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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.

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CONTENTS

CULTURAL AND RELIGIOUS ASPECTS OF SCULPTURES DISCOVERED FROM SOMAPURA VIHARA, NAOGAON: A CASE STUDY OF SCULPTURES DISPLAYED AT PAHARPUR SITE MUSEUM	
Maliha Nargis Ahmed and Nurul Kabir	1
A FRESH ASSESSMENT OF KANTIDEVA IN THE LIGHT OF NEWLY DISCOVERED COINS	
Shariful Islam	39
BABY TALK IN CONTEMPORARY BANGLA LANGUAGE: A SOCIOLINGUISTIC ANALYSIS	
Feroza Yasmin and Jennifar Jahan	49
POLICY TOWARDS ROHINGYA REFUGEES: A COMPARATIVE ANALYSIS OF BANGLADESH, MALAYSIA AND THAILAND	
Sultana Yesmin	71
IMPLEMENTING UPR COMMITMENTS FOR PROMOTING HUMAN RIGHTS STANDARDS IN BANGLADESH	
Tamanna Hoq Riti	101
RIGHTS AS CONTESTED DISCOURSE IN GLOBAL DEVELOPMENT CONCERN	
Tanima Sultana	123
A BEGINNER'S TAKE ON SUFI POETRY: DOES THE SUFI LOVE TRANSCEND RELIGIOUS BORDERS TO ENCAPSULATE HUMANITY?	
Arpeeta S. Mizan	147
Review Article	
BRUCE RIEDEL, <i>JFK'S FORGOTTEN CRISIS: TIBET, THE CIA, AND SINO-INDIA WAR</i>	
Ruksana Kibria	161
Books Review	
M. MOKAMMAL H. BHUIYAN (ED.), <i>STUDIES IN SOUTH ASIAN HERITAGE: ESSAYS IN MEMORY OF M. HARUNUR RASHIED</i>	
Sirajul Islam	181

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**CULTURAL AND RELIGIOUS ASPECTS OF SCULPTURES
DISCOVERED FROM SOMAPURA VIHARA, NAOGAON:
A CASE STUDY OF SCULPTURES DISPLAYED AT
PAHARPUR SITE MUSEUM**

Maliha Nargis Ahmed* and Nurul Kabir**

Abstract

Paharpur Buddhist Vihara is the largest vihara discovered in Bangladesh. The excavation work which started during the British colonial period is still going on around the central temple area and its vicinity. This paper discusses the problem of dating of the 63 stone sculptures which were originally attached on the surface of the central temple area. Most of these sculptures are now housed in different museums of India, while only a few of them are located in the Paharpur site museum. The paper highlights the problems of dating stated by different scholars based on execution style and suggests that further exploration should be conducted on these sculptures to set a firm chronology of these sculptures. The authors also takes an attempt to find out the reason for placement of Brahmanical sculptures on a Buddhist temple.

Introduction

The Somapura Vihara, popularly known as Paharpur Vihara is the largest ancient Buddhist settlement discovered in Bangladesh. Located in the midst of the flat alluvial plain of north Bengal, this vihara belongs to Badalgachhi upazila of Naogaon District of Bangladesh. The Mahavihara, consisting of a large cruciform central temple, is surrounded by a quadrangular monastery which houses 177 cells. Two inscriptions, one on a copper plate grant and the other on a set of terracotta sealing, mention the existence of two vihara belonging to two different religions in this area. The copperplate grant mentioned the Jaina Vihara of Guhanandin at Vatagohali during 478-479 CE (Gupta reign). It may be worth mentioning that the actual position of the Jaina vihara has not yet been determined by the researchers and excavators.

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Most of the terracotta sealings mention the name of two persons, Dharmasena and Simhasena who must be some important dignitaries in the first phase of Pala Empire. These seals were also discovered from Nalanda Vihara. Several specimens of the sealing refer to the 'community of monks' from the great vihara of Dharmapala at Somapura which means these monks lived in this vihara. These sealings show representation of the Buddhist 'wheel of law' flanked by two deer in the upper register and the legend in the lower. The big lumps of charcoal recovered from one of the rooms appear to be remains of palm wood probably used as rafter for roofing and was destroyed in a fire. An inscription from Nalanda states that the forces from Vangala once attacked and set fire to the monastery of Somapura¹. The present structure of vihara along with main temples, stupas in and around the courtyard and a separate temple of Tara just outside of the vihara compound clearly represent the existence of a Buddhist settlement.

Buchanan Hamilton first mentioned about the site during a survey in 1807-1812. Later Westmaccott visited the site. Both of them clearly mentioned that a vast architectural ruin (the central mound was a solid temple) is covered under this mound (Paharpur).² Sir Alexander Cunningham visited the site in 1879, he tried to connect the Gowalbhitar Pahar and the textual documented place called Paharpur, which was located in the village Dharmapuri. The name 'Dharmapuri' may preserve an echo of the name of the founder of this vihara. He attempted to make some extensive excavation on the mound but could not succeed as the Zamindar of Balihar; the owner of the land did not allow him to conduct any activities. However; he made some superficial excavations on the top of the central mound. He thought it to be a square tower of 22' side with a projection in the middle of each side. Cunningham thought it to be a large Brahmanical temple (based on a terracotta plaque which he wrongly identified as the representation of the goddess Kali). The Paharpur mound and its enclosure came into the hands of Archaeology department after it was declared to be protected under 'Ancient Monuments Preservation Act' in 1919. It may be mentioned that in 1917 an inscribed stone pillar was discovered by a villager in

1 K.N. Dikshit, *Memoirs of Archaeological Survey of India*, no 55. (Delhi: Swati Publications 1991 Reprint) p.2

2 *Ibid.*

course of brick hunting at the south western part of the monastery. This inscription was brought to notice of Varendra Research Museum, Rajshahi. It was found to contain a record of the installation of the pillar by one Dasbalagarbha for the satisfaction of three jewels. This event led to the first preliminary attempt of excavation of the site in 1923. Kumar Sarat Kumar Roy of Dighapatia, founder and president of Varendra Research Society, Rajshahi offered to make a grant to the Archaeological Survey Department to conduct the excavation work at the site. A combined team of Calcutta University and Varendra Research Society started the excavation work under the supervision of Dr. D. R. Bhandarkar. Later R. D. Banerjee, G. C. Chandra and K. N. Dikshit continued the excavation work during British period.

The Monastery and other structures in the courtyard (Figure 1)

The monastery is laid in a quadrangle which measures 822 feet on each side externally. The exterior wall of the monastery was more than 12feet in height. The cells are generally 13 feet and 6 inches in length, opens at a spacious verandah which is 8 to 9 feet broad. In the middle of each of the four sides except the north wing, there is a special block which consists of 3 cells and a passage around them. Excluding the cells of the central block in each direction, there are 45 cells on the north and 44 cells on other 3 sides each (south, east and west). The highest part of the monastery mound was the main entrance hall at the north gate. No other entrance can be seen on the west and south wings of the vihara, the east wing shows a small passage most probably used for private entrance. Outside the main entrance hall on the north wing a number of structures were exposed in excavation. One of these structures in the east was probably a waiting hall or accommodation for the guards of the vihara. Among other structures, there are two circular structures on a square base, which were probably the votive stupas. The broad staircase leading to the main entrance hall was built of brick on edge over flat bricks. Though the entire monastery was made of bricks stone pillars and pilasters were used to support the roof. The east and west walls of the hall indicated a band of bricks on edge at a height of 6feet 9 inches from the stone bases (pillar) to relieve the monotony of the ashlar courses. The inner hall leads through the main verandah to a ruined flight of steps leading to the courtyard exactly in front of the temple. On the southern part of the monastery not far from room 73 and 74, a group of shrines

can be traced on the courtyard. These 5 shrines with a highly ornamented super structure and a plan with a number of projections are an interesting example. The south eastern structure exhibits the shape of a 16 sided star; on the north of it another shrine showing two rectangular projections on a square plan (battlement cornice and the knob indicate the date to 11th century CE). The other 3 shrines are simpler in plan with one projection and earlier than the two on the east. All these shrines were subsequently enclosed within a compound wall which touches a stepped approach from the verandah. A well is located on the north of this group. At a short distance to the west is a large hall which was no doubt the dining hall and the well was dug to serve its purpose.

The Central Temple (Figure 1)

The colossal brick central temple is located in the center of the courtyard of the monastery. The cruciform shape with angles of projection between the arms, three raised terraces and complicated scheme of decoration of wall with carved brick cornices, friezes of terracotta plaques and stone sculptures at the basement wall are interesting example of temple architecture. The cruciform shaped temple measures 356feet 6 inches north to south and 314 feet 3 inches east to west with angles of projection between the arms. The temple rises in a number of receding terraces with an ambulatory passage, enclosed by a parapet wall. The north side of the temple provides the flight of steps to lead the first and second terraces. In the center there is a square hollow central shaft and around the shaft there are projections on each face of the shaft. The terraces of these projections consist of an antechamber leading to a pillared hall (mandapa), facing each cardinal point (north, south, east and west) and surrounded by a continuous processional path which is enclosed by a short wall. This way the whole ground plan takes the shape of a pancharatha type of ground plan. On the north side it is a saptaratha, because of the flight of steps, one more projection enhanced. The central square hollow shaft had a brick paved floor at the level of the floors of garbhagriha and mandapa. The central shaft has no entrance. The whole structure of the temple is enclosed by a low enclosure wall. Alignment of the enclosure wall is parallel to the ground plan taking the shape of pancharatha on the east, west and south and saptaratha on the north.

Earlier researchers regarded the temple as an abode of Mahayana philosophy of Buddhism, based on the images found in the excavation of the vihara and temple such as Bodhisattva Padmapani as stone relief, Buddha on earth touching poses in terracotta plaque, steatite image of Bodhisattva Manjusri, standing bronze image of Buddha, image of Bodhishakti Tara etc. But recent research discovered an interesting and new development of Buddhism in this region of Eastern India (Bihar & Bengal). The temple architecture manifests the philosophical shift of Buddhism.³ The researchers showed that during the late Gupta period, Mahayanist Buddhist philosophy (Image worship of Buddha) existed in this part of Bihar and Bengal. Simultaneously with the patronage of Barhamanical theology by the rulers the Hindu temple architecture flourished during this period. The Buddhists adopted some architectural elements of Hindu temple into their religious architecture in different ways such as accumulating garbhagriha (sanctum/main prayer hall where the image is kept) and mandapa (a reception hall in front of the sanctum) and stupa as the finial of the temple. For example, the Mahabodhi temple at Bodhgaya, Bihar, which belongs to late Gupta period, is a panachayatana style of temple like the Hindu temple. During the post Gupta period the Mahayana Buddhism which continued to prevail, made a significant shift and a new doctrine called the Vajrayana philosophy in Bengal. The technical representation of Vajrayana was Sunya in the sense of Vajra. Vajrayana introduced the polytheism theory of five Dhyani Buddhas as embodiments of five skandhas or cosmic elements. These five cosmic elements are form (Rupa), sensation (Vedana), name (Samjna), conformation (Samskara) and consciousness (Vijnana). In Vajrayana mythology these five cosmic elements were expressed in anthropomorphic forms as Pancha Dhyani Buddhas. These are Vairochana, Amoghsiddhi, Ratnasambhava, Amitabha, and Akshobhya. Each Dhyani Buddha is one aspect of Sunya. According to Vajrayana philosophy these five Dhyani Buddhas are placed in five directions: Vairochana in the center, he is always placed in the sanctum of the stupa and Amoghsiddhi being in the north, Ratnasambhava in the south, Amitabha in the west, and Akshobhya in the east. But sometimes

3 Seema Hoque and M.M. Hoque, "Understanding the Paharpur Temple Architecture in New Perspective," Paper presented in international seminar on Elaboration of an Archaeological Research Strategy for Paharpur World Heritage Site and its Environment (Bangladesh), 20-25 March, 2004, pp. 60, 64.

their images can be found in different directions either due to intentional removal of the image from its original position or as outcome of turning into debris. At the temple of Paharpur, the five Dhyani Buddhas might have been placed in one stupa where four of them were installed facing the four cardinal directions and one of them was placed in the center of the shrine. Though none of the image of five Dhyani Buddhas was found at four cells of the temple and the middle shrines of the monastery's south, east and west wing, but the exhibiting five garbhagrihas leading to a common mandapa suggest that the structures were constructed to install the images of five Dhyani Buddhas.⁴ The researchers cited examples of cruciform temples of Ananda vihara, Bhoj vihara, shalban vihara, Rupbanmura of Mainamati Lalmai Buddhist settlements, cruciform temple of Holud vihara, at Naogaon. They also mentioned about the sculptures (Dhyani Buddha Amitabha, Akshobhya, standing Buddha, Bodhisattva Avolokiteshvara, Bodhisattva Padmapani, Bodhishakti Tara, 6th Dhyani Buddha Vajrasattva) discovered from the sites of Manamati region. Excavation of Itakhola mura and Kutila mura also revealed images of Dhyani Buddha Akshobhya and Bodhistava Avolokiteshvara. Most of the shrines had multiple sanctum associated with common mandapa and ambulatory pathway. Votive miniature stupas like the bronze Chaitya from Ashrapur and bronze replica of Chaitya from Shalban vihara exhibit similar type of structures. The bell shaped stupa being in the center is surrounded by images of Buddha in the niche facing four cardinal points. This is a bhadra type of superstructure.⁵ This could be a replica of the evolved form of stupas constructed in this region from 7th century onwards. This type of replica made of bronze, stone, and terracotta were also found in other Buddhist sites of Mainamati. Perhaps these replicas could be the miniature example of the life size Buddhist temples which would be a bhadra type of temple with stupa on the top as finial. This style continued to be seen in the temples of Southeast Asia, for example Ananada temple, at Pagan, Myanmar, Chandi Loro Jongrang and Chandi Sevu temple of Prambanam in central Java, Indonesia.⁶

4 *Ibid*, p. 60.

5 S.K. Saraswati, *Architecture of Bengal Book I(Ancient Phase)* (Calcutta: G Bharadwaj & Co. 1976), pp. 19-20, 65-66.

6 K.N Dikshit, *Memoirs of Archaeological Survey of India*, no 55 (Delhi: Swati Publications, 1991, Reprint), p. 7.

The ground plan of Ananda temple at Pagan is cruciform; it contains a solid square shape pile in the center surrounded by two concentric ambulatory passages connected with each other with a sequence of vestibules respectively. Each niche contains the colossal image of Buddha (nearly 31 feet in height). The four niches contains last four manushi Buddhas or mortal Buddhas facing four cardinal points.⁷ The followers of Buddhism made an attempt to establish a connection between the last five mortal Buddhas with the five Dhyani Buddhas. The placement of four mortal Buddhas at Ananda temple and as well as the placement of Dhyani Buddhas in the different shrines (alone or together) of Bangladesh indicates the dominance of Vajrayana philosophy. The analysis of architectural development and evolution indicate that the central shrine of Paharpur could be a Vajrayani temple.

Objectives of this study

This paper offers a multi-disciplinary analysis focusing on cultural history, iconography, museology and heritage management to provide guidelines to design display layout and planning of exhibition in the site museum. The guidelines for museology will not only cover basic features of iconography but also focus on the historical and contextual records of the sculptures recovered from the site to enhance more reliable information and themes for the museum and its visitors. It will discuss some of the problems found in current museum exhibition gallery. One such problem is evident in the few icons (among those of 63 stone sculptures recovered at 1930's excavation), which are displayed in galleries ignoring their original context. The paper will look for both hypothetical and practical solutions in such problems towards prospect and possibilities. Keeping it in mind researchers will discuss the classifications of the icons made by previous researchers to draw segments in museum's themes and galleries. It will enhance some of the ideas regarding the subject matters and probable dating of recovered sculptures to reappraise the reasoning of installation of Brahmanical sculptures on a Buddhist temple.

⁷ Seema Hoque & M.M. Hoque, Understanding the Paharpur Temple Architecture in New Perspective, paper presented in Proceedings of the International Seminar on Elaboration of an Archaeological Research strategy for Paharpur World Heritage Site and its environment (Bangladesh) 20-25 March 2004, p. 65.

Research Methodology

This study has largely depended on literary evidence as majority of the sculptures were taken to Ashutosh Museum of Indian Art, and Indian Museum in Kolkata, and a very few to Varendra Research Museum in Rajshahi. It may be mentioned that only a few independent sculptures yielded from the excavation of 1930 (for example Balarama, Indra, Chandra, amorous couple, Ganesha, etc) are now housed in the archeological site museum of Paharpur. Researchers have had the opportunity to study only those sculptures located at the Paharpur Museum.

The researchers also took note of the text panels accompanying the sculptures which was not sufficient enough to make visitors clearly understand the religious and social perspective of the sculptures. Also the labels attached could not clearly indicate the time period of excavation as it is necessary from museological point of view. It is important to do so because the excavation conducted during the British period and later during the Pakistan and Bangladesh periods yielded varieties of antiquities. For example, the 1930's excavation yielded mostly different types of sand stone sculptures and stone reliefs but later excavations in Bangladesh period revealed a beautiful piece of a torso of a Bronze Buddha image. Excavator claimed that it was found in the later phase of the temple and this particular piece belonged to 9th -10th century CE. The excavation at Paharpur is still in progress. That is why it may be helpful for researchers and scholars if the time periods of excavation along with the probable dating of objects are mentioned in the text panel or introductory panel.

Brief history of Paharpur Archaeological Site Museum

Paharpur archaeological site museum was initiated long after the excavation work started on the site. As a result most of the sculptures and other antiquities yielded from the excavation by K.N. Dikshit during 1930's were taken to Indian Museum Kolkata and Ashutosh Museum of Calcutta University. A few sculptures were sent to Varendra Research Museum, Rajshahi.

For some unknown reasons a site museum at Paharpur was never set up during the British period. After several years during the Pakistan period in 1957, a single room museum was established by the then Department of Archaeology

and this museum housed few movable items from the excavated monastery, amongst them were some terracotta plaques from the shrine wall and a very few stone sculptures (originally installed at the basement wall of the central shrine). This single room museum was constructed in an area between the monastery and Satya Pir's Bhita (Temple of Tara). The total floor space was 900 square feet. After the construction of the new museum building, this building is currently used as the guest house of the site.

After Paharpur Buddhist Vihara was enlisted as a world heritage site in 1980, a new building for Paharpur museum was constructed in 1988 with financial help from Norwegian Agency for Development Cooperation. The new museum building was designed in cruciform shape keeping a resemblance with the form of main temple of Paharpur (figures. 3, 4, 5, 6, 7). Along with the excavated materials of Paharpur site, sculptures and antiquities from other neighboring sites and some pieces from Mahasthangarh museum's reserve collection were added to the collection of this museum.

Distribution pattern of sculptures and problems of dating

A total number of 63 stone sculptures were recovered from the temple site of Paharpur. Most of the sculptures are made of different types of sandstones such as coloring grayish buff, grey, buff, whitish, purple, mottled and dark buff grey basalt and bluish basalt. The installation of the sculptures in basement wall of the temple at irregular intervals is a sharp contrast to the uniform plan and arrangement of the temple. The northern half of the temple has 22 niches filled with sculptures whereas the southern half has 41 niches of same content. Again the western half shows only 25 niches whereas the eastern half has 38 niches. This irregular arrangement is also evident between the arms of the cross; for example, 7 niches in the northwest portion, 11 in the northeast, 20 in the southeast, and 11 in the southwest. Furthermore, irregular pattern of sculptured niches can be seen on the main walls of 3 cardinal points of the temple. There are 6 niches in the southern wall and 4 each in the eastern and western walls (See figure 2). It has also been noticed that all the 20 projecting angles of the temple was covered with sculptured niches. Only 2 front corners of either side of the main staircase did not contain any niche. Except for the southern end of the main western wall, all the other 18 angles have both faces covered with

sculptured niche. It is very difficult to ascertain whether the empty walls were originally kept like this or some parts of the series of sculptured niches went missing even before it was exposed during the excavation since this part of the temple was more damaged in comparison to other parts.⁸ Even one accepts the fact that the idea was to fill in the walls of only projecting angles with sculpture niche as a part of decoration. But still that does not explain the irregular pattern of niches on the intermediate walls or arms in between the angular projections. In this instance, mention may be made of the north western part which does not have any intermediate niche and there were only 4 sculpture niches in north eastern and south western part. Dikshit's explanation about the absence of sunlight in the north and not the availability of enough stone reliefs is not quite satisfactory.

K. N. Dikshit notes that one group of sculptures distinctly represents the traditions of later Gupta art.⁹ He termed it as the provincial manifestation of the great Gupta art. Saraswati agreed with Dikshit on the above statement. Dikshit termed another group as a distinct original tendency in which one may recognize the beginning of the Bengal school which afterwards flowered into the exuberant Pala School. A large number of sculptures of latter class represent the Krishna cult which apparently lost its force in the Pala period. It is an irony that during Pala period the worship of Vishnu was at its highest level in Bengal. Such a large collection of sculptures related to Krishna legend though without any sequence or order would indicate that a great center of Krishna worship prevailed in this region.

S. K. Saraswati explains the irregular arrangement of the sculptures from another angle.¹⁰ According to his theory all these sculptures were not executed in the same period. Based on Dikshit's observation he also divided these sculptures into three different time periods. According to Saraswati, a few of the specimens belong to the Late Gupta period, another group of sculptures were produced during Post Gupta period and the last group of sculptures was executed in between Pre Pala and Early Pala period.

8 K.N. Dikshit, *Memoirs of Archaeological Survey of India no 55* Delhi: Swati Publications, 1991, Reprint) pp.37-38, Photo 1.

9 *Ibid*, p. 37.

10 S.K. Saraswati, *Early Sculpture of Bengal*, Calcutta: Sambodhi Publications, 1962) p.39.

In support of his argument, Saraswati also showed an example that only a particular group of sculptures were originally part of the temple which were installed in the angular projection of the temple. These sculptures installed on the angular projections are almost always approximately of same height which is proportionate with the height of the plinth. Moreover; these sculptures were executed in same material and relevant to popular narrative theme without having any cult significance. The subject matter is also very much similar with the terracotta panels of the temple. This group of sculptures belonging to the 8th century was undoubtedly part of the original structure. These stone sculptures installed on the corner angles of the brick temple also served as binding material which makes some sense about the existence of these sculptures where any theological perspective was not taken under consideration. May be it served as a part of a well planned decorative arrangement. Regarding the Brahmanical sculptures located in the intermediate niches; he mentioned that these sculptures were added at a later period to accommodate sculptures as gathered from earlier structures or monuments at the site or neighborhood. He further mentioned that in some cases the sculptured niches were cut to make space for relatively larger sculptures and in case of smaller sculptures, the niches were filled in with terracotta. He also commented that both the temple and the monastery witnessed a long occupational phase for about 400 years since 8th century CE. The installation of these Brahmanical sculptures may be the result of the followers of Brahmanical faith who at a later phase started frequently to reside within this establishment. During the long life of this establishment it may happen that these niches were disturbed more than once during repair and renovation work of the temple and perhaps new sculptures were added. He also felt that some of the sculptures belonging to second group which were supposed to be filling the corners are now filling up the intermediate niches. Perhaps were picked up from the upper levels of the monastic cells.

Although Stella Kramrisch initially agreed with Saraswati's classification and dating, later she changed her opinion and wrote that all the sculptured panels are one and all to be relegated to the same period i.e., the 7th century CE. She classified the execution style and trends into two different traditions, the one numerically in the minority is an eastern and provincial version of

contemporary sculpture in Madhyadesa, but the other is an undiluted and indigenous eastern Indian contribution. The latter style is mainly employed in showing event from the life of Krishna and other animated scenes and figures. But when divinities are represented in samapadasthanka, a hybrid compromise between the tradition of Gupta sculpture of Madhyadesa and Bengali form is arrived at. From these stone reliefs, the cult images of the Pala and Sena schools started their journey.¹¹ Through explaining the diversity in style and workmanship in the art of Paharpur as the result of different traditions Kramrisch assigns all sculptures to the same age of production. However, Saraswati did not agree with her on this issue, on the other hand he mentioned that though Kramrisch spoke about two very distinct and divergent style of execution (one largely influenced by Gupta tradition and the other indigenous style) she also mentioned about the “hybrid compromises” between the two traditions. She also mentioned that two different trends, two different traditions might have been at work in Paharpur. But Saraswati dismissed the hypothesis.

Frederick Asher offers a different viewpoint about classification and dating of the sculptures. He claims that the sculptures belong to the 8th century CE, the apparent distinctions are far more properly ascribed to the hands of different artists or different subject matters that required distinct treatment than to different dates of manufactures. To make his argument more convincing, he pointed out two interesting issues. First of all he critiqued Saraswati’s classification of sculptures, and argues that the first group stone sculpture of Balarama (6th century CE) is in no way different from the second group sculpture of Indra (7th century CE). While the sculptures he placed in the third group which include no major deities and naturally appear less formally disposed. Secondly it is hard to imagine that the planners of such a major monument would borrow the sculptures of an earlier neighborhood monument and then place them indiscriminately and at irregular intervals around the plinth of the new structure. Imagining such borrowing in the course of refurbishing the Paharpur monument is also not an acceptable idea.

It is interesting to note that most of the sculptures bear an influence of Gupta vestiges like any other Eastern Indian sculptures at the threshold of Pala times.

11 S.K. Saraswati, *Early Sculpture of Bengal*, Calcutta: Sambodhi Publications, 1962) pp. 43-44.

These Paharpur sculptures are more fluid in disposition and subtle in modeling than the works of Devapala's time such as Balarama images from Nalanda and Kurkihar but they closely resemble to the 8th century imagery of Bengal such as the magnificent Bronze Buddha from Mahasthangarh (Bodhisattva Manjusri now kept in Varendra Research Museum) and stand apart from any 6th/7th century works [(Vishnu from Narhatta (Bogra), and (Surya from Kashipur 24 Pargana, West Bengal)] of Bengal.¹²

Most of these Hindu stone sculptures do not belong to an earlier Hindu temple in the area. Rather it was accepted and canonically prescribed practice to use Hindu images in this position in a Buddhist temple. The Nishpannayogavali describes mandalas in which Hindu deities occupy the outer circle essentially corresponding to the lower level of a tiered monument. Mention may be made of later terraced stupas at Pagan, like the Shwehsandaw temple. The temple dated at c1060 CE exhibits the placement of Hindu deities in a similar manner like that of Paharpur.

The alteration to some niches to accommodate the sculptures in no way proves that they were removed from a monument in the area for using them on the Paharpur temple. Some niches had to be altered simply because the sculptures like those of any other monuments are not uniform in size. In fact the alteration of Paharpur niches is not a very unusual matter. There are many other Indian monuments whose sculptural adornment does not conform to the space allotted for it. Asher stated the example of Gajendra Moksa panel of Deogarh temple, which was too narrow to fit in to its niches. Only when the reliefs are cut in situ from the fabric of the monuments surface one can expect a proper match between relief and niche. One other thing has to be taken under consideration that these sculptures of Paharpur were made out of stone which were to be installed on the surface of a brick monument. When a stone niche is modified to accommodate a sculpture carved from matching stone, the change is barely perceptible, but with contrast between stone and brick on the basement level of Paharpur monument, the modifications would be clearly visible.

The installation of sculptures in an irregular manner is still unexplained. It is quite impossible to believe that these sculptures while being installed in the

12 F.M. Asher, *The Art of Eastern India, 300-800*. (Minneapolis: The University of Minnesota Press, 1980) p. 93. Plates 177, 178.

basement of such an important religious structure were done randomly, or that artistic or financial constraints necessitated the collection to be obtained through plundering an earlier monument to serve the purpose of decoration or construction.

Subject matter of the stone sculptures originally attached to the base of the central temple

Majority of the sculptures are narratives being presented as relief or panel. Some individual sculptures can also be seen on the temple surface. The Dikpalas (Agni, Vayu, Indra) several standing individual sculptures of Shiva, Ganesha, Kubera, Chandra, future Manu, demon Trisira, etc can also be seen on the temple. Sculptures of Vishnu, Dasavatara forms of Vishnu, Surya, female Shakti sculptures, Manasa sculptures are absent. Among the individual female representation can be seen Yamuna and female dancing figures. The female figurines represent the principal god such as Devaki, Radha, Subhadra, Sita, Rati, and amorous couple etc.

The relief mainly depicted stories of Lord Krishna's early life, his birth, childhood miracles, his association with his elder brother, friends and female consorts popularly known as Gopi's (one of the principal Gopi was Radha), Krishna fighting demons (Chanura and Mushtika) sent by his uncle Kangshsa. In addition scenes from Ramayana (Ram and Lakshhmana meeting Bharat and Shatrughna, Ravana fighting with the bird Jatayu while abducting Sita, Honuman bringing rocks to build a bridge to go to Lanka) and Mahabharata (Arjun abducting Subhadra, Krishna's fight with Kangsha). The only two Buddhist iconographic representation on the temple wall are a sculpture of Bodhisattva Padmapani which is fixed to the middle of southern wall and another relief known as the nativity of Buddha at Lumbini garden, this panel is located on the south western wall.¹³ As mentioned earlier most of these sculptures are now housed in two museums of India and a few collections is housed at Varendra Research Museum. Only a few specimens can be seen at the Paharpur museum. Presence of these sculptures at the basement of Paharpur temple was an enigma to Dikshit as the styles, subject matter and forms of the sculptures were entirely different from the sculptures of Dhramapla's reign.¹⁴

13 S.K. Saraswati, *op. cit.*, p. 89.

14 K.N. Dikshit, *op. cit.*, Reprint, p. 37.

Classification of sculptures done by S.K. Saraswati and K.N Dikshit*First Group (c. 6th century CE)*

The sculptures once installed on the surface, specially the basement wall of the main temple were divided into three distinct groups based on material and execution style. This classification was first done by Dikshit. Later Saraswati made the classification in a more systematic manner. Saraswati's primary observation was the material of the sculptures, for example; the first group of sculptures was made out of grey sandstone. The second group of sculptures was made out of bluish basalt and the third was made out of black basalt. Saraswati further added that the first group of sculptures consists of few specimens which mainly represents individual sculptures like the sculptures of amorous couple (one of which Dikshit identified as Radha Krishna), Yamuna, Shiva, Balarama, Dwarpala or security guards etc. Furthermore he pointed out the influence of Gupta sensuousness while describing the execution style, shape and form of the body, hands, chest, waist, hip, mouth, chin eyebrows and hair of these sculptures. In terms of plasticity this group of sculptures exhibits charming features, the naiveté, suavity massiveness are all associated together and synthesized into pleasing specimens of art which appear to be nearer to those of the best days of Gupta classical idiom.

Second Group (c. 7th century CE)

The second group consists of sculptures depicting childhood stories of Krishna, the individual gods and Dikpalas Indra, Agni, Kubera, Vayu, Chandra, Shiva, Ganesha, present and future Manu. Among the childhood sculptures of Krishna, one may mention the boy Krishna killing the demon Kesi, Krishna and Balarama fighting Chunara and Mushtika and baby Krishna uprooting the Arjun trees on his courtyard. The plastic traits of the Gupta classical norm are found much more subdued and the sensuous import of the eastern trend generalized and rarified to a certain extent.¹⁵ There is hardly anything left of the plasticity and lyricism of the Gupta classical norm. The refined sensuousness of the eastern version is also evident only in a generalized manner. This style is far removed from the Gupta classical trend and from its eastern version as well, but

15 S.K. Saraswati, *op. cit.*, p.48.

is nearer to what came to be known later as the Pala style of art. They may be regarded as the precursors of the conventional Pala images of the subsequent days both in terms of plastic content and iconographic features.

Third Group (c. 8th century CE)

The third group consists of a large number Krishna images which apparently lost its popularity during the Pala period as it has been observed that images of Vaishnava cult were in abundance in that period. The third group mainly consists of narrative reliefs. Mostly scenes of Krishna's early life like Vasudeva carrying Krishna just after his birth in the prison of Kangsha to save him from his uncle's wraith, Devaki handing over the child to Vasudeva for transferring the child to Gokula, boy Krishna with butter (nani) in his hand, Krishna and Balarama playing with another cowherd boy, Krishna lifting the Govardhana mountain to make shelter for people of Gokula, Balarama killing the asura named Pralamba. Another scene of Krishna's adult life is the fight between Krishna and Kangsha (as identified by Dikshit but Sarsawati termed it as a scene from Ramayana where Bharat and Shatrughna has come to meet their elder brother Rama & Lakshmana at the forest), another sculpture depicts the story of Subhadra's abduction by Arjuna (Saraswati offered another version of the panel, the scene represents the fight between Indrajit & Lakshmana).

Several events of Ramayana can also be seen in this group of stone relief, for example, Rama and Lakshmana is in standing pose with bow and arrows in their hands, the fight between Bali and Sugriva for the possession of Tara, Angada; the son of Bali is also participating in the war, monkeys carrying stones to build a bridge over the sea to reach Lanka, abduction of Sita by Ravana and the bird Jatayu is trying to resist Ravana. A monkey fighting with a rakshasa, (which according to Dikshit is a fight between two asuras: Sunda and Upasunda, a theme of the Devi legend). It may be mentioned that on the reverse side of this relief a mutilated figure of Kubera (god of wealth) could be identified. Another relief depicts a rakshasa with 3 visible heads called Trisira who used to read the Vedas with one head, drink wine with the second, and watched all quarters simultaneously with the third head. He lived a life of piety and performed severe austerities. He was later killed by Indra with his Vajra, as Indra was scared to be ousted by him. The third group also consists of the image of several female dancers (4 panels) the images represent the free

flowing positions of the dancers. The dwarfpalas (3) of this group (one of them was identified as the security guard of King kangsha's prison where Vasudeva and Devaki were held as captives) are also executed in a lively manner, especially when they are tired of continuous watch and trying to catch a sleep. The amorous couple (3 panels) belonging to this group do not poses the restraints of the first group couple of Radha and Krishna. One of the reliefs has been identified as the figure of Kamadeva and Rati. The execution style of these figures clearly indicates the liveliness and intimate relationship of the couple. Few couples are shown a moment of exchanging kisses with each other, while the other panel shows the couple feeding each other. Beside the above subjects, Dikshit mentioned about several conversational pairs. These panels mainly depict popular stories and events of day to day life. For example, an ascetic is perhaps explaining something to a lay person; two ascetics are engaged in most mysterious metaphysical discussion. Sage Garga with Nanda, the former communicating the prophecy about child Krishna, another panel shows Kinnras enjoying a pleasant chat, a person assuring and comforting a fellow who stands with bent knees and clasped hands, a vidyadhara with boots and a garland in his hands can be seen in a panel. Two persons are about to start a fight is also shown in a panel.

Relief no 52 on the south western wall, portraying a woman standing with cross legs and grasping branches of a tree above, with a child to her right with the left elbow on her hip and further out a man with his right hand touching his hips, according to Saraswati it has some compositional affinity with the scene of Nativity of the Buddha in the Lumbini garden and might have been an attempt by a Paharpur artist to explain the sacred event.

This group of sculptures represents a genuine and undiluted indigenous tradition. They fully illustrate the strength and vitality of the native art idiom along with its dynamic and emotional content. It represents an art of people naive, lively spirited. Though stylistically it is very crude and coarse, the lively and powerful compositions of the entire relief are quite aesthetic and have some kind of social significance. This sort of artistic expression is seldom found in stone. Saraswati felt this particular art style is generally popular in terracotta, but quite uncommon in stone relief.

Image of Padmapani

The image of Padmapani Avolokiteshvara is the only sculpture which has a definite Buddhist association other than the birth of Buddha mentioned earlier. The god stands in rigid samapadasthanka pose and has two hands: the left holding a lotus by stalk and the right (broken) was perhaps was in varada pose. Two attendant figures can be seen standing on two sides, but they are too mutilated to make identification. The head of the god is surrounded by a lotus halo and the stela is rounded at the top, which is fringed by two courses of ornamental borders. This disposition of niche with the image was definitely a later insertion. The sculpture belongs to early Pala period. This image was intended for special veneration which is clear from the masonry kunda that had been built in front of it.

Loose stone images such as stone head of Bodhisattva, fragmentary image of Hevajra with Shakti, mutilated torso of Bodhisattva, standing female figure of Tara discovered during Dikshit's excavation mostly belongs to 10th-11th century which indicates the continuity of Buddhism in the establishment. The only Brahmanical sculpture found here belongs to Kubera.

Description of some selected sculptures of Paharpur Museum

Some of these sculptures were originally installed on the main temple of Paharpur monastery. They are now displayed at the site museum of Paharpur.

Indra (Figure 8)

The sculpture is made of coarse grey sandstone, also known as black basalt. Measurement of the sculpture is (75.5 x43.5) cm. It is dated 8th century CE¹⁶ and the accession number is S-4. Nose, hands and left foot of Indra, trunk and feet of elephant, left side of slab is now missing. According to Saraswati's classification this image represents the second group.

Indra, is the lord of the heaven and guardian of eastern quarter. The deity stands in Samapada pose in front of his vahana elephant "Airavata". The sculpture (no 29, position on the temple wall see figure 2) was originally installed within a

¹⁶ Enamul Haque & J. Gail Adalbert (eds), *Sculptures in Bangladesh: An Inventory of Select Hindu, Buddhist and Jain stone and Bronze Images in Museums and Collections of Bangladesh (up to 13th century)* (Dhaka: The International Center for Study of Bengal Art, 2008) p. 241.

niche of south eastern section of the temple's basement wall. The god has two arms and a halo behind the head. The halo is ornate with a beaded border; He holds a small round object and another roundish object slightly larger in size in his raised left hand. Thus his distinctive attribute the vajra is conspicuous by its absence.

He is clad in a pleated loin cloth fastened by a chain girdle with a circular member in the center. The upper part of his body is bare; a transparent shawl is visible on his arms. He wears an udarabandha in his belly. He wears a twisted necklace consisting of several beaded strings, elaborate earrings, armlets and wristlets. Curls of twisted lock of hairs, falls on each shoulder of the deity. His head is crowned with an ornamental jatamukuta held by a bejeweled diadem. His forehead is marked with a horizontal third eye. His mount Airavata stands in profile behind Indra's legs, a number of horizontal folds are visible on the upper part of its trunk holding a bunch of leaves.¹⁷ The slab preserves on its right side part of the upright jam, depicting vertical creeper scrolls of remarkable fineness and elegance, partly overlapped by the elephants head. At the top, the niche frame is indented; the left part of the frame is missing. According to Dikshit the figure of Indra must have been introduced on account of his connection with the Krishna legend of lifting the Govardhana Mountain.¹⁸ After this event Indra is said to have crowned Krishna or may have been fixed there as the guardian of the eastern quarter in which direction the sculpture faces. The sculpture is somewhat stiff but vigorous and the face of god is lit up with a broad smile.

Krishna killing demon Kesi (Figure 9)

The sculpture is made of sandstone of harder variety. Measurement of the sculpture is (79.5x 43) cm. It is dated to 6th century CE,¹⁹ and the accession number is A-6. According to Saraswati's classification the sculpture belongs to the second group.

This sculpture was originally fixed on the south east wall of the central temple. The panel shows that young Krishna standing to the left boldly charging the

17 Enamul Haque & J. Gail Adalbert (eds.), *op. cit.*, p. 241.

18 K.N. Dikshit, *op. cit.*, p. 43.

19 Enamul Haque & J. Gail Adalbert (eds.), *op. cit.*, p.240.

horse shaped demon Keshin by thrusting his left elbow into the jaws of the animal (no 30, position on the temple wall see figure 2). The figure under the left foot of Krishna is the fallen demon (keshin) assuming the human form. The right hand of the god is turned up to deal a blow at asura who has already seized his left arm. The three tufts of hair on the crown which has resemblance to the lateral tufts of the crow's wings. This feature is properly described as kakapaksha in Sanskrit literature. On the two sides are what appear to be plantain trees. He wears a lower garment which reaches his knees and fastened to waist with a chain girdle. An udrabandha (scarf) goes round his belly the frills of which are displayed on the right very prominently. Among other ornaments, the torque with dominant medallion and tiger claws goes very well with the boyish Krishna.

Earlier Dixsit mistakenly identified the panel as the story of Dhenuka badh (demon/asura in the form of an ass the event took place in a palm grove) by Balarama and Krishna. Later Saraswati correctly identified the panel as Krishna killing the demon keshin.

The story was stated in Harivangsha and other puranas, demon keshin was sent to Vrindavana by king Kangsha, Krishna's uncle to destroy Krishna who was destined to put an end to him and his evil ways. The panel is a narrative of how keshin was killed by Krishna.

Vayu (Figure 10)

The sculpture is made of bluish basalt. Measurement of the sculpture is (83×39) cm. It is dated 8th century CE²⁰ and the accession number is 1. According to Saraswati's classification the sculpture belongs to the second group. (no 39, position on the temple wall see figure 2). Face of female attendant and pedestal is damaged. Vayu the god of wind and guardian of the northwestern quarter stands in samapadasthanaka pose on a projecting plain pedestal. He is clad in a short loin cloth reaching down to his knees, fastened by a girdle with a circular clasp in the centre. The upper part of his body is bare. He wears a beaded necklace, two different kinds of ornaments, keyuras on his upper arms and arm rings. His head is embellished with a diadem, his hairstyle consists of curled urdhvakesha locks (reminds one about the conventional curls of Buddha)

20 Enamul Haque & J. Gail Adalbert (eds.), *op. cit.*, p. 241.

arranged in a broad bun. His forehead is marked with a circular dot. His head is framed by an inflated shawl the ends of which he holds symmetrically in his both hands. Flanking the shawl at the height of the head are two rectangular blocks bearing diamond shaped and circular ornamental design (partly damaged and restored). Vayu is accompanied by two small attendant figures. The male figure to his left is dressed and ornamented like the principal figure; his right hand is raised holding an indistinct attribute while his left hand rests on his thigh. The face of the female figure on the right is damaged; she holds her hands in a similar way as her male counterpart. Both attendant figures have a shawl with fluttering ends just like the principal figure.

Originally the rectangular slab formed the part of a niche which was located on the southern basement wall of the temple. The placement of the sculpture on the south and the inflated shawl being regarded as noose or pasha led Dikshit to a misidentification. Dikshit due to its position on the south regarded the sculpture as Yama. Saraswati was pretty much convinced about Dikshit's identification of the image, he further asserts by saying that the male attendant was Chitrakuta and the female attendant was Dhumorna, wife of Yama. According to iconographic text Vishnudharmottaram, Dhumorna is to be sculpted with her husband Yama. Then again he pointed out about the attributes and mount of the god. According to some texts, noose is one of god's attribute but in most cases Yama is accompanied by his mount buffalo and holds a club in one of his hands. He further stated that pasha or noose is particularly the emblem of Varuna (the lord of the ocean and guardian of the western region). It is the southern position of the god led him to believe that it was the image of Yama.

Regarding the execution style of this sculpture Saraswati states "A precise and definitive modeling characterizes the physical form, to which the harsh lines of the face seem to be rather jarring."

Later scholars identified the sculpture as Vayu.²¹ The position of the sculpture in southern wall and misinterpretation of the inflated shawl as noose or pasha

21 Gerd Mevissen. Cited in Enamul Haque & J. Gail Adalbert (eds.), *Sculptures in Bangladesh: An Inventory of Select Hindu, Buddhist and Jain stone and Bronze Images in Museums and Collections of Bangladesh (up to 13th century)* (Dhaka: The International Center for Study of Bengal Art, 2008), p. 242.

led to the previous misidentification of the image as Yama. There is no doubt that the identity of the image is Vayu, whose distinctive sign especially in Eastern Indian representation is the inflated cloth framing his head.

Chandra (Figure 11)

The sculpture is made of black basalt. Measurement of the sculpture is (85x38.5) cm. It is dated 8th century CE²² and the accession number is S-1. According to Saraswati's classification the sculpture belongs to the second group. The sculpture was originally located on the northwest angle of the basement wall of the temple.

Chandra, the moon god, stands in samapadasthanaka pose on a projecting plain pedestal (partly damaged) between two plantain trees reaching up to his shoulders. He is clad in a long loin cloth fastened by a girdle knotted in the center. On the upper part of his body he wears a broad vastropavita. Otherwise the entire figure is devoid of ornaments. The long hair is artistically arranged in a jatamukuta, above which is shown a large lying crescent moon. The right hand is raised holding an akshamala while the lowered left holds a small kamandalu. Originally, the rectangular slab formed part of niche in the north western section of the basement wall of the central temple. It is damaged and has been restored with cement at the upper left corner. This particular piece of sculpture was first identified as Shiva Chandra Sekhara (no 60, position on the temple wall see figure 2) by K.N. Dikshit. R. D. Banerjea described the image as Shiva conceived as Somnatha. Later S.K. Saraswati discarded the earlier identification, he mentioned that the sculpture does not have the urdhva linga and vertical third eye of Shiva, and there are several images of Shiva at Paharpur which bears the above iconographic marks which means the builder followed the iconographic text while executing the sculptures of Shiva. Furthermore; based on the crescent-mark and iconographic marks of Moon god in Agni purana (the god should have a water pot and a rosary as his attributes); he identified the sculpture as Chandra, the moon god. Saraswati comments on the sculpture's execution style, "It is a rather fine sculpture, and though the face is slightly abraded, it has a beautiful smile. A soft and sensitive modeling and a certain amount of linearism characterize the figure."

22 Enamul Haque & J. Gail Adalbert (eds), *op. cit.*, p. 243.

Balarama Avatara (Figure 12)

The sculpture is made of sandstone. Measurement of the sculpture is (83x43) cm. Dated to 5th -6th century CE,²³ and the accession number is 2. According to Saraswati's classification this image represents the first group.

The sculpture of Balarama Avatara (no 24, position on the temple wall see figure 2) was positioned along with the images of Krishna and Radha (no 22, position on the temple wall see figure 2) and Yamuna (no 23, position on the temple wall see figure 2) on the long wall facing the south in the second angle on the south east portion. All these images are related with Krishna's life.²⁴ Here Balarama, the elder brother of Krishna has been represented as an avatara. The sculptor apparently paid special attention to these figures. They finely executed and sheltered the images in the recess embellished with lotus leaf pattern bricks. According to Saraswati the ornaments worn by the god shows the characteristics of Late Gupta tradition. Dikshit commented that the happy expression on the face of the god with somewhat gaping eyes is a characteristic of the period, as also noticed in knee joint. The god Balarama standing on a plain pedestal with a slight bend (abhanga). Over his head is a seven-hooded snake canopy, an indication of Balarama being not only the elder brother of Vishnu or Krishna but also an avatara. The god has four hands, the upper right and left hands hold a pestle and a ploughshare respectively. The lower right hand holds a wine cup and the left hand is akimbo. The prominent circular kundala in the right ear and a rather tiny ordinary ring in the left ear, recall similar sanction in the iconographic texts. He wears a lower garment, a three string girdle, an udarbandha and scarf passes diagonally over his thighs. The sacred thread hangs up to his knees. One the two sides are two attendants, one male and the other female, the female holding a wine flask and a cup in her two hands. Although, the attendant figures being a little crude, the refined execution and naturalistic modeling of the main figure make the whole image an elegant specimen of Paharpur group of sculptures.²⁵

23 Enamul Haque & J. Gail Adalbert (eds.), *op. cit.*, p. 240.

24 K.N. Dikshit, *op. cit.*, p. 44.

25 Enamul Haque & J. Gail Adalbert (eds.), *op. cit.*, p. 241.

Subhadra-harana (Figure 13)

The sculpture is made of whitish grey sandstone and its accession number is S-8. Measurement of the sculpture is (50.5x27.5) cm Dr. Enamul Haque dated the sculpture to 6th century CE.²⁶ But if one considers Saraswati's classification it cannot be dated before 8th century CE.

This sculpture (no 54, position on the temple wall see figure 2) was originally positioned at the southern end of the main western wall of the central temple. The panel represents two divine figures; both of them are holding a bow with arrow drawn at each other. They both have halo behind their heads indicating their divine status. The figure on the proper left is held on the shoulder of a standing figure which has been identified as Krishna on Garuda and the other one (Arjun) on the right shown on a chariot, two wheels of which are shown in profile. Another figure, probably a female (the way in which hair is dressed at the back of the head) is bowing low, perhaps scared to see the result of the conflict. The most probable identification of the scene is the incident described in Mahabharata. The story speaks about carrying away or kidnapping Subhadra (Krishna & Balarama's sister) by Arjun in his chariot and Krishna had to put up a mock fight with his friend Arjun to make an attempt to rescue Subhadra so that his elder brother Balarama's ego is not hurt. Dikshit identified this sculpture as Subhadraharana; Saraswati and other scholars also agreed with Dikshit. However; it may be mentioned that Saraswati also stated another explanation of the sculpture. He mentioned that alternatively the panel might represent the story of Ramayana, it may be the fighting scene between Indrajit (Ravana's son) and Lakshmana (younger brother of Rama) who is narrated sometimes on fighting perched on the shoulder of the monkey chief Hanuman.

Fragment of a colossal Buddha (Figure 17)

The sculpture is made out of bronze. The height is c. 83 cm. It is dated to c. 9/10th century CE²⁷. It was discovered from a monk's cell in the eastern wing of the vihara. Accession number is not stated in the text panel. The fragment of a colossal Buddha bronze preserves the upper part of the body and the head. The

²⁶ *Ibid*, p. 243.

²⁷ Enamul Haque & J. Gail Adalbert (eds.), *op. cit.*, p. 246.

arms are shorn off. The folded smaghata covers both shoulders. The rounded face shows the characteristics of urna, half closed eyes, full lips and elongated earlobes. The head dress depicts the ushnisa and small snail curls. The image is reminiscent of Classical Gupta art. It must once have been the largest standing bronze image in Bengal. Lohiuzen–de Leeuw suggests a former height of c.240 cm of the complete image. The standing image of Buddha was found as buried upside down in cell 37 underneath the second floor of the late phase of the monastery.

Interpretation of socio-cultural and religious aspect of the period

The stone sculptures have a common ground with the terracotta plaques placed just above them on the wall of the central temple, Paharpur. Both in terms of subject matter are narrative in nature. Earlier the subject matter of the stone sculptures has been discussed in brief, regardless of dating; majority of these stone reliefs mainly depicts colorful and magical events of Krishna's life, stories from Ramayana and Mahabharata, day to day activities of human being, occupation of male and female (dwarpala and dancer respectively), relationship between man and woman etc. Among the individual sculptures, such as Dikpalas, Two important issues which are still a matter of debate; one is the dating of these sculptures, as they lack uniformity in terms of their material, execution style, in some cases iconographic features. So whether these sculptures represent three groups or two groups or a single group, is still uncertain. However; a common link can be seen in the subject matter of S.K. Saraswati's first group (6th century CE) and third group (8th century CE) of sculptures.

Another issue is the reason behind installation of Brahmanical sculptures to decorate the surface of Buddhist temple. Dikshit in his report mentioned that the example of installation of Brahmanical sculptures on a Buddhist temple can be seen in Nalanda Mahavaiihara. He further added these sculptures were offered as readymade materials on the spot from the neighboring ancient Hindu temples, he also mentioned about the reverse side of some stone sculptures which still exhibits defaced faces of some gods and a particular panel exhibits the defaced face of Kubera. The theory of reuse can be considered if one regards the irregular pattern of installation and diverse subject matter of the stone sculptures.

It has already been suggested earlier in this paper that recent research on the architectural development of the central temple says that the Vajrayana philosophy was practiced in this temple which once again indicates about the concept of polytheism. The Mahayana philosophy (which introduced the image worship of Buddha and Bodhisattvas) was largely influenced by the Brahmanical religion in Bengal. As a result tantric characteristic of Hindu religion was adopted by Mahayana Buddhist philosophy in Bengal at the end of the 7th century or in the beginning of 8th century CE. This new form of tantric Buddhism introduced Mantra, Mudra and Mandala along with six tantric Abhicharas (practices) such as Marana, Stambhana, Sammohana, Vidvesana, Uchchatana and Vajikarana. These cults revived primitive beliefs and practices, a simpler and less formal approach to the personal god, a liberal and respectful attitude towards women, and denial of the caste system.

If we accept that the residents of this vihara (Paharpur) believed and practice Vajrayana philosophy then it can be assumed that they had no reservations against using Brahmanical sculptures to adorn the temple. Perhaps the idea was that the center of the temple would contain the images of Pancha Dhyani Budhhas altogether and they would be surrounded by Brahmanical deities on the outer portion of the temple in a comparatively lower tier.

If we carefully look into the subject matter it can be seen that almost a majority of sculptures represents the Krishna cult and two avatara forms of Vishnu i.e., Balarama and Rama (both are pure human forms). Only three iconic forms of Shiva and three sculptures of Ganesha are present. No representation of Uma Maheshvara and Hara Gauri can be seen among these reliefs. Interestingly enough Vishnu and Surya and all kinds of Devi forms (except for an individual form of Yamuna who was probably represented in relation to Krishna's narrative) are totally absent in these stone reliefs. Perhaps the image of Shiva was included as a Tantric god. Instead of the Jataka tales they used the stories related with Krishna cult which was perhaps popular in the region. Also they used some events of Ramayana and Mahabharata.

Among the secular stone reliefs one can see male and female figurines as couple or individuals, stories of day to day life, like the amorous couple feeding each other, female dancing figures, two persons about to start a fight, two ascetics engaged in meditation, a person asking for shelter and security to

another person, etc depicts the cultural and social aspects of the period. Occupation, weapons used for fighting, dress and hair arrangements, ornaments, body postures, attending figures, divine figures (Kirtimukha, Kinnara, Vidyadhara), flora and fauna depicted in this relief tells the story of a certain class of people.

Although it has been stated that the stone reliefs were placed in an irregular manner, the presence of Dikpala deities in the accurate direction of temple (Indra, Agni and Kubera - the current identification of Vayu was regarded as Yama by Dikshit, in that respect Yama was one of the dikpalas) was deliberately done. As stated by Asher that these Dikapalas were seen in the outer corners of Mandala. In this case these images were perhaps installed to guard the different corners of the temple.

The terracotta plaques (8th century CE) on the above row illustrates the image of Shiva, Ganesha, Ravana, Rama, Garuda, Kinnara, Kinnari, Vidydhara, Kirtimukha, and Gandharva which represents the Brahmanical faith. The image of Buddha, Jambhala, Bodhisattva images, Tara, Dharmachakra, Vajra, Stupa, Chhatravali can be assigned to the Buddhist faith. The subject matter of terracotta along with other objects (human figures: male and female, animals, fish, plants and trees) indicates a careful avoidance of popular Hindu cults and the inclusion of diverse Buddhist elements.

If one takes a look at the political situation of Bengal after the fall of Gupta Empire s/he would see the rise of different independent rulers in modern days of North west and South west Bengal. After the decline of Gupta Empire, during the late Gupta reign Bengal was divided into three regions Banga, Samatata and Gaur. These regions were ruled by a late Gupta ruler called Mahasengupta. During that time Shashanka was a chieftain who accumulated political power taking the advantage of a weak ruler. After Mahasengupta's death Shashanka managed to capture the political power and established his kingdom at Gaur. After Shashanka's death Gaur was divided in between king Harshavardhana of Thenshwara and Bhaskarvarmana of Kamroop. After the death of Shashanka the history of Bengal is not clear to us. From Lama Taranath's account it is known that a situation of Matsyanayam prevailed in Bengal for next hundred years. Then north western part of Bengal saw the rise

of Gopala in 750 C.E. through a democratic process and the Pala Empire in Bengal was established.

Simultaneously the South East Bengal, after the rule of three independent kings Gopa Chandra, Dharmaditya and Samachara Deva during the first half of 6th century CE, was conquered by Chalukya king Kirtivarmana at the last quarter of the same century. The political stability was regained soon. Based on Yuan Chwangs' record and other epigraphical records, Samatata witnessed the rise of several royal dynasties during 7th century CE - the Bhadra, the Khadga, and the Rato. The Deva dynasty came into the power at Samatata during the first half of 8th century CE. During that period King Dharmapala, the second Pala ruler was ruling in Magadha and Varnedra region.

The written accounts depict that despite political instability in Bengal the natural flow of both Buddhism and Brahmanical religion was never disrupted. King Shashanka was a Hindu Siava ruler. King Harshavardhana was a follower of Mahayana Buddhism. On the other hand the Bhadra, Khadga and Deva rulers of Samatata were Buddhists and the Rato were Hindu rulers. Interestingly enough both religions received royal patronage. Besides the 62 Brahmanical stone sculptures and one Buddhist sculpture of Padmapani and one stone relief depicting the birth of Buddha of Paharpur temple, several stone and bronze sculptures were discovered from this region. For example, mention may be made of stone and bronze sculptures of Vishnu from Rangpur, Khair Mohammadpur, Mahasthangarh, stone sculpture of Gaja Lakshmi now kept in Mahasthangarh Museum, Kartikeya now kept in Varendra Research Museum, bronze sculptures of Surya, Sarvani, from Mahasthangarh, Kumarpur, Deulbari Chauddagam, Comilla, Manirtat of 24 Pargana. These sculptures belonged to Late Gupta and Pre Pala period.²⁸ Among the Buddhist sculptures, a large number of bronze specimens from Mainamati (Bodhisattva Lokanatha and Manjusri, Buddha in dhyana and abhaya mudra, goddess Sitapatra) and Jhewari were discovered.²⁹ Several soft stone images like two panels of Bodhisattva Avoliketshvara and Buddha with other accompanying deities from Kutila Mura, a standing stone image from Rupban Mura were also

28 A.K.M. Shamsul Alam, *The Sculptural Art of Bangladesh* (Dacca: Department of Archaeology, Govt. of the people's republic of Bangladesh, 1985), pp.73-75, 83-85.

29 *Ibid*, pp. 76-77.

discovered from Mainamati region.³⁰ A few bronze sculptures of standing Buddha and a four armed bodhisattva were also discovered from Bhasu vihara, Mahasthangarh.

Considering the frequent changes of political power, influence of both Brahmanical and Buddhism and the sculptural findings of late Gupta and pre Pala period, it can be assumed that the builders at Paharpur intentionally avoided the popular Hindu cults (Vaishnava, Saura, Devi or Shakta cult, local goddess like Manasa) while decorating the temple with stone reliefs.

Dating of these sculptures is still a bone of contention for the researchers as the Paharpur museum at present only houses 10 sculptures out of the 62 sculptures which were installed on the temple's surface wall. To determine the probable date (based on the execution style) of the sculptures one needs to conduct a physical study of those sculptures. Enamul Haque recently ascribed the sculptures which are currently on display at Paharpur Museum to 5th/6th and 8th Century CE based on their iconographic features, materials and execution style. Asher assigned the sculptures to 8th century CE. This problem of dating needs to be resolved to understand the social, cultural and religious aspect of the contemporary society.

Conclusion

The excavation work at Paharpur is still going on. Later excavations revealed many antiquities including stone and bronze sculptures which belong to a comparatively later period (10th/11th century CE). The stone sculptures of Paharpur have always been singled out by scholars because of their interesting subject matter, material and execution style. If we keep aside the issue of dating of these sculptures, they definitely represent a transitional phase of sculptural art between the late Gupta and early Pala stone sculptures. Furthermore it represents the local religious belief of the region – a synthesis between the Brahmanical and the Buddhist faith.

30 A.K.M. Shamsul Alam, *Mainamati* (Dacca: Department of Archaeology & Museums, Ministry of Education & Religious Affairs Sports And Culture Division Govt. of the people's republic of Bangladesh, 1982), p. 67, Plates Xa, Xb.

Figures

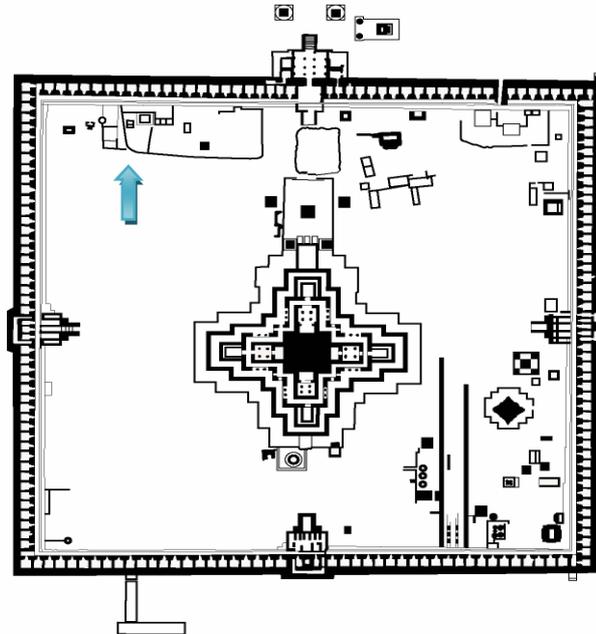


Fig 1: Ground Plan of Paharpur Monastery and Central Temple.

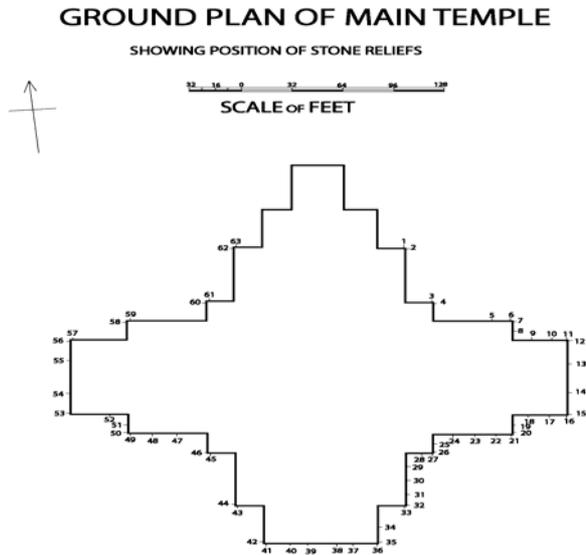


Fig 2: Ground Plan of Paharpur Central Temple indicating the original position of sculptures (Source K.N Dikshit , MASI no 55)



Figs. 3, 4, 5 & 6: Display galleries and arrangement of objects of Paharpur Museum



Fig. 7: Front Entrance of the Paharpur Museum



Fig. 8: Stone sculpture of Indra displayed at Paharpur Museum



Fig 9: Stone sculpture depicting the scene from Krishna's life (Krisna killing Kesin) at Paharpur museum



Fig 10 Stone sculpture of Vayu displayed at Paharpur Museum



Fig 11 Stone sculpture of Chandra displayed at Paharpur Museum



Fig 12 Stone sculpture of Balarama displayed at Paharpur Museum



Fig 13 Stone relief depicting the abduction of Subhadra by Arjun displayed at Paharpur Museum



Fig 14 Vasudeva and Devaki with Baby Krishna in Kamsa's prison displayed at Paharpur Museum



Fig 15 Sculpture of Ganesa displayed at Paharpur Museum

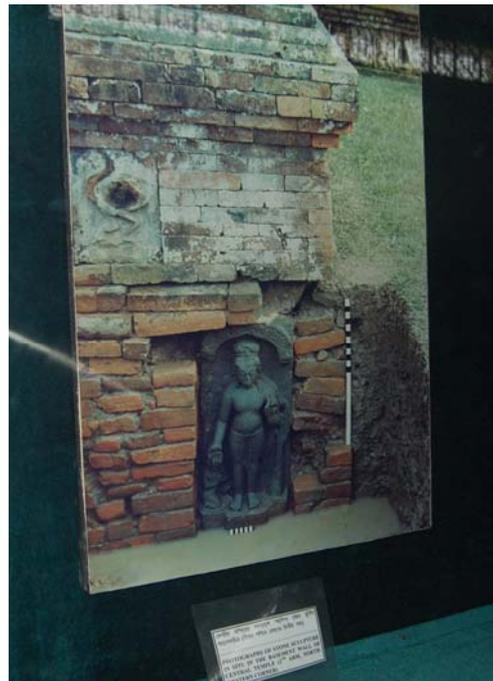


Fig 16 Photograph of the stone relief originally installed at the basement of the temple, displayed in a showcase at Paharpur Museum



Fig 17 Portion of a Bronze colossal Buddha displayed at Paharpur Museum



Fig 19 Stone image of Kirtimukha displayed at Paharpur Museum



Fig 18 The image has been labelled as Naga , Dr. Enamul Haque identified the sculptures as door jamb with Chakrapurusa, displayed at Paharpur Museum



Fig 20 Dancing female Figure displayed at Paharpur Museum



Fig 21 Part of a stela showing flying Vidyadhara displayed at Paharpur Museum



Fig 22 Stone Image of Hevajra displayed at Paharpur Museum



Fig 23 The image of seated Kubera displayed at Paharpur Museum

A FRESH ASSESSMENT OF KANTIDEVA IN THE LIGHT OF NEWLY DISCOVERED COINS

Shariful Islam*

Abstract

This paper provides a historical narrative of three recently discovered silver coins which indicate that Kantidatta was a name of a king who issued these coins. A copper plate was discovered in 1920, in an old temple in Chittagong and now it is preserved in the Bangladesh National Museum. This record disclosed the name of a king Kantideva who ruled Harikela kingdom. The inscription also reports that the name of his grandfather was Bhadradata and his father's name was Dhanadata. So, it clearly indicates that king Kantideva was a member of a Datta family. The inscription and these coins have been discovered almost in the same region. The script of the coins and the inscription are almost from the same period from paleographic point of view. On the basis of the coins and inscription, it is our assumption that Kantidatta and Kantideva was the same person who had issued these coins and inscription. The inscription also reports that king Kantideva, his father and grandfather were Buddhists. But the coins bear the bull, trident and the crescent symbols which are related to the Saiva cult. At the same time, the seal of the inscription bears 'a seated lion in a temple and two snakes' symbols. The causes of affixing to all these composite symbols in the inscription and the coins have been critically discussed in this paper and the history of Kantideva has been reviewed on the basis of the above noted sources.

Three unpublished silver coins deserve attention from historians. These coins were discovered in February 2015. Two of these three coins are now being preserved in a private collection of Noman Nasir, a coin collector and antiquarian based in Dhaka, Bangladesh. The exact place where these coins were found is not known. He purchased these coins with a number of Harikela and Ākara silver coins from a coin dealer who collected these from jewelry shop in Feni, now a district town (former Noakhali District) of Bangladesh. The coin-seller told Noman Nasir that these coins were discovered within a hoard while digging somewhere at a village near by Feni-Chittagong road. The same type of another silver coin is preserved in a private collection of Dipaka Kumar Patowary, a coin collector of Kolkata, who got hold of it from Agartala, Tripura India. The exact

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finding spot of this coin is also uncertain but he collected this from a person who lived somewhere in Comilla-Tripura boarder area. However, these coins may be taken as corroborative source of the history of Kantideva, an independent king of Harikela kingdom of southeast Bengal. But before we go into detail the historical implication of these coins, the typological features of these coins need to be discussed:

- Metal: silver
 Weight: 7.2 gram
 Size: diameter 30mm
 Obverse: Recumbent bull figure facing to the left and there is a legend on the bull '*kantidatta*' incised by regional Brahmi script of the 9th century A.D.
 Reverse: There is a trident (*Trisula*); a line of dots under this symbol and probably it is part of a garland round the symbol.

Figure 1: Coin 1



Obverse



Reverse

- Metal : silver
 Weight: 7.1 gram
 Size: diameter 30mm
 Obverse: Within a circle and dotted boarder a recumbent bull figure facing to the left and there is a legend on the bull '*kantidatta*' incised by regional Brahmi script of the 9th century A.D.
 Reverse: Within a circle and dotted boarder there is a trident (*Trisula*); a garland round the symbol and there is a crescent on it.

Figure 2: Coin 2



Obverse

Reverse

Metal : silver

Weight: 8.0 gram

Size: diameter 30mm

Obverse: Recumbent bull figure facing to the left and there is a legend on the bull '*kantidatta*' incised by regional Brahmi script of the 9th century A.D.

Reverse: Within garland a trident (*Trisula*) is appeared and there is a crescent on it. Two dots are appeared under the trident.

Figure 3: Coin 3



Obverse

Reverse

The above noted three coins bear the legend *Kantidatta*. The letters of the legend are very clear and distinct and there is no doubt about the reading *Kantidatta*. It clearly indicates that Kantidatta is the name of a king who issued these coins. Who was the king Kantidatta?

An incomplete copper plate inscription was found in 1920, in an old temple in Chittagong, locally known as Bādā-ākhara (Figure 4). Now it is preserved in the reserve collection of the Bangladesh National Museum. The inscription was deciphered and published first by D. C. Bhattacharya and J. N. Sikdar¹ and it was reedited comprehensively by R. C. Majumdar.² It disclosed a king named Kantideva and he was a ruler of Harikela kingdom. The inscription also reports that the name of his grandfather was Bhadradata and his father's name was Dhanadata. So, it clearly indicates that king Kantideva was a member of a Datta family. It is interesting to note that the copper plate and these coins have been found in the same region, within the boundary of Harikela kingdom. In this connection, one may mention that the scripts of the coins and the Chittagong copper plate of Kantideva are almost the same from paleographic point of view. It apparently indicates that the copper plate and these coins had been issued in the same period by the same ruler. On the basis of above noted discussion, it is our assumption that the original name of Kantideva was Kantidatta. It is most likely that Kantidatta assumed honorable title 'deva' after being a king or it was more probable that his actual name was Kantidattadeva but he was perhaps publicly known as Kantideva. However, he assumed the epithet *Mahārājādhirāja* (king of the kings) and it suggests that he was an independent king of Harikela kingdom. These coins have further confirmed his independent position as it is not possible to issue coin without sovereign status of a king.

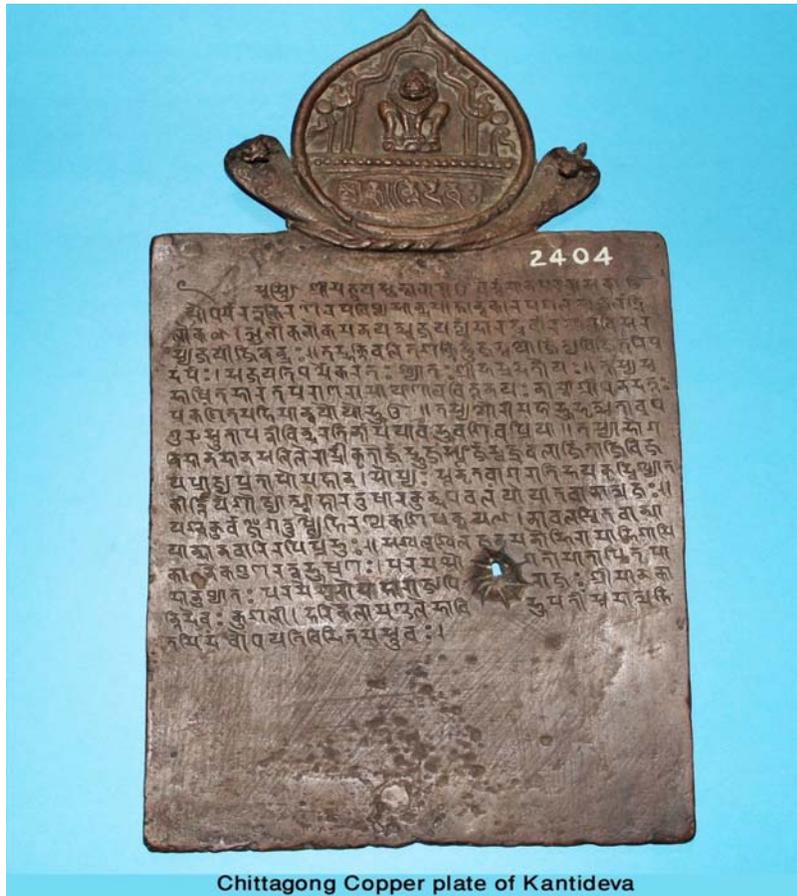
The obverse symbol of the coin is *Nandi* (bull) which is the *vāhana* (vehicle) of Siva and it is considered as the symbolic representation of Siva. On the other hand, the reverse symbol is Trident (*Trisula*) which is a fatal weapon of Siva and it is also considered as another symbolic representation of Siva. The reverse of the coin also bears the crescent (moon) figure which is also a symbolic representation of Siva. So, all these symbols depicted on these coins are clearly

1 D. C. Bhattacharya and J. N. Sikdar, 'Chittagong Copper plate of Kantideva', *Modern Review*, November 1922, pp. 612-14

2 R. C. Majumdar, 'Chittagong Copper plate of Kantideva', *Epigraphia Indica*, Vol. XXVI, 1941-42, pp.313-18

related to Saiva (follower of Siva) cult. It clearly suggests that the issuer king of the coins is a follower of Siva. But it conflicts with the facts reported to in the Chittagong copper plate of Kantideva. The inscription reports that father and grandfather of Kantideva was devoted follower of Buddha. Kantideva himself assumed the epithet '*Paramasaugata*' (devout worshiper of Sugata or Buddha) mentioned in the Chittagong copper plate inscription. But why did he affix the *Nandi* (bull), trident and crescent symbols in his coin? Before we addressing this question, one needs to examine the seal of the copper plate of Kantideva.

Figure 4: Chittagong Copper Plate of Kantideva



Chittagong Copper plate of Kantideva

It is interesting to note that the Chittagong copper plate of Kantideva bears different type of seal which were rare in ancient Bengal. A seated lion inside a temple and two serpent figures have been attached to the seal of the copper plate of Kantideva. These symbols, which have been affixed to the seal of the copper plate of Kantideva, need to be clarified. 'Lion' is a very sacred emblem to both Buddhism and Hinduism. *Simha* (lion) has been referred to in the Rigveda as a very powerful and superior entity. Dūrgadevi chose lion for her vehicle in the battle against the demon. The Pāndava hero, Bhīma carried a lion emblem in the Mahābhārata war.³ According to *Matsya Purāṇa*⁴ the sun and the moon god bear golden lion as an emblem in their banner or *dhvaja*. On the other hand, according to Buddhist tradition, the lion is the symbolic representation of Buddha, the lion of the Sākyas or *Sākyasimha*.⁵ It is generally observed that the lion has exactly the same pose, carved under the image of *Bodhisatva* (Buddha). But why has the lion symbol been attached with Hindu temple? We think that the lion symbol has been attached to the seal of Kantideva from the Hindu religious tradition which may be associated here related with Durga, wife of Siva, as lion is her vehicle. But why has the serpent been attached to the seal? Longhurst mentions that Buddha himself is seated on a serpent couch and is flanked by a lion on each side.⁶ But it is our assumption that two snakes are affixed to this seal not from the Buddhist religious point of view. The snake is also a symbolic representation of Mahādeva (an epithet of Siva). In this connection, snake figure may have been attached to this seal from the Saiva religious point of view.

On the basis of the above noted discussion, it appears that the symbols attached to the coins and seal of Kantideva are mostly related with Siva cult. In his inscription, Kantideva reports that he is a devout worshiper of Buddha or Sugata (*Paramasaugata*) and his father and grandfather is also devoted Buddhist. But why did he attach *Saiva* emblems in his coin and the seal?

It has been reported to the copper plate of Kantideva that Vindurāti, mother of Kāntideva, was a devotee of Siva. It has also been mentioned to in the same inscription that his father was Buddhist but he was well-versed in *Rāmāyana*,

3 Mahābhārata, Bhīsmā, III.31

4 Matsya Purana, Calcutta, 1294 B.S., pp. 96, 148

5 Shariful Islam, 'Royal Seals of Ancient Bengal: Their Emblems, Myths and Legends', *Bangladesh Historical Studies*, Vol. XX, 2005-07, p. 6

6 Quoted by R. C. Majumdar, 'Longhurst; Buddhist Antiquities of Nagarjunikonda', *Memoirs of the Archaeological Survey of India*, No. 54, plates XI and XXIII

Mahābhārata and the *Purāṇas* in place of the *Tripitaka*. It is clear that his father was Buddha but his mother was Saiva. So it is our assumption that under the influence of his mother's religious belief, Kāntidattadeva perhaps attached *Saiva* emblems to his coins and seal. One should also note that his father Dhanadatta could have been influenced by his wife to be well-versed in *Rāmāyana*, *Mahābhārata* and the *Purāṇas* in place of the *Tripitaka*.

Father and grandfather of Kāntideva were not rulers as no royal title is given with their names in the inscription. Only Kāntideva is given full royal titles. Hence, a pertinent question may rise, how did Kāntideva become a king? R. C. Majumder, who has re-edited the plate, has remarked, "neither the father nor the grandfather of Kāntideva was a king, and he must either have inherited his throne from his maternal grandfather or carved out an independent kingdom for himself."⁷ D. C. Sircar has supported this view and has gone so far to identify this maternal grandfather of Kāntideva. According to D. C. Sircar, "It is tempting to identify Kāntideva's maternal grandfather with Bhavadeva of the inscription under discussion or with one of the latter's immediate successor and to suggest that Kāntideva belonged originally to a petty ruling family of the Sylhet region (Herikela) but that he inherited a big kingdom in southeast Bengal as an heir to his maternal grandfather who was a ruler of Samatata."⁸ But this suggestion appears to be conjectural. We have no opportunity to know whether there was any relation between Kantideva and Bhavadeva. But it may be surmised that Kantideva inherited his throne from his maternal grandfather. Probably his mother was a daughter of an unknown ruler of Harikela who had died without any son. The logic behind such assumption is simple: his mother was a very influential lady who was a dedicated follower of Siva as it is reported to in the copper plate of Kantideva. It is probable that Kantideva was influenced by his mother to use Saiva emblems to his coins and copper plate. His Buddhist father may also have influenced by his mother to be well-versed in *Rāmāyana*, *Mahābhārata* and the *Purāṇas* in place of the *Tripitaka*. On the other hand, Kantideva had perhaps followed the coinage tradition of Harikela to issue these coins as all the coins of Harikela bear bull and trident symbol. But Harikela silver coins do not bear the name of any issuer king and it is the credit of Kantideva who first issued coin incised his own name from kingdom of Harikela. It is also

7 R. C. Majumdar, 'Chittagong Copper plate of Kantideva', *op. cit.*, p. 315

8 D. C. Sircar, 'Copper plate Inscription of King Bhavadeva', *op. cit.*, p. 90

probable that in the later period all the Ākara kings issued the same type of silver coins depicted their own names following the tradition of Kantideva. So these coins may be taken as important source of the history of Harikela.

The history of Kantideva needs to be reviewed in this regard. It is reported in the copper plate of Kantideva that his capital city was located at Vardhamānpura. R. C. Majumdar identified the city as the present day Burdwan in West Bengal. He further adds that the kingdom over which Kāntideva ruled must, therefore, be located in Vanga. He has also suggested that as no other city of this name is known to in ancient Bengal, Vardhamānpura should be identified with the city of Burdwan. He has referred to the *Vardhamānbhukti*, a territorial division of ancient Bengal.⁹ N. K. Bhattasali identified Vardhamānpura with Vikramapura in the Dhaka district,¹⁰ while D. C. Sircar is of the opinion that Vardhamanapura was located in Southeast Bengal and possibly in the Sylhet region.¹¹

Vardhamānpura was not identified correctly by the scholars in the past. Certainly it was located within the territory of the Harikela Kingdom, at present Chittagong region. The metal vase inscription of king Attākaradeva¹² discloses very important facts at this regard. Attākaradeva is said to have ruled from his capital city Vardhamānpura which was situated in the Harikela maṇḍala. Vardhamānpura has been identified by Suniti Bhushon Kanungo, perhaps correctly, with the present Bara-Uthān or Borodhān village of Patiya Upazila in Chittagong.¹³ The kingdom of Harikela is also mentioned in various ancient sources. A large number of coins bearing the legend Harikela were found in Chittagong, Tippera, Noakhali and Comilla Districts. From these places where Harikela coins were discovered, it is possible to suggest that it was a small independent kingdom contiguous to Samatata and located in the Chittagong-

9 R. C. Majumdar, *op. cit.*, p. 315

10 N. K. Bhattasali, *Bhāratavarsa (Bengali Journal)*, Āsādhā, 1332 B.S.; See also, *Indian Historical Quarterly*, Vol. II, pp. 321-325

11 D. C. Sircar, 'Copper plate Inscription of King Bhavadeva', *op. cit.*, p. 90

12 Gouriswar Bhattacharya, 'An Inscribed Metal Vase Most Probably from Chittagong, Bangladesh', *South Asian Archaeology*, 1991, p. 328

13 Quoted by Swapan Bikash Bhattacharjee, 'New Find of Harikela Coins', Edited by Debala Mitra and Gouriswar Bhattacharya, *Nalinikānta Śatavārsiki; Dr. N. K. Bhattasali Centenary Volume (1888-1988); Studies in Art and Archaeology, Bengal and Bihar*, Delhi, p.119-122

Tippera hilly areas extending up to the sea. B. N. Mukherjee¹⁴ and Debala Mitra¹⁵ have clearly shown that the kingdom of Harikela included the present day Chittagong region with some adjacent areas whose capital was Vardhamānpura.

In the conclusion, it is our assumption that the name of Kantideva and Kantidatta is same who was a member of a Datta family. He was an independent king of Harikela who issued both the copper plate and coin. The issuing period of the coin and copper plate of Kantideva are almost same from paleographic point of view. His capital Vardhamanpur was located in Harikela *mandala* which is identified correctly with present Bara-Uthān or Borodhān village of Patiya Upazila in Chittagong. His father, grandfather and he himself were truly a Buddhist but his mother was a dedicated Saiva (follower of Siva). Influenced by his mother, he used Saiva emblems or composite symbols to his coins and copper plate. It is not known how he became king and how his dynasty came to close. But it clearly indicates that during his rule Harikela formed a separate political entity contiguous to Samatata.

14 B. N. Mukherjee, 'The original Territory of Harikela', *Bangladesh Lalitkalā*, Published by the Bangladesh National Museum, No. I, 1975, pp.115-19

15 Debala Mitra, 'Antiquities of Pilak and Jolaibari, Tripura', *Journal of the Asiatic Society*, Vol. 18, No. 1-4, 1976, pp. 56-77, see also, *Bronzes from Bangladesh*, 1982, Delhi

**BABY TALK IN CONTEMPORARY BANGLA LANGUAGE:
A SOCIOLINGUISTIC ANALYSIS**

Feroza Yasmin* and Jennifar Jahan**

Abstract

This article examines the current sociolinguistic status of baby talk, used in the Bangla¹ language that has been a vital area of interest in the field of ‘Bangla Child Language Development’; simultaneously it reveals the changes of Bangla baby talk that took place over the last forty-five years. In order to understand the features of Bangla baby talk, a qualitative research method was applied to collect and analyse the data. A semi-structured interview technique was used to gather information from the participants. Twenty-two Bangladeshi baby talk user mothers were interviewed. The data was mainly interpreted through content analysis. The findings indicate several linguistic changes of Bangla baby talk that are ultimately rooted in the social attitudinal change of Bangla speech community.

1. Introduction

Baby talk is a linguistic terminology, mainly used in sociolinguistics. In general the language spoken by babies and children and the language used by adults to communicate with babies and young children are addressed as *Baby Talk (BT)*. At the beginning of the life, a child does not talk in the same way as the adult does. Similarly, an adult does not talk to a child or to an infant as s/he talks to another adult. Thus, a different style of language is adopted both by the young children and the adults to communicate among themselves. This different style or variety is defined as *Baby Talk*. It is worth to mention that, the focus of this paper is to analyze Bangla Baby Talk (BBT), used by adults. There are three other terms which are also used to indicate the concept of baby talk, these are: *Caretaker*

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1 The words *Bangla* and *Bengali* are used to indicate the language, spoken by the majority people of Bangladesh and the people of West Bengal, India; for three reasons the word *Bangla* has been used in this article. Firstly, *Bangla* is a proper noun, the name of a language; secondly, BBC (British Broadcast Corporation) uses the word *Bangla*. Finally, at present the word *Bangla* is frequently used in many English writings.

Speech, Infant-Directed Speech (IDS) and Child-Direct Speech (CDS). Furthermore, the following four informal terms are also in use to indicate the above-mentioned concept, these are: *parentese, motherese, mommy talk* and *daddy talk*.

1.1 The Aim and Objective

The purpose of this article is to present baby talk that is in use in contemporary Bangla language and to indicate the changes of Bangla baby talk that have occurred in independent Bangladesh. To fulfill the above-mentioned purposes a brief developmental history of the concept, baby talk, along with data from Bangla baby talk will be presented. Then, the data of our research will be analysed thoroughly to find the main features of Bangla baby talk used in current Bangla. It is worth mentioning that Standard Colloquial Bangla (SCB) that is in use in current Bangladesh will be our concerned form of the language.

2. Literature Review on Baby Talk

The term 'Baby talk' was first used in modern linguistics by the famous linguist Leonard Bloomfield in 1933. However, the use of this term rooted back in ancient Rome; Romanian grammarian Marcus Terentius Varro (116 B.C.- 27 B.C.) used this concept to analyse some spoken form of language specially used by children.² Although ancient linguist Varro and structural linguist Bloomfield discussed the concept of baby talk it is Charles A. Ferguson who explored this area in detail for the first time. He contributed to this field from sociolinguistic perspective and his findings were all based on empirical research. Apart from Ferguson, significant works on baby talk have been completed by Brown³, Brown and Herrnstein⁴, Garnica⁵, Snow⁶, Lewis and Rosenblum⁷, Cross⁸, Fernald⁹, Trevarthen¹⁰, Whyatt¹¹, Lynch et al¹², Matthews¹³ and, Miall and Dissanayake.¹⁴

2 R. Belnap, IN MEMORIAM CHARLES A. FERGUSON. *Al-'Arabiyya* (1998), 31, 241-246. Retrieved from <http://www.jstor.org/stable/43192808> (accessed 03 March 2016)

3 R. Brown, *A First Language: The Early Years*. (Harvard University Press 1973).

4 R. Brown & R. J. Herrnstein, *Psychology*. (Methuen & Co Ltd 1975).

5 B. Whyatt, Baby Talk- The Language Addressed to Language Acquiring Children: A Review of the Problem. *Studia Anglica Posnaniensia*. Vol. 39. (Adam Mickiewicz University 1994).

6 C. A. Ferguson, Talking to children: A search for universals. In Greenberg (ed.), Vol. 1, 1978, pp. 203-224.

7 B. Whyatt, Baby Talk- The Language Addressed to Language Acquiring Children: A Review of the Problem. *Studia Anglica Posnaniensia*. Vol. 39. (Adam Mickiewicz University 1994).

8 Ibid

9 Ibid

2.1 The Research Works of Ferguson

As mentioned earlier, one of the initial work on baby talk from sociolinguistic aspect was conducted by Charles A. Ferguson¹⁵; in his paper- ‘Absence of Copula and the Notion of Simplicity: A Study of Normal Speech, Baby Talk, Foreigner Talk and Pidgins’ Ferguson examined baby talk in a general typological framework in order to obtain some insights in the notion of grammatical simplicity. He has discussed baby talk under the umbrella term ‘simplified speech’. He has assumed that almost all speech communities have registers of a special kind appropriate to use with particular statuses, roles or situations; and these are used for special kind of people who are regarded for any reason unable to readily understand the normal speech of the community (e.g. babies, foreigners and deaf people). These forms of language are generally taken as the simplified versions of the language of the community and often regarded as imitation of the way the person addressed uses actually. Thus, baby talk can be regarded as a simplified language for the children to understand as it is often asserted to be the imitation of the way children speak. Ferguson has commented on the ‘tone of voice’ appropriate for talking to young children which is surprisingly common in all of the 27 speech communities (Cocopa, Berber, Hungarian, English, Bengali, Syrian, Armanic, Arabic et al.) that he has observed. Such observations make him assume that this phenomenon is a universal of human language behaviour. It is mentionable that Ferguson has marked the outcome of the use of baby talk in his other work which was also published in the same year in 1968. He stated that - “as the child grows up, he acquires other normal, non- simplified registers of the language and retains some competence in baby talk for use in talking with young children and in such displaced functions as talking to a pet or with a lover”.¹⁶ Ferguson thinks that, the use of baby talk accelerates the acquisition of both the users command on each

10 Ibid

11 Ibid

12 D. S. Miall & E. Dissanayake, The Poetics of Baby talk, *Human Nature*. Vol. 14 (4), (Walterde Gruyter, Inc. 2003) pp. 337-364.

13 A. Matthews (1996). Linguistic Development. Retrieved from <https://aabs.files.wordpress.com/2007/03/childlinguisticdevelopment.pdf> Nature 431, 757 (14 October 2004) | doi:10.1038/431757a; (Published online 13 October 2004

14 D. S. Miall & E. Dissanayake, The Poetics of Baby talk, *Human Nature*. Vol. 14 (4), (Walterde Gruyter, Inc. 2003) pp. 337-364.

15 C. A. Ferguson. (1968-a). “Absence of copula and the notion of simplicity: a study of normal speech, baby talk, foreigner talk and pidgins.” In: Dell Hymes, ed. *Pidginization and Creolization of Languages*. Cambridge: Cambridge University Press, pp. 141–150.

16 C. A. Ferguson (1968-b). *Baby Talk in Six Languages*. In John J. Gumperz and Dell Hymes (eds.) *The Ethnography of Communication*, Vol. 66 (2). USA: Blackwell Publishing Ltd., p. 144

other's part of communication, and at the end helps the children who have not yet acquired adequate control of their community language.

In 1978, one more paper was published by Ferguson titled- 'Talking to Children: A Search for Universals'.¹⁷ In this paper he tried to discuss the universal characteristics of speech addressed to young children under the sub-title 'Baby Talk Registers'. Ferguson's so far discussion on baby talk have been characterized as synchronic in nature, but thought to be diachronic in the study of child language development.

2.2 Other Researchers' Works

Boguslawa Whyatt¹⁸ in his paper 'Baby talk-The Language Addressed to Language Acquiring Children: A review of the Problem' has discussed how the work of previous researchers such as Snow and Ferguson¹⁹, Cross²⁰ or even Lewis and Rosenblum²¹ has helped to emphasize the importance of studying child directed speech to investigate detailed nature of child language. Whyatt²² has highlighted that in every culture parents or other primary caregivers talk to infants in modified utterances and this speech pattern has been attested for many languages including Spanish, English and Arabic. He has also characterized baby talk as simple speech containing many questions and imperatives with higher and exaggerated intonation pattern.

Andrew Matthews in his book 'Linguistic Development'²³ has also discussed 'Baby Talk Register'. He has pointed out that according to the 'motherese Hypothesis' special properties of the child directed speech play causal role in the child's acquisition of the language.

17 C. A. Ferguson, Talking to children: A search for universals. In Greenberg (ed.), Vol. 1, 1978, pp. 203-224.

18 B. Whyatt, Baby Talk -The Language Addressed to Language Acquiring Children: A Review of the Problem. *Studia Anglica Posnaniensia*. Vol.39. (Adam Mickiewicz University 1994).

19 C. E. Snow & C. A. Ferguson. Talking to children: language input and acquisition. (Cambridge University Press 1977).

20 B. Whyatt, Baby Talk -The Language Addressed to Language Acquiring Children: A Review of the Problem. *Studia Anglica Posnaniensia*. Vol.39. (Adam Mickiewicz University 1994).

21 Ibid

22 Ibid

23 A. Matthews (1996). Linguistic Development. Retrieved from <https://aabs.files.wordpress.com/2007/03/childlinguisticdevelopment.pdf> Nature 431, 757 (14 October 2004) | doi:10.1038/431757a; (Published online 13 October 2004).

Miall and Dissanayake in their paper ‘The Poetics of Babytalk’²⁴ have described some features of baby talk regarding these as universal. On the basis of a 5 minutes stream of baby talk which occurred between a Scottish mother and her 8 week old son recorded by Trevarthen, the findings were discovered. According to Trevarthen²⁵ from birth to 3 or 4 months old maternal or caregivers utterances tend to be universally spoken in a high, soft, breathy voice with repetitive and clear-interspersed pauses. Moreover, well controlled pitch contour added with regular stresses set up a steady rhythm that is soothing and assuring for the child. Lynch et al²⁶ have studied that mothers systematically modulate- increase or decrease the overall tempo of the speech in order to influence the infant’s level of arousal and receptivity. Even, the precise timing and turn taking of their interaction and the infant’s affective responses can make their communication look like a conversation.

All the researches that have been so far discussed on baby talk or child directed speech mainly focused on characterising baby talk and describing its universality; and these researches have succeeded in doing so. Through these studies several major characteristics which are common to all languages where baby talk is well established are being sorted out. For example, (1) baby talk is simple speech with many questions; (2) it is imperatives with higher and exaggerated intonation pattern; (3) it has higher pitch and repeats key words’ (4) even co-occurrences of baby talk can constitute a registrar; (5) universality of baby talk has been proven²⁷. Baby talk or motherese thus takes its place as a universal phenomenon which can facilitate child’s language acquisition level.

2.3 Research on Bangla Baby Talk

Although baby talk is a very potential issue to explore linguistically and has been analysed in different language contexts, a few researches have been conducted to investigate this area from Bangladesh perspective. Afia Dil’s research is one of those which is worth mentioning in this regard. In 1971 the article ‘Bengali Baby Talk’ written by Afia Dil was first published in a journal entitled ‘Word’;²⁸ and later in 1978 the article was reprinted in the journal called ‘Bangla Academy

24 D. S. Miall & E. Dissanayake, The Poetics of Baby talk, *Human Nature*. Vol.14 (4), (Walterde Gruyter, Inc. 2003) pp. 337-364.

25 Ibid

26 Ibid

27 Ibid

28 Afia.Dil, Bengali baby talk. *Word*, 27, 1971, pp. 11-27. Retrieved from <http://www.tandfonline.com/action/journalInformation?journalCode=rwr20> (accessed 01 March 2015).

Journal'.²⁹ In this article Afia Dil has presented a standard amount of data on Bangla baby talk used generally in everyday communication among Bangladeshi parents and their young children. She tried to analyse the data from sociolinguistic perspective, at the same time presented the phonological and morphological features attached to them. She also mentioned a list of names used by Bengali parents to address their young children and infants to show affection is present; which helps to get a hold of the language used in baby talk. Moreover, a brief syntactic analysis by the author gives the idea on the contextual application of baby talk from Bangladesh context. Though this paper has also its own limitations, it is actually the pioneer work on Bengali baby talk; and still now acting as a helpful source of data for researchers, working on this topic.

3. Methodology: The Present Study

A qualitative research approach was used to collect the data on Bangla baby talk used between parents (especially mothers) and young children in Bangladesh. As semi-structured interview is a highly flexible technique to gather qualitative data³⁰; therefore, it was selected in this research to collect the data from all the participants using baby talks.

3.1 The Participants and the Selection of the Participants

In Bangladesh usually a mother spends the maximum amount of time with the children, thus she knows better about the language use of her child in detail. For this particular reason all the mothers were selected as the direct source of data for this particular research. With the help of 'snowball sampling' or 'chain referral technique' (where after observing the initial subject, the researcher asks for assistance from the subject to help identify people with a similar trait of interest) the mothers of 22 children were selected and interviewed in four months time (from March 2015 to June 2015). Among these 22 children 10 were boys and 12 were girls. The age of these babies varied between 06 months to 05 years; because, children acquire their first language and speaks it fluently by the age of five³¹. Among the 22 mothers, 13 were house-wives, 01 was business woman and 08 were service-holders working as teachers and officers at government and private sectors. In order to get a holistic scenario, both service-holder and non- service holder

29 Afia. Dil, Bengali baby talk (Reprinted). Bangla Academy Journal, Vol. VI, No. XII, 1978, pp. 83-102.

30 C. Robson, Real world research, (Blackwell Publishing Ltd 2002).

31 Z. J. D. Cruz (2015). First Language Acquisition Is Children's knowledge of language innate? (Bachelor of Arts Thesis). Retrieved from http://skemman.is/tream/get/1946/21346/49323/1/BA_Essay_Zulaia_loka_2.pdf (accessed 11 February 2016).

mothers, and house-wives were interviewed. All of these participants belonged to upper middle class of Bangladeshi society living in the capital city, Dhaka.

4. Data Analysis

Content analysis was used to analyse the data of this research; content analysis can be defined as a systematic replicable technique for compressing many words of text into fewer content categories based on explicit rules of coding.³² Moreover, a comparative approach was adopted to identify the changes in the use of Bangla baby talk. While describing the data in order to ensure the confidentiality of the participants, the first two alphabets of their names will be mentioned instead of using complete names.

In the following sub-sections the data and the analysis of the dataset of our research will be presented.

4.1 The Addressing Names

In her article Afia Dil³³ has divided Bangla Baby Talk within two main categories: (1) Bangla baby talk, spoken to the baby; and (2) nursery rhymes, spoken or sung to the baby. On the basis of her paper, it can be assumed that one of the vital areas to explore in baby talk is the ‘given names’ and she has discussed this issue in detail. Therefore, our paper mainly focuses on analysing given baby names to identify the changes that might have taken place during all these years after Afia Dil did her empirical research on Bangla baby talk.

Every child has a name. Name is very significant in language use and communication. In Bangla culture a child in almost every instance have more than one name apart from their formal or nicknames. These are some additional names given to almost each child to express adult’s love and affections towards them. Such addressing names can be commonly identified as ‘affectionate name’ or *padure nam*. According to Afia Dil³⁴, giving different names to one particular child is a significant feature of Bangla baby talk. She has discussed these names under four categories: (1) names related to kinship terms (/baba/, /ma/, /mamoni/, /beti/), (2) names associated with valuable metals (/jona, /manik/, /lal/, /rupa/, /rupai/), (3) names based on pretty talking (/jadu/)

32 S. Stemler (2001). An overview of content analysis. *Practical Assessment, Research and Evolution*, 7(17), from <http://PAREonline.net/getvn.asp?v=7&n=17> (accessed 21 February 2016)

33 Afia.Dil, Bengali baby talk. *Word*, 27, 1971, pp. 11-27. Retrieved from <http://www.tandfonline.com/action/journalInformation?journalCode=rwr20> (accessed 01 March 2015).

34 Ibid

and (4) names allied with singing birds (/moena/, /bulbul/). All of the participant children in this study had such affectionate names and these names were frequently used by both of the parents (especially by mothers). Afia Dil mentioned in her paper that mainly Bengali folk women used to address their children with these affectionate names during the time when she did her research; and the main reason working behind was- raising a child used to be the duty of a woman only and generally a folk woman was the main caregiver of a child at that time³⁵. However, since the second part of the last century Bangladeshi society has been going through a mentionable change in terms of the types of family structure the number of nuclear family has increased drastically and due to that, the number of joint or expanded family has decreased; therefore, apart from the mother, the father also has to take out time for the child; thus, compared to 20th century the active involvement of a father in a family has been growing with time. It might be assumed as one of the vital reasons for fathers' usage of affectionate names. Nevertheless, 'mother' is still the main person who is giving the maximum time and effort to their children; it is also reflected by the data of our study: twelve (12) mothers (55%) of our participants were more frequent users of these names; in contrast, only 04 fathers (18%) used to use these names more frequently. In this connection it is worth to mention that a recent trade in Bangladesh shows that in a family where both of the parents work outside, a maid or any close relative takes care of the child and that person is the frequent user of the affectionate names.

As mentioned earlier all the children participants of this research bear special addressing names and collected data on this is presented in the following table:

Names	For girls	For boys
Pure affectionate names	/jhunu punu/, /pucu pucu/, /puṭu puṭu/, /pukimoni/	/puṭu/, /puṭu puṭu/, /gullu gullu/, /poltu/, /joglu muglu/, /babla/
Pretty talking related names	/moni/, /babuni/, /caḍer kona/, /mona/, /moni/, /mamoni/, /babu/, /lokkhi/, /lokkhi chana/, /caḍmoni/	/babu/, /jaḍuṣona, /chotobabu/, /ṣona pakhi/, /jaḍu pakhi/, /baccu/, /ṣonamoni/, /chottobabu/, /mṛona/
Bird/ pretty bird connected names	/mṛayna/, /mṛayna pakhi/, /tia/, /ṣonapakhi/, /pakhi/, /tuntuni/	/coroipakhi/, /babuiphakhi/, tuni pakhi/, /mṛayna pakhi/

35 Ibid

	/kutuʃ pakhi/, /mituʃ pakhi/, /tuni pakhi/	/tiapakhi/, /hasherbacca/, /mogubacca/, /murgir chana/
Full English words based names	/coklet baby/, suit bebi/, /kitkæt bebi/, /litol bebi/, /bebi/	/pappa/, /papa/, /bebi eli/, /bebi eliphent/, /mam mam bebi/
Kinship related names	/ammu/, /ammu ma/, /ma/, /babai/, /baba/, /chola baba/	/abba/, /boro abba/, /babba/, /choto abba/, /baba/, /abbu jan/, /abba/, /abbu/, /ʃadhu baba/, /boro baba/, /choto baba/,/ babai/ /ma/, /mam/ (English word) and /mam mam bebi/ (English word)
Pet animal linked names	/billi bacca/, /mæo bacca/	
Creating names with the combination of English and Bangla	/lokkhi bebi/	
Names, created with the combination of valuable metal, birds and kinship terms and pretty talking	/ʃona ma/, /ʃona baba/, /ʃonapakhi/, /ʃona moni/, /baba ʃona/	
Valuable metal associated names	/ʃona/	/sona/
Names with the combination of Kinship related terms, pretty talking and valuable metal	/ammu ʃona/	/sonabhai/, /baba ʃona/, /sonu/, /sonubabu/
Maturity indicating names	/buri/, /paku buri/	/pakna bura/, /buramia/, /b ura/
	/mon/, /kolija/, /janpakhi/	

Flower related term		/phul/
Names with the combinations of baby's original names and English words		/sargubebi/
Cartoon character-related names/ cartoon character influenced names		/spaidarmæn/, /chotu/, /motu/, /sagumon/, /sargumon/, /baccumon/, /baccamon/
Using female indicating free morphemes to address male children		/lokkhi chele/, /lokkhi sona/
Shortened names		/pojo/ (the short form of /projapoti/, means butterfly) /sarga/ (the short form of original names)
Food associated names		/lebu bacca/

Table 1: 'Affectionate Addressing Names' (*/adure nam/*) of our participants.

The data presented in the above-mentioned table clearly indicates that those four categories that were described by Afia Dil³⁶ are still in use in Bangla baby talk; in addition, few more varieties are added as categorical basis for creating such names. For example- there are some names originated only to express deep love and fondness for the child; such as

/jhunu punu/, pucu pucu/, /putu putu//gullu gullu/, /babla/ etc. These names are created from nowhere, just to show the intense love that parents feel for their children. Though they are reduplicated but they do not follow any fixed linguistic features; in fact, these are not any word, these are the combination of some sounds. In general for analytical purpose, these names are presented as 'pure affectionate names' in this paper. Interestingly, a couple of the names like */billi bacca/, /mæo bacca/* are originated in connection to children's favourite pet which is specifically 'cat' in Bengali culture. The reason is, even in the city cats are frequently seen around the house (or as a pet many of the Bengali families keep cat at home), thus whenever the child needs to be pacified, caregivers take them near

36 Ibid

the window and try to pacify them with this cute little moving animal and at the same time the Bangla name for cat is taught to children differently (as part of baby talk); and *ʔbiralʔ* becomes *ʔbilliʔ* or *ʔbilluʔ* or *ʔmeaoʔ* for the child (such tendency is seen in English too when ‘cat’ becomes ‘pussy’).

Moreover, names of flowers or even food names (like, */phul/* and */lebu bacca/*) are also being used in contemporary Bangla baby talk as part of names. Table 1 also indicates that names of children’s favourite cartoon characters influence naming in Bangla baby talks; both Hindi and English cartoons are playing equal parts in this respect. For example, currently ‘Motu Patlu’ is a famous Hindi cartoon, so if a child is thin he is named as */patlu/* meaning ‘thin’ and */motu/* or ‘fatty’ is used to address the chubby baby affectionately. A funny tendency of blending cartoon character’s names along with other Bangla baby names or even with the child’s original names (see table-1 for detail) can also be found in Bangla baby talk. Some of the names have come from the famous Japanese cartoon ‘Doraemon’ for example, */baccamon/*, */baccamon/*, */sagumon/*, and */sargumon/*. In this regard it is worth to mention that the cartoon ‘Doraemon’ which is telecasted in Bangladesh has been translated in Bangla or Hind or in English. It is our observation that shortening is another feature that influences Bangla baby talks which is usually done by shortening a child’s original name like, Dimitri becomes Dimi, Tasfia becomes Tasu etc.

Furthermore, the data of this research discloses several Bangla baby talk terms which are in use to indicate advanced level of maturity (in compare to the child’s age level) of the child, such as */buri/*, */paku buri/*, */pakna bura/*, */buramia/*, */bura/*. Sometimes children act or talk like the adults, they even use logic or answer any questions like the elders do; in such cases such names are used to address the child. The first two are used for the female children and the last three are used for male children. Though Afia Dil³⁷ discussed the use of these names (*/buri/*, */bura/*) that were in use of that time, according to her the context was quite different. She mentioned that child mortality-rate was very high at that time and average life expectancy was approximately thirty years only; thus she assumed parents used such names only with the hope of the child’s longer life. These naming terms still exist in modern Bangladesh but different reason works behind the practice.

The most significant data of Table 1 is the use of the words */lokkhichele/* and */lokkhiṣona/*; because they demonstrate a positive change regarding gender

37 Ibid

issue. Generally, the word /lokkhi/ is being applied to indicate girls (/lokkhimee/, means good girl); nevertheless, currently, this word is used to indicate boys as well. It may be interpreted that Bangladeshi parents have started to treat female and male children equally. A detailed illustration of this issue will be presented below.

The table also shows a very significant pattern that focuses on creating names with the English language. Several names are constructed only on English, such as /bebi eliphent/(baby elephant), /suit bebi/ (sweet baby) /cokolet bebi/ (chocolate baby); and some of them are the combination of English and Bangla for example /lokkhi bebi/. This tendency can be taken as code mixing. 'Code mixing is a valuable communication strategy that reflects cultural hybridity or bi-culturalism'³⁸. It is regarded as a necessary process on route to bilingualism. Modern Bengali culture can be assessed as multilingual (mostly bi-lingual, focusing on English as the first international language with a few instances of the influences of Hindi); and because of globalization we, Bangladeshi people try to facilitate our first language users to be communicative in both Bengali and English. As a result we want them to go to English medium schools, and English vocabularies are frequently used with children since their early childhood. Moreover, as we have seen in table-1, Hindi has also been playing an important role in naming Bangla baby talk. Thus, code mixing and later on code switching becomes a part of first language acquisition of Bangladeshi children. Since, it is encouraged by the language teachers to teach a child only one language at the beginning of his/her first language acquisition to make the language acquisition processes uninterrupted, it is extremely necessary to balance between monolingual first language acquisitions with bilingualism. This can be a challenging issue to be taken care of for the overall development of the Bangla language for our children. It is important to note that the tendency of code mixing was not present during 1970s as stated by Afia Dil³⁹, and the above mentioned reasons were acting negatively at that time.

4.2 Use of Common Kinship Terms: A Change of Attitude towards Girls

In the previous section we mentioned the positive attitude change of the parents in addressing their children; in this section we will elaborate this issue with more empirical data. With regard to gender the data associated with kinship terms of our

38 A. Pandey, *Language Building Blocks*, (Teachers College Press 2012), p. 97

39 Afia.Dil, Bengali baby talk. *Word*, 27, 1971, pp. 11-27. Retrieved from <http://www.tandfonline.com/action/journalInformation?journalCode=rwr20> (accessed 01 March 2015).

study has disclosed a significant positive change of Bangladeshi society. In her article Dil⁴⁰ discussed several names that were related to kinship terms and to highlight the gender perspective she stated:

While parents generally use ‘/baba/’ and its variants for the male child and /ma/ and its variants for the female child, sometimes, in order to show extra special affection, this use is reversed...But in Bengali, is reversal is a one-way process; that is, parents call their female children by male kinship terms, but the opposite never happens. (p. 88)

In her interpretation she mentioned that since in Bengali culture boys are believed to be more ‘desirable’(as they are the first heir of property and takes the family name further), addressing a girl child with a male kinship term expresses special attention and more affection towards her. This was a common tendency of that time (in a sense this trend is also active till now in many instances).

Nevertheless, in recent years an interesting change has taken place in using those two particular terms in addressing babies in Bangla baby talk. Our present study shows that now Bangladeshi parents have started using female kinship terms even to call their male child. It is also supported by the data presented in Table 1. Five mothers out of 22 (23%) used female kinship terms to address their male children: three mothers used ‘/ma/’ and other two used ‘/mam/’ (English word) and ‘/mam mam bebi/’ (English word). This is indeed a change of parents’ perspectives towards a female child; it is a tendency to treat both of the children equally. The main reason behind this change might be the incensement of girls’ participations in education and economy; as in education and in earning girls’ participations with the male person of the family have been increasing day by day. So, female child’s importance has been growing in present Bangladesh. This reality is working in all social classes of this society. The second reason could be the performance of female children; there is a high rising feeling in the society that compare to boys, Bangladeshi girls are more obedient to their parents, and girls’ performance of social duties are more richer and regular. Consequently, the value of having a boy or a girl child has been started to be treated equally. Nevertheless, currently, in some families girls are more ‘desirable’ for their high sense of duties towards parents. Therefore, it is easy to predict that as a result of this reality female kinship terms are also use to call the male children. The finding, related to this new attitude of parents can be found in the following words of a participant mother’s (mother of ‘Su’) statement (this mother has two children: one boy and one girl):

40 Afia. Dil, Bengali baby talk (Reprinted). Bangla Academy Journal, Vol. VI, No. XII, 1978, pp. 83-102.

... I use the same word [for my boy and girl]. Because my psychology behind this [use] is that both of them are same for me. I mean, I don't see any difference between her and my son.

With regard to the issue, mentioned above, it is important to note that until now only the mothers have been using these female kinship terms to address their male children. However, by considering Bangladeshi society's positive attitude towards the female children, there is a high probability in the incensement of the use of female kinship words for male children; in future fathers may also begun to use the female kinship words to address their boys.

Furthermore one of our observations show that the Bangla word '/babu/' meaning 'small baby' is one popular affectionate naming term used in present Bengali society to address boys and girls equally by the parents. However, once '/babu/' was used to address the male children only but now its use along with meaning has expanded and it received the status of a unisex name.

4.3 Use of English in Bangla Baby Talk

This issue was briefly presented above but it strongly demands some detail discussion as it is a mentionable change that took place since the first study on Bangla baby talk. It has been pointed out earlier in this paper that parents use complete English or mixes English and Bangla names (or other terms) to name a child as part of baby talk; and the influence of the English language has already been discussed in the previous section. In this section we will present a more detailed discussion.

At present the people of Bangladesh have been frequently using many English words, English phrases and even English sentences while they are using the Bangla language. As a member of this society we can report that the most commonly used English words in our everyday life are- mama, mom, papa, daddy, come, go, good, bad, hi, hello, okay, bye-bye, bed-time, good- morning, good-night, wow!, good boy, good girl, good-bye, no, water and many more proper nouns; and these words are frequently used in the conversation between parents and children. One of our informant mother who had 10 month-old boy at the time of data collection, provided us example of using English common words with everyday Bangla by saying the following statement:

...when I say 'water' he can understand. Most of the children learn the word 'mum', (/mam/) [to indicate water]; but since his early age we are saying [the English word] 'water' (/wtar/) in front of him. So, he can understand 'water' [the English word], he can understand that now water will be given to drink. And when I feed him I say 'food' [another English word]. When he is not interested to take

food he nods his head to indicate that he will not eat anymore. And when 'water' is uttered he opens his mouth. 'Water' and 'food' he can understand these two words.
(Mother of Ar)

When the mother was saying the above-mentioned sentences she seemed very happy and proud to inform that her child was in the process of learning the English language. Question might arise on why Bangladeshi parents are currently getting more interested in using English words with Bangla? The answer is easy to predict: as a long term advancement process related to globalization, where English takes the first place as the prior international language, parents are interested to teach English to their children as early as possible. Moreover, they want their child to survive the competition where fluency in English matters in getting a job and extra benefits in education or any other private professions. As a result there is a growing demand of admitting children in English medium schools. Even education ministry is also trying to be beneficiary for the children by introducing 'English version' in established Bangla medium schools.

With regard to the mixing between English and Bangla it can be mentioned that code mixing may not be a negative issue from sociolinguistic perspective. However, when we are talking about first language acquisition (even through baby talks) the old typical belief regarding a child's early language development comes in our mind; where language learning is taken as a monumental and challenging task during the first years of life and logically believed that expecting young children to learn not one, but two languages as they are just beginning to speak may delay overall language fluency. This belief is taken as myth for current researchers as most of the young children throughout the world learn more than one language successfully from their earliest years⁴¹. There is wide scientific consensus on bilingual infants developing two separate but connected linguistic systems during the first year of life⁴². Even Neuroscientists and psycholinguists who have worked on the impact of learning two languages during the infant and toddler years has focused on the human brain's wide-ranging capacity to learn multiple languages. They have found that infants are able to separate out each language and they can interpret contextual cues to know which language is appropriate in a given

41 L. M. Espinosa, Challenging Common Myths About Young English Language Learners, (Foundation for Child Development 2008).

42 A. Mechelli, J. T. Crinion, U. Noppeney, J. O'Doherty, J. Ashburner, R.S. Frackowiak & C. J. Price (2004). Neurolinguistics: Structural plasticity in the bilingual brain. *Nature*. 431 (757). Retrieved from <http://www.nature.com/nature/journal/v431/n7010/abs/431757a.html> (accessed 10 February 2016).

context⁴³. It is well established now that infants have the innate capacity to learn two languages from birth and that this early dual language exposure does not delay development in either language; moreover, development of two languages simultaneously benefit the brain through the development of greater brain tissue density in areas related to language, memory, and attention⁴⁴. These studies have also demonstrated that knowing more than one language does not holdup the acquisition of the first language or obstruct academic achievement in it when both languages are supported. In fact, this is the concerning area for Bangladesh. The systematic support is very rare. Therefore, children often become confused and fail to deal two languages simultaneously. This can be an interesting area of research to be explored.

4.4 Omission of Words

As change is an inherent feature of any natural and living language, many changes regarding Bangla baby talk since the first research have taken place. In this process many new words have been added and at the same time some of the existing words have been omitted or lost their frequency from the glossary of Bangla baby talk. In her discussion Afia Dil⁴⁵ mentioned some kinship terms, used during 1970s. However, among these terms a few are not in use anymore; for example, /beti/, /betu/, /beta/ and /bete/ are a few of them. The first two words were used for girls and the last two were for boys. The presences of these words are not frequently found in the use of majority population in current Bangladesh but the Urdu language speakers who are living in the country still use these four words to call the children when they speak in Bangla. It can be explained that since the origin of these four words is in the Urdu language, Bengali people gradually stopped applying these four kinship terms for their children. Perhaps the political sensitivity created through the 1971 liberation war between the Urdu spoken Pakistanis and Bangla spoken Bangladeshis has worked behind this omission. Nevertheless, it is our observation that in the recent years a certain proportion of Bengali native speakers are using these four words; these people do not use the

43 F. Genesee, J. Paradis & M. B. Crago, *Dual Language Development and Disorders: A Handbook on Bilingualism and Second Language Learning*, (Brookes Publishing Company 2004).

44 L. A. Petitto & K. N. Dunbar. (2009). *Mind Brain Educ.* 2009, December 1; 3(4). *Educational Neuroscience: New Discoveries from Bilingual Brains, Scientific Brains, and the Educated Mind*, pp. 185, 197.

45 Afia.Dil, Bengali baby talk. *Word*, 27, 1971, pp. 11-27. Retrieved from <http://www.tandfonline.com/action/journalInformation?journalCode=rwr20> (accessed 01 March 2015).

words as borrowed words that enriched our glossary, instead they are using these words as part of the influence of the Hindi language on Bangla (discussed earlier). In this connection it can be mentioned here that a current trend of selecting child's name from different Hindi television programs have started in Bangladesh, which can be included as a novel characteristic of Bangla baby talk.

In her discussion Afia Dil⁴⁶ has described several synonymous terms for 'boy' and 'girl'; these are /khoka/, /khokon/, /khokna/, /khokonjona/, /khokonmoni/ (for boys), and /khuku/, /khukurani/, /khukumoni/ (for girls). Generally, people apart from family members, especially less known person used these terms to address the children. It is interesting to note that these words are not being in use in present Bangladesh. Once these words were frequently used in oral and written Bangla but due to time these words have changed their status. The participants of this study were asked about the use of these words; and all of them reported that they did not use these words any more and they did not see anyone who was using these terms. In the following sentences, mentioned by the mother of a child, the absence of these words in the Bangla baby language is clearly stated:

... .. No, no, it doesn't happen, I haven't seen the use [of these words]. Perhaps, perhaps any elderly person may have used these but in our generation the usage of these words is absent. I think /khoka/, /khuku/ these addressing words have become lost [from the use of Bangla speech community]. Now these words might be found in the text of story and poetry. ...in daily conversation these words are not being used anymore.

(Mother of Sa)

It could be mentioned here that the affection and care that were meant by the use of these words (eight words: /khoka/, /khokon/, /khokna/, /khokonjona/, /khokonmoni/, /khuku/, /khukurani/, /khukumoni/) have been replaced with a few new words. Table 2 presents a list of these new words.

For girls	For boys	Meaning
/aunty/, /mamoni/, /sonamoni/, /ma/, /ammu/, /bebi/, /babu/	/uncle/, /baba/, /abbu/, /ei chele/, /bhia/, /babu/	Addressing names for known/ unknown children

Table 2: New e addressing terms for children

This table shows that mainly kinship terms are dominating in this area. Among the words, listed in Table 2, the word '/babu/' is very prominent; 15 mothers (68 %) mentioned that they use the word '/babu/' to address unknown children and 05

46 Ibid

mothers emphasized on the fact that this word is being used for both boys and girls. This is also an evidence of the start of having equal view towards male and female children which was once very much neglected in Bangladeshi society. Apart from the above mentioned words, included in table 2, there is another word available to address the children, which is /picci/, meaning ' little boy or girl '. This word has both positive and negative impression on the Bengali speech community. As a result, some people use this and some do not.

A logical explanation can be presented from a close observation regarding the omission of the above-mentioned eight words; during the last four decades Bangladeshi people gradually developed their own style of the Bangla language which is different from the origin of this language that is Nadia-Shantipuri Bangla language of West Bengal or even the Bangla form of West Bengal that was used in Bangladesh during 1970s. Parents of this generation see these words as 'bookish' or not conversational or suitable for oral communication. This change has taken place positively as a step towards saving one's self language identity. However, it is also noticeable that the influence of the English language is also present in the use of these addressing words and it is a worth mentioning language feature for analysing Bangla baby talk because parents are considering this influence as a positive feature.

4.5 Use of Frightening Words in Bangla Baby Talk

Another distinctive feature of Bangla baby talk is the use of 'frightening' words. Frightening words are usually a combination of meaningless phonic sounds or sometimes any meaningful words that refer to some invisible characters (created according to situations) which are applied to make the children scared if they are not obeying their parents. Generally, when mothers try hard but fail to make their child eat or put to bed, they made such imaginary frightening figures (similar to ghosts) to scare the children a bit with a positive intention. They do not mean any harm but in most cases the strategy works. Afia Dil⁴⁷ mentioned of /juju/ and /jujuburi/, two scary figures' names being used in her time to get the work done from children by their mothers (she stated another word that was in use in some dialects; the word was: /chalaburi/).

However it is believed that scaring children from an early age is not good for their mental health. If a child is brought up in an environment where such fears is intense, they might fail to develop properly as any other normal children of their

47 Ibid

age; but in some situations there is a demand of using these frightening terms for a good purpose. In other words, Bangladeshi parents apply these frightening words with the high positive sense. For example-‘pani bhut’ is a common frightening figure which is used in rural areas of Bangladesh to control children’s behaviour; and it is a imagination that this figure comes to take away children when the children are going near the pond or river all alone; here the need to create ‘pani bhut’ is purely for children’s safety. When parents are afraid of their children drowning, introducing this in a sense is obligatory for them. Thus to prevent children from roaming alone in places that are unsafe, mothers or other caregivers create these words to restrict their unmonitored movements. Mostly in villages or rural areas where it is not possible for the mother who is busy with house-hold work to look after the child completely, different steps like making frightening terms are taken for child’s safety. It is a reality in Bangladesh that children in rural areas do not stay in front of their parents all day as urban children do in apartments. Moreover, at that time when Afia Dil⁴⁸ did her research, family structures were much different than it is now; a well sized joint family structure was maintained in villages and in cities too. Besides, parents used to have more than two children (sometimes 7 or 8 or even 12), which were difficult for them to take care at a time. Thus the mother had to depend on grandparents or any elderly person to take care of their children. Because of age, those elder persons were unable physically to run after young children. Thus, the use of frightening words was invented to keep the children in front of their eye sights.

Nevertheless, the data of our research presents a different scenario. We have found that currently parents prefer to avoid using these words to frighten their children. Only eight mothers, out of 22 (36 %) acknowledged that they used these words to control children’s naughty behavior, 14 mothers (64%) did not use these terms. This is a remarkable change that features current Bangla baby talk. This can be taken as a positive thinking of the Bangladeshi parents while upbringing their children; as it has been mentioned earlier that scaring in early childhood might turn bad for the children. The data of our study indicates several frightening words of Bangla baby talk that are currently in use; these words are /bhuṭ/, /beral bhuṭ/, /bhuṭ gōndar/, /mamdo bhuṭ/, /ṣakcunni/, /pagol/, /pulijh/, /kana buri/, /mæo/, /banor/. These examples show new features in using imagining characters in Bangla baby talk. In this connection it is worth to mention that the purpose of using such words has changed along with social structure and factors;

48 Ibid

for example currently parents are more worried about children's home work that they get from school, thus the concept to get their home-work done has been included. Academic interests were also important during 1970s but the level of intensity has changed over the last few decades. With regard to the use of frightening words it is our experience as the member of Bangla speech community that Hindi cartoon's negative characters are also used to scare the child; as the children presently watch more of these cartoons ('Kanishk' a devil character in Hindi cartoon 'Krish' is one of them). The data, related to frightening words discloses another interesting information: there are several words which are being used in current Bangladesh are different from the words, reported by Dil.⁴⁹ As mentioned earlier to create a difference the words of 1970s may have been replaced by these new words. In sum, it is a novel characteristic of Bangla baby talk that imaginary terms are created and they even last longer than expected.

5. Conclusion

In this paper different features of Bangla baby talk have been presented which were analyzed from a sociolinguistic perspective. In order to explore the topic the qualitative data was collected from informants living in Dhaka, the capital city of Bangladesh. Twenty two mothers were interviewed to collect baby talk, used in their daily life. The data reveals several significant findings regarding Bangla baby talk. *Firstly*, the data shows the use of many new words (compared to the previous study) that have been added to the repertoire of Bangla baby talk. This indicates that Bangla baby talk has its continuous use in Bangla speech community and it has also enriched the Bangla language of Bangladesh. *Secondly*, the analysis of the data-set indicates the engendering process of the use of some Bangla words related to addressing the male and female children. *Thirdly*, the finding discovers the omission or decrease in the use of some categorized words (especially the frightening words) which conveys the message that the parents of this society have become more conscious and sensitive about the process of parenting. They are well aware of what might be good for the children or put a bad impact on their children's psychological development. *Finally*, the result discloses the influence of the Urdu language and the variety of the Bangla language that is in use in West Bengal on Bangladeshi Bangla baby talk has been decreasing; it ultimately indicates the creativity and self-dignity of Bangladeshi people as the member of Bangla speech community. However, the influence of other foreign languages specially, English is found profusely on Bangla baby talk. This influence can be

49 Ibid

positively considered for the healthy development of the child language acquisition of Bangla spoken children; but we must keep a well balance while using Hindi or English words in a complete Bangla sentence; as it has the risk of acquiring unnecessary code mixing habit for a first language learner child.

‘Baby Talk’ or ‘Child Directed Speech’ is a worldwide phenomenon that takes place at a very early stage of child language acquisition. It can be seen as a positive influence on child’s early language development. Though it cannot be evaluated under a common criterion but it has its specific place in sociolinguistic developmental process of a child’s life. It is important to remember that the whole process of creating baby talk completely depends on social factors like family structure, parental educational qualification, caregivers’ status etc. Thus, it is hard to compare baby talk in general. In our research only Bangla baby talk and its changes over a certain period of time has been presented and analyzed on the basis of Bengali socio cultural perspective. So, features and characteristics presented in this article are language specific only. Our study shows that since the first study of Bangla baby talk in 1971 by Afia Dil, many changes have taken place; and most importantly baby talk has not lost its importance among Bangla speech community.

**POLICY TOWARDS ROHINGYA REFUGEES:
A COMPARATIVE ANALYSIS OF BANGLADESH,
MALAYSIA AND THAILAND**

Sultana Yesmin*

Abstract

The paper offers a comparative analysis of the policies taken by Bangladesh, Malaysia and Thailand to Rohingya refugees. The study illustrates both nature and dimensions of these states policies in dealing with Rohingya refugees. It discusses the diverse initiatives of these states based in three periods: before the 1990s, after the 1990s, and with a particular focus on the riots after 2012. The study attempts to describe the rationales of states' policies as well as comparatively elucidates both similarities and dissimilarities among their policies in different time frames. The study also analyzes states' policies from theoretical frameworks, classical liberalism and political realism– to figure out both human and state centric principles of national policies towards Rohingyas. Having discussed some issues of conformity and inconformity with states' policies, the paper explores some possible policy prescriptions for these states to resolve the crisis.

Introduction

The rights of all persons irrespective of their nationality and citizenship are clearly mentioned in the 1948 Universal Declaration of Human Rights.¹ According to the principle of *non-refoulement*, a customary international law, states are “obliged not to return or extradite any person to a country where the life or safety of that person would be seriously endangered.” States that are even not parties to the United Nations instruments are bound to respect *non-refoulement* as a fundamental principle of customary international law.² The United Nations General Assembly Resolutions “[C]alls upon all States to uphold asylum as an

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1 Naima Haider, “Protection of Refugees through the Non-refoulement Principle”, *Bangladesh Journal of Law*, Vol. 06, Nos. 1 & 2, (June and December), 2002, p.90.

2 Aoife Duffy, “Expulsion to Face Torture? *Non-refoulement* in International Law”, *International Journal of Refugee Law*, Vol. 20, No. 03, June 25, 2008, p.383; Conclusion No.6 (XXVIII), in UNHCR, conclusions on the International Protection of Refugees adopted by the Executive Committee of the High Commissioner’s Programme (1980), p.14.

indispensable instrument for international protection of refugees and to respect scrupulously the fundamental principle of nonrefoulement, which is not subject to derogation”.³ The UNHCR’s Executive Committee’s Conclusion 99 calls on states to ensure “full respect for the fundamental principle of nonrefoulement, including non-rejection at frontiers without access to fair and effective procedures for determining status and protection needs.”⁴ Both Bangladesh and Thailand are members of the UNHCR Executive Committee.⁵ Bangladesh, Malaysia and Thailand are also obliged to preserve refugee rights under domestic principles. Despite these international legal obligations, in recent years, the three Asian nations—Bangladesh, Malaysia, and Thailand, appear to have ignored the principle of nonrefoulement of Rohingya refugees. This paper explores how the official policies of these three countries have evolved over a period of four decades.

The exodus of Rohingya refugees from Myanmar to neighbouring countries is not a new phenomenon. Historically, the Rohingyas have been fleeing to Bangladesh, Malaysia and Thailand to escape serious repressions in their country of origin, Myanmar.⁶ Myanmar’s military government launched violent oppressions against the Rohingyas that led thousands of refugees to flee into neighboring countries. In 1978, when Myanmar’s military junta launched Operation Nagamin, thousands of Rohingyas fled to Bangladesh. A large number of Rohingyas also began arriving in Bangladesh, Malaysia and Thailand in 1991, 1992, and 2012 after experiencing various forms of persecution in their home country.

How have the three host countries—Bangladesh, Malaysia, and Thailand—dealt with the Rohingya refugees, and which factors have shaped their official policies toward the Rohingyas? This article seeks to investigate this question by adopting

3 UN General Assembly Resolution 51/75, A/RES/51/75, February 12, 1997, para 3; *Human Rights Watch*, “The Silent Treatment: Fleeing Iraq, Surviving in Jordan”, Vo.18, No. 10(E), November 2006, p.22.

4 *Human Rights Watch*, “Bangladesh: Letter to Prime Minister Sheikh Hasina Regarding Obligations not to Reject Refugees”, June 15, 2012, at <<http://www.hrw.org/news/2012/06/15/bangladesh-letter-prime-minister-sheikh-hasina-regarding-obligations-not-reject-refu>> (accessed July 02, 2014).

5 *UNHCR*, “EXCOM Membership by admission of Members”, at <<http://www.unhcr.org/40112e984.html>> (accessed January 10, 2014).

6 The paper refers to ‘Myanmar’ instead of ‘Burma’. The government of Myanmar had changed the official English name of ‘Burma’ to ‘Myanmar’ since 1989. See, David I. Steinberg, “Aung San Suu Kyi and U.S. Policy toward Burma/Myanmar”, *Journal of Current Southeast Asian affairs*, Vol. 03, 2010, p.36.

a comparative case study method. It mostly relies on media reports, scholarly analyses, and official statements from concerned governments. It has four sections. The first section presents an analytical framework. The second section provides a historical narrative of the host nations' official policies toward the Rohingyas. The third offers a comparative analysis. The concluding section generates some policy recommendations.

Analytical Framework

This section conceptualizes whether Rohingyas can be defined as 'refugees'. Therefore, the part tends to analyze the basic principles of political realism and classical liberalism in order to trace Bangladesh, Malaysia and Thailand's policy towards Rohingya refugees within these theoretical frameworks.

Refugees

The notion of the protection of 'refugee', the responsibility of international community and solution for refugees first came into attention at the League of Nations. In the aftermath of the Second World War, the International Refugee Organization (IRO) that was created in 1947 started dealing with the problems of refugees in Europe. Later, the General Assembly adopted the Statute of the UNHCR on December 14, 1950 replacing the IRO.⁷ Finally, the well-accepted definition of 'refugee' derived from the 1951 International Convention on the Status of Refugees and the 1967 Protocol on the Status of Refugees namely the 1967 Protocol.⁸ The Statute of the United Nations High Commissioner for Refugees (UNHCR) and the 1951 Convention on the Status of Refugees no longer define 'refugee' simply as a displaced person, rather identify in specific terms.⁹

According to the Article 1. A. (2) of the 1951 Refugee Convention, a refugee is a person who,

[O]wing to well-founded fear¹⁰ of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside

7 Erika Feller, "The Evolution of the International Refugee Protection Regime", *Journal of Law & Policy*, p.130.

8 Isabelle R. Gunning, "Expanding the International Definition of Refugee: A Multicultural View", *Fordham International Law Journal*, Vol. 13, No. 01, 1989, p.36.

9 David Kennedy, "International Refugee Protection", *Human Rights Quarterly*, Vol. 8, No. 01, p.2.

10 The 'well-founded fear' limits the scope of being 'refugee' under law. It means "the people who face a genuine risk of persecution in their state of origin are entitled to the protections". See, James C. Hathaway, 'Well-Founded Fear', Chapter 2. James C.

the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.¹¹

The Organization of African Unity's 1969 Convention on Refugee Problems in Africa namely the African Convention defines:

Every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part of the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality.¹²

Though all these concepts focus on individual persecution excluding people fleeing from war and civil strife,¹³ every Rohingya falls under the universal concept of 'refugee'. Each Rohingya is being persecuted due to state's repression and is also unwilling to avail himself of the protection of that country. Myanmar's two most brutal campaigns against Rohingyas namely 'Operation Dragon King (1978)' and 'Operation Pyi Thaya (1991-1992) created risk of persecution in their state of origin through mass killing and expulsion of Rohingyas from their land which led thousands of Rohingyas to flee as well as seek refuge in another place.¹⁴ Later, in the mid 2012, another case of violence against Rohingyas once again led them to seek refuge in neighbouring countries. The United Nations, therefore, defines Rohingyas as the most persecuted community in the world.¹⁵

Hathaway and Michelle Foster (eds.), *The Law of Refugee Status*, (Cambridge University Press 2014), p.91.

11 UNHCR, "The Refugee Convention, 1951", at <<http://www.unhcr.org/4ca34be29.pdf>> (accessed June 26, 2013).

12 Isabelle R. Gunning, *op. cit.*, 37.

13 *Ibid.*

14 Syeda Naushin Parnini, Mohammad Redzuan Othman and Amer Saifude Ghazali, "The Rohingya Refugee Crisis and Bangladesh-Myanmar Relations", *Asian and Pacific Migration Journal*, Vol. 22, No.1, 2013, p. 136.

15 See, Aymen Ijaz, "Burma's burning Rohingya's crisis", UNHCR, at <<http://www.unhcr.org/cgi-bin/txis/vtx/refdaily?pass=52fc6fbd5&id=5590d3b95>> (accessed December 10, 2015). However, Rohingyas are not recognized as "refugee" in neighbouring countries. They are rather also labelled "illegal immigrants" and "economic migrants" as well. Rohingyas are also defined with different concepts. For example, sometimes Rohingyas are called as 'stateless persons' under the 1954 UN Convention relating to the status of statelessness because they do not belong to any nationality of any country. Following the irregular movements of large number of Rohingyas towards Southeast Asian countries through sea routes, Rohingyas are also termed as 'boat people'.

Political Realism

Hans Morgenthau, a towering figure in international relations, popularizes the theory of political realism with its emphasis on the inevitability and the evilness of man's lust for power.¹⁶ One of the basic characteristics of Morgenthau's political realism is that the primary function of a state is to satisfy and protect national interest while state must place its survival above all other moral goods.¹⁷ Political realism prioritizes rational foreign policy as ideal to maximize benefits and minimize risks, whereas nation state is the ultimate point of reference of contemporary foreign policy.¹⁸ The foreign policy is also regulated through the ideological preferences of statesmen in order to attain national goals in terms of power.¹⁹

For political realists, the pursuit for power is the overriding concern for a state because political relationship entails unending struggle for power and interests.²⁰ To political realists, there is a distinction between moral aspiration of a nation and universal moral laws, whereas universal moral principles cannot be applied to the actions of states. They reject the moral and liberal premises e.g. education, culture, and technology as well as prospects for peace and international stability.²¹

Another important characteristic of Morgenthau's political realism is pragmatism. The national policies must be empirical and pragmatic that Morgenthau elucidated its validity in 'theory of international politics'.²² Rejecting the principle of liberal internationalism, Morgenthau concludes that perpetual peace can never be attained under the moral, social, and political conditions in the realist world.²³ As no international community is capable of guaranteeing national security, nation chooses the realist ones separating itself from moral values.²⁴

16 Robert T Kaufman, "Morgenthau's Unrealistic Realism", *Yale Journal of International Affairs*, Vol. 01, No. 2, Winter/Spring 2006, p.25.

17 David A Welch, 'Morality and the National Interest', Chapter 01. Andrew Valls, *Ethics in International Affairs: Theories and Cases*, (Rowman and Littlefield publications, INC, 2000), the USA, p.03.

18 Hans J Morgenthau, 'A Realist Theory of International Politics'. *Politics among Nations: The Struggle for Power and Peace*, 7th Edition, New York, 1948.

19 Robert T Kaufman, 2006, *op. cit.*, 26.

20 Cecil V. Crabb Jr and June Savoy, "Hans J. Morgenthau's Version of Realpolitik", *The Political Science Reviewer*, Vol. 5, No. 1, 1975, p.190.

21 *Ibid*, p. 191.

22 *Ibid*.

23 Robert T Kaufman, *op. cit.*, 26.

24 J. Peter Pham, "What Is in the National Interest? Hans Morgenthau's Realist Vision and American Foreign Policy", *American Foreign Policy Interests*, Vol. 30, 2008, p.259.

The realist theory emphasizes national interest over any humanitarian interest. In recent years, states receiving Rohingya refugees have increasingly been concerned about the national security threats posed by such refugees and thus legitimized the expulsion of Rohingyas trying to enter their territories. When describing such hostile attitudes toward the Rohingyas this paper uses the term ‘realist policy’ due to the overemphasis of the state in protecting its own interest, and even by neglecting many customary and treaty-based international law which guarantee the humanitarian protection of refugee population.²⁵

Classical Liberalism

The foundation of classical liberalism originates from John Locke’s ‘Second Treatise of Government’.²⁶ The other prominent scholars of classical liberalism are Adam Smith, Immanuel Kant, Giuseppe Mazzini, and John Stuart Mill. Liberalism supports core principles of human rights such as individual freedom, political participation, private property, and equality of opportunity that all liberal democratic societies, by definition, share to some degree. The theory promotes moral freedom as well as equal rights to all human beings. It also reiterates liberal foreign policy and international regimes in order to promote cooperative relations among states.²⁷ The four main basic elements of John Locke’s political theory are limited government, the rule of law, freedom from restraint, and personal responsibility.²⁸

Classical liberalism limits the role of state and only support for its legitimate functions subsequent to the constitutional limits of governmental power. Classical liberals observe that the main responsibility of a legitimate state authority is only to protect individuals’ rights, liberty, and property, regardless of their national identity.²⁹ Governmental institutions need to be capable of upholding the rule of law and defending societies against internal and external threats where there will

25 Emily Tripp, “Realism: The Domination of Security Studies,” *E-International Relations*, June 14, 2013, at <http://www.e-ir.info/2013/06/14/realism-the-domination-of-security-studies/> (accessed August 11, 2016)

26 Adam J. Hunt, “The Liberal Justice Thomas: An Analysis of Justice Thomas’s Articulation and Application of Classical Liberalism”, *New York University Journal of Law and Liberty*, Vol. 4:557, 2009, p.559.

27 Endre Begby and J. Peter Burgess, “Human Security and Liberal Peace”, *Public Reason*, Vol. 01, No. 01, 2009, p.98.

28 Adam J. Hunt, *op. cit.*, 560.

29 Alex Tuckness, “Locke’s Political Philosophy,” *Stanford Encyclopedia of Philosophy*, November 09, 2005, at <<http://plato.stanford.edu/entries/locke-political/>> (accessed August 10, 2016)

be no unlimited power to the central authority although they appreciate effective governmental institutions for domestic stability.³⁰ The theory, thus, paves the way to provide basic humanitarian needs conducive to an adequate protection of such individuals' fundamental rights. It also emphasizes on establishing a political order with a view to promoting peace and social cooperation.³¹

With regard to the Rohingya refugees, the liberal policy focuses on hosting such refugees and providing them with basic needs supports, as well as preserving their rights. Advocates of liberalism argue that when a large number of Rohingyas flee state-sponsored persecution in Myanmar, it becomes a humanitarian obligation for the neighboring countries to provide shelter and security to such refugee population. A host of international refugee laws and humanitarian laws provide the legal and normative basis for such a liberal refugee policy. The list includes the 1951 Refugee Convention, its 1961 protocol, and nearly half a dozen other international instruments focusing on the preservation of cultural and political rights and elimination of discrimination and torture.

In summary, a realist refugee policy prioritizes host state interest and legitimizes the expulsion of refugees on national security grounds. By contrast, a liberal refugee policy emphasizes the vulnerability of the displaced persons and calls for shelter and care for them. In addressing the central question of whether the official policies of Bangladesh, Malaysia, and Thailand resemble either a realist or a liberal attitude or a mix of both, the next section provides historical data that reveal changing dynamics of state policies.

State Policies on Rohingya Refugees

Bangladesh

Bangladesh has been the largest destination for Rohingya refugees. The country has received a large number of Rohingyas in three phases. In dealing with the Rohingya refugees Bangladesh has moved from liberal refugee-welcoming policy to a realist refugee-hostile policy. Such transformation in the official policy of Bangladesh took place in the past four decades.

When the first batch of more than 200,000 Rohingyas fled Myanmar in 1978, Bangladesh saw it as a humanitarian crisis, and arranged temporary shelters and other supports for the refugees. In the second phase, during 1991-1992 when

30 Roland Paris, "Bringing the Leviathan Back In: Classical Versus Contemporary Studies of the Liberal Peace", *International Studies Review*, Vol. 8, 2006, pp.426-427.

31 Nicolás Maloberti, "New Approaches to Classical Liberalism", *RMM*, Vol. 3, 2012, pp.22-24.

250,000 Rohingyas fled to Bangladesh after the serious state repression in the Northern Rakhine State of Myanmar, the Government of Bangladesh granted temporary asylum as well as provided food and medical services to Rohingya refugees. The government also called on humanitarian aid from the United Nations High Commissioner for Refugees (UNHCR) for those refugees.³² Around 20 refugee camps were built up in Cox's Bazar and Bandarban districts in September 1991 in order to accommodate the Rohingya refugees.³³ As a result, some 250,877 Rohingyas got shelter as registered refugees in those camps in the Cox's Bazar district from November 1991 to June 1992.³⁴ During this time, some diplomatic initiatives were taken for make peaceful resolution of the crisis and an orderly repatriation of the refugees. For example, a Memorandum of Understanding (MOU) was signed on April 28 1992 between the Foreign Ministers of Bangladesh and Myanmar in Dhaka to resolve the issue.³⁵ Bangladesh also worked with international organizations such as the UNHCR and the Red Cross to deal with the crisis.³⁶

Though Bangladesh initially adopted liberal policies towards the Rohingya refugees such soft stance changed over the years. For instance, after 1992, Rohingyas were no longer given refugee recognition in Bangladesh; instead they were identified as 'illegal immigrants.'³⁷ Bangladesh took repatriation policy under the auspices of the UNHCR between 1993 and 1997.³⁸ In order to stop the

32 Julfikar Ali Manik, "The Rohingya issue", *The Daily Star*, August 09, 2012; Thomas K. Ragland, "Burma's Rohingyas in Crisis: Protection of Humanitarian Refugees under International Law", *Boston College Third World Law Journal*, Vol. 14, No. 02, 1994, p.310.

33 Syeda Naushin Parnini *et al.*, 2013, *Op cit*, p.137.

34 Julfikar Ali Manik, "Refugees' long stay to stretch even further", *The Daily Star*, July 08, 2012.

35 *Global Security Organization*, "Bangladesh - Myanmar Relations", at <<http://www.globalsecurity.org/military/world/bangladesh/forrel-mm.htm>> (accessed December 07, 2015).

36 Bangladesh welcomed the refugees on temporary basis and encouraged their immediate return. See, *Medecins Sans Frontiers International Activity Report*, "10 Years for the Rohingya Refugees in Bangladesh: Past, Present and Future", March 2002, at <<http://www.msf.fr/sites/www.msf.fr/files/2002-03-01-MSFH.pdf>> (accessed February 22, 2014); Utpala Rahman, "The Rohingya Refugee: A Security Dilemma for Bangladesh", *Journal of Immigrant & Refugee Studies*, Vol. 08, 2010, p.234.

37 Ahmad Ibrahim, "The Rohingya: The History of Prescription", *The Daily Star*, June 09, 2014.

38 *Human Rights Watch*, "Burma/Bangladesh, Burmese Refugees in Bangladesh: Still no Durable Solution", May 2000, at <<http://www.hrw.org/sites/default/files/reports/burm005.PDF>> (accessed July 19, 2013).

influx of Rohingya refugees, Bangladesh appealed to the UNHCR in February 1992 to assess the Rohingya crisis. The country strongly proposed her unwillingness to continue receiving more refugees from Myanmar in a parliamentary debate on the Representative of the United Nations' Secretary General on May 1992.³⁹ The country forcibly repatriated some 5,000 refugees under the MOU signed between Bangladesh and Myanmar in April 1992. Nearly 50,000 refugees were also involuntarily repatriated from Bangladesh despite the MoU signed between the UNHCR and the Government of Bangladesh in May 1993.⁴⁰

The Bangladesh authorities further reiterated their policy of non-acceptance of those refugees who came back after August 15, 1997. In pursuance of that policy, the country sent back as many refugees as possible and forcibly expelled over 300 Rohingyas across the Naaf River and some 400 refugees across Myanmar's northern Arakan state in July 1997.⁴¹ All of these hard-line steps reflected a state-centric realist foreign policy posture in which national interests of Bangladesh prevailed over humanitarian concerns of the Rohingyas.

In 2008 and 2009, Bangladesh continued to adopt a policy of informal deportation of Rohingya refugees. The country's law enforcement agencies arrested large number of Rohingyas across the border to Myanmar from 2007. Since July 2009, along with new arrivals, state authorities deported those people who had settled in Bangladesh for several years.⁴² Along with the crackdown of Rohingyas in Bandarban District in mid-2009, Bangladeshi officials also pushed back refugees across the Naaf River. The deportation process was done informally because the paramilitary Bangladesh Rifles (BDR)⁴³ did not hand over the deportees to Myanmar's border force NaSaKa.⁴⁴

39 Kaiser Morshed, 'Bangladesh-Burma Relations', Chapter 02. IDEA, *Challenges to Democratization in Burma: Perspectives on Multilateral and Bilateral Responses*, (Sweden 2001), p.62.

40 <<https://www.hrw.org/reports/1997/bangladesh/Banglade.htm>> (accessed December 09, 2015).

41 *Human Rights Watch*, "Burma/Bangladesh, Burmese Refugees in Bangladesh: Still no Durable Solution", May 2000, at <<http://www.hrw.org/sites/default/files/reports/burm005.PDF>> (accessed July 19, 2013).

42 Chris Lewa, *op. cit.*; "Rohingya Refugees in Bangladesh and Thailand", May 2011, at <<http://www.nyidanmark.dk/NR/rdonlyres/B08D8B44-5322-4C2F-9604-44F6C340167A/0/FactfindingrapportRohingya180411.pdf>> (accessed February 23, 2014).

43 The BDR is the former name of Border Guard Bangladesh (BGB). It was renamed in 2010 after a 2009 bloody mutiny in Dhaka.

44 The Nasaka is an inter-agency border security force of Myanmar. It is comprised of immigration, police, intelligence and customs officials. It operates in the Muslim-

The Rohingya crisis once again became a burning issue after the clashes between the Buddhists and Muslims in Rakhine state of Myanmar in 2012.⁴⁵ More than 100,000 people were displaced due to the violence since June 2012.⁴⁶ This had led to a new wave of Rohingya refugees in the neighboring countries. Bangladesh continued to adopt a policy of ‘push back’ (Table 1).⁴⁷ The law enforcement agencies were ordered to strengthen close observation along the border areas. The Border Guard Bangladesh (BGB), Coast Guard, Bangladesh Police, Bangladesh Navy, and Rapid Action Battalion (RAB) were deployed to resist the intrusion of Rohingyas into the country.⁴⁸

Bangladesh’s government also did not allow humanitarian agencies to operate at refugee camps. Soon after the violence, the state authorities ordered three international aid agencies, including the Médecin Sans Frontières (MSF), Action Against Hunger (ACF), and Britain’s Muslim Aid to stop assisting unregistered Rohingya refugees.⁴⁹ As per its policy, Bangladesh’s cabinet approved the ‘Strategy Paper on Addressing the Issue of Myanmar Refugees and Undocumented Myanmar Nationals in Bangladesh’ on September 9, 2013 to reinforce vigilance along the Bangladesh-Myanmar border in order to stop the intrusion of Rohingya refugees; take the undocumented Rohingya refugees under observation; forbid non-governmental organizations’ assistance in refugee camps as well as to create pressure internationally in Myanmar to take Rohingyas back.⁵⁰ The strategy paper is mainly framed from national security approach emphasizing

majority northern part of the state, near the Bangladesh border. Due to violations against Rohingya Muslims, Myanmar’s President, Thein Sein has disbanded that security force after the violence in 2012. See, Jared Ferrie, “Myanmar President Disbands Controversial Border Force”, *Reuters*, July 15, 2013.

45 *Human Rights Watch*, “The Government Could Have Stopped This: Sectarian Violence and Ensuing Abuses in Burma’s Arakan State”, August 2012, at <http://www.hrw.org/sites/default/files/reports/burma0812webwcover_0.pdf> (accessed November 23, 2013).

46 *The Daily Star*, “Suu Kyi Declines to back Rohingyas”, November 16, 2012.

47 *Human Rights Watch*, World Report, 2013, at <<http://www.hrw.org/world-report/2013/country-chapters/bangladesh?page=2>> (accessed January 05, 2014); C.R. Abrar, “Multilevel Approaches to Human Security and Conflict Management: The Rohingya Case”, *NTS Policy Brief*, No. 03, May 2013.

48 *UNB*, “Bangladesh Wants Early Repatriation of Rohingya Refugees”, February 03, 2014; *The Daily Star*, “No More Refugees”, June 13, 2012.

49 *Human Rights Watch*, “Bangladesh: Assist, Protect Rohingya Refugee”, August 22, 2012, at <<http://www.hrw.org/news/2012/08/22/bangladesh-assist-protect-rohingya-refugees>> (accessed January 04, 2014); *Reuters*, “EU Urges Bangladesh to Let Groups Aid Rohingyas”, August 09, 2012.

50 *New Age*, “Cabinet Okays Rohingya Strategy”, September 10, 2013.

enhanced capacity building of the border security agencies. The policy is also shaped by the government's concern of rising unwanted economic migrants from Myanmar.⁵¹

Despite taking a tough policy on the Rohingyas, the cabinet proposed to provide basic humanitarian needs such as food, water, medical care, sanitation facilities, and other essential services to Rohingyas on a temporary basis before pushing them back to Myanmar. Bangladesh's security forces and law enforcement agencies, therefore, provided short-term emergency services such as food, water and medicine to them. The BGB and Coast Guard provided drinking water, food, medical assistance as well as fuel engines of the motorised boats before sending them back. They also provided required emergency medical assistance to pregnant women, wounded men and children.⁵²

Table 1: A Snapshot of Bangladesh's Push Back Policy (June to Sept., 2012)

Date	Number of Rohingyas attempting to enter Bangladesh	Means of transport used by Rohingyas	Channels used to enter Bangladesh	Number of Rohingyas pushed back by Bangladesh	Number of Rohingyas arrested by Bangladesh
June 11, 2012	600	Trawlers, boats, engine boats	Mistiripara, Jaliapara and Nayapara ferry Shabrang union of Shah Pori Island	Around 500	167
June 12, 2012	700	Engine boats	Saint Martin Island under Teknaf upazilla	Around 90	At least 182
June 13, 2012	83	Trawlers	Seradwip in St Martin's Island under Teknaf upazilla	16	139
June 14-16, 2012	Around 2,000	15 boats	Ghorarchar and Majherpara village. Also stranded in the Naf River	At least 30	16

51 C.R Abrar, "Government Strategy Paper on Rohingyas", *The Daily Star*, June 21, 2014.

52 Mirza Sadaqat Huda, "The Rohingya Refugee Crisis of 2012: Asserting the Need for Constructive Regional & International Engagement", *South Asia Journal*, Issue 07, March 21, 2014; *The New Age*, "BGB, Coast Guard send back 25 more Rohingya refugees", June 15, 2012.

June 18, 2012	140	7 or 8 small boats	Teknaf	140	----
June 23, 2012	9	-----	Teknaf	944	Around 350
August 25, 2012	62	Small boats and trawlers	Teknaf upazilla of Cox's Bazar and Naikhongchhari upazilla of Bandarban.	62	-----
September 08, 2012	54	-----	Cox's Bazar	-----	-----
November 11, 2012					Police detained 5
April 4-5, 2013			Cox's Bazar		180
January 11, 2014				82 Rohingyas	

Source: author.

While Table 1 shows an unwelcoming attitude of Bangladesh Government toward the Rohingya refugees, this push back policy has largely deviated from a liberal humanitarian attitude toward the Rohingyas adopted by Bangladesh in the late 1980s and early 1990s. Several factors can explain this policy shift: The constant arrival of Rohingyas into Bangladesh, and the increasing number of registered and unregistered Rohingyas in refugee camps have created financial burdens for the economy. Currently, there are 32,000 registered Rohingya refugees in two official camps, Nayapara and Kutupalong in the Cox's Bazar district of Bangladesh.⁵³ However, there is no official statistics of illegal or undocumented Rohingyas. An estimated 300,000 Rohingyas are living illegally in outside the refugee camps of Cox's Bazar district.⁵⁴

A senior Foreign Ministry official also reiterated the government's stance citing the large number of refugees as the single most important factor behind a hard and realist stance toward the Rohingyas:

Our position is clear that we will not accept any more refugees in Bangladesh. There are already 0.5 million Rohingyas here and we cannot allow anymore. Rather, we are in a process to send back the existing refugees.⁵⁵

⁵³ UNHCR, "Bangladesh: Factsheet", August 2015; *The Daily Star*, "Bangladesh's Rohingya Camps: Promise or Peril", December 02, 2014.

⁵⁴ *The Daily Star*, "No fresh listing of Rohingyas", April 11, 2010.

⁵⁵ Hassan Faruk Al Imran and Md. Nannu Mian "The Rohingya Refugees in Bangladesh: A Vulnerable Group in Law and Policy", *Journal of Studies in Social Sciences*, Vol. 08, No. 02, 2014, p.237.

Another key factor behind Bangladesh's policy shift towards the Rohingyas has been the security threats rooted in the illegal activities by these refugees both at home and abroad. According to intelligence sources, both registered and unregistered Rohingyas in Bangladesh are allegedly involved with the militant organizations operating in and outside the country.⁵⁶ As for instance, it is evident by the media reports that the Rohingya Solidarity Organisation (RSO) maintained close ties with two banned Islamist outfits, Jamaatul Mujahideen Bangladesh (JMB) and Harkat-ul-Jihad-al Islami (Huji) Bangladesh by providing training about operating arms and explosives.⁵⁷ Rohingyas are also involved in killing, trafficking, robbery, smuggling and other crimes in the local areas of Cox's Bazar. As a result, they are often termed as "violent and crime-prone people by nature" by the locals.⁵⁸ In addition, Rohingyas use fake Bangladeshi passports to go abroad for work, especially to the Middle Eastern countries. They often become involved in illegal activities in those countries, which threaten the image of Bangladeshi workers in the international arena.⁵⁹

Rohingyas are also held responsible for damaging environmental resources in local areas. The forest department of Cox's Bazar reported about the destruction of forest resources worth Tk 13.5 crore immediately after the influx of Rohingya refugees during the 1991-92. The Rohingya refugees were also reported of creating various illegal activities in Cox's Bazar and Bandarban during that period.⁶⁰ It is in this context, the foreign minister of Bangladesh justified the government's decision to resist the 'infiltration' of Rohingyas:

[T]he recent Rohingya influx does not help our interests. We are in consultation with Myanmar to send back the Rohingya refugees to their homeland (...) The presence of Rohingyas is taking its toll on society, environment and the law and order situation.⁶¹

Bangladesh is a densely populated country and the Rohingyas have seriously impacted on our society, law and order, and environment. Considering all

56 Muhammad Ali Jinnat, "In silence, The Trouble Spreads", *The Daily Star*, March 20, 2014.

57 Julfikar Ali Manik, "Rohingya Groups under Scanner", *The Daily Star*, October 07, 2012,

58 Muhammad Ali Jinnat, 2014, *Op cit*.

59 *The Daily Star*, "Rohingyas with green passports", August 12, 2012

60 Delwar Hossain, "Response of the State", Chapter 05, *The Plight of the Stateless Rohingyas: Response of the State, Society, and the International Community*, Imtiaz Ahmed (ed), (Dhaka: The University Press Limited, 2010) p.95.

61 *The Equal Rights Trust*, "Burning Homes, Sinking Lives: A Situation Report on Violence against Stateless Rohingya in Myanmar and their *Refoulement* from Bangladesh", June 2012, at <<http://www.equalrightstrust.org/ertdocumentbank/The%20Equal%20Rights%20Trust%20-%20Burning%20Homes%20Sinking%20Lives.pdf>> (accessed April 03, 2014).

aspects, it will create serious problems for us. We are not interested in more people coming to Bangladesh.⁶²

In summary, the presence of huge number of Rohingyas in refugee camps and coastal areas of Bangladesh is creating heavy burden on Bangladesh's economy and its scant resources. Their involvement in undesirable activities in both local and border areas is not only posing security threats to local people but also is creating bad image in abroad as well. Most importantly, the serious misunderstanding between Bangladesh and Myanmar generated from unresolved Rohingya crisis as well as Myanmar's constant denial to accept Rohingyas as citizens of Myanmar are also prescribed as the crucial factors to the shift in policy making procedures.⁶³

Malaysia

Like Bangladesh, Malaysia also moved from a liberal and humanitarian policy to a rejectionist refugee policy in dealing with the Rohingyas in the past decades. Malaysia has past records of hosting refugees from Indonesia, Bosnia, and Myanmar in the 1970s and the 1980s.⁶⁴ Later, in 1991 and 1992, the Malaysian Government was less hostile to the arrival of large number of Rohingya refugees into the country. The Government issued 'pass card' and granted six months permits to those Rohingyas who had been arriving in Malaysia before 1992.⁶⁵ The country also offered the IMM13 permits⁶⁶ issued by Malaysia's Ministry of Immigration to those who had been arriving in Malaysia as early as the 1980s and in 1992.⁶⁷

⁶² *The Daily Star*, "No More Refugees", June 13, 2012;

⁶³ Harun Ur Rashid, "Why are Rohingyas being refused entry into Bangladesh?", *The Daily Star*, June 20, 2012.

⁶⁴ Penelope Mathew and Tristan, "Refugee Protection and Regional Cooperation in Southeast Asia", *Fieldwork Report*, the Australian National University (ANU), March 2014, p.11; Nah, A.M, 'Seeking Refugee in Kuala Lumpur: Self-help Strategies to Reduce Vulnerability amongst Refugees'. Yeoh, S.G. (ed.), *The other Kuala Lumpur: Living in the shadows of a Globalising Southeast Asian city*, (London and New York, Routledge 2014), p.4.

⁶⁵ *Human Rights Watch*, "Living in Limbo: Burmese Rohingyas in Malaysia", July 2000, at http://www.hrw.org/legacy/reports/2000/malaysia/maybr008-01.htm#P244_39095 (accessed December 22, 2013).

⁶⁶ The authorities only allow to IMM13 holders to live legally and permit employment and other public services. As these are temporary in nature, the authorities renew the service on an annual basis for a fee of 90 Ringgit and it can be cancelled at the Minister's decision. See, Aizat Khairi, "Managing the Challenges of Refugees and Their Rights in Malaysia", 2012, at <http://ejournal.umm.ac.id/index.php/jshi/article/viewFile/1143/1233> (accessed March 06, 2014).

⁶⁷ In order to grant IMM13, the Malaysian government announced its decision to regularize the residency of Rohingyas in October 2004. As a result, the government

However, due to challenges from illegal immigrants such as their involvement in criminal activities, unemployment, and border threats, Malaysia reformed its 'foreign worker policy.'⁶⁸ After the Asian financial crisis in 1997, the Malaysian Government took away work permission and deported illegal immigrants. During 1991 and 1992, while about 8,000 Rohingyas fled to Malaysia, the country adopted a policy of arrest and detention, which forced many Rohingyas to go back to Thailand, which was used as a transit point between Myanmar and Malaysia.⁶⁹ It is in this context, the Malaya Government's announcement of 'zero tolerance policy' in August 2002 focused on the imprisonment of the illegal migrants. It enacted six months imprisonment for illegal immigrants which threatened both refugees and migrant workers.⁷⁰

In March 2005, the Malaysian Government launched an operation to capture undocumented migrants in the country.⁷¹ This operation was carried out under the Immigration Act of 1959/1963. The Immigration Act tightened entry rules and prohibited entry of wives who had been living apart from their husbands for a continuous period of five years after December 1954.⁷² Section 6 (3) of the Immigration Act provides that anyone found guilty of illegal entry shall be "liable to fine not exceeding 10,000 ringgit (roughly US\$ 2,800) or to imprisonment for a term not exceeding five years or to both, and shall also be liable to whipping of not more than strokes".⁷³ The country further amended the Immigration Act in

registered approximately 12,000 Rohingya refugees. See, Jera Beah H. Lego, "Protecting and Assisting Refugees and Asylum-Seekers in Malaysia: The Role of the UNHCR, Informal Mechanisms, and the Humanitarian Exception", *Journal of Political Science and Sociology*, No. 17, August 2012, p.81.

68 Azizah Kassim and Ragayah Haji Mat Zin, "Policy on Irregular Migrants in Malaysia: An Analysis of its Implementation and Effectiveness", *Philippine Institute for Development Studies Project Report*, December 2011, p.19.

69 Chris Lewa, "The Rohingya: Forced Migration and Statelessness", February 28, 2001, at <<http://www.ibiblio.org/obl/docs/Rohingya.F-M&Statelessness.htm>> (accessed August 4, 2014).

70 "The Situation of Refugees", June-December, 2002, at <<http://www.ibiblio.org/obl/docs/yearbooks/14.%20The%20Situation%20of%20Refugees.htm>> (accessed on August 12, 2013).

71 *Refugee International*, "Malaysia: Government Must Stop Abuse of Burmese Refugees and Asylum Seekers", May 23, 2007, at <<http://www.refintl.org/policy/field-report/malaysia-government-must-stop-abuse-burmese-refugees-and-asylum-seekers>> (accessed February 15, 2013).

72 Amarjit Kaur, "International Migration and Governance in Malaysia: Policy and Performance", *UNEAC Asia Papers*, No.22, 2008, p. 07.

73 Jera Beah H. Lego, "Frameworks for the Protection of Refugees and Asylum-Seekers in Malaysia and Thailand: Implications and Prospects", *ICIRD*, 2012, at

1997 and 2002 to enact harsh penalties for the violation of immigration rules. Under that policy, Malaysian police, army, and immigration officials regularly checked passports at Kuala Lumpur's streets which led to the arrest and deportation of those Rohingyas who arrived the country without a valid travel document.⁷⁴

Nevertheless, Malaysia granted some Rohingya refugees after 2000.⁷⁵ In October 2004, Malaysian Government announced its policy to regularize the residency of Rohingyas. The registration process for IMM13 permits began on August 1, 2006 for about 12,000 Rohingyas under this procedure. Later, that policy had not been fruitful because the registration process was performed by few Rohingya community representatives rather than the UNHCR. The registration process was suspended within 17 days following the allegation of corruption and fraud and had not been started again ever since.⁷⁶ However, some 11,000 Rohingya refugees were registered for temporary protection with the assistance of the UNHCR at Kuala Lumpur at the end of 2005. The Government showed its willingness to provide work permission and to follow smooth deportation process without any fear of arrest and detention from the law enforcement agencies.⁷⁷ The Malaysian authorities also granted temporary protection to 12,133 Rohingyas till March 2008.⁷⁸

Despite having some positive initiatives, the Malaysian Government does not recognize refugees and the country has no legal or administrative framework for the protection of refugees.⁷⁹ Malaysia lacks formal mechanisms for granting asylums or registering refugees.⁸⁰ Malaysia's former Foreign Minister said, "We

<<http://www.icird.org/2012/files/papers/Jera%20Beah%20H%20Lego.pdf>> (accessed on April 02, 2014).

74 Amarjit Kaur, "Refugees and Refugee Policy in Malaysia", *UNEAC Asia Papers*, No. 18, 2007, pp. 81-87.

75 UNHCR, "Malaysia Grants Temporary Stay to Rohingya Refugees", November 02, 2004, *Briefing Notes*, at <<http://www.unhcr.org/4187652b4.html>> (accessed June 05, 2014).

76 Chris Lewa, "Trapped in a Cycle of Flight: Stateless Rohingya in Malaysia", January 2010, *The Equal Rights Trust*, UK, p.35.

77 Mohd Hamdan Adnan, "Refugee Issues in Malaysia: The Need for a Proactive, Human Rights Based Solution", *Malaysian Journal on Human Rights*, Vol. 6, No. 11, 2012, p.27.

78 Chris Lewa, "Asia's New Boat People", *Forced Migration Review*, No. 30, June 2008, pp. 40-41.

79 *Human Rights Watch*, "World Report: Malaysia", 2013, at <<http://www.hrw.org/world-report/2013/country-chapters/malaysia>> (accessed March 08, 2014).

80 *Amnesty International*, "Abused and Abandoned: Refugees Denied Rights in Malaysia", June 2010, at <<http://www.amnesty.org/en/library/asset/ASA28/010/2010/>>

do not recognize the status of refugees. ... [W]e only allow foreigners to stay on a temporary basis after which they have to go back.⁸¹ In 2007, Malaysia's another former Foreign Minister said, "Malaysia, out of economic reasons, will not recognize refugees".⁸² Though former Home Secretary of Malaysia proposed to introduce ID cards in February 2010 only for the UN-recognized refugees, the Government has not yet taken any concrete step to install ID cards for them.⁸³

After the 2012 Rakhain State violence in Myanmar and the consequent arrival of large number of Rohingyas in Malaysia, Kuala Lumpur took strict policies to deter undocumented migrants from its territory. The Malaysian Government only provided minimum humanitarian assistance to those refugees who were recognized by the UNHCR.⁸⁴ The Malaysian police detained some 500 Rohingya Muslims.⁸⁵ The Rohingyas, who fled to Malaysia after 2012, were mostly the victims of abuse and deprivation in the hands of smugglers and human traffickers due to poor security arrangements of the Malaysian government. The UNHCR representative in Malaysia said, "We have heard accounts of ill-treatment and deprivation by smuggling networks". He added, "We have also seen growing numbers of people with acute humanitarian and protection needs, especially among vulnerable groups such as women and children".⁸⁶ However, the Government of Malaysia expressed serious concerns over persecution of Muslims caused by inter-communal violence in Myanmar.

Malaysia's Foreign Minister said,

As a member of OIC and also ASEAN [Association of Southeast Asian Nations], Malaysia is committed in helping Myanmar government to find fair and just solution to this problem. With regard to the violent attacks on the Rohingya group, bilaterally and also through ASEAN, Malaysia has urged the

en/2791c659-7e4d-4922-87e0-940faf54b92c/asa280102010en.pdf> (accessed March 9, 2014).

81 *Human Rights Watch*, 2000, *op. cit.*

82 "Malaysia Won't Recognize Refugees: FM", March 09, 2007, at <http://english.people.com.cn/200703/09/eng20070309_356000.html> (accessed March 08, 2014).

83 *Amnesty International*, 2010, *op. cit.*

84 *UNHCR*, "2014 UNHCR Country Operations Profile–Malaysia", at <<http://www.unhcr.org/pages/49e4884c6.html>> (accessed March 05, 2014).

85 *Press TV*, "Malaysian Police Detain Some 500 Rohingya Muslims", January 03, 2013.

86 *UNHCR*, "In Malaysia, Rohingya Arrivals Hope to End Cycle of Abuse, Exploitation by Smugglers", May 05, 2014, at <<http://www.unhcr.org/53677d659.html>> (accessed August 09, 2014).

Myanmar government to take immediate and concrete actions to end the violence and to bring responsible perpetrators to justice in transparent manner.⁸⁷

In summary, though the Government of Malaysia initially took liberal policy towards Rohingya refugees in 1970s-1980s, it was gradually changed afterwards due to socio-economic challenges caused by the illegal Rohingya immigrants. The country adopted several rejectionist policies against undocumented migrants, e.g. enacted the policy of arrest and detention, tightened border-entry rules and amended the National Immigration Act in order to stop the arrival of Rohingyas into the country. Following the sectarian violence in Rakhine state in 2012, Malaysian government has again adopted the realist policy towards Rohingyas.

Thailand

Thailand's official policy has never been in favor of hosting the Rohingya refugees. In 1980, former Thai Prime Minister Prem Tinsulanonda clearly mentioned a policy of not supporting Rohingyas along the Thai-Myanmar border.⁸⁸ Though Thailand had provided shelters to hundreds and thousands of other displaced people such as Karen, Karenni, Mon and Shan refugees from Myanmar, the number of sheltered Rohingyas was very low.⁸⁹ For example, the country provided shelters to almost 143,000 Karen and Karenni refugees while the number was relatively lower for the Rohingya refugees [how low? 10,000? 50,000?, give any number of or estimate].⁹⁰ Besides, Rohingyas had been termed as 'temporary displaced' instead of 'refugee' in order to clarify Thailand's unwillingness to accept them.⁹¹

87 "Statement by the Honourable Mr. Anifah Aman, Minister of Foreign Affairs of Malaysia at the Meeting of the OIC CONTACT Group on Rohingya Muslims", New York, September 24, 2013, at <<http://www.un.int/malaysia/GA/68/2013-09-24%20ROHINGYA%20STATEMENT.pdf>> (accessed August 04, 2014).

88 Kavi Chongkittavorn, 'Thai-Burma Relations', Chapter 05. IDEA, *Challenges to Democratization in Burma: Perspectives on Multilateral and Bilateral Responses*, (Stockholm, Sweden 2001), p.124.

89 Panchali Saikia, "Myanmar: Rohingya Refugees and Thailand's Push-Back – Analysis", *International Peace and Conflict Studies (IPCS) Paper*, December 31, 2011, available at <<http://www.ipcs.org/article/southeast-asia/myanmar-rohingya-refugees-and-thailands-push-back-3539.html>> (accessed June 17, 2014).

90 Panchali Saikia, "Stuck in No Man's Land: Thailand's Repatriation of Myanmarese Refugees", June 20, 2011, *IPCS*, at <<http://www.ipcs.org/article/southeast-asia/stuck-in-no-mans-land-thailands-repatriation-of-myanmarese-refugees-3411.html>> (accessed June 20, 2013).

91 Therese Caouette, Kritaya Archavanitkul, and Hnin Hnin Pyne, *Sexuality, Reproductive Health and Violence: Experience of Migrants from Burma in Thailand*, (Institute for Population and Social Science, June 2000), Thailand, p.42.

However, due to the demand of unskilled workers during the 1970s and the 1980s, the Thai Government adopted Cabinet resolutions from 1992 to 1999 that focused on the registration of illegal migrants. But those policies were not enduring. Thailand attempted to deport illegal migrants from Myanmar after facing economic crisis in 1997.⁹² According to Human Rights Watch, since 1992, Thailand took several policies. First, the Thai Government denied those refugees who would face systematic human rights abuses. Second, Thai authorities severely constrained the operational space of UNHCR to support the Rohingya refugees. Third, in order to resolve the refugee crisis, Thailand worked to promote cease-fire agreements between the ethnic insurgents and the Myanmar Government.⁹³

In January 1998, the Thai Government initiated a policy of arrest and detention of illegal migrations to maintain internal security.⁹⁴ On January 1, 2004, Thailand imposed pressure on the UNHCR to suspend screening new asylum seekers from Myanmar. Later the country stopped registering new refugees.⁹⁵ The Thai authorities also deported hundreds of Rohingyas near Ranong in southern Thailand and sent them to a detention center at Thai-Myanmar border town of Mae Sot in 2007. Therefore, the allegation of nexus between Rohingya Muslims and southern Thai Muslim separatist militants tightened law enforcement agencies' close observations of Rohingyas. It became clear when the then Royal Thai Navy Vice Admiral told to the reporters in 2007 that the authorities "were keeping a close watch on a group of Burmese Muslims called Rohingyas...they are not coming here to take up decent jobs, but only to help insurgents in the three provinces (these Rohingya mercenaries, aged between 20 and 40, have a violent past and were ready to take orders to do anything in exchange for money)".⁹⁶

92 *Ibid*, p.35.

93 "The Situation of Refugees", June-December, 2002, at <<http://www.ibiblio.org/obl/docs/yearbooks/14.%20The%20Situation%20of%20Refugees.htm>> (accessed August 12, 2013).

94 Therese Caouette, Kritaya Archavanitkul, Hnin Hnin Pyne, *op. cit.*, 15.

95 *Human Rights Watch*, "Thailand: Harsh Policies towards the Rohingyas", January 28, 2004, at <<http://www.hrw.org/news/2004/01/26/thailand-harsh-policy-towards-burmese-refugees>> (accessed May 25, 2014); Thin Lei Win, "Burmese Refugees in Thailand are Running out of Options", *The Irrawaddy*, February 22, 2014.

96 *Human Rights Watch*, "Perilous Plight: Burma's Rohingya Take to the Seas", May 07, 2009, at <http://www.hrw.org/sites/default/files/reports/burma0509_brochure_web.pdf> (accessed December 31, 2013); David Scott Mathieson, "Plight of the Demand: Burma's Rohingya", *Global Asia*, Vol. 04, No. 01, 2009, pp. 89-90.

In 2008 Thailand initiated a policy of deportation and push back of Rohingya refugees.⁹⁷ Former Thai Prime Minister announced, “To stop the influx, we have to keep them in a tough place. Those who are about to follow will have to know life here will be difficult in order that they would not sneak in”.⁹⁸ A meeting was held on November 6, 2008 among police, military, and administrative officers in Thailand in order to take additional measures for Rohingya boat people. The meeting decided that the Thai Navy will push back Rohingyas near the border zone. The responsibility was rested upon the administrative officers, Marine Police, as well as the military forces to push those Rohingyas back who were apprehended near the second zone of the border area. It was planned that the villagers would monitor the Rohingya boat people on the coast of Thailand and the nearby islands. The villagers, who would refuse to carry out their responsibility would be subjects to punishment.⁹⁹ Under that policy, a total of over 1,100 Rohingya boat people were cast to sea between December 2008 and January 2009 by Thai authorities.¹⁰⁰ Only in January 2009, a group of 126 Rohingya boat people were pushed back to sea by Thai authorities, according to Thai officials. The then Thai Foreign Ministry deputy spokesman said, “These people have been escorted out of Thailand.”¹⁰¹ Though the country temporarily stopped ‘push back’ policy, after January 2009 facing severe international condemnation, Thailand restarted the pushing back the Rohingyas in 2011.¹⁰²

After the riots of 2012, Thailand had continued a policy that was less than favorable to the Rohingyas. Men, women and children were detained in immigration detention centers at different parts of the country.¹⁰³ As per its policy, Thai authorities detained more than 1,800 Rohingyas who fled from

97 Chris Lewa, *op. cit.*, 42.

98 Wassana Nanuam, Muslims from Burma: Samak Wants Rohingya Put on an Island, *Bangkok Post*, March 29, 2008.

99 “Rohingyas: Stateless and Forgotten People”, *Fact Finding Report on the Inhuman Push Back of the Rohingya Boat People*, TACDB and Lawyers Council of Thailand, March 2009, pp.17-18.

100 Dimitrina Petrova, “The Equal Rights Trust - Universal Periodic Review Submission: Thailand and its Treatment of Rohingya Boat People”, *The Equal Rights Trust*, March 14, 2011, at <http://www.equalrightstrust.org/ertdocumentbank/Thailand_UPR_Submission_140311.pdf> (accessed April 06, 2014).

101 *UNHCR*, “Thailand says 126 Rohingya Boat People escorted to Sea Already”, January 23, 2009, at <<http://www.unhcr.org/cgi-bin/texis/vtx/refdaily?pass=463ef21123&id=497d68ff8>> (accessed March 03, 2014).

102 Dimitrina Petrova, *op. cit.*

103 *Human Rights Watch*, “Thailand: Protect Rohingya Boat Children”, January 06, 2014, at <<http://www.hrw.org/news/2014/01/06/thailand-protect-rohingya-boat-children>> (accessed March 05, 2014).

Myanmar by sea after 2012. They also intercepted and pushed back thousands more Rohingyas out to sea.¹⁰⁴ According to the report of Thai Foreign Ministry, nearly 1,000 Rohingyas were arrested in January 2013 under the charge of illegal entry and since January to August 2013, around 2,055 Rohingyas have been detained on the same accusation. Thai security forces also detained 1,752 Rohingyas for unlawful entry only on February 2014.¹⁰⁵

Table 2: Major Attempts of Thai Push-Back Policy (Dec. 2008 - Jan. 2009)

Date	Number of Rohingyas pushed back?	Means of transport used by Rohingyas	Rescued	Number of Rohingya survivors	Number of missing Rohingyas
December 18, 2008	412	4 boats, 1 barge	December 27: Little Andaman and Nicobar (India)	107	305
Dec. 29 or 30	580	4 or 5 boats	January 5: at sea by a fishing trawler, re-arrested & re-pushed back and finally rescued in Idi, Aceh	81	
			January 7: Sabang Island, Aceh (Indonesia)	193	
			January 10: Tillanchong Island, Andaman & Nicobar (India)	150	20

104 Amy Sawitta Lefevre, "Dozens of Rohingya Asylum Seekers Escape Thai Detention Center", *The Irrawaddy*, August 20, 2013.

105 *Human Rights Watch*, "Thailand: Release and Protect Rohingya Boat People", August 20, 2013, at <<http://www.hrw.org/news/2013/08/20/thailand-release-and-protect-rohingya-boat-people>> (accessed March 03, 2014); Amy Sawitta Lefevre, "After Myanmar violence, Almost 6,000 Rohingyas Arrive in Thailand", *Reuters*, February 07, 2013.

			January 13 and 14: Campbell Bay, Great Nicobar, Andaman & Nicobar (India)	130	
January 19, 2009	203	3 boats	February 2: Idi Rayeuk, Aceh (Indonesia)	198	4
Total: 3 incidents	1,195	10 or 11 boats	6 boats rescued	859	329

Source: Fact-Finding Report on the Inhuman Push-Back of the Rohingya Boat People, 2009.¹⁰⁶

The Government of Thailand reiterated its official policy of deporting illegal Rohingya immigrants. Royal Thai Police in Bangkok admitted the unofficial soft deportation policy.¹⁰⁷ Under that policy, Thai authorities voluntarily sent Rohingyas back to the Andaman Sea and also declined to provide temporary shelters or basic services for them.¹⁰⁸ The Deputy Director of the Human Rights Watch's Asia division terms the push back policy as 'beggar-thy neighbor approach' towards Rohingyas.¹⁰⁹ Thailand also uncovered a clandestine policy to remove Rohingya refugees from Thailand's immigration detention centers.¹¹⁰ Due to the policy, Rohingya refugees (?) were forced to leave the country at the earliest possible time, which eventually led most of them falling to the hands of transnational smuggling networks and human traffickers at Thailand's secret border camps.¹¹¹

106 "Rohingyas: Stateless and Forgotten People", *op. cit.*, 17-18.

107 Jason Szep and Andrew R.C. Marshall, "Special Report: Thailand Secretly Supplies Myanmar Refugees to Trafficking Rings", *Reuters*, December 04, 2013.

108 Jane Perlez, "For Myanmar Muslim Minority, No Escape from Brutality", *The New York Times*, March 14, 2014.

109 *Aljazeera*, "Myanmar Rohingya Refugees Rescued in Thailand", January 11, 2013.

110 *Reuters*, "Special Report-Thailand Secretly Dumps Myanmar Refugees into Trafficking Rings", December 04, 2013.

111 *South Asia Morning Post*, "Police Rescue Hundreds of Rohingya from Camp in Thailand", January 28, 2014, at <<http://www.scmp.com/news/asia/article/1415389/police-rescue-hundreds-rohingya-camp-thailand>> (accessed April 07, 2014).

The Thai Ministry of Foreign Affairs taken a new policy named ‘help on’¹¹² after 2012 that permitted temporary shelter to Rohingyas for maximum six months¹¹³ and granted temporary protection to some 2,000 Rohingyas in immigration detention centers.¹¹⁴ Thailand’s former Prime Minister initially permitted temporary protection for Rohingyas in the country for six months until their safe repatriation to their home or a third country.¹¹⁵ As per its policy, Thai authorities provided basic humanitarian services including food, water and other supplies in order to push the boats onward to Malaysia or Indonesia without allowing them to land on Thai shores.¹¹⁶

The Thai Navy was ordered to catch those Rohingya boats that were near the Thai coast. Rohingya boat people were also ordered to remain on their own boats while providing those facilities.¹¹⁷ Thailand also granted the access of the UNHCR to the southern provinces after the influx of Rohingyas in 2012.¹¹⁸ One of the

112 Under the policy titled “help on” by Thai government, Rohingya boats are supplied with fuel and provisions on condition they sail onward.

113 Jason Szep and Stuart Grudgings, “Preying on the Rohingya”, *Reuters*, Special Report, No. 1, July 17, 2013.

114 *UNHCR*, “Six Months on, Rohingya in Thailand Struggle to Keep Hope Afloat”, August 02, 2013, at <<http://www.unhcr.org/51fbc0d66.html>> (accessed March 01, 2014). The Thai authorities also discussed proposals to create alternative centres for Rohingyas or expand the capacity to hold Rohingyas at existing immigration detention centres in Songkhla, Ranong, Prachuab Khiri Kan, and Nongkhai provinces. The former Foreign Minister Surapong Tovichakchaikul also emphasized on third country resettlement and viable solution of the crisis. See, *Human Rights Watch*, 2013, *op. cit.*

115 *Human Rights Watch*, “Thailand: End Inhuman Detention of Rohingya”, June 04, 2013, at <<http://www.hrw.org/news/2013/06/03/thailand-end-inhumane-detention-rohingya>> (accessed March 02, 2014).

116 *UNHCR*, “2014 UNHCR Country Operations Profile – Thailand”, at <<http://www.unhcr.org/pages/49e489646.html>> (accessed March 01, 2014); *Human Rights Watch*, “Thailand: Don’t Deport Rohingya Boat People”, January 02, 2013, at <<http://www.hrw.org/news/2013/01/02/thailand-don-t-deport-rohingya-boat-people>> (accessed February 14, 2014).

117 *Human Rights Watch*, “Thailand: Fleeing Rohingya Shot in Sea by Navy”, March 13, 2013, at <<http://www.hrw.org/news/2013/03/13/thailand-fleeing-rohingya-shot-sea-navy>> (accessed March 02, 2014).

118 Avigail Olarte, “Rohingyas in Peril as Thailand Struggles to Pay for Shelter”, *The Nation*, at <<http://www.nationmultimedia.com/opinion/Rohingyas-in-peril-as-Thailand-struggles-to-pay-fo-30199545.html>>, February 08, 2013. However, the *Human Rights Watch* reports that Thai authorities did not allow the UNHCR to administer the camps as well as determine refugee status in the country. See, *Human Rights Watch*, “Ad Hoc and Inadequate: Thailand’s Treatment of Refugees and Asylum Seekers, September 2012.

UNHCR's representatives in Thailand said, "The Thai authorities have agreed in principle to give us access".¹¹⁹ Thai Foreign Ministry's permanent secretary, in this regard, announced their willingness to cooperate with international humanitarian agencies, including the UNHCR, the International Organisation for Migration (IOM), and the United Nations Children's Fund (UNICEF) to provide humanitarian assistance to refugees.¹²⁰

Comparative Analysis

The country-specific descriptions on the status of Rohingya refugees in Bangladesh, Malaysia, and Thailand provide ample evidence to attempt a comparative analysis. Table 3 summarizes the three countries' official policies toward the Myanmar-origin Rohingyas.

Table 3: Host Country Attitude toward Rohingya Refugees

Duration	Subject	Bangladesh	Malaysia	Thailand
Policy of States before 1992	Recognition	Initial acceptance	Initial acceptance	Non-acceptance
	Shelters	Built up 20 refugee camps at Cox's Bazar and Bandarban districts in September 1991	Issued 'pass card' and granted six months temporary protection in 1992	Temporary shelters to mostly Karen, Karenni, Mon and Shan refugees
	Nature of Policy	Liberal	Liberal	Realist
Policy of States after 1992	Recognition	Initiated the policy of non-acceptance	Refused to recognize refugees	Denied refugees
	Shelter	Temporary shelters to only documented refugees	Shelters on temporary basis	Shelters to only recognized refugees
	International Refugee Law	Non-acceptance	Non-acceptance	Non-acceptance
	Major Policy	Repatriation, informal deportation and push back policy	Zero tolerance policy, e.g. policy of arrest and detention	Constructive engagement and clandestine policy
	Nature of Policy	Realist	Realist	Realist

119 James Hookway, "Thailand Will Allow U.N. to Vet Refugees", *Wall Street Journal*, January 16, 2013, at <<http://online.wsj.com/news/articles/SB10001424127887323468604578245344208159284>> (accessed February 23, 2014).

120 *UN Public Administration Network*, 2013, *op. cit.*

Policy of States after 2012	Aid Agencies	Refusal of aid agencies	Permission to some aid agencies	Limited permission
	Attitudes towards Rohingyas	Treated as stateless migrants	Treated as stateless migrants	Treated as stateless migrants
	Resettlement	Suspension of resettlement	Refusal of the registration and resettlement of undocumented Rohingya refugees	Not to open an encampment for the Rohingyas
	Shelter	Temporary shelter at BGB camps	Temporary shelters	Temporary shelters for six months
	Attempts of Law Enforcement Agencies	Arrest, detention, deportation and push back	Targeting refugees for arrest, detention, and deportation	Soft deportation and push back
	Humanitarian Treatment	Providing food and medicine before sending them back	Humanitarian assistance at reduced rate	Providing food, water and humanitarian care before pushing them back to sea
	Major Policy	Closed door and push back policy	Strict policy i.e. arrest and detention	Deportation, push back and help on policy
	Nature of Policy	Realist	Realist	Realist

Source: Author

As table 3 shows, before the 1990s, Bangladesh and Malaysia followed a liberal policy in dealing with the Rohingya crisis. In order to protect the refugees, the Government of Bangladesh built refugee camps in border areas, provided temporary shelters and other humanitarian assistance to Rohingya refugees mentioned earlier. The country recognized 258,000 Rohingyas as ‘refugees’ in 1991 under its executive order. Bangladesh also called on the assistance of the UNHCR for providing humanitarian aid to Rohingyas as well as attempted to resolve the crisis with the support of the UNHCR.¹²¹ Similarly, Malaysia was also supportive to Rohingya refugees in the pre-1990 period. The government permitted basic humanitarian assistance as well as issued pass card for their temporary protection.

The liberal Rohingya policy of Bangladesh and Malaysia was mostly driven by humanitarian needs of the refugees. Before the 1990s, the government as well as the people of Bangladesh had soft attitude to Rohingyas mainly for humanitarian

¹²¹ Delwar Hossain, 2010, *Op cit.*, p. 103

reason that relates to liberal approach.¹²² States' foreign policies derived from ensuring basic humanitarian needs rather than emphasizing on national interests. Therefore, granting the role of international humanitarian organizations, both Bangladesh and Malaysia justified the necessity of international regimes to promote peace and social cooperation.

Unlike Bangladesh and Malaysia, Thailand did not initially accept the arrival of Rohingya refugees into the country. The Thai Government provided shelters to hundreds and thousands of other displaced people including Karen, Karenni, Mon, and Shan refugees from Myanmar, but the Rohingyas were mostly excluded from such protection.¹²³

After the 1990s, the policies of all three countries towards Rohingya refugees became quite similar. Specially, the role of Bangladesh was mostly critical in dealing with Rohingya refugee crisis.¹²⁴

A strategy of deportation and forceful repatriation of Rohingyas was adopted by all of these Asian nations. This was evident in the zero tolerance policy which focused on pushing back the refugees from the maritime border areas.

A close look at the most recent state policies in the three countries suggest that they have prioritized national interests rather than humanitarian needs of the Rohingyas. As a result, all these three countries undertook rational foreign policies to reduce traditional and non-traditional security challenges. For example, Bangladesh's former Foreign Minister raised serious concern over the presence of 400,000 illegal Rohingya refugees in Bangladesh.¹²⁵ Considering security threats, Bangladesh refused to accept any more Rohingyas in the country.¹²⁶ Bangladesh maintained realist stance through arrest, detention, closed

122 Author's interview with an academician from the University of Dhaka on December 9, 2015.

123 Paul Chambers, "Thailand Must End Its Own Rohingya Atrocity," *The Diplomat*, October 23, 2015.

124 Delwar Hossain, 2010, *Op cit.*, p. 95.

125 This is statement of the former Foreign Minister of Bangladesh. See, *Human Rights Watch*, "Bangladesh: Open Borders for Refugees Fleeing Burma", 12 June 2012, at <http://www.refworld.org/publisher_HRW/4fdcab92,0.html> (accessed June 22, 2013).

126 *The Equal Rights Trust*, "Burning Homes, Sinking Lives: A situation report on violence against stateless Rohingya in Myanmar and their *refoulement* from Bangladesh", June 2012, at <<http://www.equalrightstrust.org/ertdocumentbank/The%20Equal%20Rights%20Trust%20-%20Burning%20Homes%20Sinking%20Lives.pdf>> (accessed April 03, 2014). Rohingyas are threatening the security of

door, and push back policy. The priority over national security makes a sharp departure from the country's humanitarian approach towards Rohingya refugees.¹²⁷ Similarly, both Thai and Malaysian governments perceived Rohingyas as threat to their national security for the rise of separatist insurgency, human trafficking, and drug smuggling in border areas that are also driven by national security approach.¹²⁸

The major sources of international refugee laws are the 1951 Convention relating to the Status of Refugees or its 1967 Protocol, the 1954 Convention Relating to the Status of Stateless persons or the 1961 Convention on the Reduction of Statelessness. The core international humanitarian laws are the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic Social and Cultural Rights (ICESCR), the Convention against Torture and other Cruel, Inhuman or Degrading treatment or Punishment (CAT) or the Convention on the Elimination of Racial Discrimination (CERD), and other treaties.¹²⁹ Neither Bangladesh, nor Malaysia and Thailand are parties to the core international refugee laws including the 1951 Convention and its 1967 protocol.¹³⁰ They also lack any domestic legal instrument guaranteeing the protection of stateless and refugee population. They have only ratified some international human rights laws. This legal deficits have perhaps shaped the realist state-centric 'push-back' policy of Rohingya refugees.

Bangladesh spreading insurgency, smuggling, piracy, terrorism, human trafficking, illegal activities in the border areas and deteriorating law and order situation. Lt Col Zahid Hasan, former BGB commanding officer at Teknaf, said, "As Rohingyas are getting involved in local agriculture, trade, commerce and most importantly in criminal offences, their intrusion will emerge as a security threat to the local Bangladeshi community and of course to our sovereignty." See, *The Daily Star*, "Rohingyas Gaining Influence", March 17, 2014.

127 C.R Abrar, 2014, *op.cit.*

128 Nyi Nyi Kyaw, "Myanmar's Forgotten People", *Forced Migration Review*, No. 30, June 2008.

129 Hema Letchamanan, *op. cit.*, 89.

130 UNICEF, "Convention and Treaties Ratified by Bangladesh", at <http://www.unicef.org/bangladesh/Child_Rights_Convention.pdf> (accessed December 12, 2013); Hema Letchamanan, "Myanmar's Rohingya Refugees in Malaysia: Education and the Way Forward", *Journal of International and Comparative Education*, Vol. 2, Issue 2, 2013, p.88; Esther Kiragu, Angela Li Rosi and Tim Morris, "States of denial: A Review of UNHCR's Response to the Protracted situation of Stateless Rohingya Refugees in Bangladesh", *PDES*, December 2011, at <<http://www.unhcr.org/4ee754c19.pdf>> (accessed February 21, 2014). Inge Brees, "Burden or Boon: The Impact of Burmese Refugees on Thailand", *The Whitehead Journal of Diplomacy and International Relations*, Vol. 11, No. 01, Spring, January 2010, p.36.

Table 4: International Refugee Laws and the Status of Countries Hosting Rohingya Refugees

International Refugee Laws	Bangladesh	Malaysia	Thailand
1951 Refugee Convention	Not signed	Signed but not ratified	Not signed
1954 Convention on Stateless Persons	Not ratified	Not ratified	Not acceded
1967 Refugee Protocol	Not signed	Not signed	Not signed
1961 Statelessness Convention	Not signed	Not signed	Not acceded

Table 5: International Human Rights Laws and the Status of Countries Hosting Rohingya Refugees

International Human Rights Laws	Bangladesh	Malaysia	Thailand
ICCPR	Ratified	Not ratified	Acceded
ICESCR	Not signed but ratified	Signed but not ratified	Not signed but acceded
CAT	Ratified	Not signed	acceded
CERD	Ratified	Not ratified	Ratified

Policy Recommendations

Several policy recommendations flow from the above discussions. First, on the subject of burden sharing, primary responsibility obviously goes to Myanmar. As Myanmar denies citizenship right to its Rohingyas population, there is little hope for the Rohingyas to receive protection in their country of origin.¹³¹ Particularly,

131 Since the independence of Myanmar in 1948, Myanmar had recognized Rohingyas as a distinct indigenous ethnic group not as citizen of Myanmar. See, Syeda Naushin Parnini, Mohammad Redzuan Othman and Amer Saifude Ghazali "The Rohingya Refugee Crisis and Bangladesh-Myanmar Relations", *Asian and Pacific Migration Journal*, Vol. 22, No.1, 2013. Myanmar's military junta operated a large-scale program named 'Operation Dragon King' (Naga-Min) in February 1978 that led to mass killing and expulsion of Rohingyas from their land. See, Syeda Naushin Parnini,

Myanmar's treatment to Rohingyas as 'illegal immigrants from Bangladesh'; exclusion of Rohingyas from the census in 2014; and strong position against Rohingyas have disrupted to the proper solution of long waited crisis.¹³² An end to the Rohingyas being refugees in neighboring countries should first begin with a change in Myanmar's discriminatory state policy.

Second, the construction of Rohingya refugees as a national security threat has generated human insecurity for the Rohingyas. This was evident in the forcible expulsion of the Rohingya boat people by Myanmar's three Asian neighbours. Reversing this trend in refoulement or expulsion requires global funding and logistic supports for the host nations so that they can have an incentive to provide temporary shelter to the refugee population. The international community should also compel Myanmar to stop state-sponsored persecution of the Rohingyas, and adopt a repatriation policy to end their temporary refugee status. The voluntary repatriation needs to be incorporated so that Rohingya people can return to their country of origin with safety and dignity. The UNHCR and other international bodies must monitor repatriation and ensure local reintegration process.¹³³

Mohammad Redzuan Othman and Amer Saifude Ghazali, *op. cit.*, 136. The 1982 Citizenship Law obviously excludes Rohingyas' citizenship. The law categorises citizens of Myanmar into three sections such as 'full', 'associate' and 'naturalised'. Full citizens are those who belong to one of the 135 'national races' and to those whose ancestors settled in the country before 1823. In order to qualify for associate citizenship, under the Union Citizenship Act, a person's ancestor must have applied and been acknowledged as an associate citizen before 1982. Besides, pink colour code for full citizens; blue for associate citizens; green for naturalized citizens; and lastly, white for the foreigners were formalized leaving no place for Rohingyas. See also, Imtiaz Ahmed, "The Rohingyas: From Stateless to Refugee", 2010, at <<http://www.netipr.org/policy/downloads/20100101-From-Stateless-To-Refugees-Imtiaz-Ahmed.pdf>> (accessed February 25, 2014); Carl Grundy-Warr and Elaine Wong, "Sanctuary Under a Plastic Sheet –The Unresolved Problem of Rohingya Refugees", *Boundary and Security Bulletin*, Vol. 5, No. 3, p. 84; *Human Rights Watch*, "Living in Limbo: Burmese Rohingyas in Malaysia", July 2000, Vol. 12, No. 4, (C), at <<http://www.refworld.org/docid/3ae6a8743.html>> (accessed December 22, 2013). As per its policy of refusal Rohingyas from Myanmar, the military junta launched Military Operation, Mayu Operation, Mone-thone Operation, Combined Immigration and Army Operation, Shwe Kyi Operation, Sabe Operation February, Pyi Thaya Operation, Na-Sa-Ka Operation, Operation Clean Heart etc at different timeframes. See, Habib Siddiqui, "Genocide of the Rohingyas of Myanmar", November 05, 2012, at <<http://www.newsfrombangladesh.net/new/highlights/2315-genocide-of-the-rohingyas-of-myanmar>> (accessed September 12, 2013).

132 *BBC*, "Burma Census Bans People Registering as Rohingya", March 30, 2014; Shudepto Ariquzzaman, "A Forgotten People", *The Daily Star*, February 2012.

133 *Ibid.*

Third, the UNHCR, Amnesty International, Human Rights Watch, International Committee of the Red Cross and other national and international non-governmental organizations need to have full and free access to the detention camps in order to assist, protect and provide adequate health care to vulnerable refugees. They may also be permitted in refugee camps to reduce the threats of humanitarian crisis. As Myanmar aspires to democratize its domestic political and economic system, regional and global diplomatic efforts support the country adopting an inclusive citizenship law that respects the rights of various ethnic and religious groups.

IMPLEMENTING UPR COMMITMENTS FOR PROMOTING HUMAN RIGHTS STANDARDS IN BANGLADESH

Tamanna Hoq Riti*

Abstract

This article examines the roles of state authority, National Human Rights Commission (NHRC) and Civil Society Organizations (CSOs) to deal with new opportunities and challenges that Bangladesh has been facing after the second cycle of Universal Periodic Review (UPR) in 2013 to promote and protect human rights standards. The UPR is a new United Nations' human rights mechanism under which the human rights situation of every UN Member state is reviewed within a regular periodic system. UPR aims to improve the human rights situation of the member state where every country gets the opportunity to present what actions it has taken to improve the human rights situation. In this process, state is the prime actor to implement commitments given under this review. Despite state authority, National Human Rights Institutions and CSOs have significant role in strengthening the implementation process. As Bangladesh has completed two cycles and now is in the follow-up stage, it is high time for these three actors – State, NHRC and CSOs—to develop a comprehensive and goal-oriented roadmap for implementing UPR commitments in Bangladesh.

Introduction

The Universal Periodic Review (UPR) is a UN human rights mechanism which provides for the review of every UN Member State within a regular periodic system. It is a peer review process in order to assess the human rights situation of all the 193 UN Member countries once in every four and half years. On 29 April 2013, Bangladesh's human rights situation was reviewed during the 2nd cycle of UPR under the auspices of the United Nations Human Rights Council (UNHRC). The Human Rights Commission (HRC) of Bangladesh adopted UPR outcome document on 20 September 2013. Since then, there have been discussions at the international and national levels regarding the implementation of the UPR commitments given by the Government of Bangladesh under this process.

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The foundation of the UN in the aftermath of the largest human catastrophe during the Second World War has been seen as the major objective of the future international organization for maintaining peace and security, promoting human dignity, equity and justice for people all over the world. The preamble of the United Nations clearly articulates the nation's responsibilities for the promotion of human rights.¹ The member countries of the UN also affirmed their commitment to establish international machinery for the promotion of human rights, social and economic advancement of all people. For achieving this objective, the UN has been in an evolving nature. Over the last six decades, the UN has established human rights bodies, procedures and has adopted numbers of conventions, declarations, treaties and mechanisms. In this endeavor, the UPR is a unique and new mechanism added in the UN human rights system in 2006 by the UN General Assembly.

The UPR is designed to ensure equal treatment for every country when their human rights situations are assessed in the Human Rights Council by its forty-seven members.² It is considered to be the most important feature marking the transition from the UN Commission on Human Rights to the UN Human Rights Council (HRC).³ There was a perception that certain regions or some states were exempted by the former Human Rights Commission. Later, the HRC replaces that commission and adopted this new mechanism to dispel that conception.

The aim of the UPR is to improve the human rights situation of the member of the UN, where each country gets the opportunity to present what actions it has taken to fulfill human rights obligations. Any country can raise questions or concerns about the human rights situation of other countries and suggests

1 "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can maintain", UN Charter, available at <http://www.un.org/en/documents/charter/preamble.shtml>, accessed on 25 March 2015.

2 Universal Periodic Review, available at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>, accessed on 02 February 2015.

3 Civil Society Involvement in the UPR – The Example of Indonesia, available at http://www.fes-globalization.org/geneva/documents/HumanRights/17March08_Report_UPRIndonesia.pdf, accessed on 10 February 2015

recommendations to improve the situation. This is a unique platform where all countries; developed or developing, get equal opportunity to assess each other's human rights situations. As of now, Bangladesh has undergone this process for twice, first in 2009 and second in 2013. The process timeline can be grouped into three parts: pre-review stage; review stage; and post-review follow-up.

Currently, Bangladesh is at the third stage of the second cycle. In this stage, Bangladesh is obliged to implement its human rights commitments.

The ultimate value of the UPR lies at the implementation of the commitments fully which leads to an improvement in the situation of human rights at the national level of the country. As almost two years have already been passed, it is high time for Bangladesh to adopt a coherent, priority oriented and time-bound action plan. In this context, this article intends to explore the policy guidance and options regarding the implementation of UPR commitments in Bangladesh. In this regard, the central focus/question is that what will be the role of government, NHRC, and CSOs to implement UPR commitments in Bangladesh?

The article is divided into three sections. The first section briefly discusses the UPR process. The second section examines the involvement of Bangladesh in the UPR process and the outcome of the 2nd cycle of UPR on Bangladesh. The third section explores the role of State, NHRC, and CSOs for the implementation of UPR. The last section also discusses the possible implementation strategy of UPR outcome in Bangladesh.

Universal Periodic Review (UPR) at a Glance

The UPR is a one of the UN human rights mechanisms to review the human rights situation of the member states within a regular periodic system and to provide recommendations to overcome the existing challenges. The UPR is guided by the principles of objectivity, transparency, non-selectivity, non-politicization, and gender sensibility. Universality and objectivity of the process are ensured as countries are selected randomly for the review and all UN member states have to go through this process. The UPR mechanism was established by the General Assembly resolution 60/251 of 15 March 2006 establishing the Human Rights Council itself and elaborated in Human

Rights Council resolution 5/1 of 18 June 2007.⁴ According to Resolution 5/1, the reviews are based on:⁵

- a) Information provided by the State under review known as “National Report”- which may be presented orally or in writing. Written presentations must not exceed 20 pages. States are encouraged to prepare this information through a broad national consultation process with all relevant stakeholders, including civil society.
- b) Compilation of United Nations information, prepared by OHCHR [Office of the UN High Commissioner for Human Rights]; no more than 10 pages, a compilation of the information contained in the reports of human rights treaty bodies, special procedures and other relevant official United Nations documents.
- c) Summary or Compilation of stakeholders’ submissions, OHCHR also prepares, in no more than 10 pages, a summary of submissions provided by other UPR stakeholders (including NHRIs and NGOs and other civil society actors).

Any non-governmental organization (NGO) can individually participate in this process and can participate as member of a coalition. In the UPR system, NGO coalition are often more visible and have more impact than single NGO submissions, given the fact that NGO reports are summarized into one document and the coalition reports can have 5630 words instead of only 2815 words for individual NGO.⁶ The UPR will assess the extent to which states respect and implement their human rights obligations set out in the UN Charter, the Universal Declaration of Human Rights (UDHR), human rights instruments to which the state is party, voluntary pledges and commitments made by the state i.e. national human rights policies and applicable international humanitarian law. The UPR aims⁷ to;

4 Basic Facts about the UPR, available at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/BasicFacts.aspx>, accessed on 15 February 2015.

5 Universal Periodic Review, available at www.ohchr.org/Documents/Publications/NgoHandbook/ngohandbook7.pdf, accessed on 22 February 2015.

6 A Practical Guide to the UPR-How NGOs can influence the Universal Periodic Review Process, available at http://www.upr-info.org/sites/default/files/general-document/pdf/irect_hrhf_practical_guide_2012_e.pdf, accessed on 22 February 2015.

7 Information Note for NHRIs regarding the Universal Periodic Review Mechanism, available at www.ohchr.org/en/hrbodies/upr/pages/notenhris.aspx, accessed on 25 February 2015.

- Improve the human rights situation on the ground;
- Fulfill the state's human rights obligations and commitments and assessment of positive developments and challenges faced by the state;
- Enhance the state's capacity and of technical assistance, in consultation with, and with the consent of, the state concerned;
- Share best practice among states and other stakeholders;
- Support for cooperation in the promotion and protection of human rights; and
- Encourage full cooperation and engagement with the council, other human rights bodies and others.

The reviews are chaired by the President of UNHRC and conducted by the UPR Working Group which consists of the 47 members of the Council⁸; however any UN Member State can take part in the discussion with the reviewed states. The Working Group meets three times a year, in February, May, and December. In each session, human rights of the 16 member countries are reviewed. Each country's review process is assisted by groups of three countries, known as "troikas", who serve as rapporteurs at the review session. Troika members are selected randomly from the member of the Human Rights Council. Countries under review have the right to veto one of the troika members, and to request that one member of the troika is from its region. After exhausting all efforts to encourage a state to cooperate with the UPR mechanism, the UNHRC will address, as appropriate, cases of persistent non-cooperation with the mechanism.⁹

Since the adoption of UDHR, the UPR process is unique in many senses. It is a useful mechanism to assess state's compliance in a holistic way as it covers all human rights obligations. The UPR highlights the overall human rights situation of a country as it includes information from all sections of the society. It provides an opportunity for bringing visibility to violations and holding the state accountable. In the UPR process, member states are required to express

8 A Practical Guide for Civil Society – Universal Periodic Review, available at <http://www.ohchr.org/EN/HRBodies/UPR/Documents/PracticalGuideCivilSociety.pdf>, accessed on 01 March 2015.

9 Fact Sheet, Human Rights Council – Universal Periodic Review, available at <http://unmis.unmissions.org/Portals/UNMIS/Documents/General/UPR%20-%20Fact%20Sheet%20-%20ENGLISH.pdf>, accessed on 01 March 2015.

their position and commitments on each recommendation which may help to hold states accountable to implement the accepted recommendations and commitments. The process leads to the constant national and international monitoring¹⁰. The UPR also creates spaces for the NGOs and CSOs to participate actively and put forward their recommendations. In UPR process every country has to report back to the HRC after every four and half years on the implementation of their commitments.

Bangladesh in the UPR Process

Although Bangladesh has reservations on some part of major human rights standards, the country has given importance on the human rights values in its state policy, and has been a part of most of the UN human rights initiatives. The basic human rights principles have been articulated in the constitution of Bangladesh after its independence in 1971. The constitution of Bangladesh affirms that state has to promote democratic society in which the Rule of Law, Fundamental Human Rights and Freedom, Equality and Justice, Political, Economic and Social rights will be secured for all citizens. In Chapter III¹¹ of the Bangladesh Constitution, Bill of Rights has been introduced as Fundamental Rights. Rights enshrined in this Chapter include equality of all irrespective of religion, race, caste, sex or place of birth; equal protection of law: private life and personal liberty, non-discrimination in all matters including opportunity in public employment; safeguards as to arrest and detention; protection in respect to trial and punishment under retroactive law; freedom of movement and assembly; freedom of thought, conscience and speech; freedom of profession or occupation; freedom of religion and right to property, etc.

As a member of the Human Rights Council, Bangladesh's human rights situation was first reviewed under this process in 2009 during the 1st cycle of the process (2008-2012). After four years in 2013, Bangladesh underwent the second cycle of the Universal Periodic Review before the UN Human Rights Council in its 16th Working Group session held on 29 April in Geneva.

10 A Practical Guide to the UPR-How NGOs can influence the Universal Periodic Review Process, available at http://www.upr-info.org/sites/default/files/general-document/pdf/irct_hrhf_practical_guide_2012_e.pdf, accessed on 22 February 2015.

11 The Constitution of Bangladesh, available at: http://bdlaws.minlaw.gov.bd/pdf_part.php?id=367

According to the UPR mechanism, Bangladesh has undergone three stages of the UPR process.¹² These are briefly mentioned below:

Bangladesh in first Stage of UPR (Prior to Review)

In this stage human rights based organization and national human rights commission can submit their report individually or jointly approximately seven months in advance of the actual review. There is a general condition that the report must be prepared in wider consultation with the organizations, people, and experts working on human rights area. Individual report must be prepared within 5 pages and joint report within 10 pages. Apart from stakeholder's submission, the state needs to submit its national report six weeks before the review. Consultation with civil society and other human rights organizations must be ensured before finalizing the report. For the second cycle, the relevant stakeholders including the national and international human rights organizations, CSOs and NHRC in Bangladesh submitted their reports in October 2012. They submitted their report seven months in advance of the actual review. Bangladesh Government had submitted national report in the beginning of 2013. In this time, 27 stakeholders' reports had been submitted and for the first time the National Human Rights Commission of Bangladesh submitted its report.

In the state submitted report, the Bangladesh Government claimed that, since UPR 2009 it had passed 196 legislation most of which addressed the political, socio-economic and cultural rights of the people, especially women, children, ethnic minorities, workers, socially marginalised people etc¹³. Most notable legislations are: National Human Rights Commission Act, 2009, Right to Information Act, 2009, Small Ethnic Group Cultural Institutions Act, 2010, Domestic Violence (Prevention and Protection) Act, 2010, National Identity Registration Act, 2010, Climate Change Trust Act, 2010, Environmental Tribunal Act, 2010, Disaster Management Act, 2011, Vagrant and Homeless People (Rehabilitation) Act, 2011, Hindu Marriage Registration Act, 2012,

12 A Practical Guide to the United Nations' Universal Periodic Review (UPR) available at <http://www.ushrnetwork.org/sites/ushrnetwork.org/files/uprtoolkit.pdf>, accessed on 15 March 2015.

13 UN General Assembly: National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21 Bangladesh, A/HRC/WG.6/16/BGD/1. p. 3

Human Trafficking Prevention and Control Act, 2012, Mutual Legal Assistance in Criminal Matters Act, 2012, Control of Pornography Act, 2012. In this report Bangladesh government also mentioned that it had adopted several national policies to improve the socio-economic conditions of the citizens of Bangladesh. These are: National Child Labour Elimination Policy, 2010, National Education Policy, 2010, National Child Rights Policy, 2010, Domestic Workers Protection and Welfare Policy 2010, National Labour Policy, 2011, National Skill Development Policy, 2011, National Women Development Policy, 2011, and National Children Policy, 2011.

To comply with the UPR recommendations in 2009, Bangladesh Government mentioned it took several initiatives to strengthen institutional framework for the protection and promotion of human rights. In this regard the Government established the NHRC to oversee human rights implementation in Bangladesh. In order to improve the human rights situation, the Government expressed its commitments to enact national legislations to implement international human rights instruments in future. The Government also pledged to give particular attention to empowerment of women, children and other vulnerable sections of the population, strengthen institutions that promote human rights, democracy, good governance and the rule of law, strengthen human rights training and awareness programs and also involve NGOs, CSOs and private sector in the follow up to this UPR and in promoting human rights at all levels.

The NHRC and other civil society organizations also submitted their reports. In their reports, they pointed out the limited progress made in implementing the commitments from first cycle. They also raised their concerns about culture of impunity for the law enforcing personnel involved with extra-judicial killings in Bangladesh, lack of independence and effectiveness of the national institutions i.e. NHRC, Law Commission, Anti-Corruption Commission, intimidation from state and non-state actors to the human rights defenders, ban on publication on several newspapers and television channels, de facto restrictions on TV talk-show programs, control over the internet and social media, rights of the workers, non-recognition of the indigenous people and vulnerable conditions of other marginalized groups. The NHRC in its report stated that extra-judicial killings are critical for upholding the rule of law. It is not only the individual cases that are worrying. It is also the broader effect

such impunity has on the value system of society, and the corresponding undermining of social cohesion.¹⁴

Bangladesh in Second Stage (at the review process)

During the second stage, a three-hour Interactive Dialogue is held between the state under review and other UN member states in the Working Group session at Human Rights Council in Geneva, Switzerland. The UPR Working Group report is adopted two days after the review during a 30 minutes session of the UNHRC, containing a summary and listings of recommendations made in the course of the discussion. The NGO and CSO representatives can attend the session but they are not allowed to speak at the review session. Lobbying with other member countries of HRC on important human rights issues is the only way to make sure recommendations will be raised during the review.¹⁵ Bangladesh participated in the three-hour interactive session, held on 29 April 2013 at Geneva. In this session, the head of the state delegation, presented the Government's own evaluation of the implementation of recommendations received in 1st cycle, delegates of 97 countries commented, raised concerns and made 196 recommendations for specific actions to promote and protect human rights in Bangladesh.¹⁶ Most recommendations were made by member countries on extra judicial killings, labor rights and safety, women rights, rights of the minorities, and Bangladesh compliance with human rights mechanism.

Among the 196 recommendations, in the review session, Bangladesh Government accepted 164 recommendations without any condition. The Government took time till the plenary to give its final response on 27 recommendations as these are politically sensitive and rejected 5 recommendations related to the abolition of death penalty, repealing section 337 of penal code without any further consideration. At the Plenary session on 20 September 2013, the Government had given their final responses on the

14 National Human Rights Commission, Bangladesh: Stakeholder Report Universal Periodic Review - 2nd Cycle, p. 2.

15 Role of NGOs, available at <http://www.upr-info.org/en/how-to/role-ngos>, accessed on 20 February 2015.

16 Statement issued by the Human Rights Forum Bangladesh (HRFB), available at <http://www.askbd.org/ask/wp-content/uploads/2013/10/Final-Response-from-Bangladesh-on-the-2nd-Cycle-UPR-Recommendations-Reaction-of-the-Human-Rights-Forum-Bangladesh-HRFB-.pdf>, accessed on 2 May 2015.

pending recommendations. Regarding the rejection of four recommendations on the abolishment of death penalty, the Government responded that the provision of death penalty is maintained in Bangladesh only as an exemplary punishment for heinous crimes. Both the judiciary and administration deal with these cases of capital punishment with extreme caution and compassion, and such punishment is extended only in ultimate cases that relates to gross violation of human rights of the victims. The Government also rejected the recommendation to consider repealing article 377 of the Criminal Code (Recommendations no 131.2) and responded that the laws of the land should be in conformity with the prevalent socio-cultural norms and values of the country. Activities subject to the concerned Article in the Penal Code are not a generally accepted norm in the country.

The Bangladesh Government argued that the issue of possible ratification of the International Convention for Protection of All Persons from Enforced Disappearances (ICPED) needs to be considered in the context of Bangladesh's existing criminal justice system (Recommendation no 130.4).¹⁷ Criminal cases of kidnapping or abduction are well defined in the Bangladesh Penal Code and are treated as cognizable offences. The Government also argued that issues such as forced disappearance or extra-judicial execution are not permitted under Bangladesh's laws (Recommendations no 130.20). Any incident of death, or any form of breach of human rights in the hands of the law enforcement agencies must be accounted for within the bounds of laws. On the other hand, in response of the recommendations on signing the 1951 Convention on the Status of Refugees (Recommendation no 130.7), the Government responded that even though Bangladesh is not a Party to the 1951 Convention on the Status of Refugees and its 1967 Protocol and the 1961 Convention on the Reduction of Statelessness, Bangladesh has always adhered to the core principles of the international protection regime, including the principle of non-refoulement. Bangladesh Government also informed that it continued to host Myanmar refugees in one of the most protracted refugee situations in the world and had worked with UNHCR and partners to upgrade protection and assistance for the refugees.

¹⁷ Final Response of the Government of Bangladesh, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/157/44/PDF/G1315744.pdf?OpenElement>

The outcome document of the UPR¹⁸ on Bangladesh was adopted in that session. This session allowed member states and NGOs to submit oral statements addressing issues which had not been sufficiently addressed by the government. In their statements, human rights organizations raised concerns about the protection of the human rights defenders, freedom of expressions and recent amendments to the Information and Communication Technology Act in Bangladesh.

Bangladesh in Third Stage (Follow up)

In the stage of follow-up, the focus is on the implementation of commitments by the state concerned and other relevant stakeholders and it is the most critical stage until the next cycle as the success and effectiveness of the process depends on this stage. It is easily conceivable that the UPR has opened up new opportunities in front of Bangladesh to improve human rights conditions. According to the third stage of the review, Bangladesh needs to implement recommendations made in the UPR sessions without any further delays. In this regard, an attempt has been made in the following to highlight the role of three major actors in this process i.e. state, NHRC and CSOs for implementing UPR recommendations in Bangladesh.

Roadmap for Implementing the UPR Outcome in Bangladesh

It is argued in this section that implementation of the UPR commitment requires collective efforts of three major actors. The roles of state, CSOs and NHRC need to be envisaged to ensure comprehensive, coordinated and integrated implementation roadmap in Bangladesh. The main objective of UPR is to bring positive improvements in the situation of human rights at the national level. This section explores the roles of state, CSOs and NHRC in Bangladesh for promoting UPR recommendations.

Roles of State Authorities

It is widely stated that the state has the primary responsibility to ensure the implementation of the UPR recommendations. Civil Society, NGOs and NHRIs play a critical role in monitoring state's led implementation process and

18 Report of the Working Group on the Universal Periodic Review, available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/157/44/PDF/G1315744.pdf?OpenElement>, accessed on 02 April 2015.

lobbying, providing necessary inputs to the State. State in the post UPR follow-up process builds a strategy to implement the recommendations before the commencement of next review session. Observing the practices of the other states, we can identify some major role of Bangladesh government in the UPR follow up process. These are discussed below:

Adopting a National Plan of Action: Bangladesh should adopt a coherent, goals and priority oriented and time-bound action plan with sufficient budget allocation to booster the implementation process. Several countries such Denmark, Mexico, and Nepal have been adopted this kind of action plan. The Government can identify and include the short term, mid and long term plans in the action plan to implement the UPR recommendations at the country level.

Inter-ministerial Coordination and Appointing a Governmental Focal Point: Government can form an inter-ministerial committee who will be responsible to develop plan, take actions and involve other stakeholder in the UPR implementation process. A senior official of the ministries can be the “Governmental Focal Point” who should act as an initiator, coordinator, and monitor of the implementation process from the beginning to the end of UPR.

Signing New Treaties and Withdrawing Reservations from International Human Rights Treaties: Several States such as Argentina, Chile, Ecuador, and Switzerland have signed or ratified international human rights treaties after their UPR. Bangladesh received many recommendations on signing, ratifying or withdrawing reservations from international human rights treaties. As for example; sign and ratify the new Optional Protocol to CRC¹⁹ on a communications procedure, Consider acceding to CPED,²⁰ ratify the OP-CAT,²¹ the ICERD²² and the Optional Protocols of the ICCPR²³, the Optional Protocol to the ICESCR,²⁴ the 1951 Convention relating to the Status of

19 Optional protocol to the Convention on the Rights of the Children on a Communications Procedure (OP3 CRC)

20 International Convention for the Protection of All Persons from Enforced Disappearance (CPED),

21 Optional Protocol to the Convention against Torture (OP-CAT)

22 International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)

23 International Covenant on Civil and Political Rights (ICCPR)

24 International Covenant on Economic, Social and Cultural Rights (ICESCR)

Refugees and its Protocol, remove reservations to article 2 and article 16.1(c) of the CEDAW,²⁵ consider withdrawing its reservations on Articles 76 and 77 of the International Convention on the Protection of the Rights of the All Migrant Workers and Their Families, etc. But there is no progress in signing or ratification of new international human rights standards as well as withdrawal from existing reservations.

Bangladesh Government can initiate discussion to sign or withdraw reservations from International Human Rights Treaties. Consultations with CSOs, experts and also at Parliament can be done to accelerate this process.

Adopting New Laws and Amending Laws Necessary for Establishing the UPR Recommendations: Bangladesh can adopt new law or amend existing laws necessary to establish UPR. As for example, Senegal has voted a national law on gender equality for political parties and a law to prevent human trafficking. Mauritius has also adopted such a law, while Barbados has abolished the mandatory death penalty.²⁶ The UPR recommends²⁷ that Bangladesh should;

- Withdraw reservations to CEDAW and its optional protocol and fully implement national policies and laws on the protection of women;
- Take further steps in bringing domestic legislation and policies in line with its obligations under core human rights instruments such as the Convention against Torture and the CRPD²⁸;
- Set up an independent and impartial commission of inquiry on any alleged case of forced disappearance or extrajudicial execution;
- Enact laws for the protection of the most vulnerable groups from social discrimination;
- Ensuring constitutional and legal protections for religious minorities;
- Implement the Chittagong Hill Tracts Peace Accord; and

25 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

26 Universal Periodic Review– Civil Society Follow-Up Kit 2014 available at http://www.upr-info.org/followup/stable/Civil_society_kit.pdf

27 Report of the Working Group on the Universal Periodic Review, available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/155/20/PDF/G1315520.pdf?OpenElement>, accessed on 02 April 2015

28 Convention on the Rights of Persons with Disabilities (CRPD)

- Providing the maximum legal and professional protection to those working in the garment and handicraft professions sector.

The Government has done some positive legislation after UPR 2013. The Children Act, 2013 passed on 16 June 2013 by the National Parliament which has replaced the Child Act 1974. The new law reflects some of the provisions of the Convention on the Rights of the Child (CRC). The parliament has also passed Torture and Custodial Death (Prevention) Act in November 2013. After ratifying CAT, it is the first domestic legislation in line with the convention. “Rights of the Persons with Disabilities and their Protection Act, 2013” has also approved for ensuring rights and dignity of persons with disabilities. The act is harmonized with the Convention on the Rights of Persons with Disabilities. But despite repeated commitments from various levels there is no single step from the government to withdraw reservations from CEDAW and to amend the discriminatory laws.

Consultation with the NHRC and CSOs: HRC resolution 16/21 states that “States are encouraged to conduct broad consultations with all relevant stakeholders on the follow-up”. The Government needs to organize regular consultations with the NHRC and CSOs to engage them in the implementation process and also to have their suggestions in this regard.

Establishing a Monitoring Body: Bangladesh government should develop a cross ministerial body with representation of civil society, NHRI and other relevant institutions to ensure overall coordination and overall monitoring of the process of implementation of the national action plan. Governmental Focal Point can submit periodical advancement report to the body and the body will take necessary decisions regarding the process.

Discussion on UPR Recommendations at the National Parliament: The Government can initiate discussions at the National Parliament (Bangladesh Jatiya Sangshad) about the issues that need immediate attention and also parliamentary debates on issues that need public consultation, and make constituents aware of the pertinent issues so that informed discussions take place in constituencies. The Government can also form a “Parliamentary Caucus”. The Caucus can monitor the progress of the implementation and questions the relevant ministries on what actions are being taken to follow up the recommendations. They can provide their suggestions. They can also

initiate broader discussion at the Parliament on an issue which needs further discussion.

Submitting Mid-term Report on the Implementation: Argentina, Bahrain, Bolivia, Chile, Colombia, Ecuador, Finland, France, Japan, Mauritius, the Netherlands, Poland, Romania, Ukraine, the United Kingdom have started reporting to the HRC about their progress in the format of a mid-term report. This is a convenient way for the States to demonstrate how they intend to implement the recommendations and for civil society to measure the achievements made or the path followed by each state.²⁹

Roles of National Human Rights Institutions (NHRIs)

National Human Rights Institution (NHRI) is state body with a constitutional and/or legislative mandate to protect and promote human rights³⁰. They are part of the state's apparatus and are established and funded by the state with the specific purpose of promoting and protecting human rights at the country level. They operate and function independently from the government. The role of NHRIs is to address discrimination in all its forms, as well as to promote the protection of civil, political, economic, social, and cultural rights. Core functions of NHRIs include complaint handling, human rights education and making recommendations on law reform.³¹

NHRIs can make a significant contribution to the UPR process by providing independent, updated and credible information on their country's human rights situation. In addition, NHRIs can propose questions and issues that member states might raise during the review of the state, as well as suggest concrete recommendations that the UPR process could make to the state.³² While NHRIs are not able to take part in the Human Rights Council's review process with the state, they can attend the session as an observer. In addition, they can participate in the general debate on the report of their country's review, which occurs during the following session of the Human Rights Council.

29 Bangladesh was scheduled to submit mid-term implementation report to the HRC in January 2016 but they did not do that.

30 Roles and types of NHRIs, available at <http://nhri.ohchr.org/EN/AboutUs/Pages/RolesTypesNHRIs.aspx>, accessed on 25 March 2015.

31 <http://www.asiapacificforum.net/establishment-of-nrhis/what-is-an-nhri>

32 <http://www.asiapacificforum.net/working-with-others/un/human-rights-council/upr>

As a key national stakeholder, NHRIs also have an important role to follow-up on the implementation of recommendations made to the state through the UPR process and to monitor progress. The Paris Principles give NHRIs a mandate, powers and functions that make them ideal contributors to the UPR process.³³ The UPR process covers essential parts of the core mandate and work of NHRIs, including reporting on national situations, encouraging broad national consultations, raising awareness around human rights and United Nations (UN) processes and empowering stakeholders, and advising the State on implementation of recommendations emanating from UN processes. The General Assembly Resolution 60/251 urged the Human Rights Council to work in close cooperation with NHRIs and to ensure their most effective contribution to its work. In this regard, roles of NHRI in implementing UPR are presented below:

National Human Rights Commission Bangladesh: The National Human Rights Commission of Bangladesh (NHRC) is an independent statutory body re-constituted on 22 June 2010 under the National Human Rights Commission Act 2009, passed by the National Parliament on 14 July 2009. The commission has been established with the commitment of the accomplishment of human rights in a broader sense, including dignity, worth, and freedom of every human being, as enshrined in the Constitution of the People's Republic of Bangladesh and different international human rights conventions and treaties to which Bangladesh is a signatory. The commission has submitted report under the 2nd cycle of UPR and also attended working group session and plenary session. In the preparation of its report, the NHRC organized many thematic consultations with CSOs, experts and other stakeholders. In the post UPR period, the NHRC can contribute to strengthen the implementation process in various ways.

Engagement with the Government, CSOs and other National Institutions: The NHRC can act as a bridge between the national and international human rights systems. It can organize regular consultation, discussions and meetings with the Government and civil society representatives. The NHRC can also assist the Government to develop concrete, targeted and time-bound strategies to implement UPR recommendations. As for example, the NHRI from Rwanda

33 Ibid

worked with the Government to draft a national action plan for the implementation of UPR recommendations.³⁴ The NHRC can encourage the Government to use UPR recommendations in the development of national strategies, policies, priorities and legislative review processes. With the collaboration with CSOs, the NHRC can provide guidelines to the Government to implement the recommendations. They can also put combine pressure to the Government to take necessary steps time to time.

The NHRI of Cameroon, together with civil society organizations, successfully put pressure on the government to implement some recommendation which they had rejected, for example, on electoral reform.³⁵ In Kenya the National Commission on Human Rights (KNCHR) has worked together with the Kenya Stakeholder Coalition on the Universal Periodic Review (KSC-UPR) to prepare an advocacy tool framing the recommendations that Kenya had accepted as commitments. This advocacy tool was used to guide Government departments while they were preparing their UPR plan of action.³⁶

Using UPR Commitments in the Regular Activities: The NHRC may include UPR recommendations into their strategic plan and regular activities. In following up to the UPR, the South African Human Rights Commission (SAHRC) is mainstreaming UPR recommendations into the Commission's overall work, and aligning its work and programmes with specific UPR recommendations.³⁷

Publicizing and Disseminating UPR Outcomes: The NHRC can publish the outcome document into local language to create public knowledge and support for Government action on implementation of accepted recommendations and commitments related to those recommendations. For example, the NHRI from Rwanda translated the recommendations into the national language, Kinyarwanda.

34 NHRIs share best practices on UPR engagement, available at <http://www.upr-info.org/en/news/nhris-share-best-practices-upr-engagement>, accessed on 30 March 2015.

35 Ibid

36 National Human Rights Institutions and Universal Periodic Review Follow-up, available at <http://cfnhri.org/wp-content/uploads/2012/09/FINAL-ICC-paper-on-NHRIS-UPR-follow-up.pdf>, accessed on 01 April 2015.

37 Ibid

It can also arrange discussions, seminar, workshop on UPR and also implementation of the recommendations as part of their human rights awareness programme. NHRIs from Cameroon and Rwanda have already organized several trainings on the UPR process.

Monitoring and Reporting on the Implementation of the UPR Recommendations: The NHRC can play an important role by acting as watchdog to assess the extent to which the government has implemented their pledges and recommendations made during the UPR mechanism.³⁸

As for example, the NHRI from India organize meetings with civil society regularly to monitor implementation of the UPR. NHRIs can publish periodic reports on the progress of implementation or can also include the assessment in their annual report providing necessary recommendations to strengthen the process. They can also present report or submit oral statement in the HRC session. The NHRC can submit mid-term reports on the implementation. The Malaysian NHRI has submitted one at the HRC under item 6 General debate and Australian and Irish NHRIs have presented their reports on 21 March 2014.

Role of Civil Society Organizations (CSOs)

The role of CSOs in the process of implementation is noted by the Human Rights Council in Human Rights Council Resolution 5/1, Annex paragraph 33 as follow: “The outcome of the UPR, as a cooperative mechanism, should be implemented primarily by the State concerned and, as appropriate, by other relevant stakeholders”. Stakeholders, which are referred to in resolution 5/1, include, inter alia, NGOs, NHRIs, Human rights defenders, Academic Institutions and Research Institutes, Regional organizations, as well as civil society representatives. At the same time, the resolution 16/21 repeatedly calls for civil society participation in the follow-up and that States provide midterm reports as well. The legitimacy to involve all stakeholders in the follow-up is widely recognized to strengthen the UPR mechanism.

Bangladesh has wide array of civil society actors, including NGOs, academia, the media, trade unions, and professional groups which can work on follow-up to UPR outcomes in a number of ways. They can work with national entities

38 Ibid

(including government, parliament, the judiciary, and NHRIs) to help the state meet its obligations. Civil society in Bangladesh can act as a catalyst to promote national legislative reforms and develop national policies. They can also use UPR outcomes as a basis for dialogue with state entities and for defining its own programmes of action. Therefore, roles of civil society actors in Bangladesh are discussed below:

Publicizing UPR Recommendations: The NGOs or civil society in Bangladesh can bring the government, the NHRC and civil society reports, compilations of stakeholders' reports, Compilation of UN Information and outcome document including government responses up to the citizen's attention. Civil society can diffuse these recommendations in other human rights mechanisms to ensure that the Government is pressurized at different levels. These are as follows:

Publication in Local Language and Dissemination of the Outcome Document: CSOs can translate the outcome document in Bengali and publish that to share the issues discussed in the UPR 2013 and also to create awareness about Government's commitments and responses.

Sharing the Outcome Document at the Divisional Levels: CSOs can organize divisional level or district level meetings to share the commitments of the Government at the local level, to grow awareness and a sense of ownership among the local people, human rights activists about the UPR process.

Organizing Discussion Meeting / Round Table / Seminar: CSOs can organize meeting, round table, seminar etc with other stakeholders, like NGOs, CSOs, International Organizations, media personnel, experts, academicians, and students etc. to plan and strategize follow-up activities for the UPR implementation. Also, CSOs can include others participation in the implementation process so that they can include these accepted recommendations in their activities as well, which will create a combined pressure to the Government.

Arranging Small Group Discussions: Through the participation of the students, media personnel, human rights activists, representatives of NGOs, experts etc. - CSOs can arrange small group discussions. It can make them aware about Government's position, commitments and also Government's initiatives for the implementation.

Media Advocacy: CSOs can issue press statement on the human rights violations where State has given commitments. Preparing op-ed in regular interval on human rights violations specifying the recommendations and commitments of the Government and also highlighting the progress in the implementation process can be a part of their media advocacy. Also CSO can arrange briefing to the press about the progress of the implementation and encouraging them to publish regular news by providing relevant information. CSO can engage people, especially youths, through social media platforms to spread the commitments, to educate the public, and thus put pressure on the government to fulfill its UPR obligations.

Planning a Roadmap for Implementation: NGOs and NHRIs should select the recommendations they want to work on- based on their priorities, and issues of interest. Organizations and institutions can draft plans and roadmaps on how to implement those recommendations. A CSO or NGO can cluster the recommendations and develop roadmap based on the clustering. In Bangladesh, a coalition working on the UPR implementation can -

- Cluster the recommendations and pledges under some major defined human rights themes (selected) on which they want to do advocacy: Civil and Political Rights, Economic, Social and Cultural Rights, Rights of Specific Groups (women, children, persons with disabilities and other specific groups) etc. and identifying focal organizations working on that thematic area who can draft or develop a roadmap or action plan on how to implement the accepted recommendations and commitments on that area. As they have expertise in specific areas, they are well placed to know how to achieve results.
- Based on these roadmaps of the thematic issues, organize some thematic discussions where the roadmap will be shared in front of the CSOs, NGOs, Media specially the NHRC and Government of Bangladesh (GoB).
- Sending the discussions or outcome to the relevant ministries and follow up. They can also draft an outcome charter detailing the responsibilities of each Ministry and governmental agency, the timeline to implement, and indicators of achievement and share that with the Government.

Consultation with the National Human Rights Commission (NHRC): After receiving the final outcome, CSOs can have consultation with NHRC to know

their planning regarding the UPR Follow up, to know about their working strategy and to identify areas for joint Collaboration. CSOs need to have regular consultation with NHRC and also need to engage NHRC in their follow up process. They can jointly place policy recommendations to the Government.

Consultation with State in the Implementation Process: After the adoption of outcome document, the CSOs can initiate dialogue with the Government for adopting a “National Plan of Action” for the implementation of UPR recommendation with specific and time bound commitments in consultation with CSOs. They also can lobby with the Government for assigning a “Government Focal Point” on UPR, for appointing an “Inter-Ministerial Committee” etc. They can also drive their efforts to advocate for adopting new laws and policies, making necessary amendments in the laws and policies related to the recommendations.

Monitoring the Implementation Process: CSOs should monitor government progress closely and give their opinion time to time. NGOs with ECOSOC status and NHRC in Bangladesh can report to the Human Rights Council and other mechanisms about the progress made by the state in implementing the recommendations. At the Human Rights Council, they can make oral or written statements under the general debate. CSOs in Bangladesh can prepare status report and mid-term assessment report on the implementation focusing how much progress the Government has been made to implement the recommendations. They can organize Human Chain, Press Conference, Seminar or Discussion on an incident of HRV highlighting Government Commitments in UPR.

Conclusion

At the end of the discussion, it is imperative to mention that until the next UPR session to be held in January 2018, there is no strong obligation for the state to inform the implementation of the recommendations to the world communities. Also, the UPR lacks precise guidelines or directives regarding the way in which follow-up should take place. In this backdrop, a comprehensive road-map should be developed by each of the country including Bangladesh in consultation with the NHRC, CSOs, and other stakeholders to booster the implementation process. Otherwise, the main objective of this process will not be fulfilled and it will be a mere exercise which has no real value. The

Government of Bangladesh therefore will have to bear the liabilities for not fulfilling its commitments in the next UPR session. That is why the Government should act immediately to finalize its strategy for fulfilling commitments. Responsibilities should be divided among the ministries to execute the action plan effectively. An inter-ministerial body with representation of NHRC, civil society and NGOs need to be established to ensure overall coordination and monitoring of the implementation process. CSOs, NGOs and NHRC can play the role of the watchdogs. They can monitor the implementation process, provide inputs to the Government, and prepare status or assessment report on the implementation of the commitments detailing with the progress made and challenges still remaining. A collective effort is necessary to ensure comprehensive, coordinated and integrated UPR follow up in the country and the Government needs to take the lead.

RIGHTS AS CONTESTED DISCOURSE IN GLOBAL DEVELOPMENT CONCERN*

Tanima Sultana**

Abstract

Although some Bangladeshi children enjoy a cheerful childhood, many of them get troubled by either study pressure or poverty. In our culture, children and adolescents have a vast difference in social position as Rabindranath Tagore adorably draws adolescence as 'evil' in his story *Chhuti*. Now adolescents are claiming separate rights from children as an active part of development. It is excellent that every child and adolescent informant was found to know about her/his right of education. Although the rate of regular school going children and adolescents has increased, some of them are not interested to study despite having opportunity to get free education. Though Bangladesh has a great achievement of MDG award 2010 for reducing child mortality rate, it does not mean that proper health rights of living children are ensured everywhere. Gender discrimination among adolescents is very clear in providing rights of leisure and amusement. An adolescent girl means a mature one compared to a boy of same age, yet in Bangladesh culture girls are more deprived of their rights than their counterparts. Children and adolescents think that ever-increasing pressure of study and terribly growing competitive mentality of guardians are spoiling their right to leisure. Like many other 'developing' countries, poverty works against achieving rights of children and adolescents in Bangladesh. Though many rights based development efforts are currently being taken, rights are not well defined and conceptualized yet; it is a contested discourse. To ensure child and adolescent friendly environment in Bangladesh, it is necessary to coordinate government and NGOs activities through proper conceptualization of the same.

1. Introduction

Bangladesh is a densely populated country with a huge portion of people living below the poverty line. It is a sorrowful reality that in Bangladesh nearly fifty percent children are living under poverty line.¹ So, poverty is the main barrier to children and adolescent development. Bangladesh is among the first twenty two UN Convention on the Rights of Children (CRC)² signatory countries of the

* The research problem is extensive and multidimensional. This paper is written from an experience of related research work.

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¹ Save the Children, Sweden- Denmark, *Shishu Odikar Kormoshuchikoron* (Child Rights Programming), Dhaka, 2009.

² UNCRC is the United Nations Convention on the Rights of the Child, setting out of the rights, standards and monitoring mechanisms for meeting all children's rights within one international human rights convention (Save the Children, *Child Rights Programming: How to Apply Rights-based Approaches to Programming*, London: International Save the Children Alliance, 2002, p. 9).

world but people of this country tend to define a child according to their own perception that developed in their socio-economic and cultural condition. Most of the people become simply familiar with the 'child rights' issues from lots of local, national and international NGO activities without having any clear concept of it. Though most NGOs' activities were needs-based until a few years ago, currently these are working on this issue focusing on Right-based approach. Although substantial research works on child rights exists, there are fewer empirical studies which focus on the issues of adolescents rights in Bangladesh from anthropological perspectives. Taking a rights-based approach in development discourse, particularly in the context of NGO programme, this research has been conducted from an anthropological point of view.

This paper aims to conceptualize rights-based approach in development activities in the context of NGOs program interventions at grassroots level. In doing so, it examines the relations between the concepts of rights and development activities; and the process of acceptance and application of different dimensions of rights as a part of socio-economic development by different NGOs. It also reviews the differences between rights and needs, and explores the existing controversies in children and adolescent rights.

This paper is divided into several parts. The first part introduces the study focus, the second presents the research methodology, and the third analyzes core concepts and theoretical approach. The fourth section examines the emergence of rights as a contested discourse. The fifth segment investigates the conditions of children and adolescents' education, health, leisure and amusements right as parts of rights discourse in global concern of development. The sixth section presents findings from field works on the status of children and adolescent rights. The last part draws some conclusions.

2. Methodology of the Study

Anthropological research is now mixing with modern gaze, which perfectly creates latest anthropological field. It is, thus, necessary to follow research methodology according to the demand of the research, in line with theoretical framework and objectives, and nature of the anthropological research.

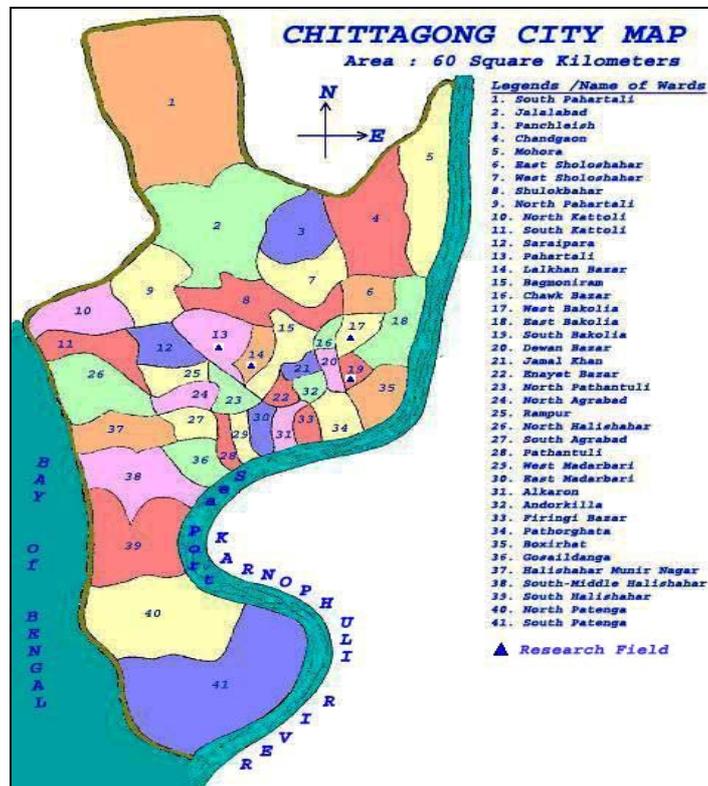
2.1 Field Site Selection

Fieldwork is the cornerstone of modern anthropology.³ Choudhury, Ahamed and Noor-E-Islam identified fieldwork as the most significant *rite de passage* for anthropologists and one of the key identifiers of the discipline.⁴ This research work is about conceptualizing the rights-based approach in the context of NGO's

³ C. R. Ember and M. Ember, *Anthropology*, New Jersey: Prentice Hall, 1988, p.204

⁴ F. H. Choudhury, F. U. Ahamed and S. Noor-E-Islam, '*Shifting frontiers of ethnographic methodology*', in *Nribigga Potrika* (Journal of Anthropology), No. 10, Dhaka : Department of Anthropology, Jahangirnagar University, 2005, pp. 109-118.

development activities. In this consideration, two NGOs named Bright Bangladesh Forum (BBF) and Bangladesh Institute of Theatre Arts (BITA) were selected. Both NGOs are implementing rights-based activities within the Chittagong City Corporation area. These organizations have been implementing development activities for the poor, disadvantaged and working children and adolescents in some wards of Chittagong City Corporation. Within the working area of these NGOs, I had selected 13 no. Pahartali ward, 14 no. Lalkhan Bazar ward, 17 no. West Bakolia ward and 19 no. South Bakolia ward under Chittagong City Corporation as my research field sites considering time, transportation and environmental aspects. Multi-sited ethnographic approach has been adopted in my fieldwork. By selecting many types of informants, I collected multi-dimensional information. Though I collected some quantitative data, I have used mainly qualitative approach in analyzing them.



Map 1: Map of Chittagong City Corporation which is showing the research field also.⁵

⁵ T. Sultana, *Conceptualization of Rights in Development Activities: NGO Perspective*, (Unpublished), Department of Anthropology, University of Chittagong. 2010.

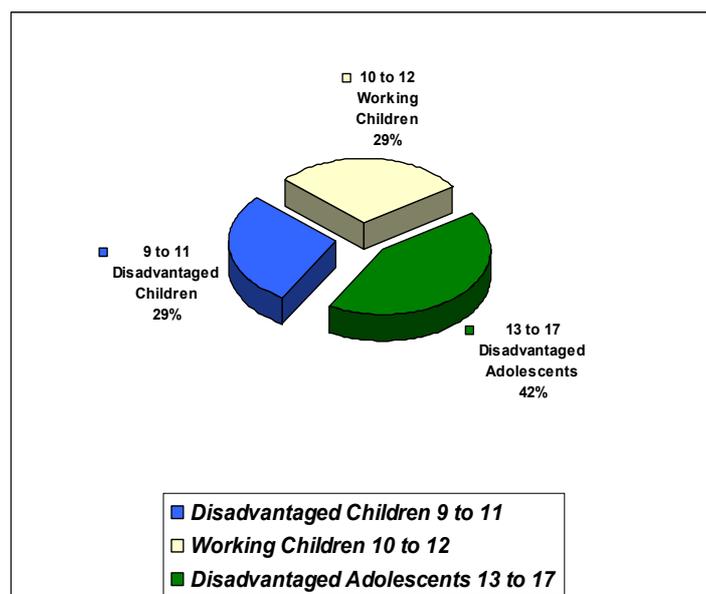
2.2 Informant Selection Process and Identity

For the purpose of this study, I selected children and adolescent recipients of NGO services. Among the children and adolescents informants some are disadvantaged children, some are working children while others are disadvantaged adolescents.

Table-1: Age Group and Type of Children and Adolescents under Study

Type	Age group	Number	Percentage
Disadvantaged children	9-11	10	28.57%
Working children	10-12	10	28.57%
Disadvantaged adolescents	13-17	15	42.86%
Total		35	100%

Figure – 1: Age Group and Type of Children and Adolescents under Study



Alongside these disadvantaged and working children and adolescents, I have also selected fifteen other informants who are related to them. Snowball sampling has been instrumental in shaping this fieldwork. Other categories of informants include: guardians, teachers and representatives of civil society.

Some of the working children are *tokai*⁶ and mostly child laborers of net factory. Some of them are students as well. Most of the disadvantaged children informants are students. Among the guardian informants, I included housewives, domestic servants, laborers, masons and driver. Among informant teachers, there are primary school teachers as well as high school teachers. I got women and men public leaders and NGO officials as informants of civil society.

2.3 Selection of Research Methods

I have selected my research methods based on the significance, objectives, and scopes of the study. A wide variety of data collection methods including informal interview, case study, focus group discussion (FGD) and participant observation were used for the purpose of this research.

After getting familiar with the concerned NGO officials, child-adolescents and their guardians, and also with surrounding environment to acquire primary knowledge, I have taken different interviews by following several checklists. Since NGO workers, teachers and civil society members are busy, it is very difficult to meet them as per my convenience. In such a situation, whenever I got opportunity I held informal interviews with them which were more applicable and appropriate for collecting information from these informant groups. I included different issues in checklist considering informant's needs according to advantages and disadvantages of informants. I have collected data through informal interviewing by way of gossiping and discussion in interval.

As I have encountered some significant events and subjects in the field, which are related with subject matter of my research, I have tried to represent a reflection of these as collected data and information through case study. I could not mention these subjects clearly by any other methods except case study. By using this method, I could generate in-depth information and substantiate these with other sets of data.

Following informal interview and case study, I have conducted three focus group discussions (FGD) representing diverse groups of children such as disadvantaged children, working children and adolescents. These are crucial for cross checking of gathered information involving large number of respondents in quick succession of time. I think, the way the FGDs were organized justified the validity of respondents' information in terms of group discussion by argument and counter argument which, in turn, significantly reduced cycles of errors and mistakes. I think, focus group discussion method filled lots of informational gaps in my research work.

Observation method carries a special significance in anthropological research. I have applied both participant and non-participant observation method on the basis

⁶ The Bengali word *Tokai* indicates the person usually small boy or girl who collect bits of things by picking up from here and there.

of situation demand of my research. I think, proper observation is very important for obtaining relevant data. As most of the informants are disadvantaged working children and adolescents and their guardians, who live in urban slums and most of their guardians are illiterate, I had to gain lot of things through observation. From starting points to last, continuous observation of my fieldwork creates opportunity to justify and analyze everything by my insight of the field. When I had felt environment as favorable, I tried to enrich data by participant observation. And when I had thought non-participant observation was suitable, I tried to use it to further enrich my information. I think, it is not possible to collect data and information properly without the utilization of methodological diversification.

3. Conceptual Analysis and Theoretical Approach

Scupin observes anthropology as the systematic study of humankind.⁷ Now, anthropology is also defined as the academic discipline that studies all of humanity from a broad perspective.⁸ Seymour-Smith mentioned about anthropology of age as a special branch of the discipline.⁹ 'Age' is an important term in understanding childhood. Childhood has a special construction in every society. Montgomery correctly argues that, childhood is heterogeneous and gender, age, birth order and ethnicity all have an impact on definitions and experiences of childhood.¹⁰ The Bengali word '*Shoishob*' or '*Shishukal*' means childhood. In Bangladesh society, it has a special meaning as Blanchet stated.¹¹ The Bengali word '*Shishu*' means child. Here the word '*Shishu*' does not refer only to the age or physical development of a child. It also refers to a child's life circumstances. '*Shishu*' indicates an innocent and dependent child who is taken care of by parents. Margaret Mead who is a proponent of culture and personality theory, is identified by Toren as one of the first anthropologists to realize that 'childhood' is culturally variable and that an understanding of how exactly a child becomes an adult is important for anthropology as a comparative study of human possibilities.¹² Two other theorists Piaget and Vygotsky, also contributed to this issue. In his theory of child development Piaget reveals that children's ideas were qualitatively different from those of adults. Vygotsky is known for his clear

⁷ R. Scupin, *Cultural Anthropology: A Global Perspective*, United States of America: Pearson, 2012.

⁸ J. Peoples and G. Bailey, *Humanity: An Introduction to Cultural Anthropology*, United States of America: Wadsworth, 2012, p. 439.

⁹ C. Seymour-Smith, *Macmillan Dictionary of Anthropology*, London: The Macmillan Press Ltd, 1986.

¹⁰ H. Montgomery, 'Children and childhood', in A. Barnard and J. Spencer (eds), *The Routledge Encyclopedia of Social and Cultural Anthropology*, Oxon: Routledge, 2010, p. 114

¹¹ T. Blanchet, *Lost Innocence, Stolen Childhoods*, Dhaka: The University Press Limited, 1999.

¹² C. Toren, 'Childhood', in A. Barnard and J. Spencer (eds.), *Encyclopedia of Social and Cultural Anthropology*, London: Routledge, 1996, p. 92.

concern to integrate history into his theory of cognitive development by focusing on language as medium of cognitive transformations. But, Toren observes that anthropologists found their work uncongenial and paid little attention to it.¹³ She also argues that in contemporary anthropology 'the child' - is understood to be an agent, actively engaged in constituting the ideas and practices that will inform its adult life.¹⁴ Montgomery mentions that child-centered anthropology has enabled anthropologists to gain new insights into children's lives and experiences, which are more important than ever as debates about childhood become increasingly central to discussions of both family and political life on personal, national and international levels.¹⁵

The beginning of adolescence is usually associated with puberty.¹⁶ Steinberg notes that, the word adolescence is Latin in origin and it derived from the verb *adolescere*, which means "to grow into adulthood" and he mentioned five types of perspectives on adolescence i.e. Biological theories, Organismic theories, Learning theories, Sociological theories and Historical and Anthropological approaches.¹⁷ According to the most important biological theorist G. Stanley Hall, adolescence is inevitably a period of storm and stress due to the hormonal changes of puberty cause upheaval, both for the individual and for those around the young person. Sigmund Freud, Erik Erikson and Jean Piaget are prominent among Organismic theorists. Freud argues that the psychic balance is upset as a result of the hormonal changes of puberty that had been achieved during the prior psychosexual stage.¹⁸ Erikson emphasizes on the development of the ego which he describes as the part of the psyche believed to regulate thought, emotion and behavior.¹⁹ As said by him the establishment of a coherent sense of identity is the chief psycho-social crisis of adolescence. Erikson shows in his model that each psycho-social crisis defines an age or stage of the life span. Another organismic theorist Piaget emphasizes on the interplay between biological and contextual forces in his theory of cognitive development.²⁰

There are two categories of learning theorists. One group, called behaviorists, highlights the process of reinforcement and punishment as the main influences on adolescent behavior. The main proponent of this view was Skinner, whose theory of operant conditioning has had a tremendous impact on the entire field of

¹³ Ibid., p. 93.

¹⁴ Ibid., p. 94.

¹⁵ H. Montgomery, 'Children and childhood', in A. Barnard and J. Spencer (eds), *The Routledge Encyclopedia of Social and Cultural Anthropology*, Oxon: Routledge, 2010, p. 116

¹⁶ R. L. Beals and H. Hoijer, *An Introduction to Anthropology*, New York: The Macmillan Company, 1966, p. 690.

¹⁷ L. Steinberg, *Adolescence*, New York: McGraw-Hill, 2005.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Ibid.

psychology. Among these perspectives, historians and anthropologists who study adolescence share with sociologists in interest, in the broader context in which young people come of age, but they take a much more relativistic stance. Historical perspectives, such as those offered by Elder, Kett or Hine, stress the fact that adolescence as a developmental period has varied considerably from one historical era to another. Inventionists, on the other hand, argue that adolescence is entirely a social invention. They believe the way in which we divide the life cycle into stages – drawing a boundary between childhood and adolescence. According to them, although puberty has been a feature of development for as long as humans have lived, it was not until the rise of compulsory education that we began treating adolescents as a special and distinct group. This suggests that social conditions, not biological givens, define the nature of adolescent development. A similar theme is echoed by anthropologists who study adolescence, the most important of whom were Ruth Benedict and Margaret Mead. Anthropologist Benedict and Mead pointed out that societies vary considerably in the ways in which they view and structure adolescence. As a consequence, these thinkers viewed adolescence as a culturally defined experience – stressful and difficult in societies that saw it this way, but calm and peaceful in societies that had an alternative vision.

The Anthropology of Human Rights discusses the way particular concepts of culture and rights are deployed in the global production and localization of human rights ideas and examine human rights as a practice, a discourse and a form of global law. As Clohesy and Kuraz argue, a right is a claim or a power.²¹ According to “world’s children”, UNCRC promotes and protects the wellbeing of all children, with an emphasis on the rights of children to survive, to develop their full potential, to be protected from abuse, negligence and exploitation and to participate in family, cultural and social life.²²

A Needs-Based Approach is a fruitful approach to acknowledge the existence of legitimate social, economic and cultural needs of individuals and groups of individuals. Most often, individuals’ social, economic and cultural needs are satisfied directly within the family and through professional and other association, or they can earn the means necessary to buy the needed goods and services available in the market. On the other hand, as has been said by Boesen and Martin, a Rights-Based Approach (RBA) to development is a framework that integrates the norms, principles, standards and goals of the international human rights system into the plans and process of development and its four concrete focus areas, which offer clear direction to these research are: most vulnerable

²¹ W. W. Clohesy and K. A. Kuraj, *Realizing Rights: A Reaffirmation of Human Rights and their virtual grounding in NGOs*, Dublin: International Society for Third Sector Research, 2000.

²² Save the Children, *World’s children*, Communications Department, Save the Children Australia, 2009.

groups, root causes, rights-holders and duty-bearers, and empowerment.²³ According to UNICEF, a rights-based approach has more significant contribution because it promotes social cohesion, integration and stability; builds respect for peace and non-violent conflict resolution; contributes to positive social transformation; focuses on cost-effectiveness and sustainability; produces better outcomes for economic development; and builds capacity.²⁴ The major consequence of this is an increasing demand to shift away from a simple needs-based approach to development thinking, such as basic minimum standards based on human needs, all rights are equally necessary for human life and dignity. One of the most fundamental dynamics of human rights, and consequently of a rights-based approach, is that every human being is a rights-holder and that every human right has a corresponding duty-bearer. Burra would like to question the framework within which needs and rights are seen as in opposition such as children have both the right to education and the need for education.²⁵

According to Lindstrom, the term 'discourse' entered in Anthropology from two directions: it is part of the language of both descriptive linguistics and cultural studies.²⁶ Beyond a common understanding that discourse involves the communication of meaning. Escobar identifies development as a discourse.²⁷ As said by White, Bangladesh becomes the object of the global development gaze.²⁸ Many NGOs are working here on diverse projects. The term Non-Governmental Organization (NGO) is used as a synonym for a private voluntary organization that offers services or material benefits to the poor and underprivileged people; which organizations are almost exclusively funded by foreign donor agencies and generally works with various groups of target beneficiaries including the urban and rural poor, the landless and disadvantaged women or children. By analyzing these core concepts on theoretical background this research tries to conduct itself in anthropological context.

²³ J. K. Boesen and T. Martin, *A Rights Based Approach: An Inspirational Guide for Civil Society*, Copenhagen: The Danish Institute for Human Rights, 2007.

²⁴ http://www.unicef.org/publications/files/A_Human_Rights_Based_Approach_to_Education_for_all.pdf

²⁵ N. Burra, "Rights versus Needs: Is it in the 'Best Interest of the Child'?", in Kabeer, Nambissan and others (eds.) *Child Labor and the Right to Education in South Asia: Needs versus Rights?*, Dhaka: The University Press Limited, 2003.

²⁶ L. Lindstrom, 'Discourse', in A. Bernard and J. Spencer (eds.), *Encyclopedia of Social and Cultural Anthropology*, London and New York: Routledge, 1998, p. 162.

²⁷ A. Escobar, 'The Making and Unmaking of the Third World through Development', in M. Rahnema and V. Bawtree (eds.), *The Post Development Reader*, Dhaka: The University Press Limited, 1997.

²⁸ S. C. White, 'Constructing Child Rights in Bangladesh: in the Global and the Local', in *Nribiggan Pottrika* (Journal of Anthropology), No.13, Dhaka: Department of Anthropology, Jahangirnagar University, 2008, pp. 159-181.

4. Rights as Contested Discourse

Right is a contested discourse, which is different according to context. This is apparent from the collected information on rights in different contexts, specifically in the context of NGOs, context of whom the rights discourse is applied, and in the contexts of guardians, teachers and civil society.

4.1 Rights as a Part of Socio-economic Development in NGO Context

Bright Bangladesh Forum (BBF) and Bangladesh Institute of Theatre Arts (BITA) were the two main NGO contexts of this research. In their context, rights are used as a part of socio-economic development. According to BBF, a right is peoples' legal acquisition that is acknowledged by any social, state and international law. Although the UNCRC terms all the human beings below eighteen years as children, the BBF's rights-based activities declared persons aged ten to sixteen years as children. They indicate that any positive change of people is development. BBF emphasizes increasing the present wage structure of working children and gives them other training for more income for the development in relation to socio-economic rights. There are many types of working children i.e. *Tokai*, in the working areas like at the bread factory, salt factory, wire factory, biscuit factory, fishery ghat, shop or tea stall. They also work as *Tempoo helper*²⁹ and at housekeeping. This organization mentioned them as "disadvantaged" because they live under extreme poverty and these children are deprived of their due rights. The BBF informed that they try to co-ordinate the necessities of socio-economic development and child rights. For example, the children are getting free admission in the school depending on their interest and necessity with the help and support of the organization. The organization is taking steps against physical, mental or sexual harassment of these children. One of the most important steps for establishing child exploitation free areas is to form Ward Development Committee by different leaders, guardians, councilors, teachers and elite persons with child representatives for protecting their rights. This organization terms child exploitation as "deprivation from child rights". Though this may be called children's development effort by their rights based activities, the organization does not directly say awareness of child rights and achievement of those rights as children's development.

Bangladesh Institute of Theatre Arts (BITA) has accepted Alternative Development Approach to add different perspectives of adolescents' rights-based development. As said by this organization, the development of adolescent is to earn the ability to take decision in time, acquire power to express opinion independently, ability to stay far from mental pressure and suffering from inferiority complex, intellectual growth for saving themselves, making separate

²⁹ *Tempoo helper* indicates the person usually a small boy who works as rent collector and generally hangs with the three wheel public transport named Tempoo.

law for adolescents, stopping torture on adolescents and find out their rights and apply these properly. For performing rights-based activities, the organization assesses children aged nine to sixteen years as adolescents. They have assessed their needs firstly and then have prepared working schedule for coordinating needs and rights. According to them, there is additional necessity to work on this specific adolescent age-group because adolescents' problems are different from those of children such as facing physical and mental challenge of puberty period, lack of proper knowledge about reproductive health etc. The goal of this organization's rights-focused activities is sustainable improvement in freedom and livelihood security for adolescents. Here, the organization favors girls' because they form the most vulnerable group. They addressed sectors of adolescents' right based activities including education, SVAW (Stop Violence against Women), active citizenship and livelihood. The organization focuses on parents, school, religious leaders, and Community Based Organizations (CBO), NGO, government, local leader, community people and business community as stakeholders. Besides this, they perform stage/ street theater for awareness building purposes.

Thus, these NGOs are trying to use rights as a part of socio-economic development. They argue that they are following rights based approach. In reality, there is little contradiction between needs and rights and these organizations try to integrate both concepts.

4.2 To Whom the Discourse Applies

This paper got different contexts of rights through these NGOs and from those whom the rights discourse is applied to. From the recipients' contexts, rights have different dimensions. Disadvantaged children identified their rights as right to survive, have food, education, recreation, love and affection, treatment etc and these should be implemented by parents or society but they do not have any clear concept of their rights. In their view, before the organizations started their activities they did not get any of the advantages that they get now, i.e., they had little opportunity of reading/ study, had no knowledge about health etc. Most of them do not have any idea of their own self-development and talk just like a parrot. Though their voter photograph and information collection was continuing for next World Child Council (WCC) election, they knew nothing about it till then.

The information which is observed from disadvantaged children is different from working children. Disadvantaged children acknowledged the role of parents in restoring their rights but working children have not mentioned about that. These children can play, read book, gossip, get free coaching etc from Children Resource Center (CRC). Despite being recipients of the same organization, the disadvantaged children informants have not got these facilities. So, they are further disadvantaged from the organization. According to disadvantaged adolescents, they have rights in their family to eat, get clothing, recreation,

education and to express their opinion in decision making process. They have rights to safety, express opinion and recreation in the society. It is observed that when they talk about rights they measure these in the assessment of needs. Adolescents said their family, members of civil society, local people and government officials should take necessary steps for restoring their rights. They think that for development, their self-effort alongside the application of their rights should be increased. Like child right and child principle, adolescent right and adolescent principle is now the demand of the time. Adolescents were reflecting the voice of the organizations but they do not know what should be their role for demanding separate adolescent rights from child rights.



Photo 1: Taking photograph of disadvantaged children for World Child Council (WCC), who have no idea about it.³⁰

4.3 Perspective of Guardians, Teachers and Civil Society

This paper also got a different context of rights from the guardians of those students whom the rights discourse is applied to. Most of them have no academic qualifications and live in poverty. In their view, what are needs are also the rights and rights based activities bring development, i.e., dropout children and adolescents can be able to start studying at school again, those who are not solvent can work alongside study and reduce poverty etc. By puppet show, theater and other recreational activities on learning, they can be kept far from different evil practices and enable them to contribute to the society. Guardians have known from the organizations that adolescents pass a difficult time of their lives, so it is necessary to take special care of them. Guardians claimed that they often lose temper and scold and slap their offspring for disobedience. They could not explain that if these are true, then how they are trying to apply the child rights. Children are punished more than adolescents. The guardians also think that extra

³⁰ T. Sultana, *Conceptualization of Rights in Development Activities: NGO Perspective*, (Unpublished), Department of Anthropology, University Of Chittagong, 2010.

love and affection might spoil their children. Usually, the matters of teenager girls such as the issue of menstruation are explained to them by their mother or motherly class aunts (i.e. khala, chachi, fufu, mami) and the matters of teenager boys such as wet dream are usually discussed openly by their fathers/uncles. But, the problem is that they don't get necessary information regarding the matter from their guardians before occurrence of the matter. According to guardians, rights of children and adolescents have increased gradually in the society.

This paper also got another context of rights from the teachers whom the rights discourse applies to. According to them, right is power to claim and source of this is the state. Primary school teachers think that the rights based activities of the children and adolescents are very necessary for social development. For them, development is described as reduced rate of torture on children and adolescents and an increased rate of their educational opportunities. As said by high school teachers, the rights-based activities for adolescents change social value positively such as adolescent girls get more opportunity of study than in the past. The teachers identify two sides of adolescents' development. These are: academic development and development in extra curricular activities i.e. debate, puppet show, theater, dance, song, recitation etc. They think that children and adolescents' future depends on achieving their rights. According to them, they are always aware about this and the environment of the school is comparatively punishment free than what was in the past.

Nowadays, civil society members are vocal in any occurrence. Two members of them helped me to realize their context. They identified rights as some advantages which are possessed by people as a member of civilized society. One councilor thinks that awareness is the pre-condition of development. Rate of development of children increases due to rise of awareness level about children's rights in the society. He further said that open discussion about children's rights is not satisfactory in the society. Another councilor also thinks that children face different problems but child punishment has reduced significantly than what was before. She told that child rights based activities can be evaluated with its effects. They also think that since application of child rights has increased these days compared to the past the other main barriers that remain include poverty and over population.

Although a lot of rights-based activities are implemented by NGOs, right is still not a well conceptualized issue. Rights discourse is not yet a clear concept to those whom this is applied to. In reality, NGOs, their recipients, guardians, teachers and members of the civil society emphasize meeting needs and recognize rights as valid claims. In spite of difference between rights and needs based activities, practical field is different and there is a struggle for coordination between rights and needs.

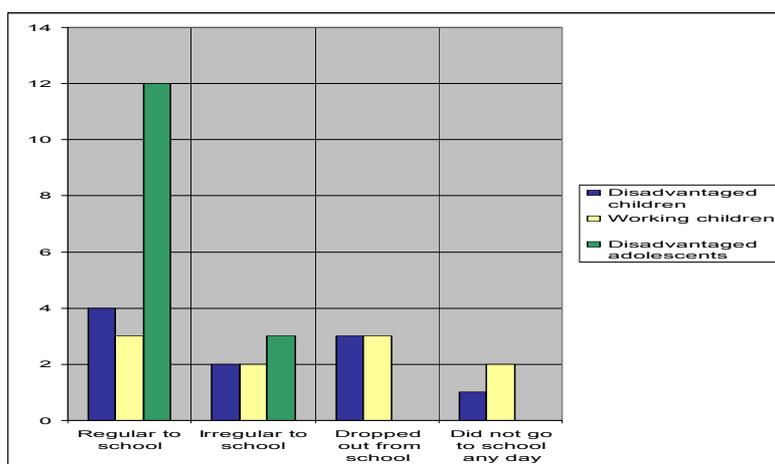
5. Rights Discourse in Global Concern of Development

In development discourse rights is a global concern. According to Hussain, the ways the governments, donors, scholars and agencies address it differ from each others.³¹ In Bangladesh, education, health and leisure and amusements have significant values as rights in most rights based activities.

Table-2: Education Status of Children and Adolescents under Study

Education status	Disadvantaged children	Working children	Disadvantaged adolescents	Number	Percentage
Regular to school	4	3	12	19	54.29%
Irregular to school	2	2	3	7	20.00%
Dropped out from school	3	3	0	6	17.14%
Never attended school	1	2	0	3	08.57%
Total	10	10	15	35	100%

Figure – 2: Education Status of Children and Adolescents under Study



5.1 Education as a Right

Getting proper education is a child right, which gets special preference than many other rights. According to the NGOs, most of their recipients' guardians are so poor that they cannot even afford the cost of minimum livings. So, their offspring drops out of school and most of them are obliged to earn money from anywhere.

³¹ A. Hussain, 'Development Practice: Looking through the Lens of Theory', in *Nribiggan Pottrika* (Journal of Anthropology), No. 12, Dhaka: Department of Anthropology, Jahangirnagar University, 2007, pp.117-127.

But a few dropout children and adolescents are observed who are not interested to go to school anymore and they try to earn money without permission of their guardian.

Teachers and their children and adolescent students said that now they have separate neat and clean toilet for girls and boys in their school, but previously these were dirty. Now, they have first aid box as well. According to adolescent girls, now there is minimum one teacher with whom they can discuss many private matters freely and get necessary support, i.e., if their menstruation occurs without any preparation or in case of preventing eve teasing. They also told that they get lesson from school to be brave to achieve these rights. A case study about preventing eve teasing told by a teacher who experienced it firsthand can be mentionable in this context:

Be Brave to Claim Your Rights

I am assistant Headmaster in this school. Some days ago, a number of our girls were going to school when suddenly they noticed that some boys were humming some bad songs and following them. Though these boys were strangers to them, within two or three days they called some girls by their names and tried to talk to them. These girls live in nearby houses. They did not talk about this to their guardians, because they were anxious that guardians would be tensed and keep the girls in home. We are teaching our girls in a friendly environment, as a result they can share some of their private problems with us. So, our girls told us about this problem and we pay close attention to solve it. We went to the leading persons of the society to inform and went to the nearest police station also. Everybody helped us very cordially. A police van was patrolling in the roads beside the school for a month for these girls' security and community people were also guarding. Within a few days eve teasing totally stopped in this area. Thus, we saved our girls from this embarrassing situation. It is their right to get education with proper safety. We teach our girls to "be brave to claim your rights".

NGOs said that they are able to ensure punishment free education in some schools by their child rights based activities. Though teachers also did say the same, the students complained that they are punished by some teachers in various ways such as scolding, hitting/striking with stick or duster, shouting etc. When I mentioned this to the school teachers, they said that sometimes a few teachers beat the students but this rate is very low. It is not clear why at first they try to hide their colleagues' crime of giving punishment to students. Though one NGO has given vocational education by giving training of electrical work, bag making, sewing, block, boutique, packet making etc for adolescents' livelihood security, most of them took more than one training and practice only one or none. So, it is a question of lack of proper development planning.

Children and adolescents have pointed out that now their instructors teach them more freely than before. For example, in home economics book of class seven, awareness of issues like menstruation are discussed. But, in the past, teachers would not deliver any lecture or facilitate any discussion about this and just asked

them read/study it at home. Although some hindrances do still exist, they mentioned that like education sector, the rights-based activities have attained other positive changes in their family and society as well. One primary school teacher told that sometimes a few guardians complained that the teachers could not control the children in their class because they did not beat the children; but as government has already prohibited this punishment system, teachers did not pay attention to these complaints. All informants reported that there were no bad effects of child rights-based activities in education sector. But one school teacher complained to an NGO worker that some students were not coming to school regularly by giving excuses of NGOs' function. So, it is debatable for guardians and teachers to give opportunity to child and adolescents to participate in such type of NGO activities and that is why this issue itself is questionable as a hindrance to children's right to education.

5.2 Health as a Right

In 2010, Bangladesh achieved Millennium Development Goal (MDG) award from the UN for success in reducing child mortality rate. Certainly, it is a great achievement but it does not mean that proper health right of living children has been ensured. As Uddin describes Bangladesh rural society's condition, poor urban slum dwellers also do not take seriously all illness yet.³² Informant children and adolescents told that they were suffering from many types of illnesses such as, fever, diarrhoea, stomach pain, cold cough, typhoid, malaria, headache, and skin diseases etc.

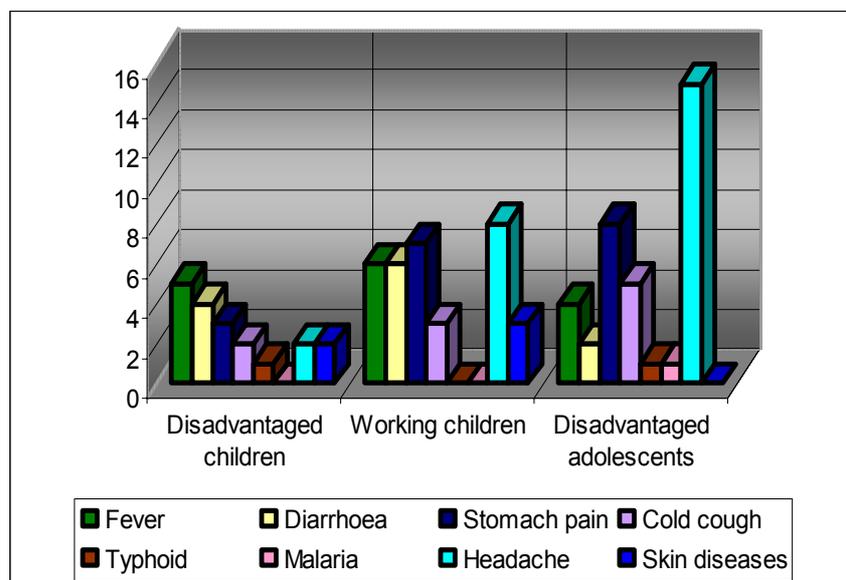
Though they said that they suffered more in the past when they did not receive any support from the NGOs, they were, however, not able to explain by which activities the NGOs were playing important role in reducing their illness.

Table-3: Illness of Children and Adolescents under Study

Type of illness	Disadvantaged children	Working children	Disadvantaged adolescents	Number
Fever	5	6	4	15
Diarrhoea	4	6	2	12
Stomach pain	3	7	8	18
Cold cough	2	3	5	10
Typhoid	1	0	1	2
Malaria	0	0	1	1
Headache	2	8	15	25
Skin diseases	2	3	0	5

³² M. A. Uddin, 'Lokoj Bishwas o Sastho Porichorjar Chirayoto Onushilon: Ekti Nriboigganic Somikkha' (Folk Reliance and Classic Health Caring Practice: An Anthropological Investigation), in *Nriboiggan Pottrika* (Journal of Anthropology), No. 9, Dhaka: Department of Anthropology, Jahangirnagar University, 2004, pp. 49-69.

Figure – 3: Illness of Children and Adolescents under Study



Though one NGO said that it gave weekly free treatment to the children, only working children recipients reportedly received support; but at the same time, other recipients of the same NGO did not receive any medicare support of any sort. Usually, these children and adolescents cannot afford to get modern medical treatment facilities due to poverty. Because, it is clear that though doctors claim themselves as service providers, they are connected with a professional group and commerciality.³³ There are some other practices like Padma Jhara, which is a kind of exorcism. They claimed that they were poor slum dwellers and they did not have enough money to go to a doctor or hospital. If they would go there, it would cost much to diagnose the disease only. As a result, they could not bear full treatment cost. They also told that if evil spirits attacked, doctors could not do anything but they would take money in the name of treatment. While, according to them, exorcism costs total three to four thousand taka. As the healer group demands it step by step, the poor people could not notice their hypocrisy, and just thought that the evil spirit was so strong that they needed more formalities.

³³ M. T. Sultana and S. Noor- E- Islam, *Chikithsa Bigganer Odhine Nari Shorir: Vinno Vinno Sreynir Oviggota* (Women Body under Medical Science: Experience of Different Classes), Dhaka: The University Press Limited, 2007, p. 63.



Photos 2 & 3: A type of exorcism named Padma Jhara³⁴

Usually, these children and adolescents take treatment from local LMF and homeopathy doctors, and take medicine from pharmacy or from a local health center. Most of them have come round through these treatments until now. Since the NGOs do not give same opportunity of free treatment for all recipients they did not mention it that they had given this for only one type of recipient, not for all recipients. So, there is a further question of deprivation for disadvantaged children and adolescents. Children and adolescents said that from school and NGO they learn about necessity of healthy food, hand wash, use of sandals and keeping themselves neat and clean. Adolescents also told that lots of

³⁴ T. Sultana, *Conceptualization of Rights in Development Activities: NGO Perspective*, (Unpublished), Department of Anthropology, University Of Chittagong. 2010.

misconceptions have been removed by getting enough knowledge about puberty period, especially experiences with menstruation or wet dream.

Uddin offers a cogent analysis of disease and illness as an inseparable part of life in Bangladesh context.³⁵ His analysis is also relevant for this study. Though recipients mention some positive changes by NGO activities in health sector, there are lots of hindrances as well. The slum environment is unhygienic with congested habitation, dirt and water logging etc. In a slum which suffers from tide water of the Karnaphuli River, the tide water comes in and mixes with dirty drain water, and water logging occurs every day, most people cannot avoid the touch of the filthy water and most children could not be stopped from bathing in dirty water. In spite of taking many health awareness related lessons, children can not control themselves also from buying and eating cheap rotten and stale cake, sweet and fruit.



Photo 4: Children are bathing in tide water mixed with drain water³⁶

5.3 Leisure and Amusement as Rights

As stated by the UNCRC, state parties should recognize the right of a child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.³⁷ As a culturally rich

³⁵ M.A. Uddin, '*Lokoj Chikithsa: Ekti Nriboigganic Somikkha*' (Folk Treatment: An Anthropological Investigation), in Trinomul Uddog (Root level attempt), 4th Year, No. 1, Dhaka 2003, pp. 109-115.

³⁶ T. Sultana, *Conceptualization of Rights in Development Activities: NGO Perspective*, (Unpublished), Department of Anthropology, University Of Chittagong. 2010.

³⁷ Manusher Jonno, *Manobadhikar o Sushason: Ekti Jatio o Antorjatik Onggikar Songkolon* (Human Rights and Good Governance: A National and International Commitment Compilation), Dhaka: Manusher Jonno Foundation, 2008, p. 48.

country, many types of amusements are practiced in leisure time in Bangladesh. But like Giani's observation, due to shaping lives in patriarchal, patrilineal and patrilocal social system children are affected by the socialization process differently according to gender lines.³⁸ Though children and adolescent boys get much opportunity to enjoy leisure, participation of adolescent girls is so restricted until now. Informant working children and adolescents have less chance to take leisure than disadvantaged children and adolescents. Within working children and adolescents, those who are involved with rag picking can take more leisure time. Boys have more leisure time than girls. In leisure time most of the girls are engaged in domestic works with their mother, while boys can do whatever they like. Children and adolescents read books, draw picture, sing song, and enjoy radio and television programs, as usual amusements during leisure time. Children and adolescent boys play many outdoor sports but adolescent girls do not. According to adolescents, NGOs use amusement as a tool of awareness building. They think among these, theater and puppet shows were most effective in gaining knowledge and spreading awareness among spectators. Mentionable topics of these shows are, why and how people must take proper care of the children and adolescents, why unity is strength to stay well protected, bad impacts of illiteracy, dowry, polygamy and child marriage, how to prevent human trafficking etc. They also gain many prizes in various competitions in such events.

All informants mentioned that children and adolescents, especially girls, enjoy more leisure and amusement opportunity than before for consciousness among guardians are raised by these NGO trainings, television and radio programs etc. Though Muslim boys are active in puppet show and theater with Hindu boys, Muslim girls are not as active as Hindu girls. So, there exist questions of equal religious acceptance. Children and adolescents also told that the increasing pressure of education and terribly growing competitive mentality are spoiling their leisure. NGOs are playing important role to engage children and adolescents' leisure time with amusement, besides spreading awareness. But it cannot be overlooked that in this sector gender discrimination is not reducing as rapidly as it is the case with education and health sectors.

³⁸ L. Giani, *Migration and education: Child migrants in Bangladesh*, Sussex Migration Working Paper no. 33, Sussex Centre for Migration Research, University of Sussex, 2006. retrieved from: <https://www.sussex.ac.uk/webteam/gateway/file.php?name=mwp33.pdf&site=252>



Photos 5 & 6: Theatre and Puppet show by children and adolescents³⁹

6. Children and Adolescent Rights: Application and Violation

Though Borbora and Das argue that, by reflecting a new vision of the child, the UNCRC defines the rights for children to develop their full potential, free from hunger and want, negligence and abuse,⁴⁰ children and adolescent rights' violation is not an isolated incident in any society a brutal example of such an incident was also observed during this fieldwork. An informant named Sultana Akhter was raped and even killed. The NGO with which Sultana was connected as a participant had mobilized the media to cover the news, helped Sultana's family to file suit with the nearest police station, organize a human chain and protest meeting etc and claimed exemplary punishment for the killer/murderer. It

³⁹ T. Sultana, *Conceptualization of Rights in Development Activities: NGO Perspective*, (Unpublished), Department of Anthropology, University Of Chittagong, 2010.

⁴⁰ J. Borbora and S. Das, 'Child Abuse: A Human Rights Perspective', in *Nrtattv: The Anthropology*, Vol. 2 & 3, No. 3 & 4. July-Dec 2012 & Jan- June 2013, Santiniketan: Department of Anthropology, Visva-Bharati, 2013, pp. 28-41.

is debatable that had the girl not been an NGO service recipient, would anybody have paid such attention to this issue? In Bangladesh society, children and adolescent rights are not only violated but also applied largely. An example of such an incident was also observed during this fieldwork which may be presented as below:

Isn't he Like My Child?

One day during fieldwork a man was seen to enter a primary school headmaster's room, holding the hand of a boy of the school. The man wanted to go to the headmaster's room. But the boy seeking mercy and uttering that he would never do such things again and requested to release his hand. The man named Md. Shukkur Ali, said that he saw the nine-year-old third grade student Joy Dash weeping in a corner of a market. After asking Joy about the matter, he told him that during leisure period he was following his friend while going home from their school. But his friend did not know that Joy was following him silently from a little distance. Joy was just following his friend out of curiosity. Suddenly, a truck came on the road blocking him from his friend. After the truck left, Joy lost his friend. Then Joy noticed that he did not recognize the road and he could not go back to school either. He felt so helpless at that time. So, he was standing in a market which is beside the road and weeping. Mr. Ali found him there, heard his problem and came to the school to help Joy return to his school safely. Mr. Shukkur Ali was a little educated. He helped poor Joy to take him to his school, by spending some time from his busy schedule. When people thanked Md. Shukkur Ali for saving Joy Dash from any unforeseen troubles, he just replied, "Isn't he like my child? If we do not do anything for our children, who will do it?"



Photograph 7: Md. Shukkur Ali (left), the headmaster (center) and Joy Dash (right)⁴¹

⁴¹ T. Sultana, *Conceptualization of Rights in Development Activities: NGO Perspective*, (Unpublished), Department of Anthropology, University of Chittagong. 2010.

7. Conclusion

Right is a contested discourse yet. People identify it by using their own outlook. Even the NGOs that accept and apply different dimensions of rights as a part of socio-economic development, do also define it differently from their respective viewpoints. Though these NGOs say that they are working according to rights based activities, practically, they are struggling to ensure coordination between rights and needs; while still there are contradictions and confusions. The concept of right is also not clear to those who are the target of development activities. So, most rights holders are not able to claim their own rights specifically.

There are lots of controversies between recognition of the rights of children and adolescents in Bangladesh society and in NGO activities as well. Different NGOs identify them from different age limits; and there is no common boundary as well. But adolescents want to gain their own rights which are different from those of children. But, especially children and adolescent girls are more discriminated than boys in education, health, leisure and amusement related rights. Socio-economic background and male dominated social system of Bangladesh makes it easy to violate girl children's rights. So, Sultana of this field also did not get her rights just like Blanchet's Hosnara.⁴² They were the 'other' in this society for two reasons: first, they were girls and second, they were poor. Like the case of Happy⁴³ many incidents of children and adolescent rights violation in Bangladesh are getting wide media coverage home and abroad. Yet, it does not, however, represents the full image of children and adolescent rights situation in Bangladesh. Like Joy Dash many poor children do also experience child friendly Bangladesh culture and heritage. Like other parts of the world child rights are also violated in Bangladesh and remarkable punishment for violence is not impossible within a short time. Bangladesh court has also already proved it by giving death sentence to six killers in two separate cases in torturing and killing of two boys named Rakib and Rajon.⁴⁴ Therefore, it is also possible to reduce the rate of prevalence of such incidents by means of giving such exemplary punishment for violence, spreading awareness and growing responsible mentality for ensuring child and adolescence friendly environment.

⁴² T. Blanchet, *Lost Innocence, Stolen Childhoods*, Dhaka: The University Press Ltd, 1999.

⁴³ Eleven-year-old former live-in maid of a Bangladeshi cricketer who is now suspended by The Bangladesh Cricket Board from all forms of cricket until further notice (<http://edition.cnn.com/2015/12/10/asia/bangladesh-maid-abuse-child-labor/>)

⁴⁴ <http://edition.cnn.com/2015/11/08/asia/bangladesh-death-sentences/> and <http://www.bbc.com/news/world-asia-34761620>

**A BEGINNER'S TAKE ON SUFI POETRY: DOES THE SUFI
LOVE TRANSCEND RELIGIOUS BORDERS TO
ENCAPSULATE HUMANITY?**

Arpeeta S. Mizan *

Abstract

Love is a dominant feature in Sufi literature. Sufi poetry portrays the diverse faces and nature of love. The major Sufi poets such as Rumi, Hafiz, Shams and Attar have talked about love in their writings. This love is considered one of the most beautiful symbolisms for the love between man and God. The Sufi literature is considered a vibrant part of Islamic literature and civilization, and hence the God found in Sufi works is considered the God as found in Islam. Yet the increasing interest of the non-Islamic world in Sufi works can show that this Islamic literature goes beyond perusing the relations between man and God and encompass the whole humanity, crossing the borders of religion to become truly universal.

Introduction

It may not be a wrong statement to say that the increased attention and discussion on the Sufi texts and ideas are largely due to the notion that Sufi poetries, as translated in western languages, often overcome their Islamic scent, that they derive a secular¹ appeal and thus men and women from any creed and faith can connect themselves to the Sufi literature.

This statement, however, can be argued to be correct if and when the Sufi literary texts are taken in their face value. Once the reader permeates through the surface to delve deeper within, s/he finds allegories and metaphors crafted in perfect nuance, creating a web of ambiguous claims and statements, often though not always insinuating confusion in the minds of readers.

The greater share of the Sufi literature deals with the notion of love. Love constantly appears in the Sufi poetry and literature in a myriad of ways.

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1 Secularism here is being used in the non-western sense, meaning preference to no specific religion, a binary to communalism, as opposed to non-religious or anti-religious. See, Ali Riaz, *God Willing*, (Rowman and Littlefield, 2004), pp. 21-22

Jalaluddin Rumi, the most common name on the international plane, closely followed by Fariduddin Attar, Shamsuddin Muhammad Hafiz and Omar Khayyam, all have written expansively on love, so that a genre of Sufi poetry has come to be known as love poems. A close speculation of these poems depicts the pure love between two actors: the lover and the beloved. The allegories and metaphors are poised in perfect nuance so as to be applicable equally to both man and man, and man and God. However, this notion of duality (both as in dual/ambiguous sense and as in dual/two actors) seems pervasive.

This puts a question in the curious reader's mind: Is Sufi poetry only meant to peruse upon the relations between (a) man and God? Or are there instances where the Sufi poems can be taken to encompass the whole humanity, going above the borders of religion and only concern with nature and humanity?

In the following pages, I elucidate what impression can the Sufi poems give to a reader who is just a reader, one who reads for the joy of reading but does not go on to conduct detailed research on what he reads. As opposed to scholarly endeavors, this type of readers is the most common. The whole endeavor focuses on the question that whether the Sufi poems can be taken to encompass the essence of humanity, transcending the narrow borders of religion (religion here referred to in the institutional and disciplinary sense).

The goal of the essay is to discern whether Sufi poems were actually meant to be limited to Muslim readers, and whether the humanity referred to by Rumi in his works is only the body possessing the true faith of Islam. In that case, the poems must be considered as in fact not meant for the uninitiated audience, a group which the average reader belongs to.

I argue that although intended for Muslim audiences, non-Muslim readers can overlook the subtle references to Islamic themes and find meaning in the more universal themes. I build my arguments on the premises that the Sufi texts were written with the Muslim audience in mind, and as such, even the texts that otherwise seem universal are actually intended to be read from an Islamic perspective. However, due to the universal characters of religion and literature, the Sufi texts can appeal to broader range of uninitiated readers, including those reading for the joy of reading but not going into detailed speculation. As opposed to scholarly endeavors, such readers are of greater number.

The paper has two parts: in the first part I analyze the nature of love as found in Sufi literature, and the latter part I analyze how this Sufi love when put in a non-Islamic context can identify and resonate with universal human appeal. In favor of my hypothesis, I refer to various texts from leading Sufi writers such as Rumi, Attar, and Hafiz, to mention a few. I will also explore some other sources to draw comparisons and make further analysis.

The Sufi Work and the Sufi Love

Before delving into my arguments further, it is pertinent to provide a brief synopsis of the texts and poems:

Jalaluddin Rumi: In *The King and the handmaiden, Mathnawi, book I*², Rumi describes how a powerful and mighty fell in love with a beautiful handmaiden and by force made her his own. But the handmaiden was lovesick for another goldsmith. Upon the failure of proud doctors, the king begged for divine providence, when god granted his wish and sent a mystical healer. The healer healed the girl and then killed the goldsmith so as to show the girl that her love was superficial.

Shamsuddin Hafiz: I take Poem LXXIV³ from the book *Hafiz of Shiraj: Thirty Poems*. The poem goes as follows:

With locks dishevelled, flushed in a sweat of drunkenness,
His shirt torn open, a song on his lips and wine-cup in hand —
With eyes looking for trouble, lips softly complaining —
So at midnight last night he came and sat at my pillow.
He bent his head down to my ear, and in a voice full of sadness
He said: "Oh my old lover, are you asleep?"
What lover, being given such wine at midnight,
Would prove love's heretic, not worshipping wine?
Don't scold us, you puritan, for drinking down to the dregs:
This fate was dealt us in God's prime Covenant.

Whatever He poured into our tankard we'll swallow:
If it's liquor of Paradise, or the wine that poisons.
A laughing wine cup, a tangle of knotted hair —
And let good resolutions, like those of Hafiz, be shattered.

2 R.A. Nicholson, *The Mathnawi of Jalaluddin Rumi*, (E.J.W. Gibb Memorial Series, V. IV, London, 1926), pp. 5-11

3 Peter Avery and John Heath-Stubbs, *Hafiz of Shiraj: Thirty Poems*, (John Murray Pub Ltd., 1952), p. 30

This poem talks about the forgetful slumbering human spirit, who is often unmindful to God's calling. It is only when that God's voice shakes man to the core that he wakes up from his sleep only sink into a stupor of love: the love for God. This stupor is shunned by the normal world, but for a Sufi, this portrays how a lover is ready to be ashamed and punished for breaking conventional behavior to reach God's closeness through love.

*Fariduddin Attar:*⁴ In *The Story of Sheikh Saman*, Attar offers a narrative of how a famous Sufi sheikh dreams of Rome, and to decipher his dream travels there. Upon arriving, he sees a Christian girl and falls madly in love with love. This madness is symbolizing man's love for god. But the poem is full of ambiguity, and at the end, the Christian girl is approached by divine ordain to embrace the sheikh's faith who selflessly loved her, thus showing triumph of Islam as the true faith.

In *Gabriel and the unbeliever*, Gabriel the archangel saw god blessing a non-believer (non-muslim). Upon his astonishment, God says that the non believer was ignorant of the proper ways of Islam, but his yearning for God was pure, this transcending the precincts of a particular established religion and seeping into human race in general.

The faithless Moslem and the faithful infidel offers a story of how in the middle of a war, a Muslim asks time to pray which the non-Muslim honors. But when the non-muslim takes his turn to pray, the Muslim wants to kill him. Then God speaks to the Muslim that even as a believer he lacked faith, whereas the non-believer kept his promise (keeping promises is a vital aspect of Islam). Upon hearing the accounts, the non-believer says his eyes are open and embraces Islam over his pagan belief.

Common features in Sufi poems

It is quite common in Sufi poems to find controversial nature of love, for example, love between the unconventional partners, contravening the societal norms, religious norms, traditions, cultures and code of conduct. In the contemporary world, where clash of cultures seem increasingly apparent, the Sufi poems can often work as a polestar to overcome the imagines boundaries and unite under the banner of humanity. But, one can question as if the

4 Fariduddin Attar, *The Conference of the Birds* (Translated by Dick Davies and Afkham Darbandi) (Penguin Classics, 1984)

examples of unconventional love were used as a suggestion for humanity, or as a suggestion to sustain the religious sanctities.

On a closer speculation, the love as found in Sufi literature can be dissected to have the following characteristics:

The Unapproachable beloved: In all the stories based on love, the lover cannot approach the beloved. The handmaiden who fell in love with the goldsmith of Samarkand (beyond her reach from the King's palace where she lived), the Roman Christian girl (because Sheikh Saman could not marry a Christian girl without breaching religious customs), God (who no man can approach conceivably), and from a certain ambiguous point of view, the sleeping human mind who can never approach the ultimate level of consciousness. All of them are distant from the lover's yearnings.

Excruciating pain of the lover: In most Sufi poems, including the ones in question, all depict extreme pain and suffering that the lover has to suffer before s/he could get a glimpse of the beloved: Majnun for Layla (the separated lovers), Zulaikha for Joseph (for Zuleikha was married to Joseph's employer), Mahmoud for the ailing Ayaz (because homosexuality is forbidden in Islamic teachings), Sheikh Saman for the Christian girl, the King for the handmaiden and the handmaiden for the smith. The suffering denotes that while the love is true, the beloved is there, sometimes known sometimes not, and even if the wayfarer knows the way to the beloved, it is not a smooth path. Often the road confuses the traveller, misleads, and makes the wayfarer suffer to the point that s/he may even doubt the love itself.

However, this pain plays a vital role in the text. The pain works as a filter through which the sincerity, depth and purity of the love is proved.

Unconventional love: The predominant love found in the Sufi texts is the unconventional love. As Rumi writes:

Whatever you see as profitable, flee from it!
 Drink poison and pour away the water of life!
 Abandon security and stay in frightful places!
 Throw away reputation, become disgraced and shameless!⁵

5 Rumi, *The Sufi Path of Love: The Spiritual Teachings of Rumi* William C. Chittick (ed.), SUNY Press, 1983, p.229

In Attar's texts, we also find the stories talk about love that contravenes the social, sexual and religious convention, such as the social superior and inferior (King and handmaiden/ Layla and Majnun, Zuleikha/Joseph), or the social rivals (Layla and Majnun are known to have been belonged to different clans), or sexually unacceptable (Rumi and Shams/ Mahmoud and Ayaz).⁶

These repeated metaphors are analogical to the life of a Sufi. The Sufis, having been initiated to the esoteric world, perceive in a way incomprehensible to the ordinary man, and hence Sufis have been doubted upon through ages. Their understandings and ways of life are not that of the ordinary people, and the Sufis do not read on the known path. Afraid of the unknown as the human nature is, the society shuns the Sufi path, and so the stories reflect the discomfort and questions Sufis face every day in their life. This is evident from the passage from Rumi, where he clearly says that if one must attain the beloved, s/he must come out of the comfort zone, challenge oneself and let go of the reputation. All these go against social norms, where people struggle to make a living and an identity. 'Attār accepted Sheikh San'ān's transgression because as a Sufi he believed any love can be true love, and that a true lover does not think about the good or evil but only desires to please the beloved.⁷ It is said that after losing Shams to social opposition, Rumi valued his stigma and even more tightly embraced his learning from Shams to write poetry, which was shameful for a scholar.

This rebellion against the convention has also gave rise to the use of imagery in Sufi poetry which is completely against conventional morality: wine and drunkenness is the most common example, where despite wine being prohibited in Islam, the wine of love and drunken ecstasy for God is praised in Sufi literature.

Destruction of ego: The love portrayed in the texts depicts an amorous feeling for the beloved where the lover is ready to give up everything for the sake of love. This readiness to become a love's destitute relates to the foregoing of the self, the *nafs*, against which every person has to fight. It is through the destruction of the self that a person can attain *fanaa* (destruction

⁶ See, Dick Davis, Introduction in *supra* n. 4

⁷ Volume 16 Issue 1 (March 2014) Article 8 Claudia Yaghoobi, "Subjectivity in 'Attār's Shaykh of San'ān Story in The Conference of the Birds", *Comparative Literature and Culture*, Vol.16 (March), 2014, pp. 2-9

of ego), and ultimately *baqaa* (the spiritual perfection, the ultimate *manzil* or goal for a Sufi), the true goal of a Sufi. Hence we find that in the Sufi poems, Qais becomes Majnun (literally meaning the lunatic) and dissolves his own self into that of Layla, or Rumi himself transforms into the spirit of Shams so as to become the poet which Shams had seen in Rumi.

Two characters: This is another striking feature in the love poems. The texts display the love between two actors, often denoting the Lover (mostly man, sometimes God) and the beloved (mostly God, sometimes man). This two-party focus of the love poems is the central discussion point in this essay. The lover is so much in love that nothing can save him from the self-destruction, not even the mankind, but the texts have not spoken about collective love for the mankind, a love which can salvage the whole mankind as a unit. It does appeal to mankind, but it invites people to act individually, for the Sufi path is a lonely path and each wayfarer has to find his or her own way. It appears that the solitude of the journey has transformed the love into a solitary affair as well. This is interesting because the Quran has numerous references where God speaks to the human race *in toto*, whereas Sufism having been rooted in Quran focuses on the individual.

Sufi poets as blessed by God: The poets in Islam are praised as being blessed by God, their gift of language is a divine gift,⁸ which shows why in most cases this gift was used for praising God and Islam. Poetry in Islam is no less than a miracle. In these poems, we find repeated reference to Allah and Prophet (PbuH), who is the guide of all the Sufis.

Two different trends in Sufi love

In these Sufi poems discussed above, a reader can notice two approaches towards God as the beloved. In the Hafiz texts, God is God, there is covert reference to Islam, and the language can be seen as universal, applicable to God Himself and to any believer, irrespective of what s/he practices. The same trend can often be noticed in Rumi's poems. When Rumi talks about love, he refers to god even less than Hafiz does. The subtlety of ambiguous application of God's presence is such that often the language partakes to the

⁸ For example, the famous poet Mirza Ghalib says: "*Heaven inspired are my poetic thoughts*, Ghalib, the scratching of the pen is the voice of an heavenly angel. "Mirza Ghalib, Nawa-E-Sarosh, (Ind-U.S. Pub., 1969)

yearnings for the beloved of flesh and blood, which in itself is an aim for the Sufi poetry.

The second trend, however, makes more direct reference to Islam as the source of the Sufi path. This group of poems makes a clear statement that in order to find the *haqiqa* (the reality), one must find God in the way Islam has ordained. In these texts, the God transforms from the universal God to the God who has clearly sent message to the people to follow Islam as the true path, *siratulmustakim*.

This is the point where the Sufi poems diverge from the notion of a universal love for the average reader. The reader finds that the texts from Attar, for example, repeatedly refer to this matter. The poems from Hallaj are more apparent and clear. The poems directly refer to the tenets of Islam, the Islamic way of life, of worship and philosophy, and mostly shows that the yearnings for love culminates into the knowledge of the *haqiqa*, hence the knowledge of Islam.

Hence the issue a reader finds her/himself dealing with is twofold:

that there is seldom any reference to collective love (by collective love I mean love addressed to or practiced by entire human race), and that there is frequent oscillation in referring to God as either God the Creator or God as perceived by Islamic theology.

What really bewilders the readers is the fact that the Sufi texts were written with the Muslim audience in mind, and as such, even the texts that otherwise seem universal are actually intended to be read from an Islamic perspective. If the hypothesis is proved, then we can deduce that the reason that the Sufi literature today appeals to the international readers is because the fantastic nuance it carries within it- the nuance which does not only create ambiguity regarding the characters but also in the audience.

We will take one poem which can be attributed to each perspective, and then try to find whether it can also accommodate the other perspective.

The literature is about God in a secular way: This is best exemplified by Hafiz's poems. These poems are highly nuanced, the focus of the lover and beloved constantly shift, each character appearing to be fit for either one. The allegories and metaphors are secular, seldom referring to Islamic texts. The

meadow and the moon,⁹ the tank, the rose and nightingale, the wind, reed, flute, pen etc. although each of these can be in a way argued to have traced back to Quran, but it can be rightly claimed that the appearance is more secular and value it brings is more for the literary beauty it composes.

This notion can be rebutted. It is easy to see that the otherwise secular concepts have a deep Islamic root: the moon is central in Islam as having the lunar based calendar for activities (although in Sufi the moon is the mark of God's beauty), the meadows are a central theme of paradise, the pen is the first revelation of the Quran and hence extremely important. Therefore, we can say that although it may be possible to read the poem with a secular construction, that will not constitute the proper reading, and the average reader might be far from realizing the essence and beauty of the poem.

The literature is about God as in Islam: The poem best suited to elucidate this point is the poem of *Sheikh Saman*. The poem is of extraordinary literary nuance because it constantly shifts focus. On first reading the reader can get an idea that the poem suggests what matters is love's true zeal, it matters little whether your love is for another Muslim or not, so long as it is pure, the yearnings are sincere, it reverts to God as such. But towards the end we see that the love was being questioned as a misguided love, and the Christian girl was ordained by God that her lover's sincere sacrifices demanded her then to embrace Islam, the true faith, and accompany the Sheikh as a devoted lover.

However, from a different perception, the story can have a complete new meaning: that when it comes to love, every religion stands on the same footing. On this point, one cannot but refer to Rumi's famous lines: "Be certain that in the religion of love there are no believers or non-believers, Love embraces all." It is not about exalting Islam over Christianity or vice versa, but exalting love and humanity over all else. The Roman Christian girl abused Sheikh Saman, her devout love, in every possible way using religion as a false pretext. She never intended to use the tests she set as a way to ascertain whether the Sheikh's love was pure, which was apparent when even after having done all the sheikh's love remained unrequited. This will stand unjustified from a 'Christian' reading also. Since the girl lacked proper faith

9 Mentioned in Poem CCCCLXXVII, in Peter Avery and John Heath-Stubbs, supra n.3 at p.58 where moon is the stages of ego and meadow is the earthly life.

in any sense, she did not esteem Christianity either, and hence she was ordained to pay off her for sins by embracing the way of life she mocked at the cost of her lover's repetition, something that is hardest to let go.

Next is the story of the faithful infidel, which can be seen as a bit of oxymoron for apparent reasons of syntax. Again, the self is in combat here, because the Moslem takes for granted that *his* prayer is prayer, the infidel's is not an act of worship. His intention on the surface level seems a good one: he wants to avenge his religion (we are not given the pretext to the battle, so I am assuming that the combat initiated on the ground of faith and religion). But divine gaze intervenes and awakens his sleeping soul; it reminds him that religion is not about exaltation by force, rather the force of honesty and sincerity, and your love for fellow humans. We can trace this back to Quranic verses, which teach us to keep promises,¹⁰ and that killing one man is equal to killing the entire humanity.¹¹

The twist comes towards the end, when the infidel is recounted the story, and he perceives the mercy and majesty of one true God, and acknowledges the worthlessness of idolatry to embrace Islam.

The easy interpretation is that Attar wants to show triumph of Islam over idolatry, which is pure blasphemy in Islam; in fact it is worse than Christianity for not being an Abrahamic religion at all. Two notions are at play: God values his creations, and protects the innocent whatever faith he may belong to. But at the end of the day, we are asked to take back the message that Islam is the true way.

Another interpretation also reverts to the basic notion of God in Islam: that we can do only what God allows us to do. The Quran says that those who don't listen or see the truth have their hearts are sealed by God so they can never see again. In this context, the story can be explained that the Moslem received the divine intervention so that he later recounts the story to the infidel, that it was God all along who designed the whole transaction to *allow* the infidel to see Him, because God wants to be known.¹²

10 "Oh you who believe! Fulfill your promises." [5:1]

11 "For that cause We decreed for the Children of Israel that whosoever killeth a human being for other than manslaughter or corruption in the earth, it shall be as if he had killed all mankind, and whoso saveth the life of one, it shall be as if he had saved the life of all mankind." [5:32]

12 Famous hadith e Qudsi accounts that God said, "I was a hidden treasure; I loved to be known. Hence I created the world so that I would be known."

The Sufi's love: A Human's Love

The story of Sheikh Saman, despite its intricate religious nuances and continuous shifting of focus,, can be interpreted in a religion-neutral manner. On first reading, the neutral reader can get an idea that the poem suggests what matters is love's true zeal, it matters little whether your love is for another Muslim or not, so long as it is pure, the yearnings are sincere, it reverts to God as such.

In the poem, when the Sheikh's friend chastises the disciples for abandoning the Sheikh, saying *Friends follow friend to Hell and blasphemy*:¹³

This was no friendship, to forsake your friend,
To promise your support and at the end
Abandon him -- this was sheer treachery.
Friend follows friend to hell and blasphemy –
When sorrows come a man's true friends are found;
In times of joy ten thousand gather round

When sorrows come a man's true friends are found: it upholds the universal messages of friendship and brotherhood. The Prophet (PbUH) makes intercession for Sheikh in the end of the poem. This intercession reflects the role of any savior in any other poetry. The friend's love for the Sheikh was analogous to good conscience, rationality and sanity, which intervenes and awakens his sleeping soul. Thus, even though we can trace this back to Quranic verses, which teach us to keep promises, the message is in essence that of love for humanity.

Finally, the Christian girl's dream about God's instructions to accept Islam could be interpreted as natural justice. The story shows that when it comes to love, every religion stands on the same footing. It is not about exalting Islam over Christianity or vice versa, but exalting love and humanity over all else. The Roman Christian girl abused Sheikh Saman, her devout lover, in every possible way using religion as a false pretext. She never intended to use the tests she set as a way to ascertain whether the Sheikh's love was pure, which was apparent when even after having done all the sheikh's love remained unrequited. This will stand unjustified from a 'Christian' reading also. Since the girl lacked proper faith in any sense, she did not esteem Christianity

13 Fariduddin Attar, *The Conference of Birds* (translated by Dick Davies and Afkham Darbandi) (Penguin Classics 1984).

either, and hence she was ordained to pay off her for sins by embracing the way of life she mocked at the cost of her lover's repetition, something that is hardest to let go. Hence when she is instructed to accept Islam, she is not led to a superior religion, but to faith itself.

On this point, I would like to mention further that the prominent Sufi authors discussed in this essay- Rumi, Khayyam, Hafez, Attar- all of them were working in the transition period between the second and the third age of Sufism, between 1100 and 1300. This was the midpoint between the period of consolidation¹⁴ (c. 900) and the period of formation of *tariqas* (c.1200). The age when these Sufis lived explains a lot about their literary approach.

This converging point meant that the writers in that time would have the impact of both the ages: the preceding and the succeeding. Thus while they dealt with philosophy, humanity and virtue, they also were affected by their predecessors' sharia centrality. Moreover, the primary audience of these texts was the local people of Persia, hence the texts are written in common vernacular language.¹⁵ The Sufi poetry has always been viewed as a medium of spreading the teachings of Islam, especially to the illiterate people not having access to formal education, which also explains the frequent reference to Quranic and hadith sources. When they wrote, they did it in a manner acceptable to the people. These works got translated into European languages only recently.

Rumi, the most celebrated poet put the greatest focus on the philosophical love or the *ishq e haqiqi* (the real love). Rumi lived in the period of utmost turbulence and destruction by the Mongols and the crusaders, and the political incidents of his age must have taken a toll on him, hence his focus on humanity and love for the humans, which translates into the love of God and love for God.¹⁶ His relationship with Shams-e Tabriz was mocked and despised by the people, which also influenced him to go beyond petty boundaries of sex, nationality, ethnicity, status etc. These are experiences that

14 This era focused on systematizing ideas and practices; compiling books; emphasizing consistency with shari'ah.

15 Seyyed Hossein Nasr, "From Poem to Narrative In Sufism", http://www.allamaiqbal.com/publications/journals/review/apr89/1.htm#_edn1, accessed April 1, 2015

16 See, SeficCan, *Fundamentals of Rumi's thought: A Mevlevi Sufi Perspective*, (Tughra, 2014), p.165

differentiated Rumi's language on love from the rest. Although the *Mathnawi* is basically a commentary on the esoteric meanings of the Quran, it is possible for an average reader to read it without keeping Quran in her/his mind at all.

Similar conclusions apply to hafiz, who was a contemporary to Rumi, and who also lived in constant risk and by seeking the political favors of the local kings. He had to exalt the kings, yet write Sufi poems, which explains the superb nuances in his poetry. Again, for the average reader, these poems often hold a divine meaning without much reference to the Quran and hadith.

Conclusion

The discussion points to the conclusion that the Sufi literature was first and foremost intended to aid the spread of Islam, to aid the Muslims in their faith, to aid the understanding of the Quran. From that perspective, the love in these poems was mainly directed towards a Muslim audience. But, the literature has its own power, and that literary strength took this poetry beyond their local and religious boundaries to reveal their universal appeal. That is when these texts become universal and secular. The references to Quran and Islam can be turned into subtlety, and an average reader can either be annoyed at such mentioning or simply ignore to focus on the emphasis on humanity. It is then we require the conscious reader to delve deeper to grasp their true meanings, and then these texts again return, to borrow from the Sufi tradition, their 'primordial form', which was for Islam, for the initiated mind, for the one who seeks the *haqiqa* to attain their *fanaa* and *baqaa*. This, also, contains the ambiguity of the Sufi essence: universal, secular, yet purely Islamic!

Review Article

Bruce Riedel, *JFK's Forgotten Crisis: Tibet, The CIA, and Sino-India War*, Washington, D.C., Brookings Institution Press, 2015, pp.177

Ruksana Kibria*

For millennia sharing more than a 2,500 mile-long common border, China and India fought a limited war for the first time in their long history in 1962 in the contested borders along the Himalayan-Tibetan massif. The tortuous course of the territorial spat may be simplified as a matter of border demarcation, a hold-over from the British-colonial policy of maintaining buffer zones between China and India. The crux of the dispute was the 350 mile-long McMahon Line,¹ laid down as the border between India and Tibet. by an agreement² signed at the conclusion of a conference held in Simla, India in July 1914, between the Foreign Secretary of British India Sir Henry McMahon and the Tibetan representative. The plenipotentiary of the Republic of China, while attending the meeting, refused to sign the agreement since it sought to establish a "veiled British protectorate" over Tibet, by dealing with it as a *de facto* independent country, and as such, compromised Chinese suzerainty over it. The British-Indian Government did not favor the agreement since it was a contravention of the Anglo-Russian Convention of 1907,³ which reaffirmed Chinese suzerainty over Tibet, and reassured that it would not deal with Tibet bilaterally without Chinese approval. It was only in

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1 See Alastair Lamb, *The McMahon Line: A Study in the Relations between India, China and Tibet, 1904 to 1914*, 2 Vols., (London: Routledge and Kegan Paul, 1966)

2 See *Convention Between Great Britain, China, and Tibet, Simla (1914)*, <http://www.tibetjustice.org/materials/treaties/treaties11.html>. For a succinct historical background of the Simla agreement, see K.N. Raghavan, *Dividing Lines: Contours of India-China Discord*, (Mumbai: Platinum Press, 2012); Neville Maxwell, *China's Borders: Settlements and Conflicts*, (New Castle upon Tyne: Cambridge Scholars Publishing, 2014).

3 See *Convention Between Great Britain and Russia (1907)*, <http://www.tibetjustice.org/materials/treaties/treaties12.html>

1937 that the Survey of India map showed the McMahon Line, running along the crest of the Himalayas to be the official Indo-Tibetan border—after having tampered with the original *Aitchison's Treaties* of 1929 showing the alignment of that border to be southwards along the foothills of Assam.⁴

While after 1947 the Indian government upheld the British colonial legacy, its legality was acknowledged neither by the Nationalist Chinese government of Chiang Kai-shek nor, after 1949, by the People's Republic of China, led by Mao Zedong. Once Tibet was reincorporated into the Chinese administration in 1951, the erstwhile Indo-Tibetan border was transformed into the Sino-Indian border, with profound implications for their bilateral relations. Although the McMahon Line continued to be a disputed issue even at the height of their friendship in the mid-1950s, Sino-Indian amity remained unaffected, which the Indian Prime Minister Jawaharlal Nehru assiduously sought to foster under the banner of *Panchsheel*⁵, the Bandung spirit, non-alignment and Asian solidarity. However, their idealistic but fragile framework began to give way once it was exposed to the blast of international politics when, in 1959 the Tibetan spiritual leader Dalai Lama along with his followers took refuge in India in the wake of an anti-Chinese uprising in Lhasa.⁶ Since then, the Sino-Indian relations deteriorated precipitously, leading to the implementation of the militarily untenable⁷ Indian strategy called "forward policy" in 1961.⁸ On October 20, 1962, the negotiation

4 *Ibid.*, p. 203. See also, K.N. Raghavan, *op. cit.*

5 The five principles of Sino-Indian peaceful coexistence: broadly, mutual respect for each other's territorial integrity and sovereignty, mutual non-aggression, non-interference in each other's internal affairs, equality and cooperation for mutual benefit, peaceful coexistence.

6 According to Atul Bhardwaj, "In 1959, India entered the game of brinkmanship vis-à-vis China and kept climbing up the escalation ladder. India was gullible enough to follow western instructions both on Tibet and its boundary with China and ended up fighting a frivolous war. By allowing asylum to Dalai Lama, India acted like a foolish crow that hatched American strategic eggs." "A Cuckoo Strategy on China," *Economic and Political Weekly*, September 20, 2014, Vol. XLIX, No. 38, p.31

7 Lt. Commander James Barnard Calvin (U.S. Navy), "The China-India Border War (1962)," April 1984, Marine Corps Command and Staff College, <http://www.globalsecurity.org/military/library/report/1984/CJB.htm>

8 The controversial 1961 Indian policy of establishing military posts in the contested Sino-Indian border areas, thus provoking the Chinese who regarded it as an encroachment on *their* territory. Nehru reportedly thought it would bolster Indian claims on the territories covered by this policy, since "possession was nine-tenths of

between Jawaharlal Nehru and the Chinese Premier Zhou Enlai having failed earlier in April 1960, the first salvoes of what the Chinese characterised as “Counterattack in Self Defense on the China-India Border,”⁹ were fired in the remote northwestern (Aksai Chin)¹⁰ and northeastern (NEFA)¹¹ border areas of India. After a total of 10 days of active fighting, the campaign came to an end on November 20, with the enigmatic unilateral Chinese declaration of cease-fire and withdrawal of its forces from territories more than 100 miles inside India. Caught in the quagmire of militant public opinion, parliamentary intransigence, factional politics,¹² and misguidance from the Historical Division of the Ministry of External Affairs,¹³ the trauma of the impending military catastrophe in the eastern sector compelled the beleaguered Indian prime minister (for so long championing the cause non-alignment), to solicit US military assistance.

Bruce Riedel, in *JFK's Forgotten Crisis: Tibet, The CIA, and Sino-India War*, attempts to analyse the response the conflict elicited from the administration of President John F. Kennedy (1961-63), whose "critical role in the Sino-

law." A.G. Noorani, "A Review Article: India's Forward Policy," *The China Quarterly*, No.43, July-September 1970, p.137

- 9 Larry M. Wortzel, "Concentrating Forces and Audacious Action: PLA Lessons From the Sino-Indian War," in Laurie Burkitt, Andrew Scobell and Larry M. Wortzel (edited), *The Lessons of History: The Chinese People's Liberation Army at 75*, (Carlisle, PA.: Strategic Studies Institute, U.S. Army War College, July 2003), p.328, [http:// web.stanford.edu/group/tomzgroup/pmwiki/uploads/0199-2003-Burkitt-a-IEM.Pdf](http://web.stanford.edu/group/tomzgroup/pmwiki/uploads/0199-2003-Burkitt-a-IEM.Pdf), p.327
- 10 Aksai Chin, located between the Chinese province of Xinjiang, Ladakh in Indian controlled Kashmir and Tibet. Prime Minister Nehru told the parliament on September 10, 1959 that, "It is an uninhabitable area, 17,000 feet high and *it had not been under any kind of administration*. Nobody has been present there. It is a place where not even a blade of grass grows." Quoted in Arun Kumar Banerji, "Borders," Chapter 6, in Jayanta Kumar Ray, ed., *Aspects of India's International Relations, 1700-2000: South Asia and the World* Vol. X, Part 6, (New Delhi: Pearson, Longman, Centre for Studies in Civilizations, 2007), p.226
- 11 North East Frontier Agency-NEFA, currently the Indian State of Arunachal Pradesh.
- 12 See Yaacov Vertzberger, "Bureaucratic-organizational Politics and Information Processing in a Developing State," *International Studies Quarterly* (1984), Vol. 28, No.1, March 1984, pp. 69-95
- 13 In a November 1959 Note *On the Historical Background of the Himalayan Frontier of India*, the Historical Division of the Ministry of External Affairs claimed Aksai Chin to be historically a part of Indian territory, which was not the case. Karunakar Gupta, *The Hidden History of the Sino-Indian Frontier*, (Calcutta: Minerva Associates, 1974), pp. 64, 65

Indian War of 1962," in the opinion of the author, a former Central Intelligence Agency (CIA) analyst, "has [...] been largely ignored. This book seeks to fill that lacuna." Whether it lives up to his claim is debatable, though. In a press conference in September 1963 Kennedy had stated that, "I can tell you that nothing has occupied our attention more than India in the last nine months."¹⁴ In that case, how could a such a top-priority issue, over which so much presidential concern was expended, which Pakistan was told by the Americans to be "the most dangerous move made by Mao since Korea in 1950," and which resulted in far-reaching political changes in India, along with a shift in the geopolitical setting of South Asia, be a "forgotten crisis," while the concurrent "Cuban missile crisis," which was resolved without escalation, receive such extensive media coverage and analytical focus?

Tibet occupies a prominent place in the book which, while related to the Sino-Indian 1962 border encounter, was not necessarily *the cause* of it, as Riedel seeks to make a case for: "The CIA operation helped persuade Chinese leader Mao Zedong to invade India in October 1962, an invasion that led the United States and China to the brink of war and began a Sino-India rivalry that continues today." The operation had been going on since 1956, but why did Mao "invade" India *six years* later? However, towards the end of the book, Riedel changes his tack and dismisses the Tibet mission as counter-productive. He writes: "Indeed [it] never had any real chance of achieving its aims. At most it was a nuisance to Mao and the Chinese Communist leadership." Why then, one may wonder, was such a costly, risky and long-term (1956-74), project undertaken by the CIA if it had only "nuisance-value"? At one point though, he concedes that the flagging value of the Tibet operation was redeemed when, in October 1961 the CIA-trained Tibetans ambushed a People's Liberation Army (PLA) jeep in Tibet and "captured" a leather bag containing highly classified reports on sensitive matters pertaining to Chinese national security. It is indeed astonishing to know that the PLA was in the habit of dispatching secret documents through the inhospitable and desolate territory in *unescorted* vehicles!¹⁵

14 John F. Kennedy Press Conference, September 12, 1963, Audio Tape Accession Number WH-215, John F. Kennedy Presidential Library and Museum.

15 A similar incident had reportedly occurred in November 1940 during World War II when a British commercial ship *S.S. Automedon* was captured by a German vessel near the tip of western Sumatra in the Indian Ocean. It was discovered to have contained

The book itself opens with the state dinner for President Ayub Khan at Mount Vernon, Virginia, in July 1961 where the U.S. president feted his counter-part and eulogized him as the "George Washington of Pakistan," the purpose of this spectacular reception being cajoling him to resume the suspended clandestine Tibet air-flights from East Pakistan. Would Kennedy have gone to such lengths to "charm" his guest unless it was of critical importance for the United States? One can surmise that the covert (and ultimately terminated), Tibet mission did serve a purpose, but exactly what, is not clear, the author remaining conveniently opaque about it.

Riedel attempts to move beyond the traditional interest-based analysis of state behavior to an emphasis on personalities to be the driving force in the conflict, thus giving an undue focus on the speculative, cognitive dimension of decision-making. At one point he writes that, "Mao's *misconceptions* about Nehru's *intentions* stemmed from the *paranoid* dictator's isolation from outside opinion: He was surrounded by sycophants who told him what he wanted to hear [emphasis added]." He then asserts that, "Mao *probably assumed* that Nehru was a partner with the CIA and Washington in these covert operations to assist the Tibetan resistance [emphasis added]." While seductive, such assumptions remain hypothetical, unsupported by concrete evidence. Seeking refuge in such a psychoanalytical ploy is almost like leaning on feeble linguistic crutches in the absence of real analytical legs for ambulation, which may be effective for obfuscation, but not as an explanatory tool, a practice that was pioneered by the late M.I.T. Sinologist, Lucian W. Pye who, in a biography¹⁶ of Mao, claimed that the Chinese leader rebelled in order to regain a sense of "infantile omnipotence."¹⁷ Likewise, in his widely

highly classified sensitive documents, including "a full copy of the August 1940 COS Far Eastern Appreciation" detailing the vulnerabilities of the British strategic position in Malaya and Singapore! It also stated that Britain would not intervene in case of Japanese occupation of French Indo-China. Grasping their value, the documents were in due course sent to Berlin from which the Germans shared the information with the Japanese for whom it was supposedly an "intelligence windfall." See, "S.S. *Automedon*: The Ship That Doomed A Colony," <http://www.forcez-survivors.org.uk/automedon.html>

16 Lucian W. Pye, *Mao Tse-tung: the Man in the Leader*, (New York: Basic Books, 1976).

17 Quoted in Douglas Martin, "Lucian W. Pye, "Bold Thinker on Asia, Is Dead at 86," *The New York Times*, September 11, 2008. Pye repeatedly referred to "Mao's

cited article, "China's Decision for War with India in 1962," John W. Garver, an eminent Sinologist, too resorts to psychological jargon like *perception*, *misperception*, *fundamental attribution error* and *psychological projection* to establish his point:

A premise of the argument developed below is that what leaders think matters. Some Realists find it satisfactory to look only at interests and policies, black-boxing or ignoring the specific psychological processes through which leaders arrive at their determinations about interests and policies.¹⁸

But then "what leaders do think" has to be based on rational national interests, not their irrational personal idiosyncrasies, the above argument being a plain misuse of psychological tools¹⁹ for political purpose.

Riedel argues that by antagonizing India through the border conflict in 1962 Mao pushed it toward a closer collaboration with the United States, something that he had "feared". But according to Mikhail A. Suslov, the chief ideologue of the Communist Party of the Soviet Union (CPSU), that was precisely Mao's intention. In a draft report of December 1959 to the Central Committee, CPSU, he stated that:

One should ask, what aims did Chinese comrades pursue in attacking Nehru so uncompromisingly? As they explained it themselves, they stood by the principle of "cohesion and struggle." According to [comrade] Mao Zedong, they unmask Nehru as a "double-dealer," "half a man, half a devil," "half a gentlemen, half a hooligan," and in doing this they allegedly "force" him to strengthen friendship with the PRC.

A question, naturally, was raised how to live side by side with this "devil"? How to build relations with India? The Chinese comrades found a solution in forcing Nehru to repent and in pressuring him into cooperation with China. *At the same time the Chinese said that they visualize the possibility of the downfall of the Nehru government and see no great trouble if a reactionary*

narcissism and borderline personality," in "Rethinking the Man in the Leader," *The China Journal*, No. 35 (Jan., 1996)

18 John W. Garver, "China's Decision for War with India in 1962," in Alastair Iain Johnston and Robert S. Ross (edited), *New Direction in the Study of China's Foreign Policy*, (Stanford, CA.: Stanford University Press, 2006), p.89. Steven A. Hoffmann, in his otherwise impressive analysis of the war, *India and the China Crisis*, (Berkeley and Los Angeles: University of California Press, 1990), used terms like "attitudinal prism," and "conceptual failure." Jian Chen in *Mao's China and the Cold War*, (Chapel Hill and London: The University of North Carolina Press, 2001), referred to Mao's "post-revolution anxiety" (p.10) –whatever that may have meant.

19 Cheryl Payer Goodman, "REVIEW: Lucian Pye, *The Spirit of Chinese Politics*," *Bulletin of Concerned Asian Scholars*, Vol.1, Number 3, March 1969, p.19

*pro-Western government comes to power in India. In their opinion, this would only bring us closer to a revolution in India.*²⁰[Emphasis added. The last two sentences are unrelated, the latter obviously being an afterthought.]

Such polemics while amusing, even comical, are a gross misrepresentation of facts on Mao's part. According to the official records, the Indian Prime Minister was unwilling to forsake the Sino-Indian friendship that he had helped establish, and restraint being the "broader pattern" of Nehruvian military policy toward China,²¹ he was committed to salvaging it till the final stages of the crisis, negative media reports notwithstanding.²² In 1959 Nehru was not only willing to "dispatch" the Dalai Lama elsewhere if his asylum in India jeopardised Sino-Indian friendship, a suggestion at which *Mao* cavilled.²³ He was also forthcoming about compromising on the territorial issue, which some in the Congress Party opposed.²⁴

One of the weak points of the book is his failure to offer any compelling explanation for the conundrum of China's sudden unilateral announcement of cease-fire on November 20, only to restore *status quo ante*, which was further mystified by Mao's sophistry.²⁵ The author indicates that it was due to the

20 Draft report dated 18 December 1959, "On the [October 1959] trip of the Soviet party-governmental delegation to the PRC [People's Republic of China]," by M. Suslov to CC CPSU Presidium for presentation to a forthcoming CC CPSU Plenum (excerpt). Cold War International History Project, The Wilson Center, Washington D.C. <http://digitalarchive.wilsoncenter.org/document/112989>.

21 Andrew Bingham Kennedy, *The International Ambitions of Mao and Nehru: National Efficacy Beliefs and the Making of Foreign Policy*, (New York: Cambridge University Press, 2012), p.236

22 See Steven A. Hoffmann, "Rethinking the Linkage between Tibet and the China-India Border Conflict: A Realist Approach," *Journal of Cold War Studies*, Vol. 8, Number 3, Summer 2006, and Steven A. Hoffmann, *India and the China Crisis*, (Berkeley and Los Angeles: University of California Press, 1990)

23 Sankar Ghose, *Jawaharlal Nehru: A Biography*, (New Delhi: Allied Publishers, 1993), p.294

24 *The Sino-Indian Border Dispute: Section 1:1950-59*, Central Intelligence Agency declassified document, March 2, 1963, (Released in May 2007), P.1, <https://www.cia.gov/library/readingroom/docs/polo-07.pdf>

25 According to Mao, "People may ask if there is contradiction to abandon a territory gained by heroic battle. Does it mean that the heroic fighters shed their blood in vain and to no purpose? This is to put the wrong question. Does one eat to no purpose simply because he relieves himself later? Does one sleep in vain because one wakes up and goes about? I do not think the questions should be asked thus; rather one should keep on eating and sleeping or fighting. These are illusions born out of subjectivism

implicit threat of US military involvement in the fray that gave a signal to the Chinese to withdraw, and therein, as a far-fetched *post hoc* rationalisation,²⁶ lies the rub. To corroborate his argument he merely adduces the views of Brigadier John P. Dalvi²⁷ from his memoir, (a scathing indictment of Nehru's non-aligned foreign policy), treating them almost like *ex cathedra* pronouncements: "From his POW camp where he was held in solitary confinement by the PLA ... Dalvi credited Kennedy as a 'big brother and true friend of India.' He later wrote that the Chinese withdrawal was the direct result of President Kennedy's decisive action." Elsewhere Riedel writes that,

By withdrawing from NEFA, Mao also demonstrated restraint. China would later point to its restraint in November 1962 as a sign that it was *a responsible member of the international community* and should be given its seat in the UN Security Council [emphasis added].

But wasn't Mao seeking to break with the norms of the very international order that the author claims he was signaling to uphold? Mao's ambivalence regarding the professed goal of dismantling the established international order, as well as seeking a place for China within it, thus opens to question his revolutionary credentials.

A spate of publications on the subject since 1962, while shedding light on the geo-political, economic and military impact of the conflict on India, do little to elucidate the elusive *Chinese interests* in Mao's (personal) decision to transform, through the political instrument of the Central Military Commission (CMC),²⁸ relatively minor border skirmishes into a war with

and formalism and do not exist in real life." "Mao's return to power passes through India." http://www.claudearpi.net/maintenance/uploaded_pics/Mao_1962_war.pdf

26 See Rup Narayan Das, *The US Factor in Sino-Indian Relations: India's Fine Balancing*, IDSA Monograph Series No.46, October 2015,(New Delhi: Institute of Defence Studies and Analysis), p.24

27 The commander of the ill-fated 7th infantry brigade that collapsed without any resistance immediately after the beginning of Chinese assault near the Thagla Ridge on October 20, 1962, and the senior-most Indian officer to be taken prisoner by the PLA.

28 Wortzel, "Concentrating Forces and Audacious Action: PLA Lessons From the Sino-Indian War," *Loc. cit.*, pp.346-7; Monika Chansoria, "Five Decades of China's War on India in 1962: Current Contextualisation," *CLAWS Issue Brief*, No.30, January 2013, http://www.claws.in/images/publication_pdf/1357201939IB%2030%20Monika.pdf. Also see Ellis Joffe, Chapter 3, "The Military And China's New Politics: Trends And Counter-Trends," https://www.rand.org/content/dam/rand/pubs/conf_proceedings/.../CF145.chap3.pdf

profound political repercussions. Since the concept of "[t]eaching India a lesson," as Mao purportedly sought to, is vague, it begs the question, what exactly did he "teach" India apart from humiliating Nehru, up till then the unrivaled Indian leader? Did it "knock" India back to the "negotiating table," which reportedly was Mao's objective? It was only in 1994, 32 years later, that India agreed to sign a treaty on confidence-building measures with China.

Neither does Riedel, while articulating US interests in the resolution of the conflict and militarily assisting India, cogently discuss how the *Chinese* interests were promoted by the military operations, and as such, it becomes the crucial missing link --the actual "lacuna" in the narrative. He is remiss about explaining how Nehru's "diminished authority"²⁹ and "the downfall of [his] government" enhanced Chinese national interests or consolidated Mao's revolutionary aspirations. The fact that, while expecting a renewal of the war in the spring of 1963, Washington was at same time also seeking reestablishment of trade relations with Beijing, is overlooked by him.³⁰ Furthermore, in apparent defiance of Cold War logic, Anglo-American and Chinese views about Nehru appeared to be not incompatible. By 1962 the former had begun to regard the Indian leader as a "liability," and in fact, welcomed the Chinese incursions on the Himalayan borders,³¹ which for Galbraith, whose memoir and journals Riedel quotes liberally, was also "the kind of opportunity that comes once in a generation,"³² to steer Nehru's foreign policy toward the West, and disabuse him of the "folly" of non-alignment.³³

Riedel mentions that, in 1964 Mao explained to a visiting Nepalese delegation that the war with India was not about the border issue, but "Nehru and the Indian government[']s belief about] Tibet belong[ing] to India." But, on another occasion, he also bragged to Felix Bandaranaike, the Ceylonese (Sri Lankan) Foreign Minister, that Beijing wanted to demolish India's "illusion

29 McGarr, *op. cit.*, p.122. Also see Margaret W. Fisher, "India in 1963: A Year of Travail," *Asian Survey*, Vol.4, No.3, March 1964, pp.741-742

30 Atul Bhardwaj, "Cold War 2.0: Sino-US Strife and India," *Economic and Political Weekly*, August 22, 2015, Vol. L, No.34, p.11

31 McGarr, *op.cit.*, p.119

32 *Ibid.*

33 Robert J. McMahon, *The Cold War on the Periphery: The United States, India, and Pakistan*, (New York: Columbia University Press, 1994), p.287

of grandeur,” in order to establish China’s preeminence in Asia.³⁴ What, then, was its actual motive in the war, in which “not a single” PLA soldier was reportedly killed, nor were there any Chinese civilian casualties?³⁵ Coinciding as the Sino-Indian conflict did with the Cuban Missile Crisis, it is indeed baffling why, instead of taking advantage of “imperialist” US’s predicament in the Caribbean, Mao attacked not Taiwan (unification with which, in fact, was a top priority issue), but peripheral, nondescript and inaccessible Himalayan tracts, just to make Indian leaders “appreciate[e] Chinese power”—and did so with the US reassurance that it would not countenance Taipei’s foray into the mainland.³⁶

The centrality of the puzzle, whether the war was planned by Mao long before 1962, or was an ineluctable escalation, has not been addressed by Riedel, or for that matter, by others, either. The decision to counterattack was taken by the Chinese CMC on October 16, 1962 to eliminate Indian troops that had crossed the McMahon Line.³⁷ The question is, how could the Chinese overcome logistics and communication challenges, and mobilise 5 divisions in Ladakh and NEFA across mountainous terrain within a few days, and be prepared for attack by October 20—unless, of course, they had made the necessary preparations long before that date.³⁸

As an aside, it can be stated that, the virtual absence of analyses in the public domain from Chinese sources on a military engagement of such historical import, which was “a source of great pride” for the PLA,³⁹ is indeed remarkable. In 1993 and 1994 two important studies were published (in Chinese),⁴⁰ revealing the exceptional extent and depth of Chinese access to

34 Ghose, *op. cit.*, pp. 294, 295

35 Huiyun Feng, *Chinese Strategic Culture and Foreign Policy Decision-Making: Confucianism, leadership and war*, (London and New York: Routledge, 2007), p.54

36 Enrico Maria Fardella, “Mao Zedong and the 1962 Cuban Missile,” *Cold War History*, 2015, Vol. 15, No. 1, p.87

37 Cheng Feng and Larry M. Wortzel, “PLA Operational Principles and Limited War: The Sino-Indian War of 1962,” in Mark A. Ryan, David M. Finklestein, and Michael A. McDevitt, eds., *Chinese Warfighting: The PLA Experience Since 1949*, (Armonk, New York and London, England: M.E. Sharpe, 2003), p.182

38 Ghose, *op. cit.*, p.294

39 *Ibid.*, p.327

40 Xu Yan, Zhong-Yin Bianjie Zhizhan Lishi Zhenxiang (*The historic truth of the Sino-Indian border war* the National Defence University in Beijing, (Hong Kong: Tian Di

the intelligence on Indian military operations in 1962. However, they hardly clarify how the brief border encounter with the poorly equipped, ill-prepared and disorganized Indian forces served Chinese interests. It's indeed odd that some sort of *omerta*-like silence about this pivotal issue seems to prevail in the Chinese officialdom. It is only in India where one finds the most agonizing soul-searching about the military disaster, concerning which scores of books have been published. Most of what are thought to be the reasons for the Chinese entry into the war have been gleaned from Western sources,⁴¹ which before 1970, i.e., before the normalisation of relations between the United States and China, were anti-Chinese in tone, and after the Sino-American rapprochement, sympathetic to the Chinese, particularly Mao.⁴² As such, the interpretation and analytical treatment of the war have been more political than historical.

Ideology as well as security concerns were instrumental in legitimising Mao's major foreign policy decisions,⁴³ but in the case of the 1962 conflict with India, any such reference to "ideology" was missing. Also, there's a puzzling

Publishing Co., 1993); Jiang Siyi and Li Hui, et al., eds., *Zhong-Yin Bianjing Ziwei Fanji Zuozhan Shi (The history of China's counterattack in self-defense on the Sino-Indian border)*. Beijing: Junshi Kexue Chubanshe, 1994. Reference given in Wortzel, "Concentrating Forces and Audacious Action: PLA Lessons From the Sino-Indian War," *Loc.cit.*, and Shiv Kunal Verma, *1962: The War That Wasn't*, (Aleph Book Company, New Delhi, 2016),

41 Neville Maxwell, *India's China War*, (Jonathan Cape, 1970); Garver, "China's Decision for War with India in 1962," *loc. cit.*, Allen S. Whiting, *The Chinese Calculus of Deterrence: India and Indochina*, (Ann Arbor: University of Michigan Press, 1975), Roderick MacFarquhar, *The Origins of the Cultural Revolution: Vol.III; The coming of the Cataclysm 1951-1966*, (Oxford University Press, 1997); Steven A. Hoffmann, *India and the China Crisis*, (Berkeley and Los Angeles: University of California Press, 1990); Lt. Commander James Barnard Calvin (U.S. Navy), "The China-India Border War (1962)," April 1984, Marine Corps Command and Staff College, <http://www.globalsecurity.org/military/library/report/1984/CJB.htm>.

42 Also see Barbara W. Tuchman, *Stilwell and the American Experience in China, 1911-45*, (New York, N.Y.: The Macmillan and Company, 1970), published on the eve of President Richard Nixon's landmark visit to China in February 1972, as an example of the role of American scholars in depicting Mao in a more positive light than Chiang Kai-shek in the pre-1949 era, so as to create a public opinion receptive to the idea of U.S. friendship with Maoist China, for so long regarded as an arch-foe. John King Fairbank, *The United States and China*, third edition, (Cambridge, Mass.: Harvard University Press, 1971), too is similar in tone.

43 Jian Chen, *Mao's China and the Cold War*, (Chapel Hill and London: The University of North Carolina Press, 2001), p. 9

asymmetry not only between the stated reasons for the Chinese entry into the war (protecting Chinese territory from Indian incursions, teaching India a lesson), and its outcome (the gradual shift away from the socialist moorings of the Nehru era in India, undermining of his non-aligned policy, and an increase in anti-Chinese sentiments among the common masses, etc.), but also between the rhetoric of Mao's foreign policy itself (supporting fraternal communist parties in Third World countries and promoting international class war), and its actual practice (maintaining friendly relations with "bourgeois" governments). According to Riedel himself, "Humiliating India would demonstrate that China's hardline foreign policy and ruthless determination to "communize" itself on its own without the aid of Soviet advisers was a superior strategy to Khrushchev's more moderate policies." This, however, is not factually validated. If Mao did believe that "ideology prevailed over realism,"⁴⁴ it was not reflected in his ambivalent foreign policy, least of all in the curious border encounter in the high Himalayas, during which official Chinese reports and speeches used terms like "national pride and dignity," "national feelings" and "national territory,"⁴⁵ but not international, socialist or communist. In other words, Mao's foreign policy was informed by expediency and contingency rather than ideology. To quote Allen S. Whiting,

The Mao regime gave so little help to "National Liberation wars" as not to provide a single success anywhere except Indochina where the fight was primarily against a foreign government. The Chinese role in insurgency in India, Burma, Thailand, Malaya, the Philippines, and Indonesia shows no willingness on the part of the Chinese to furnish the support necessary to assure victory against a local government.⁴⁶

44 *Ibid.* One instance of Mao's irrational rhetoric of revolutionary people's power was in August 1950, a few months before the Chinese intervention in the Korean War when , while addressing a Politburo meeting of the Chinese Communist Party, he said: "[It] may be a short war, a long war, a wide-ranging war, a nuclear war, and so on. If the U.S. attacks with atomic bombs, we have no choice but to let strike since we do not have them; this is something that we cannot control. But we are not afraid. We can still respond with our hand grenades, and we must be prepared." Quoted in Kennedy, *op. cit.*, p.75

45 David R. Devereux, "The Sino-Indian War of 1962 in Anglo-American Relations," *Journal of Contemporary History*, Vol. 44, No. 1, January 2009, p.74

46 Quoted in Karunakar Gupta, (book review), Allen S. Whiting, *The Chinese Calculus of Deterrence: India and Indochina*, (Ann Arbor: University of Michigan Press, 1975), *The Journal of Asian Studies*, Vol.36, No.4, August 1977, p.714

Interestingly, the 1962 Sino-Indian war was also *China's* "forgotten war,"⁴⁷ with the decision-making process in Beijing for its entry into the war given minimal media coverage. This absence of domestic publicity with regard to the border war is indeed perplexing, since it does not accord with Mao's policy of using external threats or security concerns to bolster the legitimacy of his regime. His decisions to intervene in the Korean War in 1950, and the shelling of Quemoy and Matsui islands during the Taiwan Strait crisis in 1958 were justified in the name of defending China's security interests, which otherwise would be severely endangered.⁴⁸ It's worth noting that, in the Korean War, the Chinese intervened when the U.S.-led forces crossed the 38th parallel, but *not* the Yalu River, (the China-North Korea border), but in 1962 they "retaliated" *after* the Indians had encroached upon what the Chinese considered to be *their* territory, (Dhola and Thag la Ridge) beyond the McMahon Line. The latter case, *a fortiori*, should have merited not only the invocation of the defence of Chinese national security, but even greater publicity, which on the contrary, inexplicably was not the case.

In reality, Mao's revolutionary posturing did much to damage the standing of the communist party of India (CPI). Even during the crisis, with the Nehru government in disarray, Beijing, while liaising with the pro-Chinese CPI faction, did not attempt to incite any war of national liberation against the Indian government or sever diplomatic relations with New Delhi,⁴⁹ but provided assistance to the *ethnic* secessionist groups in northeast India.⁵⁰ Moreover, the pro-Beijing CPI was actually discredited for supporting Beijing during the crisis, by the pro-Moscow "moderate" faction of S.A. Dange. At that time V.K. Krishna Menon, the controversial Indian Defense Minister, lamented to Chester A. Ronning, the Canadian High Commissioner in New Delhi, that the Chinese had set back the cause of socialism in India for several years. In his words, "Even if we succeed in ultimately reaching a negotiated

47 John W. Garver, "China's Decision for War with India in 1962," in Alastair Iain Johnston and Robert S. Ross (edited), *New Direction in the Study of China's Foreign Policy*, (Stanford, CA.: Stanford University Press, 2006), p.86; Allen S. Whiting, "China's Use of Force, 1950-96, and Taiwan," *International Security*, Vol.26, No.2, Fall 2001, p.113

48 Jian Chen, *op. cit.*, p.10

49 Peter Van Ness, *Revolution and Chinese Foreign Policy: Peking's Support for Wars of National Liberation*, (Berkeley: University of California Press, 1971), p.100

50 Banerji, *op. cit.*, p.229

settlement, India will continue to be intensely nationalistic and continue a military preparedness program which will delay for a long time raising the standard of living of the Indian people."⁵¹ Indeed, as foreseen by him, the Indian defense budget was almost doubled from \$473 million in 1962/63 to \$867 million after 1963.⁵²

There's also a debate about the authorship of Nehru's desperate second letter requesting "a minimum of 12 squadrons of supersonic all weather fighters and radar installations ...to be manned by US Air Force personnel,"⁵³ tantamount to a joint Indo-U.S. air defence of India,⁵⁴ that he supposedly sent to Kennedy late in the evening of November 19 (Washington time).⁵⁵ It is speculated that M.J. Desai, the Indian Foreign Secretary, may have drafted it, which was unusual given the fact that Nehru would always write his own letters.⁵⁶ According to his official biographer, S. Gopal, who had himself never seen it,

The letter is precise and too detailed about the assistance that India was expecting, and even a foreign secretary as experienced as [...]Desai could not have done that. My guess is that John Lall, the joint secretary in charge of the Air Force, must have assisted Desai, because I found the same noting in his brief to the defense minister for discussion with US and UK dignitaries.⁵⁷

Riedel however, blithely discusses the letter in a large section of the book without mentioning its controversial provenance, giving the impression that

51 Telegram from Canadian High Commission, Delhi (Ronning) to Department of External Affairs, Ottawa, No. 794, "Military Equipment for India," 29 October 1962, file 6083-40 pt. 8.1, Vol. 5201, RG 25, LAC. Quoted in James G. Hershberg, "Quietly Encouraging Quasi-Alignment: US-Indian Relations, the Sino-Indian Border War of 1962, and the Downfall of Krishna Menon," p. 148, *Eurasia Border Review Special Issue*, Summer 2012, (Slavic-Eurasian Research Center, Hokkaido, Japan), http://src-h.slav.hokudai.ac.jp/publicatn/eurasia_border_review/Vol3SI/hershberg.pdf

52 Chris Smith, *India's Ad Hoc Arsenal: Direction Or Drift in Defence Policy?* (Stockholm International Research Institute, Oxford University Press, 1994), p.79

53 Rudra Chaudhuri, *Forged in Crisis: India and the United States Since 1947*, (Oxford University Press, 2014), p.109

54 While keeping the *Indian* air force grounded.

55 See *India: Subjects: Nehru correspondence, November 1962: 11-19*, John F. Kennedy Presidential Library and Museum, Boston, Massachusetts, <http://www.jfklibrary.org/Asset-Viewer/Archives/JFKNSF-111-016.asp>

56 Ambassador K. Gajendra Singh, "Trauma and Humiliations of 1962--A Look from Egypt and Turkey too," November 29, 2010, *Tarafits* blog, <http://tarafits.blogspot.com/2010/11/trauma-and-humiliations-of-1962-look.html>

57 Quoted in *ibid.* For details about the "second letter" see Rudra Chaudhuri, *Forged in Crisis: India and the United States Since 1947*, (Oxford University Press, 2014)

India's "supplication" had potentially transformed the U.S.-India relations into one of alliance, the validity of which "remains empirically untested."⁵⁸

In itself the Sino-Indian border conflict was a relatively limited military engagement, basically a "frivolous"⁵⁹ melee with "virtually no ground war,"⁶⁰ which, according to one commentator, was an "unfought war."⁶¹ However, the *political* ramifications of the 1962 debacle were far more significant than the military rout itself.⁶² Apart from the defenestration of Krishna Menon,⁶³ the discrediting of Nehru's policy of nonalignment, the decline of the Congress Party's popularity, the emergence of the arms lobbies,⁶⁴ and steering New Delhi toward Washington and London for military assistance, it also resulted in India's departure from its previous policy regarding nuclear weapons. So far opposed by Nehru, a vigorous debate on the question ensued after the war. With the collapse of what was called the "Nehruvian consensus,"⁶⁵ the idea of a nuclear deterrent now gained a firm foothold in the Indian political soil, so to speak, what with its demand from the strategic elite⁶⁶ and opposition politicians.⁶⁷ Ironically, despite their rivalry,

58 Chaudhuri, *op. cit.*, p.112

59 Atul Bhardwaj, "A Cuckoo Strategy on China," p.31

60 Air Vice Marshal Arun Kumar Tiwary, *Indian Air Force in Wars*, (New Delhi: Lancer Publishers and Distributors, 2013), Chapter 4, https://books.google.com.bd/books?id=eTdeAQAAQBAJ&pg=PP1&lpg=PP1&dq=Indian+Air+Force+in+Wars+By+Air+Vice+Marshal+Arun+Kumar+Tiwari&source=bl&ots=vYGjdOvYyo&sig=UyiwgRRt5mS8FVpclYhj9qOcjk&hl=en&sa=X&redir_esc=y#v=onepage&q=Indian%20Air%20Force%20in%20Wars%20By%20Air%20Vice%20Marshal%20Arun%20Kumar%20Tiwari&f=false

61 Shiv Kunal Verma, *1962: The War That Wasn't*, (New Delhi: Aleph Book Company, 2016); Lt. Col. J.R. Saigal, *The Unfought War of 1962: the NEFA Debacle*, (New Delhi: Allied Publishers, 1979); Dibyesh Anand, "Remembering 1962 Sino-Indian Border War Politics of Memory," *Journal of Defence Studies*, Vol. 6, No. 4, October 2012

62 Smith, *op. cit.*, p.79

63 Out of 30 days of Sino-Indian war, 18 were spent by the Indian Parliament and media more on the ousting of the Defence Minister, Krishna Menon from office, than throwing the Chinese out from Indian lands. Sankar Ghose, *Jawaharlal Nehru: A Biography*, (New Delhi: Allied Publishers, 1993), p.292, 293. The rest 12 days were devoted to making a list of arms to be procured from the Americans. Bhardwaj, "A Cuckoo Strategy on China," p.32

64 Bhardwaj, "A Cuckoo Strategy on China," p.32

65 See Rajni Kothari, "Political Consensus in India: Decline and Reconstruction," *Economic and Political Weekly*, Vol. 4, No. 41 (October 11, 1969), p.1635;

66 See Karsten Frey, *India's Nuclear Bomb and National Security*, e-book third edition, (London and New York: Routledge, 2007), chapter 2

domestically both Prime Minister Nehru and President Ayub Khan shared a deep antipathy towards any nuclear weapons program, considering it to be a drain on the economy.

There are a number of factual errors that are unexpected in a Brookings Institution publication: i) President Ayub Khan's daughter, Nasim Akhter Aurangzeb is referred to as *Nasir*, perhaps inadvertently; ii) Nehru was in prison for 9 years, not 13, according to the book; iii) in 1962 Duncan Sandys was the Secretary of State for Commonwealth Relations, a British cabinet post, not the Commonwealth Secretary (*sic*), as mentioned by the author; iv) on October 7, 1964 Nehru could not have addressed a nonaligned conference in Cairo, since he had passed away the previous May;⁶⁸ v) during the Korean War (1950-53), the Chinese participants were called Communist People's Voluntary Army (PVA), but Riedel refers to them as Chinese Communist Forces; and vi) he is not sure whether the Indian nuclear tests were conducted in 1998 or 1999.

Despite its shortcomings the book is not without merit, as it offers the "inside dope" on the astute workings of American diplomacy at the highest levels of the Kennedy administration during the conflict. For instance, immediately after the Chinese unilateral announcement of cease-fire on November 20, a high-powered delegation composed of the American envoy Ambassador W. Averell Harriman and the Secretary of State for Commonwealth Relations Duncan Sandys arrived in New Delhi to assess the matter of military assistance to India, which Richard Helms, the director of the CIA operations, called "the hottest ticket in town"— as if the negotiation was some kind of show business! It is also beyond comprehension how the US Ambassador, John Kenneth Galbraith, at the height of the crisis could find managing it stressful but "exhilarating" as well! Bearing a quasi-vice-regal authority, he succeeded in persuading the Indian government at a critical juncture of the war to desist from using airpower in combat against Chinese targets when that

67 Inder Malhotra, "Shastri gets his way on nuclear policy," *The India Express*, Oct. 15, 2012, <http://archive.indianexpress.com/news/shastri-gets-his-way-on-nuclear-policy/1016715/0>

68 It was Lal Bahadur Shastri, who became the Indian Prime Minister after Nehru's demise.

would have effectively undermined the latter's military advantage on the ground. It surfaced subsequently that the CIA knew of Chinese inadequacy in air power in Tibet where there weren't sufficiently long air-strips, and aviation fuel was in shortage. Besides, the Chinese fighter aircrafts were deployed on the country's eastern seaboard.⁶⁹ During the tense situation when it was apprehended that Ayub Khan might take advantage of India's plight by opening a second front in Kashmir (as was suggested by Zulfikar Ali Bhutto, a member of his cabinet),⁷⁰ Galbraith *compelled* Nehru to pledge that he would "respond positively"⁷¹ to any Pakistani assurance of neutrality.⁷² Riedel offhandedly comments that, "Three years later in 1965 Ayub Khan did attack India," when he was, under very complicated circumstances, actually goaded into such a course, again, by Bhutto, now his foreign minister.⁷³ The author also disingenuously gives the impression that Galbraith had a free hand in managing the crisis from New Delhi in any manner he liked, since the administration in Washington was preoccupied with the Caribbean crisis: "Thus Galbraith was increasingly becoming a key policy counselor to the Indian prime minister behind the scenes." However, the strategic "contingency-planning" regarding South Asia and the Sino-Indian conflict was undertaken confidentially by a small coterie of experts in the national security team who would "formulate, coordinate and implement" policy from the White House,⁷⁴ virtually without any debate in US Congress or the media. Robert W. Komer, as South Asia specialist at the National Security Council (NSC), played a decisive role regarding the administration's India

69 Inder Malhotra, "The strange case of the air force in wartime," *The Indian Express*, November 14, 2011. In a *post-bellum* assessment, the Pentagon concluded that if the Indian air force had been used, the outcome of the war would have been significantly different. *Ibid.* <http://archive.indianexpress.com/news/the-strange-case-of-the-air-force-in-wartime/875426/0> . For a more detailed analysis from the Indian perspective, see Tiwary, *op. cit.*

70 Jug Suraiya, "Dealing with a Superpower by Zulfikar Ali Bhutto," *Bombay Times*, May 14, 2011.

71 To cooperate with Pakistan, under US mediation, *at the behest of the United States*, on a settlement of the Kashmir issue, an idea at which Nehru had heretofore demurred.

72 This too, due to American arm-twisting!

73 See Mohammed Ayub Khan, *Diaries of Field Marshal Mohammad Ayub Khan, 1966-1972*, edited by Craig Baxter, (Oxford University Press, 2008)

74 McMahan, *op. cit.*, p. 275

policy,⁷⁵ but is mentioned only twice by Riedel; in contrast to that, he greatly inflates the “activism” of the U.S. ambassador in New Delhi, (whose negotiating skills, strictly speaking, went beyond mere management of the situation and bordered on manipulation), thereby advancing the notion that he had acted without any coordination with Washington.

An intellectually unengaging account of the 1962 Sino-Indian war, with all its complexities left out, and tailored to conform with the official projection of how Washington managed the crisis, *JFK's Forgotten Crisis* disappointingly does not quite fill what Riedel called “lacuna” in the introductory chapter. It is not apparent what new perspective one gathers about the much-debated conflict from his narrative that was not previously accessed from Ambassador Galbraith's tendentious journal or memoirs,⁷⁶ on which he largely depends. Essentially a paean to President Kennedy in particular, and his administration in general, it raises a lot more questions than it answers but, by the same token, piques one's interest about the broader U.S. policy toward South Asia. To give such extraordinary credit to Kennedy as he does, for the “deft” management of the Sino-Indian conflict is a bit of a stretch, since it was due to the byzantine dynamics of Cold War politics, in which not only the White House, operating through the NSC, but the entire U.S. foreign policy, intelligence and military establishment, as well as other major powers were involved.

The nineteenth century Great Game between imperial Britain and imperial Russia which had led to the controversial McMahon Line in 1914, evolved half a century later into an even Greater Game involving the United States, Britain (to a lesser degree), the Soviet Union, China and India, but played according to a new set of arcane rules. As in any war during which truth becomes the first casualty, the causes of the brief border encounter are still murky, with its subtext largely undecipherable in the analytical ambiguities. While it is difficult to substantiate that the Sino-Indian war had occurred for reasons other than the ostensible ones (the border issue and Tibet being

⁷⁵ *Ibid.*

⁷⁶ John Kenneth Galbraith, *Ambassador's Journal: A Personal Account of the Kennedy Years* (Boston: Houghton Mifflin Company, 1969) and, *A Life in Our Times: Memoirs*, (Boston: Houghton Mifflin Company, 1981)

preeminent), it would be just as difficult to demonstrate that it was not the case. Only after all the relevant archival materials in the key countries are declassified, and the discourse about the conflict de-mythologized, would a coherent and undistorted picture of the “frivolous” war emerge. After all, the late Great Helmsman himself had famously exhorted to “seek truth from facts.”

Book Review

M. Mokammal H. Bhuiyan (ed.), *Studies in South Asian Heritage: Essays in Memory of M. Harunur Rashid*, (Bangla Academy, Dhaka, 2015), Pages 444, Price Tk 1500, US \$ 100)

The book is a collaborative effort made by thirty four scholars from around the world of oriental studies in memory of Dr. M. Harunur Rashid, a famed archeologist and anthropologist of Bangladesh who died in 2010. The initiative of this noble job came from Professor M. Mokammal H. Bhuiyan, a professor in the Department of Archaeology, Jahangirnagar University. The objective of the book, as stated by its editor is to make a collective study with a view to looking at important aspects of the heritage and attainments of the cultivation of Bengal art and archeology under a single cover. The purpose of the effort, as its editor states, is to build a scholarly platform with a view to paying homage to Dr. M. Harunur Rashid (1925 – 2010), who, as an archaeologist and a life-long excavator, made very remarkable contributions to the archaeological and anthropological studies of Bangladesh. Both as a field archeologist and an anthropologist, Dr. Rashid made outstanding contributions to the excavations and studies of both Ganges and Indus Valley civilizations.

This book has been accomplished by a galaxy of orientalist around the world most of whom were personally acquainted with Dr. Rashid to whom the book has been dedicated. In their contributions, it has come up very clearly the height of Dr. Harunur Rashid as an internationally reputed archaeologist and scholar of Bangladesh, who worked as the chief archaeologist of the Department of Archaeology for many years during Pakistan and Bangladesh periods.

Conceiving and planning such an idea and implementing it so successfully indicates the editor's scholarly network and organizing skill, not to speak of the depth of his knowledge in archaeology of Bangladesh. The participation

of all the eminent local and foreign scholars in writing this dedicatory book only indicates the very high esteem that the learned contributors held of Dr. M. Harunur Rashid as an archaeologist and anthropologist.

The book has been planned and published in thirteen sections each of which being written by an eminent orientalist. It is not practically feasible to make comments on all the sections individually. It must be mentioned, however, that the editor has made all possible efforts to plan and organize the contents of the book within the manageable limit so as to make it possible to include maximum number of contributors. The book contains thirty four topics within the disciplines of Art and Iconography, Archaeology, Architecture, Epigraphy and Numismatics and History. The History section was not possibly very necessary to be included in this project on the ground that Dr. Harunur Rashid in whose honour the project has been undertaken was not really a historian, but an archeologist and anthropologist. However, the contributors of the articles in History section were very close friends and colleagues of Dr. Rashid and their contributions have no doubt added some extra flavour to the venture.

The major subject areas of this collective venture are Art and Iconography and Archaeology, followed by Architecture, Epigraphy and Numismatics. Since the contents of the last section of the book are more historical than the concern of the book, these could have been avoided to keep the book concerned mainly with archaeology, architecture and numismatics in which Dr. Harunur Rashid had devoted himself throughout his life. However, altogether, the collection of articles in the book have made it a rich study which well deserves to be dedicated to the very eminent archaeologist, Dr. Harunur Rashid. Regrettably, this very scholarly work is not being served up with an Index, which is a universal practice for all scholarly works like this.

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