

Human rights, poverty and development planning: Bangladesh perspective

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Abstract

This paper is an attempt to define true development of a country. In this paper an attempt is made to establish relationship between realization of basic human rights and development. The main objective of this paper is to depict real picture of realization of basic human rights in Bangladesh with reference to the condition of the basic human rights enjoyment ensured by proper arrangement of the state and importance of a functional and effective poverty alleviation planning after 41 years of its independence.

Keywords: *Poverty, plan, development, Bangladesh, perspective.*

Introduction

Development essentially means human development and a precondition of the latter is promotion and protection of human rights. The term ‘human rights’ refers to those rights that have been recognized by the global community and protected by international human rights legal instruments. Their recognition, protection and promotion are essential factors in the development process of the society.¹ Human rights are a global vision backed by state obligation and include all kinds of rights, which are very essential for existence of human beings. Protection and promotion of human rights thus are legal obligations of all states in national and in international sphere, however, responsibility for implementation of these international human rights standards have been imposed on the state by ‘Bill of Human Rights’. Realization of basic needs of human being presupposes good economic condition. Material condition of a society or state determines how many basic needs will be fulfilled.

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Hence economic condition and enjoyment of basic human rights are interrelated. Today economy has become instrumental to measure the true development if basic needs of human life are left unfulfilled.

To clarify and confirm the Human rights two separate covenants on civil and political rights and the economic, social and cultural rights were adopted in 1966, which came into force in 1976. In addition to these covenants two more conventions were adopted to protect rights specially related with the women and children in 1989 respectively. Since then a large number of conventions have been adopted and the process is still continuing.

Rights mentioned in the covenant on civil and political rights may be referred to as those rights, which allow a person to participate in the governance of a state. And rights mentioned in the covenant on economic, social and cultural rights are related to the insurance of minimum necessities of life. Today it is universally recognized that civil and political rights do not have any meaning unless they are accompanied by social, economic and cultural rights, especially for the developing countries. Realization of human rights in general and not of a particular category of rights is essential for development.

Bangladesh is a party to these international human rights instruments albeit with certain reservation. The constitution of Bangladesh pledges that its fundamental aim is to realize a society in which the rule of law, fundamental human rights and freedom, equality and justice will be secured for all citizens. Accordingly fundamental rights for the citizens of Bangladesh have been guaranteed in the constitution. Unfortunately, however, the constitution failed to recognize different categories of rights on an equal footing. Today, after 41 years of independence Bangladesh is yet to ensure the socio-economic rights for its citizens- people are still living in poverty as they lived during pre-independence time. But all attempts of Bangladesh till today have been rather futile because economic and social rights have not been guaranteed as fundamental rights by the constitution. So poverty remains a national disaster. Development being a systematic factor is integrally related with economic and social set-up of a country particularly the resource-people relationship, poverty, illiteracy and societal stratification. The development planning in less-developed countries is governed by the elitist approach is quite obvious in view of the colonial legacy, feudal hold over resources and the state apparatus and political maneuvering in making and implementing the laws. This limits the development norms. Bangladesh seems to be no exception.

Interrelationship between Human Rights and development

The interdependence of material condition and enjoyment of people's rights depict how close the relationship of development and human rights is. New definition of development expressed its concern for overall wellbeing of human being. Development was conceived of as a state of complete human wellbeing which would mean to provide all opportunities for a meaningful human life. If any state fails to ensure food, shelter, clothing, health and education for the people, that state cannot be considered to have ensured development for the people of that country. Until and unless the basic necessities of majority people remain

unfulfilled, so long the overall wellbeing of all segment of people haven't been ensured through proper state arrangement, development of that country cannot be said to have sprouted.ⁱⁱ

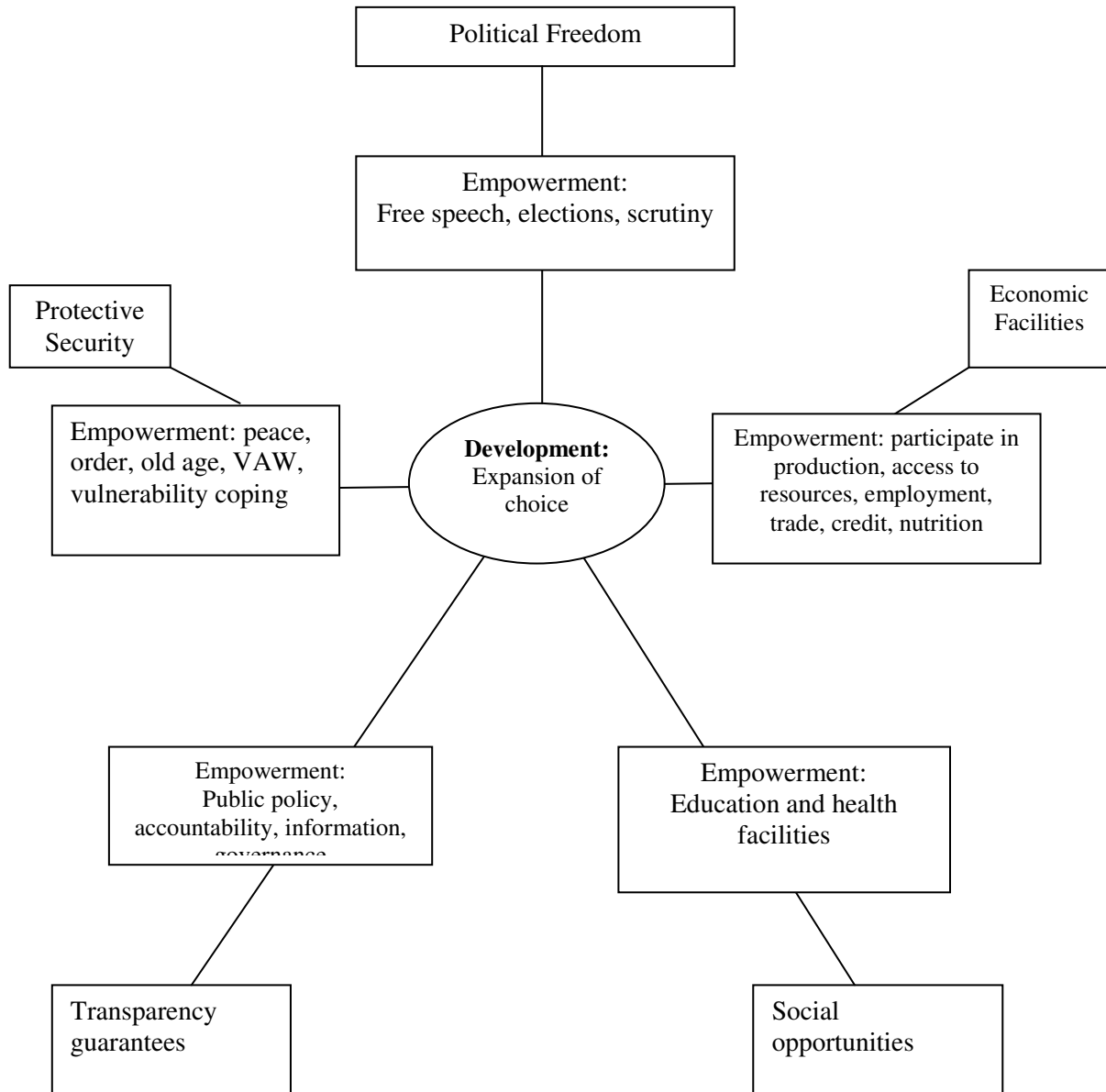
Development means a mechanism of ensuring opportunities for a full life to people, especially to poor, women and deprived. Development is a process of expanding the real freedoms that people are entitled to enjoy and that will make human life meaningful. Enjoyment of human rights and development cannot be separated from each other. True development is freedom mediated and makes all sorts of freedoms available for the commoners. All the major sources of un-freedom-poverty, tyranny, poor economic opportunities, systematic social deprivation, and intolerance and over activity of repressive states should be eliminated to ensure true development of a country. The contemporary world denies elementary freedoms to majority people. Sometimes the lack of substantive freedoms relates directly to economic poverty, which robs people of the freedom to satisfy hunger, or to achieve sufficient nutrition, or to obtain remedies for treatable illness, or the opportunity to be adequately clothed or sheltered, or to enjoy clean water or sanitary facilities. In other cases, the un-freedom links closely to the lack of public facilities and social care, such as the absence of epidemiological programs, or of organized arrangement for health care or educational facilities or of effective institutions for the maintenance of local peace and order. The interdependence of development and human rights can be well presumed by considering the Cocoyoc Declaration, General comments adopted by the UN committee on Economic, Social and Cultural Rights and the Declaration on the Right to Development in the following ways:

1. Any development that does not lead to the fulfillment of basic of human needs, namely food, shelter, clothing, health and education cannot be considered a true development.
2. "Development is a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefit resulting there from.
3. Realization of basic human rights requires sufficient resources which can be achieved through a sound process of development.

So it is clear that realizations of basic human rights are used as a scale to measure the stage of development of any country. At the same time the enjoyment of basic human rights is dependent on development of a country in the sense that development presupposes satisfactory economic, political social and cultural blooming of social people.ⁱⁱⁱ

The key message is that "development" as a process of expanding choices should be mediated through real freedoms that people enjoy, in which poor people's empowerment has a central role to play. Thus "development" should be freedom-mediated through five distinct types of freedom- political, economic, social, transparency and protective security- and all associated dimensions of empowerment(shown below):

Table-1



Source: Abul Barkat, *Population and Development*, Bangladesh Country report, 2000.

State obligation and National development plan

The assertion of a human right would require the identification of a set of duty-holders who are in a position to help to deliver the rights and that demands are placed on them that they should try to help. States should establish whenever possible, mechanisms making possible judicial or administrative review of the state fulfillment of its obligations are concerning economic, social and cultural rights.

Each state should adapt all relevant policies, legislation and programs, as appropriate, to reflect its international obligations concerning economic, social and cultural rights. Pertinent ministries should develop specific programs placing explicit emphasis upon strategies, methods and means for realizing these rights. In accordance with the obligations arising from the covenant and from other instruments in the field of economic, social and cultural rights, states should analyze patterns of public spending. This should include an in-depth consideration of the four relevant ratios suggested in the Human development report the public expenditure ratio, the social allocation ratio, the social priority ratio and the human expenditure ratio.

States should pay particular attention to the most disadvantaged groups and the extremely poor. They should bear in mind that extreme poverty leads to the exclusion of the affected persons and to their consequent inability fully to realize their human rights, including civil and political rights. States should develop strategies explicitly aimed at reducing and ultimately eradicating extreme poverty. Such strategies should be the subject of wide public debate and be implemented at all levels including in particular, the local level.

In accordance with the constitutional obligation to ensure wellbeing of its citizens, Bangladesh since 1973 has been formulating national development plans. This plan is known as the "Five-Year Plan". Five "Annual Development Plans" make one "Five year plan" and each budgetary year targets to complete one annual development plan of the five-year plan. Though Bangladesh has over the years achieved some significant success which include significant reduction in population growth, infant mortality but half of the population of the country (about 75 millions) is still absolutely poor on the basis of cost-of-basic-needs, two-thirds of whom belong to extreme poor category. Poverty alleviation, therefore necessarily remains Bangladesh's topmost priority. It has been seen that all five-year development plans of Bangladesh have been given due emphasis on poverty alleviation.^{iv}

Though Bangladesh has over the years achieved some significant success, which include significant reduction in population growth, infant mortality, maternal mortality, illiteracy rates and significant increases in agricultural production and women's education and participation, but, about half of the population of the country is still absolutely poor on the basis of cost-of-basic-needs, two-thirds of whom belong to extreme poor category. Socio-economic disparity is glaring and has been increasing in the wake of free market reforms implemented over the past more than a decade. Poverty alleviation, therefore necessarily remains Bangladesh's topmost priority. It has been seen that all five-year development plans of Bangladesh have given due emphasis on poverty alleviation, in the fifth five-year development plans it is mentioned that poverty is the over-riding objective of the plan, generation of productive enjoyment, achievement of food self-sufficiency, human resources development, development of infrastructure, curbing population growth, provision of environment, closing the gender gap and establishment of better social justice through a more equitable distribution of income are the national objectives of this plan.

Since these plans emerged the achievements have been less than anticipated. It has been seen that whenever an annual development plan did not achieve its targets then it was transferred to the next years plan and if it remained unfulfilled even within that particular five-years plan

then it was again transferred to the next five years plan. When surprisingly, it is true that till today no question of such failure has been raised from any corner of the government or if even raised, there is none to answer. So the matter of responsibility has always been ignored. As a result, the dream of the independence war for poverty –ridden Bangladesh is still unfulfilled. Today, poverty, hunger, malnutrition, illiteracy, unemployment etc. are the prevailing challenges to development in Bangladesh.

Table-2 :

Human Deprivation profile of Bangladesh: 2010[Total population 140 million in 2010]

Deprivation measures	People [in million]
People living below property:	
Both urban and rural	65
Rural	58
Children not in primary or secondary schools	20
Both sex	14
Girls	56
Illiterate adults	72
Without access to primary health care services	90
Without access to adequate sanitation	1.6
Children dying before age 5	12.2
Malnourished children under age 5	2.3
Low birth weight infants [up to 1 year]	3.1
Annual births not attended by trained personnel	1.7
Children 12-23 months who are not fully immunized.	

Source: GOB (2010).

The causes of poverty in Bangladesh are low economic growth, inequitable distribution of income, unequal distribution of productive assets, unemployment and underemployment high rate of population growth, low level of human resources development, natural disasters and limited access to public service. Poverty is the inescapable end product of the system of exploitation, economic inequality and deprivation in a society trying to emulate the capitalistic principles centering on the philosophy of “open market economy”.

Failure of successive development plans in Bangladesh paved the way to social inequalities and discriminations. As a result poverty is reproduced rather than alleviated .Apparently; fighting poverty requires enormous resources for which Bangladesh is dependent on financial

assistance of the donor states like those in the European Union, USA, Japan, China and some international financial institutions like the World Bank, the International Monetary Fund, the Asian Development Bank, etc. Not all the development assistance is unconditional. More importantly, the World Bank, upon which Bangladesh has been quite dependent, demanded that Bangladesh follow a new vision of development plan dubbed as "Poverty reduction Strategy".^v

In September 1999, the World Bank Group and the IMF determined that nationally owned participatory poverty reduction strategies should provide the basis for all their concessional lending and eligibility for debt relief under the enhanced Heavily Indebted Poor Countries (HIPC) initiative. Though Bangladesh is not in the list of HIPC, it is in the category of LDCs. However, this approach, building on the principles of the Comprehensive Development Framework (CDF), has led to the development of Poverty Reduction Strategy Paper (PRSPs) by country authorities for submission to the World Bank and IMF Boards. The development and implementation of poverty reduction strategies should be "country-driven", "result-oriented", "comprehensive", "prioritized", "partnership-oriented" and "based on a long-term perspective" for poverty reduction. Poverty Reduction Strategy Papers (PRSPs) are expected to be prepared by the member countries through a participatory process involving domestic stakeholders as well as external development partners, including the World Bank and IMF. To be updated every three years with annual progress reports, PRSPs describe the countries macroeconomic, structural and social policies and programs over a three year or longer horizon to promote broad-based growth and reduce poverty, and also to identify associated external financing needs and major sources of financing.

In recent times in order to access to the assistance of the World Bank, Bangladesh is to prepare as a present condition a paper on poverty reduction strategy and submit it before the boards of World Bank and IMF within March 2010 for their approval and grant. Meanwhile, as an inexperienced country Bangladesh is to primarily prepare an Interim Poverty Reduction Strategy Paper (I-PRSP) within September 2010. Bangladesh has prepared the paper under the title "A National Strategy for Economic Growth and Poverty Reduction". In other word this paper can be treated as the PRSP of Bangladesh.

The paper is prepared within the scope of World Bank's requirement but it ignored certain important procedural requirements during its preparations. It may be noted that the Task Force constituted by the Government of Bangladesh (GOB) for overseeing the PRSP process in Bangladesh is essentially an inter-ministerial committee, which did not include any representative from the civil society including from the private sector or from the development NGOs. Moreover, disregarding the requirements of consultations during the draft formulation period no consultations or meeting was held with the Member of the Parliament or with the trade bodies. The very fact that the Economic Relations Division of Bangladesh has been assigned the lead role in the PRSP preparation process gives out the message that PRSP is a donor-driven document. Furthermore, different sections of the economy that is crucial for poverty alleviation have not been given proper treatment and importance in the PRSP. For example, Bangladesh is an agrarian country and most of the people are dependent on this sector but it has not been attached due significance. Similar situation prevails in relation to gender discrimination. Other sensitive issue like- social security, influence of black money in governance, political instability etc. which co-exist with poverty were also ignored by the framers of the PRSP. It was expected that the planning commission, the strategic think-agency of the government, would lead the exercise. That unfortunately, did not happen.

The PRSP in its present form and content does not reflect the hopes, aspiration and the concerns of the poor in Bangladesh. Any poverty-alleviation policy including the PRSP is doomed to fail if it not owned by the stakeholders and does not incorporate the interest of them.^{vi}

Bangladesh Constitution and Minimum standard of Basic Human Rights

Today, after 41 years of independence the per capita income has expanded by more than three-fold, human development has progressed and the incidence of income/ consumption poverty has reduced by a third. Yet 370 \$ per capita income is low even by South Asian standards of low income economics.

Due to high population density and high incidence of natural disaster Bangladesh is the most vulnerable of South Asian economics .Bangladesh has made some progress in primary school coverage, reduction of population growth rate and infant mortality, in improving access to safe water and raising life expectancy. The performance in the area of population management is remarkable, resulting a rapid reduction in the population growth from a high of 2.8% per annum in 1970 to 1.6% per annum in 1990s. But if we compare human development progress of Bangladesh with international standard we shall get very disappointing picture. Human development indicators in Bangladesh still lag behind the levels achieved in Srilanka the East Asian economics. In the South Asian region Bangladesh has the lowest life expectancy, falling even behind low income countries. Health standard is very poor, infant, child and maternal mortality is very high. Nutrition is a serious problem, with over 50% of the children suffering from malnutrition. The adult literacy rate is still very low and secondary school enrollment is the lowest in this region. The quality of basic services including education is not satisfactory.

Table-3

Human Deprivation in Bangladesh-Selected indicators of population, education, access to health, child health, women`s health.

Indicators	Value	Indicator	Value
<u>Human Development/Deprivation Index</u>		<u>Child Health</u>	
Human development index rank (out of 175 countries)	147	% 12-23 mo`s children fully immunized(2010)	46.9
HDI value`99	0.371	%12-23 mo`s children taken measles(2010)	78.0
Gender related Dev. Index rank	80	Low birth weight infants (%)	50.0
Public expenditure on health(%GDP)`2010	1.4		

Indicators	Value	Indicator	Value
Public expe.on education	2.3		
<u>Population</u>		<u>Women`s Health</u>	
Population size(mid`99 million)	125.7	%pregnant women receiving antenatal checkup(2010)	29.2
Population density:person/kms<(2010)	87.3	Birth attended by trained health personnel	14.0
Life expectancy at birth	60.1	<u>Access to health</u>	
<u>Education</u>		Access to health facilities(2010)	
Literacy rate(7yrs+)(2010)	47.0	Access to safe drinking water	45.0
Adult literacy rate(15 yrs+)	49.0	Access to adequate sanitation	97.0
Primary school gross enrollment ratio	82.0	% HH use iodized salt	30.5
Secondary school gross enrollment ratio	28.0		78.0

Sources:BDHS,HES-BBS,SYB-BBS,GOB(2010),WB,UNICEF.SPB-BBS, INFS,UNFPA,UNDP

In Bangladesh the state failed to develop infrastructure for getting all the people educated. After independence of this country quantitative ratio and qualitative development of government expenditure in education and health sectors did not increase. We are observing very disappointing picture of poverty alleviation when we notice continuing migration of rural people to Dhaka city.53.8% of the total rural people were below poverty level according to the statistics of 1994-96After a number of governmental and non-governmental initiatives and loan program it become52.9%. According to one estimate, elimination of rural poverty of Bangladesh will take around 1000 years. This is the real picture of the poverty alleviation of this country. The people below poverty level are deprived of the rights to all basic necessities. The violation of the rights to a reasonable standard of living entails the violation of all the other human rights, since their observance is quite simply made materially and structurally impossible. Poverty aggravates discrimination since it particularly affects women, the elderly and disabled. Moreover, the poor are in most cases unable even to discover their rights. And this violation not only affects individuals, through and within their precarious day-to-day existence, but it entraps their social world over several generations in a spiral from which it is virtually impossible to escape.^{vii}

At the same time reports are being revealed that 1, 35,000 crore taka foreign loans have been misused and misappropriated by the foreign and country elites including state functionaries. The corruption of first class government officials caused a loss of more 11,000 crore taka or 4.7 percent of GDP to the country in 2011. All these reports make the contradiction clear that state functionaries are evading their responsibilities in ensuring basic human rights in the pretext of lack of resources on the one hand, the report of thousand crore taka's misuse and misappropriation by the state functionaries published on the other hand.

The stage of development achieved by Bangladesh should be measured with reference to the fulfillment of basic needs of people by the state. The effective realization of basic human rights can be utilized as a criterion to measure development. The development situation of the country will be considered in terms of human rights guaranteed by the constitution and real arrangement of the state to realize those rights in practical field. To accomplish that task first the contradiction of constitutional commitments and practical situations and then the real condition of development will be visualized.

Bangladesh is a party to some international human rights instruments albeit with certain reservations. The Constitution of Bangladesh pledges that its fundamental aim is to realize a society in which the rule of law, fundamental human rights and freedom, equality and justice will be secured for all citizens. Fundamental rights for the citizens of Bangladesh have been guaranteed in the constitution. Unfortunately however the constitution failed to recognize different categories of rights on an equal footing. It rather makes a sharp distinction between two sets of rights: civil and political rights on the one hand and economic, social and cultural rights on the other. Rights stipulated in part III of the constitution are recognized as fundamental rights which are almost political in nature and most of the socio-economic rights are accommodated in part II as the fundamental principles of state policy. It is assumed that realization of economic social and cultural rights would require a major commitment of resources and active intervention on the part of the state, which Bangladesh as a colonial state with a broken economy, was not in a position to guarantee. Civil and political rights on the other hand, require negative intervention and no resources allocation. This is an artificial classification made by the framers of the constitution prevailed.^{viii}

All the eighteen rights included in the "Fundamental Rights" part (Part III) of the constitution are Civil and Political Rights and they are enforceable by a court of law. Though they are guaranteed by Constitutional safeguards, but their enjoyment remained suspended during martial law regimes and emergency situation.

All the Economic, Social and Cultural (ESC) rights were included by the framers of the constitution in Part II (Fundamental Principles of State Policy) which were not enforceable by a court of law. They are made inoperative by Article 8 (2) by making them unenforceable in a court of law. The framers included a number of rights and left their implementation at the free will of state functionaries when resources will be available. But the state functionaries are evading their responsibility through a quibble by placing basic rights of people in inoperative part of the constitution. Bangladesh has ratified the International Covenant on Economic, Social and Cultural Rights on 5th October 1998 with its declaration in relation to articles no. 1,2,3,7,8,10 and 13. This declaration should be treated as its reservation.^{ix}

Bangladesh reserves itself from the operations and legal effects of those provisions to which they are referred to. On the other hand, accession of Bangladesh to this treaty indicates its positive attitude to the treaty in general. Indeed, it is a step forward towards implementation of ICESOC right into domestic life.

The Instrument of Accession of Bangladesh to the Covenant runs as follows: "... the Government of the People's Republic of Bangladesh, having considered the above mentioned Covenant, accedes to the same and undertakes faithfully to perform and carry out the stipulations therein contained ".

In acceding to this covenant the government of the People's Republic of Bangladesh makes the following declarations:

"Article 1: It is the understanding of the Government of the People's Republic of Bangladesh that the word "the right of self-determination of Peoples" appearing in this article applies in the historical context of colonial rule, administration, foreign domination, occupation and similar situations "".

Though article I of the Covenant on Economic, Social and Cultural Rights has not clarified the definition of "Self-determination", but Bangladesh has given its understanding towards this term and expressed its willingness to follow it in accordance with this concept.

"Articles 2 and 3: The Government of the People's Republic of Bangladesh will implement Article 2 and 3 in so far as they relate to equality between man and woman, in accordance with the relevant provisions of its constitution and in particular, in respect to certain aspects of economic rights viz. laws of inheritance".

Article 2(1) of the Covenant on Economic, Social and Cultural Rights mentions States responsibility to full realization of recognized rights by this covenant by all appropriate means, including adoption of legislative measures. But the government of Bangladesh is not in a position to comply with, as there are being certain obstacles created by the Constitution of Bangladesh and the inherited private domestic laws like the Muslim and the Hindu Laws. From this point of view our government has taken the responsibility to realize these articles complying with the provisions of our constitutions and with the private laws i.e. laws of inheritance. Our domestic laws should have their priority to the international instrument.

Articles 7, 8, 10 & 13 of the Covenant on Economic, Social and Cultural Rights are related with the right of work, fair wages, safe and healthy working condition and equal opportunity for everyone, freedom of trade union, maternity leave, right to be protected from economic and social exploitation, right to education respectively. It seems that the covenant considers these rights as fundamental rights of all human beings for their existence and development. But our constitution has recognized human rights and placed them in its different provisions. Some of the rights are located in part II as State Policy (Article 8-25) and some are located in part III -- of the Constitution of Bangladesh (Article 26-47A) dealing with 18 fundamental rights which are civil and political in nature.

Article 8(2) of the Constitution of Bangladesh states that the principles of state policy shall be fundamental to the governance of Bangladesh and shall be applied by the State in making the laws. Thus, these principles place the government under obligation to achieve and maximize social welfare and the basic values of life. Art. 8(2), however, specifically provides that these principles are not judicially enforceable.

On the other hand regarding the fundamental rights it may be noted that the preamble of the Constitution of Bangladesh states that it shall be a fundamental aim of the state to realize a socialist society in which the rule of law, fundamental human rights and freedom, equality and justice will be ensured. For realization of this aim, part III of the constitution provides for a number of rights (art. 26-47A) as fundamental, which the State is prohibited from transgressing. The very purpose stated in the preamble necessitates limitations on the exercise of fundamental rights and the framers of the Constitution provided the limitations, striking a fine balance between the individuals' freedoms and the governmental needs for welfare of the community.

The Republic of Bangladesh is duty emancipation to ensure and social emancipation of the people. Unfortunately however, forty one years have lapsed since independence of this country but no significant steps have been directed towards alleviation of poverty or upliftment of socio-economic condition of the vast majority of population. In our view the deprived segments of the people have not been able to avail of the protection of the law since social and economic rights have been declared not as fundamental rights but as principles of state policy and therefore not justiciable.

Bangladesh has ratified International Covenant on civil and political rights, 1966 on 6th September 2000. The Government of the People's Republic of Bangladesh reserve apply paragraph 3(d) of Article 14 in view of the fact that while the existing laws of Bangladesh provide that in the ordinary course a person shall be entitled to be tried in his presence. It also provides for a trial to be in his absence if he is a fugitive offender, or is a person, who being required to appear before a court, fails to present himself or to explain the reasons for non-appearance to the satisfaction of the court.

Declarations

Article 10: So far as the first part of paragraph 3 of Article 10 relating to reformation and social rehabilitation of prisoners is concerned, Bangladesh does not have any facility to this effect on account of financial constraints and for lack of proper logistic support. The part of this paragraph relating to segregation of juvenile offenders from adults is a legal obligation and in Bangladesh law is followed accordingly.

Article 11: Article 11 providing that "no one shall be imprisoned merely on the ground of inability to fulfill a contractual obligation," is generally in conformity with the constitutional and legal provision in Bangladesh, except in some very exceptional circumstances, where the law provides for civil imprisonment in case of willful default in complying with a decree. The Government of People's Republic of Bangladesh will apply this article in accordance with its existing municipal law.

Article 14: So far as the provision of legal assistance in paragraph 3 (d) of Article 14 is concerned, a person charged with criminal offence is statutorily entitled to legal assistance if he does not have the means to procure such assistance.

The Government of the People's Republic of Bangladesh, notwithstanding its acceptance of the principle of compensation for miscarriage of justice as stipulated in Article 14, paragraph 6, is not in a position to guarantee a comprehensive implementation of this provision for the time being. However, the aggrieved has the right to realize compensation for miscarriage of justice by separate proceedings and in some cases, the court suo moto grants compensation to victims of miscarriage of justice. Bangladesh, however, intends to ensure full implementation of this provision in the near future.

Though some of the rights of civil and political nature are guaranteed by the constitution but till today we are not able to fully confirm them due to certain restrictions imposed by other laws like the Special Powers Act 1974, the Vested and Non-Resident Property (Administration) Act 1974, Public Safety Act 2000, Section 54 and 167(2) of the Criminal procedure code of 1898 etc. The unstable political situation of the country may also be treated as a cause for it. Fortunately, we have article 102 of the constitution to protect the fundamental right in Bangladesh. Again its scope is limited as the High Court Division is in the capital only. The rural people have not enough scope to come to the court always and face the lengthy court procedures to uphold their rights. It is related with their hard financial condition, communication problem and also lack of proper knowledge. This is why it may sound logical to say that these political rights are guaranteed and protected for the urban people only who wish to enjoy their fundamental rights.

Nevertheless, Bangladesh doesn't have necessary laws and infrastructure to protect and promote these rights for the citizens. To comply with the international covenant on Economic, Social and Cultural Rights, it is necessary to recognize these rights in our Constitution as fundamental rights like those of civil and political rights.

Conclusion and recommendation

In the context of Bangladesh, development means increasing reduction and final eradication of poverty and proper state arrangements to ensure enjoyment of all basic human rights. To ensure enjoyment of basic human rights sufficient resources, commitment and patriotism of state functionaries and proper utilization of available resources will be required. A functional and effective poverty alleviation program may be devised in association with the common people- the poor i. e the stakeholders themselves and not imposed by any other body from within or outside of the country. If the government and the policy- makers of Bangladesh realize this truth and take necessary steps, development of Bangladesh will happen and the dream of independence for a human life with dignity may be ensured.



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Foot Note:

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