserved approval from the national parliament. But, the decision was taken without public debates and discussions, so much so that a senior minister in the cabinet also raised questions about the decision making procedure in this case.<sup>76</sup> Foreign policy formulation like in this case demonstrates how idiosyncratic factors of political leadership play influential role in setting foreign policy priorities.

### ***Case 2: Tilt towards the East***

The foreign policy orientation that caused much debates and discussions after Khaleda Zia came in power after 2001 general elections was the policy of ‘Look East.’ It refers to developing enhanced trading and commercial relations with the countries of East and Southeast Asia in an effort to reduce Bangladesh’s economic dependence on India. It is very often said that as Bangladesh is no longer constrained by any political ideology, whereas trade and economic collaboration should be the guiding principle in expanding its foreign relations. Therefore, Bangladesh’s eastward policy shift was viewed as emanating from purely economic reasons.<sup>77</sup> One may ask as to why relations

<sup>73</sup> Po Jen Yap, “The conundrum of unconstitutional constitutional amendments”, *Global Constitutionalism*, Volume 4, Issue 1, Cambridge University Press, 2015, pp. 114-136

<sup>74</sup> Report, “Bangladesh to join Saudi Arabia-led military alliance against terrorism”, *bdnews24.com*, December 15, 2015

<sup>75</sup> Oiver Miles, “Is Saudi Arabia’s anti-terrorist alliance real?”, *The Guardian*, December 15, 2015

<sup>76</sup> Report, “It’s time to unite, fight terrorism: PM says Saudi-led alliance creates scope for Muslim unity”, *The Daily Star*, June 23, 2016

<sup>77</sup> Akmal Hussain, “Bangladesh’s New Foreign Policy Direction in Southeast and East Asia: Perspective and Goals”, *Journal of International Development and Cooperation*, Vol. 12, No. 01, 2005, p. 02

with India are being brought into the discussion while analyzing the domestic inputs to 'Look East' policy. It should be noted that the Bangladesh polity is often polarized between two camps: pro-India and anti-India. The India card remains latent in most cases, except for it being emerged as a major issue during national elections.<sup>78</sup> In Bangladesh's electoral politics, the Awami League is labeled as a pro-India party for its favorable attitudes toward India. The Awami League's archrival, BNP, thus found the 'Look East' policy a logical stance to align with foreign policy posture of distancing from India.

The BNP, created by the first military ruler, General Zia, emphasized a religious identity for the Bangladesh polity, and had maintained an apparently anti-India stance. During Khaleda Zia's BNP regime, the party maintained such a stance, which in turn resulted in New Delhi's demonstration of little interest in improving relations with Bangladesh during Khaleda's 1991-1996 BNP regime.<sup>79</sup> In contrast, there was significant development of relations with India when the Awami League ruled during 1996-2001 period but Sheikh Hasina's approach was much criticized by BNP. The party has a past record of looking at India as a hostile neighbor<sup>80</sup> and the Indian government felt that BNP leading the 4-party alliance government that comprises two religious parties is inclined to a hostile anti-Indian attitude.<sup>81</sup> There was initially no change in India's attitude when Khaleda Zia came to power in 2001 as can be understood by sending of an emissary by the Hindu nationalist party BJP led government of India to convey the message to new government of Bangladesh that India was willing to keep the bilateral relations in the right path.<sup>82</sup> However, bilateral relations fast deteriorated by mainly three issues: the migration of people across border, Indian allegation against Bangladesh of giving shelter to anti-India armed groups and Bangladesh's failure to get trade concessions from India.<sup>83</sup> BNP's stance was critically viewed by India when it came to power and assuming so, BNP shifted eastward looking for broader cooperation with countries located in East and Southeast Asia.

Khaleda Zia told a gathering in Dhaka that her government was marching towards the East because "it would bring good for us at this moment" while she

---

<sup>78</sup> Smruti S. Pattanaik, "Internal Political Dynamics and Bangladesh's Foreign Policy Towards India", *Strategic Analysis*, Vol. 29, No. 3, July-September 2005, pp. 395-426

<sup>79</sup> Bhumitra Chakma, *Op. cit.*, p.09

<sup>80</sup> Akmal Hussain, *Op. cit.*, p.05

<sup>81</sup> *Ibid*, p.04

<sup>82</sup> Akmal Hussain, *Op. cit.*, p.03

<sup>83</sup> *Ibid*, pp.03-04

accused her predecessor, Sheikh Hasina, of pursuing a subservient foreign policy dictated by a particular country (indicating India).<sup>84</sup> It appeared that Bangladesh really wanted to come out of the economic stranglehold of its large western neighbor, India.<sup>85</sup> Analysts viewed the new stance on 'Look East' gave a clear signal that Khaleda's year-old administration wanted to reduce Dhaka's dependence on traditional allies like India.<sup>86</sup> Optimists viewed that under the dispensation of 'Look East' policy adopted in 2001, Dhaka's relations with the countries of South East Asia gave Bangladesh's foreign relations a strategic depth that went beyond South Asia.<sup>87</sup>

However, the Bangladesh government's much-trumpeted 'Look East' policy did not make much progress as the initiative was "limited in words, not in reality", observed parliamentary committee of the ministry of foreign affairs of that time which asked the ministry to make diplomatic efforts to remove apparent constraints hampering closer ties with countries like Japan and South Korea, and especially China, which the committee members said is a "tested friend of Bangladesh".<sup>88</sup> In fact, it cannot be a pragmatic policy of having unrealistic dreams about benefits from the East by giving less attention to South Asia.<sup>89</sup> India had seriously felt security threat during that regime by various activities with regard to insurgents of her Northeast region. The weakening of ties with India might have compelled the then regime to look east, but it is a geographical reality for Bangladesh can hardly ignore its erstwhile neighbor India.

It can be observed that the political ideology and party principles of the regime worked as domestic inputs in decision making as reflected in shaping the shift in foreign policy of Bangladesh. Lack of institutional vision was apparent in this case. The orientation, consequently, saw a complete turnabout within a few years not taking the form of a sustainable strategy in Bangladesh foreign policy.

---

<sup>84</sup> Waliur Rahman, "Bangladesh Looks East", 02 January 2003, available at [http://news.bbc.co.uk/2/hi/south\\_asia/2621947.stm](http://news.bbc.co.uk/2/hi/south_asia/2621947.stm), accessed on December 15, 2013

<sup>85</sup> Report, "Why Bangladesh choose 'Look East' Policy?", *Asian Tribune*, 07 May 2004, available at <http://www.asiantribune.com/news/2004/05/07/why-bangladesh-choose-%E2%80%98look-east%E2%80%99-policy>, accessed on December 15, 2013

<sup>86</sup> Waliur Rahman, *Op. cit.*, accessed on December 15, 2013

<sup>87</sup> Shamsher M. Chowdhury, *Op. cit.*, accessed on December 10, 2013s

<sup>88</sup> Report, "BD's 'look East' policy in limbo: Parliamentary body's observation", January 12 2005, available at <http://www.dawn.com/news/379643/bd-s-look-east-policy-in-limbo-parliamentary-body-s-observation>, accessed on December 15, 2013

<sup>89</sup> Akmal Hussian, *Op. cit.*, p.10

### ***Case 3: India-positive Policy Approach***

Bangladesh foreign policy's gesture of closeness with India after the Awami League-led grand alliance government came in power in 2009 is considered as a new shift in foreign policy direction marked with much hypes. During this period, Hasina initiated a radical departure in Dhaka's approach towards New Delhi, adopting a very India-positive foreign policy orientation in order to build a long-term, irreversible bilateral relationship.<sup>90</sup> Theoretically, there were alternative choices for the government when deciding upon the country's India policy; for example, it could have continued with the policy of its predecessors and maintained closer ties with China and Pakistan at the expense of India; or it could have opted for a 'neutral' or 'balanced' approach, engaging India, China and Pakistan/Islamic countries on an equal footing.<sup>91</sup> Why is it that Bangladesh aligned towards India departing from previous political regime's policy of distance with India?

The answer lies not only in personality of Sheikh Hasina, as policy change is hard to explain using personality factor alone, since personality is relatively fixed,<sup>92</sup> therefore, one needs to look at domestic level variables - the configuration of domestic political forces and the ideological division of the Bangladesh polity - and external variables, i.e. India's actions toward Bangladesh, acted in an interactive fashion and affected the course of Sheikh Hasina government's India policy.<sup>93</sup> Dr. Gowher Rizvi, Hasina's international affairs advisor, maintains that in Bangladesh there is a realization that India is her biggest and closest neighbor, and the earlier policy of hostility is futile in a rapidly globalizing society.<sup>94</sup> It is interesting to note that interpretation about India's importance for Bangladesh from the key leaders and officials varied in the previous regime.

Sheikh Hasina went to New Delhi in January 2010 to meet her Indian counterpart when at the summit meeting, they agreed to a forward- looking, transformative agenda in order to build what they called an 'irreversible' cooperative relationship between the two neighbors; and in September 2011, Indian Prime Minister Manmohan Singh paid a return visit to Dhaka to carry

<sup>90</sup> Bhumitra Chakma, *Op. cit.*, p.01

<sup>91</sup> *Ibid.*, p.11

<sup>92</sup> David Patrick Houghton, *Op. cit.*, p. 252

<sup>93</sup> Bhumitra Chakma, *Op. cit.*, p.23

<sup>94</sup> "India-Bangladesh Ties Is a Model for South Asia," Interview with Gowher Rizvi, *The Hindu*, 6 September 2011; cited in Bhumitra Chakma, *Op. cit.*, p. 22

forward the transformative agenda initiated in 2010.<sup>95</sup> The close partnership continues even though the regime changed in India and Narendra Modi of BJP came to power. Modi visited Bangladesh in 2015 and apart from that the two leaders had several meetings while attending various multilateral events programs. Albeit there are some critically important issues yet unresolved, there were signs of significant development of relations in between the two countries in politico-security sectors, trade and investment areas including people to people connectivity and cultural exchange programs. Prime Minister Sheikh Hasina is the dominant figure within her party, the AL, as well as within the government and owing to a variety of factors like ideological stance, domestic polity, regime interest, party principles, she is personally committed to pursue an India-positive foreign policy and build a closer relationship with the country's biggest neighbor.<sup>96</sup>

It would be logical to conclude that Sheikh Hasina played a decisive role in bringing about a change in the country's India policy as her role is critically important in government decision-making while her positive perception about India was principally formed through her personal experience and ideological stance.<sup>97</sup> Questions remain as to how public opinion actually reacted with such policies and decisions. Some of the policy positions adopted by the Hasina government was widely criticized. The list includes: a plan for the joint construction of Rampal coal-fired power plant near the Sundarbans, granting transit and trans-shipment facilities for Indian goods and commodities including heavy equipments for a power plant in Tripura, comments from prime minister's advisors about not demanding duties in return of transit. In addition, the continued killing of Bangladeshi citizens by Indian border force, concerns over India's steps to build Tipaimukh dam, and lack of progress over the signing of Teesta water sharing agreement are some of the contending issues yet to be settled by the Hasina regime with its Indian counterpart. Government officials are yet to provide satisfactory answers to concerns over the net gains from the Hasina government's India positive policy.

The foreign minister was reportedly found absent in several meetings called by the parliamentary standing committee on international affairs in different times

---

<sup>95</sup> Anand Kumar, "Shaikh Hasina's Visit to India and the Future of Indo-Bangladesh Relations", *Asian Affairs*, Vol. 41, No. 3, November 2010, p. 425; cited in Bhumitra Chakma, *Op. cit.*, pp. 22-23

<sup>96</sup> *Ibid*, p.18

<sup>97</sup> *Ibid*, p.19

to talk on these issues. Disappointment rose so high at times that an influential parliamentarian from the Awami League-led grand alliance questioned in the parliament whether the prime minister's advisors in Bangladesh were actually the advisors of India. Critics view that obsession with regime security has perhaps compelled the Hasina government to adopt a pro-India policy by ignoring public opinion at home.<sup>98</sup> As Bhumitra Chakma notes, among the domestic factors, the personality factor, in this case Prime Minister Hasina's stance on India, plays a decisive role in the foreign policy making process in Bangladesh.

### **Summary and Conclusion**

Several lessons can be drawn from this paper. Among the five sets of domestic-level factors discussed in this paper, only the idiosyncratic factors of leadership and the ideological stance of the party appear to have more influence in the three cases discussed. In contrast, institutions, societal factors and interest groups appear to have less influence in foreign policymaking.

First, political leadership continues to dominate the foreign policy decision process. This was evident during the military rulers' policy of getting close to the Middle East, Khaleda Zia's Look East policy, and Sheikh Hasina's India policy. Although senior party leaders, especially, foreign ministers and advisers are often consulted, it is widely viewed that the party leaders make the vital decisions.

Second, the political ideology of the incumbent government plays a role in shaping the policy choices. This was evident during the overtly Islamist orientation of the Zia and Ershad regimes, as well as the Khaleda Zia regime. The secular ideology of Awami League also had encouraged Hasina to maintain closer relations with India. While the religious and secular ideologies had influenced Bangladesh Governments' policies toward the Middle East and India, respectively, one can notice that a liberal market ideology has also encouraged the choice of Look East policy for Bangladesh.

Third, domestic institutions such as the national parliament and its concerned standing committee appear to have no role in the foreign policy formulation process. During the military regimes, the parliament's role was reduced to endorsing the decisions taken by the dictator. After the restoration of

---

<sup>98</sup> Smruti S. Pattanaik, "India's Neighbourhood Policy: Perceptions from Bangladesh", *Strategic Analysis*, Vol. 35, No. 1, January 2011, pp. 71–87

parliamentary democracy, neither the Khaleda regime nor the Hasina government took any visible initiatives to engage the parliament in the foreign policy formulation process. Another institution, the Foreign Ministry is believed to play a role in agenda setting and maintaining the due bureaucratic process but there is lack of evidence on its influence in foreign policy process.

Fourth, the role of public opinion is ambiguous in the foreign policy process. While successive governments may have avoided decisions, whether on the Middle East, Southeast Asia or India, that could have antagonized public opinion, there are no institutional mechanisms through which public opinion are generated on certain policy issues. Consequently, the effect of public opinion on foreign policy decisions is hardly substantiated.

Fifth, various interest groups such as business lobbies may have secured financial benefits from the foreign policy decisions taken by incumbent governments. However, there is a lack of evidence on their influence in the foreign policy formulation process in Bangladesh.

In light of the above lessons, what is the theoretical implication of this paper? I argue that domestic factors matter in foreign policy. This paper mapped a list of such domestic level variables and explored their relative influence in three cases. It complements the neo-realist school of thought which argues that systemic factors are channeled through domestic level variables in shaping the foreign policy outcomes. Following the tradition of neo-classical realism, future studies should explore how system-induced pressures interacted with idiosyncratic factors, party ideology, and other state-level variables in shaping the foreign policy of Bangladesh.

## RECONSTRUCTING THE SHERPA IMAGE – CREATION OF THE SAHIB AND SHERPA IDENTITIES

Anjashi Sarkar\*

### Abstract

The Sherpa Community has been a theme of interest to scholars from various disciplines. Though they have been misidentified as other South Asian races, it however remains crucial to comprehend their culture and belief system so as to understand their social complexities. An interesting facet that concerns this particular community is the relation that it shares with the Westerners, as this particular interaction has created two varied identities of a ‘Sahib’ and a ‘Sherpa’, the former being a ‘climber’ and the latter being a ‘porter’. Why such differentiation occurs may be seen in the light of the Sherpa notion of a ‘zhindak’ which means a protector, but the Western representation about the Sherpas has always centred around the latter being undisciplined and unmodern. Such disparity in illustrations calls for a better comprehension of a community which has managed to create history because of personalities like Tenzing Norgay, who achieved success after his historic climb of Mount Everest in 1953 with Edmund Hillary. Why the two distinct images of a ‘climber’ and ‘porter’ occur though both are driven by similar interests in mountaineering expeditions, has been explored in this paper.

The Sherpas have mostly been associated with portering of sorts. Since the 1970s, the Sahib representations of the Sherpas have been largely centred on the latter being loyal, cheerful, hardworking, honest, physically strong and brave. But what interests a reader while looking at the Sherpa identity is the fact that the Sherpas are distinct from other Tibetans who happen to reside at their place of habitation, which is Solu-Khumbu in Nepal. The Sherpas have been known to do other jobs such as rickshaw pulling, collecting water, and practising agriculture. Yet the image of the Sherpas as ‘porters’ is riveting, and worth research. Also, it generates the creation of the ‘Sahib’ identity as both these parties cannot exist without each other. This paper traces the formation of the distinct identities of the ‘Sahib’ and the ‘Sherpa’ and the reasons for such differentiation other than the factors of race and culture. In addition to this an attempt has also been made to look into the aspect of mutual admiration between the two parties from the Sherpa point of view.

---

\* Research Scholar, Department of History, University of Delhi, India

After 1950, the Westerners had begun entering Khumbu. These people were the first 'white' people Khumbu had ever witnessed. The Westerners were therefore accustomed to Sherpa participation in Himalayan climbing expeditions and often the latter was hired from Darjeeling. Darjeeling had a large Sherpa population who worked in tea gardens and sometimes as porters or rickshaw coolies. A British Doctor, A. M. Kellas, was probably the first person to hire Darjeeling Sherpas for an expedition. There were many others who did the same and by 1920s, the Sherpas would travel from Khumbu to Darjeeling for mountaineering journeys.<sup>1</sup> But there were other factors too that made the Sherpas opt for mountaineering. Trade had a powerful role to play in this respect.<sup>2</sup>

In Darjeeling the Sherpas were recruited as high altitude porters for ventures in Sikkim, Tibet and India. Many of them even moved from Khumbu to Darjeeling for such job prospects. This was a probable way to get out of marital relations or disputes. Some of these Khumbu men went to Darjeeling for trade purposes but did not intend to settle there for longer period. To briefly talk about the Sherpa agricultural practices, potato is a major item for cultivation. In the 1950s, potatoes were sent to Tibet as export material. Animal husbandry also forms a major part of the Sherpa economy where yaks were used for carrying luggage up the hills and breeding for milk. Trade represents another part of the economic life of the Sherpa community. Some Sherpa families attribute their decent lifestyle to the jobs as middlemen in the trade between Tibet and lower regions of Nepal. Agricultural products from the middle ranges of Nepal were exchanged for Tibetan salt, wool and livestock.<sup>3</sup>

For the Sherpas climbing 18,000 feet along with carrying trade goods on yaks or their backs, was an easy job especially because they lived generally at a height of 11000- 15000 feet. They received tea, salt, sheepskins, furs, woollen cloth, carpets, Chinese silks, hats and boots, silver ornaments, etc. for exchanging food grains, butter, dried potatoes, buffalo hides, cotton cloths, handmade paper, unrefined sugar, etc. with Tibet. This commercial tie existed as long as 1959, till China captured Tibet and the border between Nepal and Tibet was no longer accessible. The Sherpa- Tibetan trade partners lost their belongings and fled. The profitable

---

1 See Barbara Brower, *"The Sherpa of Khumbu: People, Livestock, and Landscape"*, OUP, New Delhi, 2003, pp. 63-66.

2 For details, see Christoph von Furer-Haimendorf, *"The Sherpas Transformed"*, Sterling publishers, 1984, pp. 21-23.

3 *Ibid*, pp. 3-20.

trade when ended also coincided with the rise of mountaineering activities and tourism. The money that was obtained from the profits of tourism and wages of expeditions compensated for the loss in the trade activities. The merchants who were involved in this trade invested in tourist lodges and materials like postcards, warm clothing, photographs that tourists would probably buy to keep as remembrances. Thus, the trade now was directed towards Kathmandu and manufactured goods were transported to Khumbu by porters till Lukla and even Namche Bazar.<sup>4</sup>

During the 1850s, the Sherpas had begun travelling to Darjeeling to try their luck after the British has started construction of roads and tea plantations at a substantial scale. The Sherpas were ‘pushed and pulled’ to emigrate, says James Fisher. As already mentioned, Doctor Kellas was the first person to employ Sherpas as porters in the expedition to the Sikkim Himalayas, in 1907, and this group of Sherpas belonged to Solu- Khumbu who had moved to Darjeeling. By 1922, there were almost 50 Sherpas employed by the British in their first attempt on Mount Everest.<sup>5</sup>

There were however two major incidents in the 1950s that affected life in Khumbu. Nepal after playing host to mountain expeditions, helped in securing the Sherpas a job in mountaineering in Kathmandu. They were not required to go to Darjeeling like earlier. There was a rapid increase in employment as peaks in Nepal were invaded. The economic liability to go to Darjeeling also reduced and therefore Khumbu migrants did not have to move to India. This also led to a stark differentiation between the citizenships of Khumbu Sherpas and their peers in Darjeeling. The former group adopted Nepali citizenship and the latter remained Indian. This issue wasn’t considered as long as Tenzing Norgay’s historic climb in 1953 led to Nepal and India both claiming him as their own.<sup>6</sup>

The other event that was significant was the immensely expanded power of the Chinese in Tibet. The Chinese control led to many consequences—the trade over Nangpa La was halted though little amounts of grain were allowed to be bartered for salt in central depots under Chinese control. There was a ban in trading of “hides, sugar, wool, jewellery, butter and cattle”. The Namche Bazar economy fell because the Nangpa La monopoly no longer existed. Also, after the Chinese capture of Tibet, there were a lot of migrants who entered Khumbu, after following the

---

4 *Ibid*, pp. 21-23.

5 See James Fisher, “*Sherpas: Reflections on Change in Himalayan Nepal*”, OUP, Delhi, 1990, pp. 58-59.

6 *Ibid*, p. 63.

flight of Dalai Lama in 1959. In the early 1960s, almost 6,000 Tibetan refugees lived with a herpa population of only 2,200. However many refugees migrated to other regions in Nepal and India or may have returned to Tibet. Only ten refugee families gradually have merged themselves into the Sherpa society in Khumbu.<sup>7</sup>

It is necessary to understand the Sherpas and their clients, or the 'climbers' to learn about the tourism industry in Khumbu. According to Fisher, tourists come to Khumbu to see the peaks as well as their liking for the Sherpas in general makes them plan trips, because of stories they either heard or read about Sherpas somewhere in a book that mentions Nepal and mountaineering. In fact, citing the example of *Tintin in Tibet*, he substantiates his argument and says the book tourists often came up with the name of this book. In addition, Khumbu also provides an opportunity to experience culture, environment and their assimilation along with adventure that too at the highest elevations.<sup>8</sup>

There is however a need to recognise the co- existence of both these groups and how their very being affects the creation of the image of the other. Which is to say, the relation between the Sherpa 'porter' and the Western 'climber' brings to light the image of each party. The stereotyped images that one creates about the other are an interesting facet of this particular relation. There is of course a mutual admiration but Westerners have developed a positive image of the Sherpas: honest, polite, compassionate, cheerful, independent, and brave. The image is also a product of the literary evidence which becomes authoritative with time and with the personal experiences recorded during a particular trek. Fisher claims that the Westerners were enchanted by the Sherpas because the qualities that the latter's rare human qualities.<sup>9</sup>

The demarcation between Sahibs and Sherpa porters may be understood in light of the expeditions that the British army officers, naturalists and travellers undertook during the 19th century to invade mountain peaks. They took 'coolies' with them, says Sherry Ortner, for carrying their equipment and providing other supports. They took men from whichever ethnic group was available locally in the peak region, but the military officers preferred to bring men from the Gurkha regiment in Nepal.<sup>10</sup>

---

7 *Ibid*, pp. 63- 64.

8 *Ibid*, pp. 123-124.

9 *Ibid*, pp.124-127.

10 Sherry Ortner, *Life and Death on Mt. Everest*, Princeton University Press, New Jersey, US, 1999, p.27.

During the 1895 British Expedition to Nanga Parbat in Kashmir, Major Charles Granville Bruce employed two Gurkha soldiers who “proved to be excellent porters and loyal servants”. Porters were earlier known as khalasis and considered to be dedicated surveyors. This image had thus stayed for quite some time. The feedback that was given by the British climbers about the Gurkha men displayed the admiration of certain qualities by the former. The case of the mountain porters had the British labelling them as cheerful, loyal and brave. In due course of time such qualities came to be associated with the Sherpas.<sup>11</sup>

Sherry Ortner opines that because Nepal was closed to the foreigners during the first half of the 20th century, climbing the Himalayas was a venture always undertaken in Darjeeling. Darjeeling town is about 10 days’ walk east of the Sherpa region in north east Nepal. Some of the Sherpas had undertaken ‘construction work’ as ‘coolies’ or ‘manual labourers’. From the very beginning the Sherpa migrations took place seasonally. Sherry Ortner notes that there were about 3,450 Sherpas in Darjeeling according to the Census of 1901. There were porters employed for survey work, for explorations and naturalist or mountaineering expeditions. These works were considered construction labour. It was regarded as coolie work and the Sherpas along with people from many other ethnic groups in the region turned up for such labour when it was available. There were other ethnic groups in Darjeeling as it was a trading town. There were people who came together from various mountainous regions- the Tibetans, the Sikkimese, the Bhutanese, the Rais, the Limbus and the Sherpas.<sup>12</sup>

Interestingly, in 1907, the porters were assorted after two Norwegians, C. W. Rubenson and Monrad- Aas came to Darjeeling to climb Kabru, a peak that was 24,015 feet in the Darjeeling district. Though they failed to reach the summit, they could not stop praising the Sherpas enough.<sup>13</sup>

General Bruce had supported Rubenson’s appraisal of the Sherpas and it was said that the higher valleys have excellent porter material. The Bhutias (which included the Sherpas) were generally better in this way and had great power of resistance to cold. The same was told by Dr Kellas, who began visiting Darjeeling in 1909 to study the effects of high altitude on the human system. Kellas had travelled without the Westerners and developed good friendship with the porters.<sup>14</sup>

---

11 *Ibid*, p. 28.

12 *Ibid*, p. 30.

13 *Ibid*, p. 30-31.

14 *Ibid*, p. 31.

Now to understand the basic contrast between the Sahibs and Sherpas, we have to take into account the context within a historical period and also across time. We could consider the Sahibs to be a part of an undistinguishable population that had power and exercised it over another set of undistinguishable mass of Sherpas. There may be the aspect of 'race' that could differentiate the two but the difference is not just physical but even difference in power. We could however discard the aspect of 'race' because there might be a Taiwanese or Japanese Sahib, who had come later. So Sahibs may come from other races and still be a Sahib in relation to the Sherpas. Therefore 'race' as a category for analysis does not count. National differences are crucial in the Himalayan mountaineering. Expeditions have largely been categorised as the British Mount Everest Expedition, the German Kanchenjunga Expedition, the Japanese Dhaulagiri expedition, etc. Historically, many expeditions have become highly politicised.<sup>15</sup>

This letter<sup>16</sup> by Chief Minister of West Bengal, Shri Bidhan Roy, written to Pandit Jawahar Lal Nehru, is a fair example that helps us to understand the possibilities of politicisation of an expedition and its aftermath.

*SECRET*

*CALCUTTA*

*23rd April, 1954*

*DO No. 304- CM*

*My dear Jawahar,*

*Just now I met Shri Tenzing and his advisor, Shri Mitra. I am just quoting a few sentences from the report I received from them regarding the visit of Mr. Allen to Darjeeling on the 16th of March last. Mr. Allen reached Darjeeling on that day and stayed at Windamier Hotel. He sent his assistant to Tenzing to take him over the hotel where Tenzing met Prince Peter also. Tenzing was then asked to go to America next morning by a plane along with Prince Peter and Mr. Allen. Tenzing replied that he could not give any answer until his advisor, Mitra arrived a little late and he found Prince Peter and Mr. Allen, his assistant and Tenzing in a closed room. Then the following conversation took place:-*

*Mr. Allen: I wanted Tenzing to accompany me tomorrow by plane to Delhi and from there to fly to America.*

---

<sup>15</sup> *Ibid*, p. 32.

<sup>16</sup> See File No. N/54/7389/3 (1954), Darjeeling Mountaineering Institute, Government of India, Ministry of External Affairs (NEF Section), National Archives of India.

*Mr. Mitra: Tenzing is now a Government servant and he could not possibly leave India without the permission of the Government.*

*Mr. Allen: Mr. Mitra, do you understand the international situation and the unhappy relations between India and America over the US Pakistan Pact and also over the attitude of the Government of India regarding the American Observers in Kashmir. If Mr. Tenzing does not go, the relations will become more estranged and all the American newspapers will flash the news that India had refused permission to Tenzing to go to America.*

*Mr. Mitra: I am not a politician. Mr. Tenzing is not also a politician He is now a servant of the Government. Please do not drag*

*Mr. Tenzing into the dung hill of Politics.*

*The matter will have to be decided by the Government. You will realise that Mr. Tenzing had replied to Prince Peter's suggestion of going to America by stating that he would not be a free agent to accept such an appointment.*

*Do you still think that the American papers will flash the news that it was the Government which refused to give permission to Mr. Tenzing to go to America.*

*This is the news which I am sending you for your information.*

*Yours aftly,*

*Bidhan*

*Shri Jawaharlal Nehru*

*NEW DELHI*

\*\*\*

The aspect of nationality or national differences could be considered relevant in expeditions and thereby understanding the Sahib- Sherpa relations. The national character is an element that may be used to further analyse the Sahib-Sherpa relations. This is because if we were to treat the various expeditions organised by the British, the Americans, the Koreans, or the Germans differently then we could perhaps try to understand if these nations treated the Sherpas differently because of their own cultural styles. As Ortner points out, people have their ethnic stereotypes about food, culture, gender, etc., the stereotypes about authority cannot be completely ignored.<sup>17</sup>

---

17 See Ortner, *Op. cit.*, pp. 32-33.

The earliest international mountaineers were well- educated, wealthy, upper middle class with good backgrounds. There were mountaineers from the Army backgrounds; government officials were also engaged in the sport as narrated by mountaineering historian, Walt Unsworth. There were however a few upper class mountaineers unless they could prove themselves to be unsnobbish and egalitarian in their behaviour. To cite an example, we may take into account, the 1921 Everest reconnaissance where George Mallory could not tolerate the elite leader, C. K. Howard-Bury who was an “old Etonian, descended from the illustrious Howard family, Earls of Suffolk... [and] also High Tory. Mallory himself was a “neo-socialist”. But, there were equally less number of middle class climbers and class factor could be well seen in the mountaineering expeditions held by Britain. Ortner stresses on the fact that the upper middle class was a dominant social group in the Himalayan Mountaineering. There were specifically upper class climbers in small numbers, some working class climbers, some educational dropouts though the representation of the working class and less highly educated lower middle class increased gradually.<sup>18</sup>

Mountaineering may be regarded as a game with its own norms and relations of power. It could be perceived as masculine, adventurous and perhaps modern in certain senses. The type of adventure that mountaineering provided was a 20th century phenomenon. According to Ortner, “a discourse in which the adventurousness of mountaineering is linked with a critique of modernity is perhaps the dominant (though not only) discourse of the sport, and a brief survey of the counter-modern discourse of mountaineering across the whole of the twentieth century will lay the groundwork for more historically specific variations.”<sup>19</sup>

Could we possibly attach the notion of modernity with the climbers and un-modernness with the Sherpas? The answer is not straight-cut and easy. Ortner suggests that the Western climbers encountered two different ‘Others’, notably the mountains and the Sherpas. Initially, the two entities were not too different or separate. They both posed as a contrast to a “negatively figured modernity”. With similarity to the mountains and mountaineering, the Sherpas too had not been tainted by the modern world. This notion of modernity is hard to explain. Whether it had to do with the developments or general appearance of people of a particular place, it may be considered both ways. For example, the Sherpas were considered un-modern because of their association with nature. This representation was a

---

18 *Ibid*, pp. 33-35.

19 *Ibid*, p. 36.

highly racist one. To understand this, we may take into account the 1924 Everest Expedition which employed Sherpas by facial and bodily features. Other representations had to do with Sherpas' physical strength and natural familiarisation to high elevations, which was a result of frequent journeys in the mountains. There were two opinions about the Sherpas- one was that they were naturally accustomed to such tedious journeys because of their strong physicality and the other spoke of how ill- fitted the Sherpas were to be counted as mountaineers in terms of their spirit. This automatically strengthened the idea that these Sherpas did not have the adequate mountaineering spirit but were physically strong only.<sup>20</sup>

Sir Francis Young husband had said:

So there, right on the spot, must be dozens of [Sherpa] men who could, as far as bodily fitness goes, reach the summit of Everest any year they liked. Yet the fact remains that they don't. They have not even the desire to. They have not the spirit.<sup>21</sup>

There may be an explanation to the idea of the Sherpas being natural and uncontaminated which refer to their child-like and innocent behaviour. This explanation was accepted upto a certain point in time. It has been said that the Sherpas were childish and undisciplined. During the 1922 Everest expedition, General Charles G. Bruce wrote that, "these hill people, whether Nepalese [i.e., Sherpa] or Tibetan, are very light hearted, very irresponsible, very high- spirited," and they resort to drinking at any chance.<sup>22</sup>

Edward Norton, a soldier and Lieutenant Colonel, spoke of the Sherpas during the 1924 expedition as "singularly like a childish edition of the British soldier". The fact that the Sherpas were childlike and rough was also linked to their lack of a civilised form. This was both a merit and demerit. In this respect Norton said:

They have the same spirit for a tough or dangerous job; the same ready response to quip and jest. As with the British soldier, the rough character, who is perpetually a nuisance when drink and attractions of civilisation tempt him astray, often comes out strongest when "up against it" in circumstances where the milder man fails.<sup>23</sup>

Frank Smythe, writing in the thirties, speaks of how the Sherpas did not climb for money. They could be comfortable in the job of a rickshaw-puller. The reasons

---

20 *Ibid*, pp. 41-42.

21 *Ibid*, p. 42.

22 *Ibid*, pp. 42-43.

23 *Ibid*, p. 43.

why they climbed the mountains were similar to the Sahibs, which were 'adventure', 'prestige' and 'love for mountains'. Hugh Rutledge also wrote that the Sherpas could earn as much money elsewhere.<sup>24</sup>

The very complexity that arises while discerning the Sherpa identity as opposed to the Sahibs is mostly related to the fact that there are two distinct parties who have the same agendas. But, how did one manage to exercise power or establish authority over the other? Could it be the basis of economic power or generally the idea of a superior and supposedly 'modern' race? There could be both possibilities but the question that arises is how the representation of the 'unmodern' Sherpa porter has come across as an image which describes ethnicity as profession at the same time. The aspects of race and culture might not be the only deciding factors to distinguish two identities that are mutually dependent on each other. In this context, we perhaps need to delve deeper into the initiation of such a theory as well as look into the point of view of the Sherpas as well. Only then may an unbiased and neutral approach be considered while studying the Sahib- Sherpa relations.

Why does the idea of the 'unmodern' Sherpa arise? It is a highly racist idea that could point to 'Othering' according to Edward Said's classic explanation of 'Orientalism' which was a product of the British in the nineteenth century. The basic difference between the Sahibs and the Sherpas rested on the notion that the latter were natural, innocent and untainted; hence they needed to be disciplined and schooled by the former. The mountaineering activity, therefore, inadvertently denoted that it needed some authority to discipline the Sherpas. The explanation about how the Sherpas weren't involved with mountaineering because of the money, displayed that they were not modern or materialistic which also was an indicator of the fact that the Sahibs denied their knowledge of their own economic power. It was therefore normal for the Sherpas to share their happiness and desires without hesitation.<sup>25</sup>

What needs to be understood if the Sherpas were really not modern as explained by the Orientalist discourse, which also describes them as 'innocent' and 'carefree' and not driven by material interests. This also leads us to understand the Sahibs' perspective on mountaineering being a game of masculinity. During the 1970s this particular mountaineering game was seen in the imagery of the military model.<sup>26</sup>

---

24 *Ibid*, pp. 44-45.

25 *Ibid*, pp. 45-46.

26 *Ibid*, p. 46.

In the 1970s, the Sahibs were mostly males, who displayed Western masculinity and immense courage, strength, authority and leadership. They had fatherly attitude towards the weak and underlings. This particular image remained so as to describe the Sahibs as extremely modern and questioned the others. This particular representation of the Sahib was generic in most senses and therefore makes it a topic of analysis. The Sahib- culture outlined the mountaineering expeditions as military expeditions. This was the case from the first of the expeditions to the middle of seventies. The primary thought included the idea that the Himalayas could be conquered through military style expeditions or ventures wherein camps would be set up and supplies would be carried to higher altitudes till the ‘final assault’ was made on the mountain. This is where the Sherpas enter in the frame because their most important work was to supply the essentials up the mountains.<sup>27</sup>

It must be noted that the whole military model imagery had nothing to do with the occupations of the climbers; there were officers and non-officers too. The military model was utilised to denote the very nature of the undertaking- which was the “technical organisation of the climbing, the language of the enterprise (siege, assault, conquest, etc.) and the forms of leadership, authority and command”. The military model remained prominent till the 1970s. The romantic image of the Sherpas stressed on the characteristic feature of being childlike was absolutely ‘simple’ and ‘winning’. The aspect of disciplining the Sherpas occurred when the Sherpas indulged in petty fights or unruly behaviour. They also had habits of drinking and being self-indulgent at times which hampered their respective duties during the expeditions. Many Sahibs allowed the drinking and some did not because of the likely disruptions. The Sahibs were more concerned with the works of the Sherpas that included carrying loads to camps placed at higher slopes and supplying necessary materials. The act of disciplining their own selves was very important despite the chances of dying during the expeditions.<sup>28</sup>

The protectiveness, or rather, paternalism, that the British resorted to was basically designed to discipline the Sherpas. The military discipline was a particular way in which they exercised their authority. This disciplinary technique was largely to shape up the Sherpas and if they behaved well during the expeditions, it was credited to the Sahibs. Therefore, the discourse of the ‘childlike innocence’ that remained inadvertently put forward the idea that the Sherpas were dependent of the Sahibs. We may, hence, infer that there are two representations being formed in this

---

27 *Ibid*, pp. 46- 47.

28 *Ibid*, pp. 47- 49.

respect. The Sahibs were the ones who exercised power and authority and the Sherpas who were perceived to be undisciplined and needed guidance.<sup>29</sup>

Mostly, what we have at our disposal is the Sahib representations of the Sherpas. There have been descriptions available from mountaineers as well as anthropologists. Both of these have their own set of problems. What the Sherpas really were is different from what has been written about them. Thus, one may say that the representations that the Sahibs put forward came to be largely accepted as the reality of the Sherpas. The images of the Sherpas hence constructed are based on the fantasies or perceptions of the Sahibs about them.<sup>30</sup>

One may conform to the idea that the Sherpas were cheerful and loyal but this image has been largely attributed to being Orientalist and racist at times. The sahib representations could be what the Sherpas were in reality and sometimes they could not be the same.<sup>31</sup> But, it also creates another image which is that of the Sahibs. Herein, we may find that the Sherpa image is largely what the Sahibs are trying to impose which makes the latter apparently a superior race.

Sherry Ortner opines that the Sherpas have forever been known to carry extremely heavy loads since childhood which was also a cultural practice. Khumbu has no paved roads and the terrain is quite rough. Everyone travels on foot and each carries his load on his back. From an early age, the Sherpas carried loads up the steep slopes. This could have been a possible explanation for the idea that the Sherpas are able to carry heavy loads and their physical strength is a criterion for the same. The Sahibs, therefore, from the very beginning thought that the Sherpas were adapted to high elevations and were physically strong. This has, however, not been a certain conclusion. The representation of the Sherpas as strong and willing to carry heavy loads brings us to the point about disparity in Sherpa society. The basic distinction between Sherpas would allow us, in some ways, to understand what drives people to do jobs like portering or general labour. The poorest of the Sherpas would obviously work for the wealthier ones. The middle class, of course, carried their own loads but the richer Sherpas did not carry theirs. Ultimately, the lowest rung of the Sherpa society does the work for the richer sections. Load carrying was a reality in the Sherpa inhabited Solu-Khumbu. They would also carry goods during travel, collect water, gather firewood procure fertiliser for the fields,

---

29 *Ibid*, pp. 52- 53.

30 *Ibid*, pp. 56- 57.

31 *Ibid*, p. 62.

and transport crops and hay from fields. So portering included all these works. The poorer Sherpas did the work for the money and well-being was desired.<sup>32</sup>

Earlier, mountaineering jobs managed to give the Sherpas a relief from poverty and raised the standard of living up to a certain extent. There were also probable solutions to property fights and disputes regarding inheritance. Though mountaineering was a type of portering, it was an attractive one because the porters got new clothes, better food to eat and substantial amount of money. This added to the cheerful attitude of the Sherpas.<sup>33</sup>

This brings us to the idea of protector or patron, which finds its occurrence in the Sherpa realm and perhaps help to comprehend the mutual admiration that the Sahibs and Sherpas had for each other and what kept the relation going. The idea of the *zhindak* was a notion that the Sherpas believed in which meant a patron or protector, literally. This patron would help the weaker to succeed. The idea that one's *zhindak* would be able to help you win against your enemy could be well placed alongwith the idea of paternalism from the British towards the Sherpas. But, the right *zhindak* had to be identified. This *zhindak* would also help to achieve wealth and status and enable the hero to be his own helper. Though the Western representations portrayed the idea of fathering a weaker party and upholding the notion of the weak being dependent on the stronger one, the Sherpa frame displayed the idea of egalitarianism in many ways. The idea of the *zhindak* was placed in a 'culturally egalitarian world'. The differences in Sherpa society is not recognised on the basis of birth but by equal opportunity systems. Everyone has the right to be successful. *Zhindaks* are connected to the world that believes in equal opportunities.<sup>34</sup>

The relationship between a person and a *zhindak* was a mutual one. It could be equated with a common example of our everyday world, where one gives offerings to the Gods just in return for blessings. This idea was the same essence in which the Sherpas served the Sahibs, which is to say, if the Sahibs are well taken care of, in return they would do the same for the Sherpas. Tenzing Norgay was willing to act as a loyal servant and acknowledge the *zhindak* role as the latter had helped him in many stances. He, however, appreciated equal treatment, and wrote about a 1947 Swiss expedition in North India saying that he enjoyed his time with the Swiss and it was his first experience that made him feel equal to his employers and gave him a

---

32 *Ibid*, pp. 63- 67.

33 *Ibid*, pp. 71- 75.

34 *Ibid*, pp. 83- 84.

feeling that he was friends with the Sahibs. About the 1950 expedition with the English climbers too, he felt that there were no differences between the Sherpas and the Sahibs. Everyone was equally involved in the expedition work and there was a brotherly feeling throughout. Though we may find that the *zhindak* is culturally referred to as the benevolent protector, the Sherpas do not find the idea of being subordinate to be an acceptable one. The idea of the Sherpas being loyal is not that of being lesser to the Sahibs, but its base is traced to the devotion that the former has for the *zhindaks*.<sup>35</sup>

The latter part of the twentieth century may be held responsible for the building up of the Sherpa image just according to their acquisition of jobs in the mountaineering industry. The Sherpas had proved themselves to be better than other Tibetans who were also involved in the same portering during expeditions. There was therefore a difference between the 'local porters' and the 'high altitude porters'. The latter was reserved for the Sherpas exclusively in most cases. This ultimately culminated into the making of the 'Sherpa' category in the mountaineering world. This particular category brought together the job and the ethnicity in one sense for the 'outside world', says Ortner. The Sherpas were distinguished from the other Tibetans by the very aspect that they did not have to do trivial portering like carrying loads in the lesser difficult terrains, they got titles like 'Tigers' which was an award. These made their works more interesting and worth toiling for which later on added to their cheerful attitude and empowerment.<sup>36</sup>

It is fascinating to resort to the Sherpa notion of '*zhindak*' or protector to analyse the relations between the Sahibs and Sherpas because it takes into consideration the views of the latter. It also helps to comprehend how the identities of both the climber and the porter are being constructed. It is a product of the earlier representations, of course, but with newer studies and researches one could possibly revisit the making of a 'Sherpa'.

---

35 *Ibid*, pp. 84-88.

36 *Ibid*, pp.88- 89.

## Book Reviews

*Cases on Muslim Law of India, Pakistan and Bangladesh*, Alamgir Muhammad Serajuddin, Oxford University Press, New Delhi, 2015, Price Rs. 995.00, Pages 491

Professor Alamgir Muhammad Serajuddin's book *Cases on Muslim Law of India, Pakistan and Bangladesh* is consolidation and restatement of the Muslim law through cases. This is an authoritative book on Muslim law developed through case law. The book under review may be considered as companion volume of author's earlier two books on Muslim law.

The legal systems of Bangladesh, India and Pakistan are largely characterized as mixed legal systems. Major components of these legal systems are common law legacies left by the British colonizers; as well as the Muslim, Hindu and Christian religious laws confined to the spheres in personal lives. One of the major pillars of common law is judicial precedents which are also known case law or judge-made law. The judgments pronounced by the superior courts are as much the laws made by legislative organ of the state. Lord Halsbury has rightly said that precedent is more to the law than a mechanical process of logical deduction. Case laws are viable statute law and the rules and principles are derived from everyday life. The making of law in decided cases offers opportunities for growth and legal development which could not be provided by the Parliament. The introduction of the common law principle 'doctrine of precedents' has made a lasting impact on administration of justice in South Asia both in secular law and religious law specially Muslim law. Thus, the binding force of precedent is firmly rooted in South Asia. Alongwith divine and statutory principles, the rules of Muslim law and case law play a significant role in interpretation, application and development of Muslim law in South Asia. Important to note, Classical Muslim law comes from a combination of sources including the Koran, the Hadith, sayings and conduct of the Prophet Muhammad (PBUH) and derived sources (the rulings of Islamic scholars). There are two agreed-upon derived sources of Muslim law: scholarly consensus (*Ijma*) and legal analogy (*Qiyas*). Legal analogy or *qiyas* has a kind of resemblance with judge-made law. In case of Muslim law, *qiyas* or legal analogy is a powerful

tool to derive rulings for new matters. Legal analogy and its various tools enable the jurists to understand the underlying reasons and causes for the rulings of the Koran and Hadith. This helps when dealing with ever-changing human situations and allows for new rulings to be applied most suitably and consistently.

This is an era of unprecedented changes in societies everywhere. Muslim law, like personal laws of other religious groups, is today facing several challenges from within the community as well as from outside. Unfortunately, Muslim legal scholars differ among themselves on different points of law relating to social needs, changes, transformation and challenges of social justice. One group held that only the divinely inspired Koran and teachings of the Prophet Muhammad (PBUH) should make up the Muslim law. A rival group, however, argued that the Muslim law should also include the reasoned opinions of qualified legal scholars. On the other hand, Muslim law of South Asia remains largely un-codified. The few legislative enactments, like any other laws, are themselves subject to interpretation and exposition to courts. These are main factors which explain how judicial interpretation of Muslim law by secular courts has emerged as an important source of Muslim law in South Asia. Against this backdrop, study of Muslim law through cases can hardly be over exaggerated.

Through a selection of principal judicial decisions and significant fact situations the author has shown how English law principle 'doctrine of precedent' is not only firmly rooted in South Asian Muslim law jurisprudence but also plays a major role in interpretation, application and development of Muslim law. The author in his book has wisely and carefully chosen leading cases on Muslim law from pre- and post-Independence India, Pakistan and Bangladesh to show how case law acts as a social barometer and an instrument of change. The book shows a comparative trend on how religion-based rules of Muslim law have been interpreted by secular courts during certain epochs in history and how the trend has changed over the last 150 years.

Professor Alamgir Muhammad Serajuddin's book is greatly important in a precedent bound legal system in South Asia. The book is an excellent tool for teaching and for research. Professor Serajuddin's book not only represents a sampling of judicial philosophy and thought, but also offers the readers an excellent opportunity for observing and learning how the judicial mind and process operate in a given situation and time. The book is, therefore, not only suitable for legal community but also equally important for sociologists, social reformers, social historians and Muslim scholars. By studying a variety of legal problems readily available in this book, law students and law practitioners can learn how to apply the

principles of law to various fact situations they may encounter in their everyday lives and profession. Sociologists, social reformers and social historians, by studying the book, can map out why and under what changed circumstances the South Asian courts were required to take cognizance of the social needs and reconcile Muslim law to changing needs and trends to meet the challenges of social justice. To demonstrate the major changes in the Muslim family laws of India, Pakistan and Bangladesh, the author has cited cases from each jurisdiction. The book also offers a unique opportunity for the Muslim scholars to examine whether the incremental reform of Muslim laws through the judicial process by secular judges and courts is within the bound of Koran and Hadith. The author has referred to some cases which are not only misinterpretation and misunderstanding of substantive Muslim law but also led to sad legal and social consequences.

The author has discussed many important topics of Muslim law entirely through cases decided by superior courts of pre and post-Independence India, Pakistan and Bangladesh. They cover a range of subjects including marriage, dower, divorce, maintenance, guardianship, inheritance and legitimacy. The author has stated that the trends in development of Muslim law jurisprudence through cases have been different in India, Pakistan and Bangladesh despite these three countries having inherited the same legal history and tradition, legal institution and laws, including Muslim personal law of pre-1947.

Alamgir Muhammad Serajuddin's contribution by way of consolidation and restatement of Muslim law through cases is a major step forward to provide an easy access to the basic principles and rules of Muslim law. This important book shows how case law acts as a social barometer and an instrument of reform of religion-based law in South Asia.

**Md. Zakir Hossain \***

---

\* Professor and Former Dean, Faculty of Law, University of Chittagong, Bangladesh

*Intelligence, National Security, and Foreign Policy: A South Asian Narrative*, Edited by ASM Ali Ashraf; Published by Bangladesh Institute of Law and International Affairs (BILIA) & Department of International Relations, University of Dhaka; June 2016, Hardbound, 397 pages, 750 BDT.

*Intelligence, National Security, and Foreign Policy: A South Asian Narrative*, an edited volume by ASM Ali Ashraf, examines the linkages between the local understandings of intelligence, national security and foreign policy in the backdrop of the post-9/11 international politics. This book is a product of three seminars organized in 2014 by Bangladesh Institute of Law and International Affairs (BILIA) in collaboration with the Department of International Relations, University of Dhaka. The editor of this volume has set the context of this book by arguing that “intelligence remains a neglected area of studies in South Asian context” (p.2). Furthermore, the contributors to this volume show their expertise in respective thematic and applied areas by engaging in analytical studies based on Stafford Thomas’ four-fold typology of intelligence studies—historical, functional, structural, and political. This book is organized into four sections. The first section commences with a theoretical and historical discussion of the issues of intelligence work and national security. ASM Ali Ashraf, in the first chapter, discusses the conceptual aspects of intelligence, national security and foreign policy, and highlights the changing nature of national security and its impact on the functional aspects of intelligence communities in the Western nations and South Asia. Prem Mahadevan, in the second chapter, takes a historical approach to explain the role of political surveillance in Bengal under the British Raj and argues the tension between the evolution of modern state as a surveillance state vis-à-vis state’s failure to promote civil liberties and good governance.

The second section of this book contains six chapters on intelligence, foreign policy, and security issues in the context of Bangladesh. ASM Ali Ashraf, in the third chapter, introduces the intelligence community of Bangladesh, reform

initiatives in this sector and the failures of the community in deterring security threats. He argues that the political governments in different tenures have ‘politicized’ the intelligence institutions to exploit the partisan political interests. He also explains why Bangladesh requires a national intelligence and security strategy to avoid threats from multivariate sources. In chapter four, Muhammad Sakhawat Hussain echoes the need of a national defense policy for Bangladesh. He unfolds a few significant non-military threats for Bangladesh and discusses the role of the intelligence communities in countering the new and emerging threats. Abdur Rob Khan, in chapter five, offers a comparative insight of Canadian and Dutch models of human security-led intelligence system and its relevance in the context of Bangladesh. The ‘human’ angle in intelligence, although ambitious according to his analysis, puts forward an optimistic agenda for intelligence reform in Bangladesh. The next three chapters have slightly shifted their focus from traditional intelligence sectors to foreign office reform, financial intelligence, and forensic DNA technologies for criminal investigation. Ashfaqur Rahman, in chapter six, offers a historical narrative of the formation of the Foreign Office in the post-independent Bangladesh and highlights the influence of bureaucratic competitions within the civil service of Bangladesh on the functions of the Foreign Office. He suggests several strategies of reform—organizational, structural and functional—to enhance the Ministry of Foreign Affairs in Bangladesh. Chapter seven, written by Kamal Hossain, examines the reform process and establishment of the Bangladesh Financial Intelligence Unit (BFIU) in countering money laundering and terrorist financing in Bangladesh. His analysis also highlights the state of Bangladesh’s compliance with the international financial regime with particular reference to combating the financing of terrorism. Gazi Nurun Nahar, ASM Ali Ashraf and Rokeya Begum, in chapter seven, analyze the institutional evolution of forensic DNA technology in Bangladesh and its application for criminal investigation.

In the third section, this book shifts its focus into relevant problematic issues associated with the areas of aviation security, maritime security, and regional cooperation in South Asian context. Mahmud Hussain, in chapter nine, discusses the significance of passenger support and aircraft security in the context of post 9/11 aviation system in Bangladesh. In light of the development

in the Western states, for example, USA's Transportation Security Administration (TSA), the author suggests forming an aviation security force to coordinate civil-military relations and ensure better service in Bangladesh's aviation industry. In the next chapter, Abul Kalam Azad takes a 'human' approach to suggest the importance of creating awareness among the citizens of Bangladesh in the post-settlement of the maritime disputes with two neighbors—India and Myanmar. Authors in the next three chapters (11, 12 & 13) discuss the imperatives of maritime security in the regional and national contexts. In chapter eleven, Kazi Sarwar Hossain discusses maritime security challenges of Bangladesh and elaborates on the role of Bangladesh Navy and Coastguard in this regard. He further urges for a national maritime strategy for Bangladesh. Lailufar Yasmin and Md. Rezwatul Haque Masud in the next chapter examine the changing strategic scenario in the Indian Ocean Region (IOR) and its implications for Bangladesh. In addition to discussing the strategic stake of big powers, such as China, India and Japan; they examine the positional endowment of Bangladesh in the Bay of Bengal, post-dispute tasks for Bangladesh, and threats of maritime piracy. The chapter also remains vocal about a national strategy which would ensure "optimal utilization of the sea resources" (p.177). Delwar Hossain and Md. Shariful Islam, in the thirteenth chapter, extend the discussion of the maritime interest of Bangladesh by exploring its linkages with a 'Look East' foreign policy. They offered four strategies to address the challenges of maritime security with an emphasis on 'Act East' diplomacy. Imtiaz Ahmed, in the fourteenth chapter, discusses the South Asian visa regime highlighting the significance of breaking the barriers in traveling across the borders. He offers prescriptive insights on no-visa requirement within South Asia, an introduction of standardized passports, and a common security regime in South Asia. ASM Ali Ashraf in the next chapter narrates the challenges of regional intelligence sharing mechanism within South Asia. He refers to the unsuccessful journey of the regional police cooperation, i.e. SAARCPOL, due to mistrust and disputes among key regional players.

The fourth and last section of the book consists of eight chapters on intelligence failure, reform, and accountability issues. ASM Ali Ashraf and Noor Mohammad Sarker, in chapter sixteen, offer a comparative analysis of three prominent cases of intelligence failures in Bangladesh, India and Pakistan. It

discusses the matters of operational limits and organizational breakdowns to highlight the nature and extent of the intelligence failures. Cornelius Friesendorf in the next chapter puts forward an interesting discussion on the link between para-militarization and police reform in the Security Sector Reform (SSR) literature. The author discusses empirical insights from the reconstruction of the Afghan National Police and argues that paramilitary training of the regular police may violate the basic principle of SSR and contribute to instability. Anand Kumar and Rana Banerji, in two respective chapters, highlight the politics and challenges of police reform in India. India faced renewed non-traditional security threats after 9/11. However, India, according to both the authors, has adopted ad hoc modernization process in its intelligence sector. The chapters also note that the government needs to strengthen the coordination effort among the intelligence agencies. Banerji extends the issue of cooperation between agencies at the state and federal levels, and also highlights the significance of political will for intelligence reform.

Chapter twenty, authored by M Jashim Ali Chowdhury, examines the nature of democratic control of intelligence issues. He discusses the global norms of intelligence oversight, and argues how the intelligence agencies in Bangladesh operate in a legal vacuum. Frederic Grare, in chapter twenty-one, offers a brief presentation on the issues of intelligence oversight in the context of Pakistan. He examines the influence of Pakistan's transition to democracy on the civilian control over intelligence agencies, and highlights how the Pakistani armed forces retain significant influence over the foreign and security policy issues. In chapter twenty-two, Amena Mohsin presents a comparative analysis of the intelligence oversight mechanism between Bangladesh and Pakistan. The author rightly problematizes the role of the intelligence community in the broader politico-historical context of the region and argues that the intelligence oversight in Bangladesh and Pakistan can better be understood with the relationship between the secrecy of intelligence, democratic political institutions and security sector of these two states. Finally, in the concluding chapter of the book, ASM Ali Ashraf sums up the discussion of the volume and emphasizes further academic exercises to mitigate the gap between policy and research in the existing security and intelligence affairs.

This book fills up an important knowledge gap by combining conceptual approaches and practical/policy usages of intelligence as a crucial component of national security and foreign relations in South Asia. It is to be noted that this is a promising but an under-researched topic, and IR and Security Studies experts in this region have not shown enough enthusiasm in extending the scholarship. This is evident as the editor had to take up the responsibility in bearing a disproportionate load of contributing chapters in the volume. Finally, the book's academic value revolves around the analysis of crucial information drawn on intelligence reform and national security. This is coupled with contributors' specialized expertise and ability to transmit this knowledge to a wider audience. This book is therefore recommended to the researchers and practitioners interested in intelligence, security studies and foreign relations in South Asia.

**Niloy Ranjan Biswas\***

---

\* Assistant Professor, Department of International Relations, University of Dhaka