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Chief Editor's Note

This is indeed a pleasure for me that the January 2021 issue of the *Journal of Business, Society and Science*, Volume-8, Issue-1 is getting published. Leading University is a unique Non-Government University outside the Capital City that puts a real priority on research and development activities, the real mandate for a University. A University ought to be a place for free thinking and a center of excellence where new knowledge is generated. And this is the area in which Leading University as part of policy encourages its faculty. Research and studies on various fields of Business, Society and Science, particularly in the interdisciplinary and cross-disciplinary areas are extremely limited in Bangladesh. This journal attempts to fill that gap. We look forward at Leading University to transforming the quality of our academicians to think on global cutting edge issues and make them available for local applications.

This is the hallmark of the University that it adapts the context fast and responds accordingly which is reflected in the papers included in this issue. This peer reviewed bi-annual official journal of Leading University contains nine papers of diversified nature representing a wide range of research issues that is encouraged by the University. Most contributions are by the academicians of proven knowledge and expertise in their respective fields. We hope that this attitude of zeal and enthusiasm of the learned authors will continue and further improve with time for the future issues of this journal as well. The language and style of presentation are lucid and oriented not only to specialists but also to general readers.

This may be noted that the learned members of the editorial board supported by expert reviewers had given their best intellectual inputs while evaluating and improving the research papers mostly written by the faculty members of different Universities in the country. I would like to sincerely appreciate the expert reviewers' contributions in enhancing the quality of this issue and special thanks to the learned editorial board for their meticulously planned endeavors to bring the issue almost in time despite many hurdles placed by the ongoing pandemic context but without compromising on the quality. I strongly believe this journal will continue to make substantial world class contributions to the research, innovation and development arena for this region.

Professor Qazi Azizul Mowla, PhD; FIAB, AAG

Vice Chancellor

Leading University

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Technopreneurs' Perceptions towards Barriers on Technology-Based Small and Medium Enterprises (SMEs) in Bangladesh

1. Dr. Mohammad Miznur Rahaman
2. Dr. Mohammad Shahidul Hoque
3. Golam Morshed Shahriar Tanim

Abstract: *Small and medium-sized enterprises (SMEs) provide plenty of jobs in impoverished countries, and these businesses are capable of contributing to the economy of an emerging country like Bangladesh. An established culture of entrepreneurship confirms the lesser number of unemployment in the society and if the dimension changes through innovation and creativity, the result will be outstanding. This study aims to find out technopreneurs' attitudes towards the barriers of technology-based SMEs in Bangladesh. This study was conducted based on the quantitative method; the data were collected from both primary and secondary sources. The foundation of primary data of this study was based on 100 purposively selected cases from 3 EPZ (Sylhet BSCIC, and Dolaikhal area of Dhaka city). The main sources of primary data are the owners and managers of SMEs. To analyze the data, SPSS 22 was used: descriptive statistics, ANOVA, and regression analysis were the key analytical tools to conclude this study.*

The study concludes that attitudes of technology-based entrepreneurs in Bangladesh are not at the level of gratification. Entrepreneurs are not satisfied by the financing system at any level that might boost their activities. A mixed result suggests that the overall attitudes of technopreneurs' towards technology-based SMEs of Bangladesh are not satisfactory but not dissatisfactory either. However, scrutinized favorable policy and the proper guidance from the authority might turn this sector into a supreme export oriented-market for Bangladesh.

Key words: *Technopreneur, Perception, SMEs, Technology, Barriers for entrepreneurs*

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1. Introduction

With hundreds and thousands of start-ups innate in Bangladesh every year, very few make it to the elusive "unicorn status". Bangladesh became one of the power-hungry countries in the world and it grabbed the attention of technology-based businesses because of the growing industrialization as well as urbanization. This concept seems to be particularly interesting for SMEs, which are usually characterized by resource shortages, hindering the independent management of innovative activity (Matejun, 2016). It is widely acknowledged that in the case of economic development, Small and Medium-sized enterprises (SMEs) have a dynamic role to play (Abor & Quartey, 2010). The development of the global and regional economy has become much dependent on Technology-Based Entrepreneurial Firms (TBEFs) (Somsuk et al., 2012; Ajagbe et al., 2016). Often these TBEFs are identified through the paradigm's obligation of novelty and maneuver scarcity (Lendner, 2007; Mason and Brown, 2014). Besides, these businesses are ached by the scarcity of initial financing, experienced management, technical, and marketing know-how (Hackett and Dilts, 2004). Therefore, start-ups from technological sectors have hardship in finding key resources like technical, financial as well as commercialization competencies to market their product (Lin and Lee, 2015; Somsuk et al., 2012; Ajagbe et al., 2016).

The recent trend of Bangladeshi graduate students is to lean towards government and private jobs rather than being an entrepreneur. What leads them to do so? Why are they not interested in entrepreneurship? Is it due to the insufficient knowledge, information, or something else? Thilepand and Thiruchelvan (2011) found that the hardships of obtaining finance, failure to bend with administrative regulations, and adequate professional management expertise are a few of the major challenges that the small technological firms encounter worldwide. The formula of technological entrepreneurship is particularly beneficial for SMEs that have already achieved a certain level of growth and further market expansions are being planned based on modern technologies. Lack of self-potentiality prevents these ventures from operating innovative-activity independently. For overcoming this deficiency, involvement in the transformation of knowledge and new technologies from the scientific and technical environment are increasing (Wani et al. 2003, Xiao 2011) while leveraging the potential and supportive environment for small businesses (Mason and Brown, 2014). Technology-based entrepreneurship should be developed in countries like Bangladesh during student life while learning different aspects with a practical view. It may help them to start their venture.

In Bangladesh, due to inadequate financing, most of the students do not dare to

go for a start-up. Occasionally, they fail to exhibit their ability. Without any strong support, students become unable to get SME loans or debt financing. So ultimately, the development of technological entrepreneurship in the SME sector faces numerous barriers (Abor and Quartey, 2016, Bartoli et al. 2013, Madill et al. 2005). Theoretical description and empirical identification of these factors are an important cognitive area which allows to increase the involvement of these entities in the development of technological entrepreneurship. However, Bangladesh is not as competitive as other lower-income countries. Importantly, plenty of jobs are provided by SMEs in impoverished countries, and these businesses are capable of contributing to the economy of an emerging country like Bangladesh. Similarly, technological expansion of the democracy phenomenon of society is provided through the circulation of the entrepreneurial process (Gibbs et al., 2003; Bailetti et al. 2012). Technology gets widespread through improvement, unemployment gets reduced middle-class becomes strong with technological entrepreneurship (Örnek & Danyal, 2015; Beck, 2007, Beck & Kunt 2006).

However, several studies (Deakins et al., 2008; North et al. 2010) have identified that access to financing, support services gap between SMEs and Techno entrepreneurs occurs due to an imbalance of demand and supply. External factors are the main reasons for limiting the development of technological entrepreneurship (Irwin & Scot 2010). It is a common thought that manufacturing organizations or technology-based organizations get more priority but the real scenario depicts something else. This study will find the factors that hinder the progress of technopreneurs and SMEs development thereon.

2.0 Literature review

Providing appropriate facilities to the small and medium-sized enterprise (SME) sector is being encouraged as the contemporary growth works as a remedy for countries with lower income. For the development of SMEs and entrepreneurship, many analyses were made. Nevertheless, these analyses lacked accuracy and reliability over the core terms. The following table defines the boundary span of SMEs by investment amount or manpower employed in Bangladesh.

Table - 01: Boundary span of SMEs definition in Bangladesh

Small Enterprise			
Serial No	Sector	Fixed asset other than land and building (Tk)	Employment Manpower (not above)
1	Service	50,000-50,00,000	25
2	Business	50,000-50,00,000	25
3	Industrial	50,000-1,50,00,000	50
Medium Enterprises			
1	Service	50,000-50,00,000	25
2	Business	50,000-50,00,000	25
3	Industrial	50,000-1,50,00,000	50

Source: *SME Foundation*

i) Entrepreneur and Technological Entrepreneur

The entrepreneur is someone who starts profitable enterprises with uniqueness. On the other side, the procedure through which these enterprises get established is termed entrepreneurship. However, there is a tendency of being confused between the term entrepreneur and entrepreneurship. This tendency is found in the World Bank's employment of 'norm entrepreneur' to label someone who brings revolutionary alteration in social norms (World Bank, 2015: 54). A tech entrepreneur is someone who applies their ideas using technology. As technology-based entrepreneurs originate from a noncommercial environment that's why they are appealing, increasing attention (Siegel et al. 2003). Women entrepreneurs are highly understated in these economical sectors though the numbers of female students have increased in subjects such as science, engineering, and technology, (Mayer, 2006). Deep comprehension about technology has to be there for themselves, the SME-entrepreneurs. Moreover, the lack of a good blend between business-minded entrepreneurs having the know-how of engineering and vice versa can hamper the growth of greater revolutions (Cagno et al. 2013). Surprisingly, some SMEs can not leapfrog the R&D phase and sell the technology because of these barriers. An effective financial structure is needed that can facilitate entrepreneurs with proper funding, the flexibility of labor, and operative law enforcement - mainly in case of contract execution and property rights (Baumol et al., 2008).

ii) Relationship between SME and Technological Entrepreneur

SMEs in Bangladesh is a significant sector for economic and social development that has already been seen. Now we want to explore what types of challenges this crucial sector is facing. Businesses that combine, acquire, or generate novel expertise to progress fresh products, progressions, and provide services as their core competencies are coined as Technology-based SMEs (PMSEIC, 2004). Technology-based businesses carry technology as the main pillar for producing,

marketing, developing, as well as all other day-to-day activities. For this present study, businesses having an alliance with the commercialization of native innovations or having a blend of foreign technologies are considered as technology-based SMEs. In this context, Dolaikhal of Bangladesh is the best example of technology-based entrepreneurs.

iii) Barriers of accessing SME Financing for Technological Entrepreneur

SMEs need to fulfill the desire of creating and increasing job opportunities for developing countries. Access to proper financing, technical backing is needed by SMEs to implement their future strategy as well as returning their liabilities. Entrepreneurs face numerous obstacles in starting as well as establishing new ventures (Vohora et al., 2004). In the perspective of this specific nature and the concept of technology entrepreneurship, the main barriers to its development in SMEs comprise of:

a. Financial barriers

Acquiring external financing sources is tough for technology-based initiatives and innovation. From the literature, studies found that lack of financial resources is a barrier for SMEs (Cagno et al, 2013, Tiwari & Buse 2007). However, Technological entrepreneurship mandates the association amid the availability of financial capital and firm performance. According to (Ughetto 2008), small firms encounter specific difficulties in obtaining external finance for innovating and exporting. The traditional concerns of feasibility and validity allied with small firms get worsen as their innovation and/or export project is concomitant with the commercial and technical threat (Love and Roper, 2015).

b. Market barriers

Many promising SMEs have shown the capability to be sustainable in the technological field through introducing products in the garage, and at the same time developing business models but fails to meet customer demand (Mason & Brown, 2013). Again, the market barriers primarily involve aggressive rivalry and an inadequate market for innovativeness.

c. Legal and administrative barriers

Representatives from the government usually provide support to startups that are at the initial stage or university by-product believing that feasible technologies mostly upswing from the primary-stage of technological expansion. Paunov (2016) found out that smaller firms get more affected by corruption rather than exporters or foreign or publicly owned firms for quality certificates and patents. Thus, many of these technology-based firms fail to shine because of legal barriers.

d. Management barriers

This barrier is concomitant with all the managerial activities of the business like-

lack of planning in terms of the company's market activity, lack of experience, and inadequate use of external management models, along with the limitation of controlling authority and deficient use of strategic reflection. From the interview sample of this study, it is found that some SMEs do not have the vision or long term planning to commercialize their product. Therefore, these businesses must have to have know-how on venture management and incorporate it into long term planning for SMEs (Tiwari & Buse, 2007). In the finding section it is found that for managerial implications the access to finance commercial breaks such as access to resources must be provided (Rahman et al, 2016).

e. Aptitude barriers

Inappropriate qualifications of owners, managers, and employees, on top of that, the absence of core competencies in the field of innovation are the prime illustration of aptitude barriers. The literature review also affirms that SMEs suffer from the scarcity of qualified personnel (Tiwari & Buse, 2007). However, monetary and authorized organizations perform a central role in reducing these limitations. Similarly, social norms, religion, and culture may have a vital consequence on the construction of indulgent information for SMEs and the banks can use this information to fake relationships. Aptitudes are the integration of capabilities, talents, comprehension of the business environment, and attitudes in a specific circumstance (Lans et al., 2011). In the perspective of Bangladesh, Entrepreneurial aptitudes produce a conspicuous role in enlightening the performance of a firm as well as the fruitful development of an entrepreneurial venture (Chandler and Hanks, 1994).

iv) Impact of barriers for Technopreneurs on SMEs Development

The ascendancy of regulations towards the success of SMEs is uncertain.

The complications to enter the market may diminish rivalry where established firms become lethargic and less productive. Networking stimulates product features (Basu et al., 2003) and functioning. At the same time, it impacts an entrepreneur's success (Acs et al., 2016). The decision-making process of entrepreneurial management is surrounded by uncertainty (Lanivich, 2015). The absence of accuracy and regularity depends on how the crucial terms of technology-based entrepreneurship, and SMEs - are being worked out (Poole, 2018). The leadership skills of technology-based SMEs have a strong affirmative association with innovation, behavior at the workplace, and opportunity recognition of employees (Bagheri, 2017).

It has also emphasized the impactful outcome of the governing system on creating a revolution in technology-based firms and the innovation progression of different stages. The impact can occur in several ways like productivity,

employment generation, and contribution to GDP. The present study conceptualizes the following model based on previously reviewed research works:

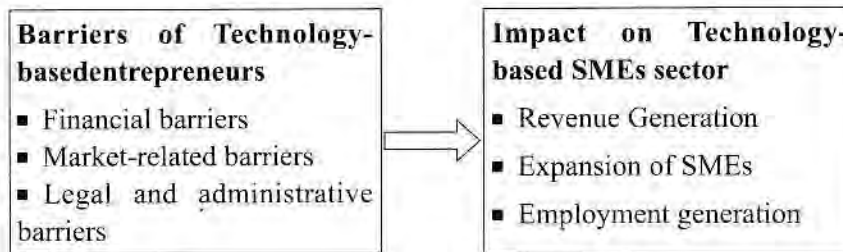


Figure-1: Conceptual model on impact of barriers of technology-based entrepreneurs on SMEs sector

2.0 Objectives of the study

To find out the perceptions of technology-based entrepreneurs towards the barriers of technology-based SMEs in Bangladesh were the core objective of this study and the other precise objectives of this study are:

- i. To assess the barriers related to financing, marketing, legal, management, and aptitudes for technology-based entrepreneurs in Bangladesh;
- ii. To find the impact of different barriers on revenue generation on technology-based SMEs in Bangladesh;
- iii. To recommend some guidelines to minimize the problems regarding technology-based SMEs in Bangladesh.

3.0 Methodology of the Study

The present study followed a quantitative research method in particular a survey study. The study was examined by the opinion of the different stakeholders of technology-based entrepreneurs in Bangladesh. Thus every technology-based entrepreneur (owner or manager) of SMEs is the population of this study while every SME was considered an individual case. One Hundred (100) cases (SMEs) were selected conveniently from 3 EPZ, BSCIC (Sylhet), and Dolaikhal area of Dhaka City. So, for this study, all the employees, owners, or managers (entrepreneur) of the selected SMEs were the working population. Purposively, a

total of 100 cases were selected for this study as 30-100 participants are a sufficient sample size according to the purposive sampling method (Gurate and Barrios, 2006).

For the purpose of this study, a semi-structured questionnaire was designed to collect primary data from the respondents. The main source of secondary data were- the Ministry of ICT, the Ministry of Commerce, and the SME Foundation. Moreover, other secondary sources are journals, books, and related publications.

Table - 2: Sampling Distribution

Sampe Size	Designation	Number of the respondent
Dhaka EPZ	Owner and Manager	19
Narayangonj EPZ	Owner and Manager	15
Comilla EPZ	Owner and Manager	9
Sylhet BSCIC	Owner and Manager	7
Dhaka Dolaikhal	Owner and Key Employee	50
Total		100

Source: Based on collected data

Descriptive statistics, correlation, and regression analysis were done by SPSS 24.0 version as a key technique for data analysis. Five hypotheses were put forward based on the literature and tested based on the collected data.

H1: Financial barriers have a strong influence on the success of technology-based Bangladeshi entrepreneurs.

H2: Marketing barriers have a strong influence on the success of technology-based Bangladeshi entrepreneurs.

H3: Legal and Administrative barriers have a strong influence on the success of technology-based Bangladeshi entrepreneurs.

H4: Management barriers have a strong influence on the success of technology-based Bangladeshi entrepreneurs.

H5: Aptitude barriers have a strong influence on the success of technology-based Bangladeshi entrepreneurs.

2.0 Results and Discussion:

The data analysis section of this study contains frequency distribution, reliability analysis, correlation, and regression analysis. To ensure uniformity, the reliability tests were performed with the same data before conducting further analyses. For data to be considered reliable The Cronbach's alpha value must be less than 0.7 (Nunnally, 1978). The present study gives Cronbach's alpha value of 0.704, which means that the collected data used is reliable.

i. Descriptive Statistics (Demographic Variables):

Table (A1) in the appendix provides a clear view of the demographic variables. The respondent was 94% male and 6% female. The age bracket shows that the age of people in the range of below 20 is 4%, from 30 to 39 is 28%. The age group from 40 to 49 is 34%, 50-59 is 26%, and above 60 is 8%. The education level defines that the terms and conditions of withdrawing money from banks will be smoother to process. The percentage of education level above SSC, HSC, Graduate, and postgraduate are 4%, 24%, 64%, and 4 % sequentially. Most of the respondents are married (92%) while others are single (8%). The income of the Technopreneurs shows that 50000 to below 100000 is 16%, 100000 to Below 200000 is 32%, 200000 to Below 500000 is 48%, above 500000 is 4%.

ii. Descriptive Statistics (Barriers of Technopreneurship):

Descriptive Statistics on Financial Barriers (FB):

The data analysis was performed with the help of descriptive statistics. It shows a clean mean value of the related sub-variables. Among the 88% of respondents who are facing barriers, for the 'high cost of financing,' the mean value is 3.7 which is near to the agreed consent of the respondent. The mean value for 'low access to credit facilities' is 4.2 describes the strong acceptance of that. 'The high cost of innovation' has a mean value of 3.1 presenting a neutral opinion. The mean value for both 'high-interest rate' and 'time-consuming documentation process' is 3.8 which means the agreed state of response. The overall conclusion draws the negative consequences of financial barriers. (Table -A2)

Descriptive Statistics on Market Barriers (MB):

Descriptive statistics were used to quantify the statistical fluctuations associated with the market barriers. The sub-variables are- the size of the business, product quality issues, inappropriate marketing strategies, lack of both market information and trust assumed on the paper, inadequate research, and development. Among all sub-factors R & D, have an absent mean value of (2.52) and a disagreeable opinion. Whereas it might be positioned in the priority. On the other hand lack of trust has an agreed consent of 3.9 mean value. (Table -A3)

Descriptive Statistics on Legal and Administrative Barriers (LAB):

To examine the values in this section descriptive statistics were used once more. Legal and administrative barriers are there for 'inadequate government policy and regulations'; a maximum of the participants accepted that through a mean value of 4.14 while 'support from government' provided a negative remark as well. Subsequently, respondents agreed on the following factors 'rigid business rules and regulations', 'corruption', and 'static policy of financing regarding the location of the business' with the mean value of 4.2, 3.74, and 3.82 respectively. (Table -A4)

Descriptive Statistics on Management Barriers (MB):

The variables of management barriers, especially 'lack of infrastructure' (mean value 2.76) and 'lack of management experience' (mean value 2.84) is not so relevant reason. In contrast, 'establishing automated internal processes' with the mean value of 3.24 has a positive attitude towards management. (Table -A5)

Descriptive Statistics on Aptitude Barriers (AB):

Data are reported as mean (SD) as an important variable for the detailed explanations. The table from the appendix shows that 'lack of personnel training (3.96)', 'lack of skilled personnel (3.96)', and 'lack of technical skills (4.04)', all the sub-factors have a positive opinion on the measurement of the aptitude barriers. (Table -A6)

Descriptive Statistics on satisfaction of Financing Access and continuation of business:

Entrepreneurial success can be determined by the entrepreneur's satisfaction. The value entrepreneurs originate from their start-up business is a key factor of firms' existence. Entrepreneurial satisfaction is subjective to a firm's performance along with the entrepreneur's characteristics, motivation for start-up, and characteristics of the business. A retrospective analysis of collected data showed that support from NGOs, support from Govt. banks, support from private banks; non-bank financial organization private banks are the main criteria for the satisfaction on financial support. All values were reported as the mean unless otherwise indicated, and the supports from private banks are satisfactory level (3.08). The other variable has almost the same mean value of 2.58, 2.34, and 2.52. On the other hand, Technology-based entrepreneurs are satisfied (mean value 3.95) with running their business though they are facing different types of barriers. They strongly believe that they can contribute immensely to GDP and employment especially if they get govt. support. (Table - A7).

iii. Correlation Analysis

The following Table -03 explains the relationship between dependent and independent variables.

Table No -03: Correlation of the dependent and independent variables.

	Income	FB	MKT	LA	MGT	AB
Income	1					
FB	-0.206**	1				
Mkt	-0.175	0.05	1			
LA	-0.303*	0.143	.439**	1		
MGT	-.331*	.715**	-0.178	0.066	1	
AB	0.216	0.107	.512**	-.325*	0.048	1

Source: Based on collected data (SPSS)

Note1: Dependent Variable: Income level, Independent Variables: FB= Financial Barriers, MKT= Market Barriers, LA= Legal and administrative Barriers, MGT= Management, AB= Aptitude barriers.

Entrepreneurs with a good amount of start-up capital are comparatively dissatisfied with revenue even after the firm's performance is enhanced. For the first year of start-up, hardship is there to have an acceptable return on invested capital. Wholesale and retail entrepreneurs seem to be less satisfied with revenue than entrepreneurs in other sectors. Table (03) was used to determine the correlations between the variables one each other. The above table described FB, MKT, LA, MGT barriers has a direct impact on performance (income) while MGT and FB have a direct positive significant relationship but impact level can be identified by multiple regression analysis.

i. Multiple Regression analysis

For demonstrating the connection between a scalar dependent variable Y and one or more explanatory variables X, multiple linear regression analysis can be a good approach. Based on the Literature review, at first seven factors have been chosen as independent variables i.e financial barriers, market barriers, legal barriers, management, and aptitude barriers. The multiple regression models for this study have been identified as follows:

$$I = \alpha + \beta_1 (FB) + \beta_2 (MKT) + \beta_3 (LA) + \beta_4 (MGT) + \beta_5 (AB) + \varepsilon$$

Here,

I = Income level of the entrepreneurs

FB= Financial Barriers

MKT= Market barriers

LA= Legal and Administration barriers

MGT= Management barriers

AB=Aptitude barriers

α = (SME) Success of Techno-entrepreneurs in Bangladesh in absence of all the independent variables.

β = Partial regression co-efficient which indicates a partial change in the (income) because of a one-unit change in each of the independent variables while other things remain constant.

ε = Term of error.

Table -4: Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Durbin-Watson
1	.680 ^a	0.626	0.574	0.065	1.925
a. Dependent: I					
b. Predictors: (Constant), FB, MKT, LA, NB, MGT, AB and LS					

Source: Secondary data analysis (SPSS)

Table 4 uncovers that the R-value is 0.680., indicating that there is an average impact of these seven variables on income. Therefore it means that income and those selected independent variables are associable. In this model, the R2 (coefficient of determination) value 0.626 reflects that 62.6 % variations in endogenous variables (overall I) can be attributed jointly by firms' independent variables in the model. The R2 value also indicates that the strength of the associable relationship between the selected independent variables and I is not so strong. This reveals that the explanatory power as indicated by adjusted R2 (57.4%) is blameless and the standard error of the mean (SEM) has been used to specify the statistical uncertainty. The analysis shows that the Durbin-Watson value is near to two, so it is statistically considerable for the study.

Table -5: ANOVA Output

Model		Sun of Square	df	Mean Square	F	Sig.
1	Regression	11.134	9	1.237	12.372	.003 ^b
	Residual	20.866	40	0.522		
	Total	32	49			
a. Dependent Variable: Income						
b. Predictors: (Constant), FB, Mkt, LB, Mgt, AB						

Source: Secondary data analysis (SPSS)

Table No - 06: Coefficients of Multiple regression Analysis

Variable Name (Constant)	Unstandardized Coefficients		Significance level (p)
	B	Std. Error	
(Constant)	0.072	0.072	0.079
FB	-0.016	0.198	0.005
MGT	-0.17	0.056	0.003
LA	-0.096	0.213	0.654
MKT	-0.312	0.186	0.001
AB	0.035	0.122	0.000

Source: Secondary data analysis (SPSS)

Note1: Dependent Variable: Income, Independent Variables: F= Financial Barriers, Mkt= Market Barriers, LA= Legal and administrative Barriers, T= Technology, MGT= Management, A= Aptitude and LS= Loan support from financial Bank.

A regression coefficient -0.016 of the independent variable FB of the technological entrepreneurs indicates that for per unit (in percentage) increase in FB, the average probable decrease of Income will be 0.016 when other variables do not influence income. Thus, the coefficient of FB is a negative impact on income. Subsequently, coefficient -0.17 of the independent variable MGT of the respondent indicates that for per unit (in percentage) increase in MGT, the probable decrease of the I will be -0.17 when other variables do not influence the I. The coefficient of MGT is negatively and statistically significant which influences the impact of Income.

A regression coefficient -0.096 of the independent variable LA of the technological entrepreneurs indicates that for per unit (in percentage) increase in LA, the average probable increase of Income will be -0.096 when other variables do not influence the I. The coefficient has a strong negative influence on the dependent variable. Conversely, AP of the coefficients of the independent variables (0.035) and both have a strong significant relationship with the Income. The fitted regression model based on statistical finding as follows:

$$I = 0.072 - 0.016 (FB) - (0.17) (MGT) - 0.096 (LA) - 0.312 MKT + 0.035 (A) + 0.065 (LS) + \varepsilon$$

6.0 Result of Hypothesis:

Hypothesis	Description	Significant	Result for (Alternative Hypothesis)
H1	Financial barriers have a strong influence on the success of technology-based Bangladeshi entrepreneurs.	***	Accepted
H2	Marketing barriers have a strong influence on the success of technology-based Bangladeshi entrepreneurs.	***	Accepted
H3	Legal and Administrative barriers have a strong influence on the success of technology-based Bangladeshi		Rejected
H4	Management barriers have a strong influence on the success of technology-based Bangladeshi entrepreneurs.	***	Accepted
H5	Aptitude barriers have a strong influence on the success of technology-based Bangladeshi entrepreneurs.	***	Accepted

7.0 Conclusion and recommendation:

In many countries, SMEs are reckoned as the mainstay of the economy. Therefore, the prosperity and lucrativeness of these businesses are of concern to numerous stakeholders. From the finding of this study, entrepreneurial leadership for identifying opportunity recognition makes a weighty positive influence on employees of technology-based SMEs. Especially, when the boss endorses this kind of leadership skills while leading their teams, employees get motivated to recognize and work on new business opportunities. The findings provide a realistic indication of the persuasive influence of opportunity recognition though entrepreneurial leadership skills have already been projected by prior scholars (Renko et al., 2015). Combining the insights from this study, it is found that Technopreneur is facing different types of barriers for continuing their business which has a direct negative impact on success related to income generation (empirically proved), contribution to GDP, and employment generation. Among the barriers financial, marketing, management, aptitudes are significant while legal barriers have no direct impact. Most of the technology-based entrepreneurs are not well educated and have not enough knowledge about patent, copyright and practice in the context of Bangladesh. Hence their perception is soft on these barriers.

In short, it can be summarized that the attitude towards technology entrepreneurship in Bangladesh is not at the level of eminence. However, scrutinized favorable policy and the proper guidance from the authority might turn this into a new sector of exporting products for Bangladesh. Hence, other developing countries should conduct these kinds of research as well. Considering the significant role techno-based SMEs play to generate a holistic economy; extensive research can also be done by using other dimensions like leadership styles, the impact of technology-based SMEs on GDP, and employment in the future. Again this study recommends it is essential to get support from the government. Especially for techno firms, the government should take a clear concern for their wellbeing and development. The government may give them (owner and manager of the technology-based firm) recognition as technology-based entrepreneurs especially from places like Dolaikhal and Pura Dhaka area of the Dhaka City. The future researcher can get insights from this study to conduct further research in this area. This study has also significant implications for the new investors to start the business and their successful continuation in this sector.

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Appendices - A

Table No A1: Demographic Variables

Gender	Frequency	Percentage (%)	Marital Status	Frequency	Percentage (%)
Male	94	94	Single	8	8
Female	6	6	Married	92	92
Total	100	100	Total	100	100
Age	Frequency	Percentage (%)	Age	Frequency	Percentage (%)
< 20	4	4	40-49	34	34
30-39	28	28	50-59	26	26
≥60	8	8	Total	100	100
Income	Frequency	Percentage (%)	Education Level	Frequency	Percentage (%)
50000- Below 100000	16	16	Post-graduation	4	4
100000- Below 200000	32	32	Graduation	68	68
200000- Below 500000	48	48	HSC	24	24
Above 500000	4	4	SSC	4	4
Total	100	100	Total	100	100

Source: Secondary data analysis

Table No A2: Descriptive Statistics on Financial Barriers

Descriptive Statistics on Financial Barriers					
Variables	N	Min.	Max.	Mean	S. Deviation
High cost of financing	100	0	5	3.7	1.313
Low access to credit facilities	100	1	5	4.2	0.99
High cost of innovation	100	0	5	3.1	0.909
High interest rate	100	1	5	3.88	1.256
Time consuming documentation process	100	0	5	3.8	1.37

Table No A3: Descriptive Statistics on Market Barriers

Descriptive Statistics on Market Barriers					
Variables	N	Min.	Max.	Mean	S. Deviation
Size of business	100	2	5	3.04	1.124
Product quality issues	100	0	5	3.16	1.095
Inappropriate marketing strategy	100	0	4	3	0.808
Indadequate research and development	100	2	4	2.52	1.074
Lack of Market information	100	0	4	3.24	0.916
Lack of trust	100	0	5	3.9	1.074

Table No A4: Descriptive Statistics on Legal and Administrative Barriers

Descriptive Statistics on Legal and Administrative Barriers					
Variables	N	Min.	Max.	Mean	S. Deviation
Rigid business rules and regulations	100	2	5	4.2	0.833
Corruption	100	0	5	3.74	0.986
Lack of government support	100	1	5	3.88	0.872
Inadequate government policy and regulations	100	1	5	4.14	0.904
Static policy of financing regarding location of business	100	1	5	3.82	1.024

Table No A5: Descriptive Statistics on Management Barriers

Descriptive Statistics on Management Barriers					
Variables	N	Min.	Max.	Mean	S. Deviation
Establishing automated internal process	100	0	5	3.24	1.153
Lack of infrastructure	100	0	4	2.76	1.188
Lack of management experience	100	0	4	2.84	1.131

Table No A6: Descriptive Statistics on Aptitude Barriers

Descriptive Statistics on Aptitude Barriers					
Variables	N	Min.	Max.	Mean	S. Deviation
Lack of personnel training	100	2	5	3.96	0.727
Lack of skilled personnel	100	3	5	3.96	0.533
Lack of technical skills	100	3	5	4.04	0.605

Table No A7: Descriptive Statistics Bank Satisfaction for Loan Supporting

Descriptive Statistics on Satisfaction of technopreneurs on financial supporting and business continuation					
Variables	N	Min.	Max.	Mean	S. Deviation
Support from NGO	100	0	5	2.58	1.31
Support from Govt. Banks	100	0	5	2.34	1.42
Support from Private Banks	100	0	5	3.08	1.02
Non-Bank Financial organization Private Banks	100	0	5	2.52	1.41
Satisfaction of continuing business	100	0	5	3.95	1.05
Expecting Govt. support to be unique sector	50	0	5	4.5	1.0
Contribute to GDP	50	0	5	3.10	1.02
Contribute to employment	50	0	5	3.85	1.05

Prophecy and Resolution for Modern Humanity in *Gitanjali*

Jarin Tasnim Elahi

Abstract: This study will explore Rabindranath Tagore's vision of living and it will search for the answers he wanted man to grasp. This study will also evaluate present and past world conditions and will analyse how Tagore wanted mankind to be and what would have been the benefit of it. Tagore had witnessed several political turmoil, carnage and wars for supremacy over the entire world. He saw the British rule in India and their fall. He saw both the gruesome World War I and II. Tagore was familiar with the brutal face of mankind but he was never sceptical about them. He was heartbroken to see people battle against each other for dominance. Unity was all he wanted to see among man and through his experience he knew well that without unity everyone was and is in danger. Although Tagore wrote *Gitanjali* (Song Offerings) and the original *Gitanjali* before the World Wars, he hinted on how to fight with the negative sides of human personality which shows his farsightedness. According to Yeats (2011), *Gitanjali* (Song Offerings) is something that will be passed on to several generations as these songs are not just the mixture of culture and religion but has the essence of something far more superior: nature. Tagore's songs work with deeper meaning of life which he learnt from his religion, culture, nature and above all from his love for humanity. The paper will observe cosmopolitanism, humanism and anti-traditional mysticism of Tagore by which he wanted the amendments to appear.

Key Words: Humanism, Nationalism, Cosmopolitanism, Mysticism, Prophecy, Resolution

Introduction

Tagore wrote *Gitanjali* (Song Offerings) few years before the First World War. It seems that he already knew, what we were about to face. Through *Gitanjali* (Song Offerings) Tagore showed his prophetic quality; he gave various indications of chaos towards which the world was heading. Anisuzzaman (2013) described *Gitanjali* (Song Offerings) as, "He revealed the complexities of human

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nature not only in the relationship between a lover and a beloved but in all human relationships, analysing the psychology of the individual" (Ahmed et al., p. xviii). These songs have a universal tone and they expressed human nature perfectly. *Gitanjali (Song Offerings)* believed in the oneness between human, environment and the divine and advocated for world's peace; he believed that through love and equality we can make this whole world our home. Nothing could stop him from expressing what he believed to be the cure of this society. Tagore raised his voice against all the odds. He even criticised Gandhi when he thought Gandhi's movement can hamper common life. He returned his knighthood when he realised that under the British rule common lives were getting lost. To Tagore one person should value the whole world and all the living beings in it: by doing so a person can live harmoniously and peacefully.

The Global Circumstances

The rationale for Tagore's everlasting impact in this earth is not only because of his passionate works but also for his straight forward opinion about many crisis of this world, such as; nationalism, selfishness, greediness, pride, lust, environmental issues, poverty and many more. Although it is painful to say, the world after Tagore has not changed much. What Tagore saw hundred years back, is still somehow present in this earth. He prophesied several disasters for human beings and gave solutions which were mistreated. In *Contemporising Tagore and the World*, the writers said, "Rabindranath was quite confident that his songs would be read by an inquisitive reader or two some hundred years later, but what probably never crossed his mind was that his essays on society, religion ... would be read by a host of people long after his death" (Ahmed et al., 2013). His works are related even today which make people wonder, how little the world has changed after him. Tagore (2011), in Song 39, talked about the chaos surrounding us and said, "When the heart is hard and parched up, /come upon me with a shower of mercy (p. 125). Our hearts are closed for all around us. People can only see what benefit them. Tagore saw this degradation long back; unity is not present among people anymore. Tagore wanted India, China and Japan to help each other and work together. He believed these countries share similar cultural values as Stunkel put it, "which could save the world from intemperate European materialism and power politics" (Radice et al., 2012, p. 333). Tagore wanted to save the east from materialistic desire as the west was already in the grip of it. Now all these countries are full of machines and high rising buildings; the world has become a slave in the hand of capitalism which is in the core of most evils.

Modern People and their Inaccuracies

Gitanjali (Song Offerings) talks not only about unity, nature, God, resolutions but

also about struggles and misdoings of individuals. Being proud of oneself, one's country, one's wealth is deep rooted in one's character. In the Song 7, Tagore (2011) said, "My song has put off her adornments" (p. 59). Tagore expressed that if one has smallest pride, he or she might never get God. God here may mean tranquillity, spirituality or blissfulness. Peace of mind is a hard thing to get and modern people often miss this fact. In *Contemporising Tagore and the World*, Bhattacharya (2013) quoted Tagore's thought, "As I look around I see the crumbling ruins of a proud civilization" (Ahmed et al., p. 436). The destruction of war or cold war is all due to this indifference; people love to be the centre of attention and for that he or she ignores the pain of others, as a result people are getting more and more aloof from each other.

Alienation is one of the worst enemies for our civilization. People wear mask all the time and often try to hide who they truly are. Tagore (2011), in the Song 29, said, "I am ever busy building /this wall all around" (p. 105). As we create a false image of ourselves, we lose some part of us. For society and for affluence, people frequently try to change. They burry their name and their true selves and create a new person, who lives just for power and success. Dr. Tilak said, "It is selfishness alone that sets barriers between men" (Tilak, 2004, p. 53). Egocentricity make people consider only about their own profit.

The focus of time came again and again in Tagore's poetry and works. He revealed the fact that people do not use their time in a proper manner. They waste their time to maintain their position in the society. They forget the fact that to help others is to help themselves because in this universe everyone gets back what they give. In the Song 82, Tagore (2011) said, "We have no time to lose, and having no / time we must scramble for our chances" (243). In this commercial world, everyone follows the path where they see wealth. Dubey portrayed Tagore's view by saying, "Therefore, in order to be united with broader humanity, we have to divest ourselves of selfishness and become what Tagore calls Vishwakarma, the one who works for all" (Ahmed et al., 2013, p. 32).

Modern Human's Stance towards Life

The perception of people changes overtime. Struggle, corruption, poverty, war alter the view of people over life. Humankind started to lose their faith after the World Wars. Lives became valueless. Disillusionment was everywhere. Otte (2014) Quoted, "Although, every now and then, we thought of war, it was no different from contemplating death" (Otte, p. 173); the killings, the deaths almost became justifiable to many. All these unfortunate wars became a vital reason for the transformation of human psychology. People do not trust each other these days. Tagore (2011) talked about these trust issues in his songs: his vision was

the restoration of reliance. In Song 35, he wished for a place, "Where words come out from the depth / of truth" (p. 117). He gave an idea of an ultimate place where truth resides, where there is no place for tricks. Stunkel quoted Erich Heller, who discussed about the present troubles and said, "Good does no good and evil no harm" (Radice et al., 2012, p. 318). The depression of present time moves around the fact that nothing bothers anyone anymore: death, crime, fight everything is ignored.

Self-Criticism of Tagore

Tagore understood his fellow human beings because he understood himself. A person can have both positive and negative side; it is what makes us human. To Tagore, having dilemma was not an awful thing but to ignore those was. He had not been one of those persons who feel shy to accept their faults. In the Song 3, Tagore (2011) stated, "My heart longs to join in thy song, / but vainly struggles for a voice" (p. 51). He wanted to connect with God but he was unable to do so. He felt that the obstacles in him were not letting him to unite. These obstacles of Tagore were, maybe, his pride, his vanity, his desire or his confusion. Tagore agreed of his having desires but he never tried to run away from it. In the Song 38, Tagore (2011) said, "All desires that distract / me, day and night, are false and / empty to the core" (p. 123). Tagore never said to stop wishing for something but to fancy for materialistic success which does not concern others, was wrong to him. In his love for God, he thought, he could never get close to Him if he had a slightest desire in his heart. Tagore was not pessimistic about it. He knew he will be triumphant in overcoming his worldly needs.

Accepting the World and Nature

The theme of nature, common life and the world came to *Gitanjali*(*Song Offerings*) again and again. Nature, world and human share a common connection and walk with harmony with each other. Tagore and Wordsworth had a similar sound in this matter. Stunkel observed, "His themes for stories, plays, and novels paralleled Wordsworth's 'subjects from common life'" (Radice et al., 2012, p. 327). They both understood the beauty of nature. Tagore's admiration of nature can be viewed in his works. He encountered nature from a very close distance and that was why his practical experience is reflected in his works. Nature works as an instructor; we have many lessons to take from nature. The way it maintains rules, the way it is caring, the way it is full of kindness; all these are necessary knowledge for us to take. In the Song 3, Tagore (2011) observed, "The holy stream of thy / music breaks through all stony obstacles" (p. 51). According to him, solution is in the nature. The way it faces difficulties and still goes on, all of it is a great lesson to take. Tagore realized there are problems in all

the creations but they all know how to defeat those problems.

To be one with nature one needs to admire its beauty. In this modern world, people are destroying the environment and are ignorant about its importance. Just like in *The Waste Land*, Tiresias told us how the people were behaving and how they were hampering the environment, Tagore warned us and requested to spend more time with nature so that one understands its value (Eliot, 1998). In the Song 48, Tagore described a situation where a person tried to enjoy the beauty of nature but his fellow companions were making fun of that person and were angry as to them it was a waste of time. Tagore (2011) portrayed, "Mockery and / reproach pricked me to rise, but found no / respond in me" (p. 149). In "Yeats and Tagore", Hurwitz (1964), quoted what Yeats wrote about *Gitanjali (Song Offerings)*, "...a whole civilization immeasurably strange to us, seems to have been taken up into this imagination; and yet we are not moved because of its strangeness" (p. 58); according to Yeats, *Gitanjali (Song Offerings)* reflected their image of thought and that was why he was so shocked. Everyone was mesmerized as to how these poems can reflect their view when it was written by a poet of the East. Tagore would have told them that it was nature and this universe which unite us all.

God created this nature and the world out of love but this love is not understood by man. The destruction of capitalism, war, and other issues hamper nature in a very dreadful way. Bhattacharya (2013) quoted Tagore's view on the Second World War who mentioned, "From one end of the world to the other the poisonous fumes of hatred darken the atmosphere" (Ahmed et al., p. 436). The nature and the world and its people, all became victim of these wars. The feeling of love seemed to be lost forever. In the Song 57, Tagore expressed the love of God in creating the nature as, "Ah, the light dances, my darling, at the / centre of my life" (p. 179).

Love and Desire

Like Eliot (1998), Tagore considered desire as a destructive force in human personality. Tagore talked about both love and desire and told us how we can try to turn our desire in love. Longing for selfish needs makes a person forget the true meaning of life. Burning selfish desire can make a person full of lust and greed. In the Song 9, Tagore (2011) described the horror of desire and said, "Thy desire at once puts out the light / from the lamp it touches with its breath" (p. 63). Desire turns good thoughts into evil ones. Tagore told us to be satisfied with what God has given us but sadly, satisfaction is a far thing to reach for modern people. Dubey explained, "Tagore was very much troubled by the apprehension of violence and holocaust which were likely to be unleashed by the blind pursuit of nationalism or the frenzy of nationalism" (Ahmed et al., 2013, p. 34). Extreme nationalism is a part of selfish desire of some opportunity seeking individuals.

They want the control of their country solely in their hand so that they can corrupt it more and more. Tagore did not write *Gitanjali* during the Second World War but he wrote it before the First World War. Clearly, he saw what was going to happen if people worship their country more than the world or the humanity. Tagore brought forward the idea of punishment in the Song 39. He asked God for his thunder, to burn his desire and change it to love. Reestablishment of peace in the world is possible if God forgives or punishes. Tagore said, "When desire blinds the mind with delusion / and dust, O thou holy one, thou / wakeful, come with thy light and thy thunder" (p. 125). Eliot (1998) sounded just like Tagore in *The Waste Land*. Resurrection or rebirth of humanity is possible if the God destroys desire by his thunder. In "The Fire Sermon", Eliot said, "Burning burning burning / O Lord Thou pluckest me out" (p. 43). Here Eliot mixed both Buddhism and Christianity. He wanted God to burn his desire and to take him out from his lust. In "What the Thunder Said", the thunder sounded three words which translate as to give, to sympathize and to control.

Passion for Humanity

Tagore was an enthusiast of humanity. He advocated for common people. Anisuzzaman described Tagore's feelings as, "The plight of the common man affected him; the social and political movements of his time drew him close, but he had always expressed his own views on them which were often unpopular" (Ahmed et al., 2013, p. xviii). Few people of his country thought he was not bothered about his country and his British friends thought he hated them, but the truth was he was not backing anyone; he was on the side of the common people and the civilisation. He knew that art or poetry will not fill the stomach of the poor. Anisuzzaman quoted, "The plight of his tenant-farmers moved him to action. He introduced a kind of microcredit to save them from the clutches of the professional money-lenders and finally set up an agricultural bank" (Ahmed et al., 2013, p. xviii). He introduced machine cultivation and worked for their education. He could have ignored their problems and work for his own benefit; instead, he thought about the poor people and found happiness in helping them. In the Song 10, Tagore expressed, "My heart can never find its way to / where thou keepest company with the / companionless among the poorest" (p. 65). If one needs to find God, he or she can find Him through His creation. Tagore's humanitarian tone was not right in the eyes of many. Stunkel quoted Tagore as, "Some said that my poems did not spring from the national heart; some complained that they were incomprehensible; others that they were unwholesome" (Radice et al., 2012, p. 314). Tagore's heart was not only for the people of his country but for all. He thought for the entire humanity. In the Song 11, Tagore (2011) said, "He is there where the tiller is tilling the / hard ground"

(p. 67). If God does not discriminate between His creations then why should we do that; Tagore did not mention the race of those path-maker or those tiller. He was talking about all the common people of the world. This was often a problem for many nationalist of Tagore's time. They wanted him to think about only his people, but unfortunately for them Tagore's people were all around the world. Indifference to common people leads to a disastrous future. One cannot neglect those who are in need. The majority of the world's populations are deprived from basic rights of human. There are many countries who are suffering without food or shelter. Ironically enough there are some people who can buy an entire country. Holton talked about capitalism and industrialism and questioned, "...where we are heading and by what route we will arrive there is uncertain" (Holton, 1987, p. 503). It is true indeed. We are moving beyond capitalism and materialism and going towards more dangerous things.

Elucidation through Mysticism

Tagore trusted in the unity of souls. He believed that man, nature and God, all share a bond. Walt Whitman's (1924) "Song of Myself", shared a similar tone with Tagore. Whitman, in the poem, celebrated his self. The poet used the term "I" which was universalized. Whitman believed that the soil is connected to him as his father and grandfathers came from the same soil. In other words, he, too, believed in oneness. Tagore's mysticism is mingled with humanism. He was a realist. He believed in the theory that God resides in His creation so if someone cares for the humanity, he cares for God. In the Song 32, Tagore (2011) said, "But it is otherwise / with thy love which is greater than / theirs, and thou keepest me free" (p. 111). God never tried to capture him but still he felt the bond; he was happier in the presence of God's love.

Tagore's mysticism had mingled with humanism. As he believed, all the souls are one and are connected with God and nature so, to help common people is to help God. In the Song 10, Tagore (2011) said, "Pride can never approach to where / thou walkest in the cloths of the humble" (p. 65). Arrogance can never have a chance in front of God. If one look down upon poor people, he or she can never be one with the divine. Dubey explained, "God resides in Man and the highest endeavour of a human being should be realize the God in him" (Ahmed et al., 2013, p. 29). The traditional mysticism often supports separation or alienation from society in order to get more close to God. Unlike these beliefs, Tagore was always in the support of the society. He never ignored the rules a man need to maintain or the responsibility of him towards his family. He was more of a rational thinker and an anti-traditional mystic. In the Song 73, Tagore (2011) expressed, "I will never shut the doors of my / senses (p. 221). He wanted to enjoy the beauty that runs in the nature and he wanted to live the life by sharing

the pains and joy with his fellow humans. God lives among man so leaving the society will mean separation from God. Tilak explained, "Tagore is a mystic, but he differs from the other mystics in as much as he never advocates a renunciation of life" (Tilak, 2004, p. 61). Tagore's highest form of mysticism was expressed in the Song 44. He showed how a person can be satisfied if he has faith in his heart. Contentment brings calmness of mind but in this world everyone is jittery. Tagore (2011) said, "In the meanwhile I smile and sing all / alone. In the meanwhile the air is filling / with the perfume of promise" (p. 137). To him, waiting for God was like a celebration. He knew God will come and this faith gave him tremendous happiness. If waiting is full of devotion, sincerity and honesty, the goal will definitely be achieved. Tilak said, "Union of the soul with something external is essential for self-fulfilment" (Tilak, 2004, p. 51). Tagore seemed to have acknowledged this unity and gained a higher understanding of his surroundings.

Solution through Cosmopolitanism

Rabindranath Tagore wanted this world to be free from borders, boundaries and of selfish nationalism. He not only dreamt about it but also tried to implement his ideas. Anisuzzaman said, "Visvabharati - a university he established later as a nest where the world would meet" (Ahmed et al., 2013, p. xviii). Visvabharati was his vision. He wanted people to mingle without thinking about their caste, religion, country or race. Tagore loved and respected his country and his countrymen but he was against the fact that one should value a country more than the world and the humanity. According to him, extreme nationalism can cost one to lessen his love for humanity. In the Song 8, Tagore (2011) said, "Mother, it is no gain, thy bondage of / finery" (p. 61). In this song, Tagore symbolically put before us a picture of a boy who is covered with jewels and for that reason he cannot get close to his friends. The poet was indicating not to be too narrow about one's nationality. We are the part of this whole world. The boy's mother detached him from his friends by putting him in fine cloths, just like in this world some countries show too much pride in their wealth and fail to realize their true purpose in this life; which is to be united with the universe. Frank (1980), in "World System in Crisis", said about today's world that, "a new wave of nationalism is threatening international relations between and challenging authority within national states all around the world" (p. 8). First world countries always dominate the poorer countries as they gather profit from them. The sad thing is, the poorer countries get robbed often by their own people, which Tagore indicated long before. One country should always help other countries. Being helpful and generous can make this world a peaceful place. In the Song 77, Tagore (2011) said, "I divide not / my earnings with them, thus sharing my / all with thee" (p. 229). One cannot come close to God if one does not help mankind.

Stunkel talked about Tagore's personality and described, "Tagore cared about the world outside Bengal and reached out to it" (Radice et al., 2012, p. 332). He did not just think about his own country, he thought about the welfare of the entire humanity.

Tagore criticized man's nature of extreme lust, which is related to men's conquering nature, by giving the example of children. Kids are pure from their heart. They do not pretend to be something else. To them, treasures lie in nature but to men nature sometimes becomes invisible. In the Song 60, he said, "Pearl fishers dive for / pearls, merchants sail in their ships, while / children gather pebbles" (p. 185). Men use the sea to overpower the world but to kids the sea is a beautiful place. Men see everything with their eyes of hunger. To create barriers among countries some people often use the divide and rule technique. British people used this method in India as well. Datta described Tagore's observation and said, "According to him, the imperialist principle of 'divide and rule' creates 'walls' in our 'mental outlook' and leaves its mark deep in the minds of men" (Ahmed et al., 2013, p. 443). India was discovered through the sea but, unlike the children, the men saw it as their object of lust. Tagore was right indeed because in India there are still severe damages which were created by the divide and rule technique. Schiff (1939) observed that, "...nationalism was greatly encouraged by the rise of a new type of imperialism, based upon the needs of Capitalism" (p. 159). Tagore raised his voice for cosmopolitanism in his many other works as well. In the *Home and the World*, a novel of Tagore (2005), he portrayed a hero who is a cosmopolitan individual like Tagore. Ganguly mentioned this as, "Nikhilesh's refusal to be swayed by the hyperbolic rhetoric of swadeshi ... and his declaration that 'his worship he would reserve for the Right that is greater than his country' qualify him as a world citizen" (Ahmed et al., 2013, p. 131).

Answer through Humanism

Tagore valued his fellow humans more than anything. He was looking for the divine but it seemed he had found Him in man. Humanism is a philosophy that positions importance to individuals over dogmas or superstitions of a society. Tagore lived in a time where religious chaos was getting nasty. Some profit seeking people were taking all the benefit of it but to Tagore the lives which were getting lost in that issue were bigger than society or its value. Anisuzzaman explained, "The Hindu-Muslim conflict in India disturbed him so much that he exclaimed that a straight atheism was better than this perverse religiosity" (Ahmed et al., 2013, p. xix). Though he belonged to a Hindu family, his love for the humanity was never lessened by any customs.

Inaccuracy, error, mistakes are all part of human life. Tagore knew that as a person everyone will have some kind of limitations. He wanted them to realize

their mistakes but he never thought that a person will be like an angel, who will not have any faults at all. In the Song 28, Tagore explained his dilemma to God. He had grown attached to his mistakes. He could not pray to part with his mistakes or shortcomings. He said, "yet when I / come to ask for my good, I quake in / fear / lest my prayer be granted" (p. 103). Ahmed et al. elucidated, "He had the faith that human beings could overcome limitations of all kinds" (Ahmed et al., 2013). Shortcomings do not make a person less worthy. Tagore's trust in mankind made him honour and praise all their behavioural traits. Tagore saw humanism above all the doctrines. He never discriminated among man in the basis of poor or rich or for countries or for religion. In the Song 12, expressed this kind of emotion and said, "The question and the cry "Oh, where?" / melt into tears of a thousand streams and / deluge the world with the flood of the / assurance" (Tagore, 2011, p. 69). Tagore was looking for God but then he realised He is everywhere. He is present in all of His creations. Dubey conveyed Tagore's view as, "The complete man should never be sacrificed to the patriotic man or even to the merely moral man" (Ahmed et al., 2013, p. 33). Tagore saw nationalism as a narrow concept in front of humanism. Tagore (2011) believed that we all share a link with each other. All the creations are related and interlinked. In the Song 69, he said, "The same stream of life that runs through / my veins night and day runs through the / world" (p. 211). We exist by contributing to the similar power. Tagore, according to Stunkel, quoted, "As we become conscious of the harmony in our soul, our apprehension of the blissfulness of the spirit of the world becomes universal" (Radice et al., 2012, p. 325). We all are connected with each other. Manmade boundaries and traditions make us distant from each other. Tagore saw humans as his brothers and that is why he never supported war or nationalism. Equality was all he dreamt of. Stunkel observed a similarity between Tagore and Coleridge and said, "In tone, diction, and idea, Coleridge can sound like Tagore" (Radice et al., 2012, p. 327). They both believed in the fact that the soul is everywhere. We all share the same life stream with the nature and with each other. To save the humanity to fall apart, we need to realize this connection.

Rejection is not a Key

God resides among His creation. Tagore knew about the labours and difficulties of living in a society but he never advised to run away from it. He believed that a person does not need to leave the society in order to get God. In Sanchayita, inside the poem "Vairagya", the poet described a situation where a devotee wanted to leave the society for God. He wanted to find God and he saw his family as the ones who were a barrier. He then roamed out to find God but the Divine again and again told him that He was with his family, with the people,

with the society. The God exclaimed in grief that where is His follower going; leaving Him behind but the devotee was unable to understand (Tagore, 1995, p. 168).

People never understand the true value of life before it ends. They fight for trivial things without appreciating what they already have. In the Song 92, Tagore (2011) expressed his grief by saying, "Let me / but truly possess the things that I ever / spurned and overlooked" (p. 263). At the verge of life people realize what they were missing. They start to realize the true beauty of life. The simplest things become more beautiful than ever. Tilak portrayed Tagore's view as, "He has his own utopia as in *The Land of All I Have Found*, where he seeks refuge from the toil and trouble of life, but it is not far from the familiar world of human activity" (Tilak, 2004, p. 69). He never liked the concept of going away from one's responsibility. If everyone sees this world as their home and loves and cares for all the living beings, this world will become a heaven.

The song, where Tagore (2011) voiced about his dislike of leaving the society was in the Song 73. He expressed, "Deliverance is not for me in renunciation" (p. 221). God is among us, we need to feel him. We cannot think this world as our enemy instead we need to accept this world, this life. Tilak quoted, "The poet's spiritual message does not however, enjoin us to run away from the 'fret and fever of life' and seek shelter in a hermitage, but insists on our full participation in the joys and sorrows of life" (Tilak, 2004, p. 15). Trouble and happiness are all part of our lives but to become frustrated is not a solution. In *Kali O Kolome*, Tagore's view was described as that he knew about the tragedies of life. He knew all about all the sorrow and pain of human life but he never agreed to view life as a tragedy (Hasnat, 2012, p. 25). He wanted to be free of lust, desire, and hatred but never wanted to be free from the bondage of life.

Tagore's Scrutiny on Life

Tagore's philosophy of life was not a difficult one. He admired simplicity and honoured all living. He knew the rules of life and was aware of the shortness and uncertainty of life. He never ignored the concept of death. To him, it is a part of life as well. He knew that, fear of death can never bring peace in his mind so he always welcomed death. Uncertainty of life also points to the fact that we need to keep moving. Tagore (2011), in the Song 51, said, "We stood up on / our feet and cried 'There is no time for / delay!'" (p. 161). In the song the people thought the king will not come in this hour but they were told that the king had come. They were in disbelief and were ignoring the sounds but the king came at last. The king here is maybe portraying death. Life is full of doubt. Anytime death may come. Shahane (1963) pointed out, "The high, majestic quality of his imagination combined with his intense personal awareness experience makes him a dreamer

of dreams as well as a realistic champion of humanist values" (p. 64). Tagore did not talk about ignoring death or escaping from the world, he told us to face what comes before us and to do our jobs.

Conclusion

Tagore tried his best to help the humanity and to raise awareness for the nature and the world in the mind of his fellow human. The message he wanted to give us was to love and to care for all human. He wanted us to stay united and to stay away from racial conflict. Dr. Singh described Tagore as, "He was a poet, a playwright, a novelist, an editor, an educationalist, a painter and a citizen of the world" (Ahmed et al., 2013). Tagore was truly a citizen of this world. He loved and adored this world dearly. The chaos of war and the violence of it disturbed him a lot. When his nationalist friends were fighting against colonial rule and the British were trying hard to gain their rule back, Tagore was on the side of humanity. He saw that under the fight for one country, innocent people were dying. Some people were thinking about their own benefit. Tilak mentioned how the death of Tagore hampered many and said, "Gandhi called him the Great Sentinel for it was, as a Sentinel that he watched in an age of fading spirituality, the great ideals of love, joy, and freedom" (Tilak, 2004, p. 39). He was an advocate for the humanity. His philosophy was all about love and oneness.

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An Anatomy of Section 13 and 14 of the Transfer of Property Act, 1882 Dissecting the Rule against Perpetuities

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***Abstract:** Rule against perpetuity is regarded one of the most complicated rule in the property law. The rule emerged in the seventeenth century primarily in the Duke of Norfolk's case. The rule, ultimately, has been developed in a single rule in the classic treatise of John Chipman Gray in the nineteenth century. The English rule has been provisioned in Bangladeshi law in the same name under section 14 of the Transfer of Property Act. To explain the rule under section 14, section 13 is necessary to be taken into consideration. The authors aim at interpreting the rule under these sections and elaborating its origin and their objectives are to make the concept easily understandable.*

Keywords: Rule against Perpetuity, Transfer of Property, Duke of Norfolk's Case, Dead Hand Control

Introduction:

The rule against perpetuity has its roots in the famous Duke of Norfolk's case of 1681. From the emergence of the rule, it has been making the property lawyers confused for over 300 years. This rule is being considered one of the most difficult, complicated and perplexing rule in the property law. The rule is embarrassing not only for the property lawyers or law professors or students but also for the school of thought as well. (Appel, 2004) Because of such complexity, the rule has taken almost two hundred years to be developed as a single rule. The rule has received its maturity in the classic work titled 'The Rule against Perpetuities' by John Chipman Gray. He stated, "No interest is good unless it must vest, if at all, not later than twenty one years after some life in being at the creation of the interest". (Gray, 1942) In Bangladesh, the rule is provisioned in

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the Transfer of Property Act, 1882 which was a product of the fourth law commission of then British India. The commission drafted the statute based on English law. (Kulshreshtha, 2016) As such we inherited the English rule against perpetuity in our law.

This research article interprets the rule under the Bangladeshi law with some discussion on its origin and emergence. In doing so, a brief historical background on the rule discussing the famous Duke of Norfolk's case has been provided to make the rule clearer. After discussing the short history of emergence, the objectives of the rule has been explained. Then the rule has been dissected explaining the relevant sections of the Transfer of Property Act, 1882 and appropriate case laws with live illustrations and examples. This article endeavors to make the rule clear, easy and understandable to its readers.

Brief Historical Background of the Rule Against Perpetuity:

There is a well-known maxim in the property law '*alienatio rei praeferitur juri accerscendi*' i.e., the law always favors alienation rather than accumulation. (Talukdar) But it is an obvious fact that human being has an instinct of accumulating property and having control over that property though it is clear like sunshine that they cannot take the property with them. Even after death some of the human species desire to control the property from their grave. Because of such unwanted desire, the rule against perpetuity was originated in England. In the seventeenth century a case alleging a dead hand control prohibiting the property to be vested immediately and making the vesting of the contingent interest remote was presented to the royal judges. This leading case is well known in the history of property law as 'Duke of Norfolk's Case'. (Vallario, 1999) The rule was considered to be a compromise between the family and the royal judges (Vallario, 1999) because the judges did not dismiss the dead hand control in its totality rather limit that dead hand control up to a certain period resulting in removal of perpetual dead hand control over the property. Though there were several leading cases on property law before the Duke of Norfolk's case, the ever complicated rule of the property law i.e., the rule against perpetuity has its roots in this famous case of Duke of Norfolk. (Appel, 2004)

Henry Frederick Howard belonged to one of the most primordial, established and celebrated families in England. (HASKINS, 1977) He was then the '15th Earl of Arundel, 5th Earl of Surrey and 2nd Earl of Norfolk'. (Herbert R. Paschal) It is pertinent to mention here that 'Earl' is one of the five prestigious titles of the English noblemen. These titles are generally known as peerage (Debrett's) and these five peerages slope as per the following order of rank: duke, marquess, earl, viscount and baron. (Debrett's, Ranks and Privileges of the Peerage)

As Henry Frederick Howard was an English nobleman and had peerage title and lots of wealth, he wanted to control his land and property even after his death. He had nine sons and three daughters (Herbert R. Paschal) of whom *Thomas*, the eldest son, *Henry*, the second eldest son, and *Charles* are relevant in this discussion. The eldest son Thomas was insane but according to the law of primogeniture, he had the right and entitlement to succeed to the Earldom and to inherit the responsibility of his family's wealth. Apart from this difficulty, the Earl of Arundel then faced another problem. His estates had been confiscated by the parliament around sometime in 1647 because the Earl politically supported Charles I, who had direct conflict with the parliament regarding the religious and political issues. (Barry, 1937) Because of such an unpleasant situation, Henry Frederick Howard desired to convey the Earldom to his second eldest son Henry and so he also desired that Henry would receive the income from '*Barony of Grostock*' in the Earldom of Thomas, his eldest son. And if *Thomas* died without male issue which was almost sure to occur, *Henry* would succeed the Earldom and *Charles* would receive income from '*Barony of Grostock*'. (HASKINS, 1977)

Because of such complex situation in Howard family, he consulted with one of the most famous conveyancer of his time, Sir Orlando Bridgman, to make such an instrument which favored his desire in disposition of the property. The indenture drafted by Sir Orlando Bridgman became the basis of legal battle between the Howard's second eldest son Henry and his another son Charles which is famously known as the Duke of Norfolk's Case in the history of property law.

After the death of Henry Frederick Howard, his eldest son Thomas became the Earl of Arundel and the Duke of Norfolk. The prediction of his father came into light. Thomas died without male issue and so Henry succeeded to the Earldom and gained ducal title. As per the indenture, now Charles became entitled to receive the income from '*Barony of Grostock*'. But the new Earl and Duke of Norfolk, Henry was argued to be greedy. (Appel, 2004) He desired not to provide '*Barony of Grostock*' to Charles and so he filed a suit claiming that the device making Charles entitled to the income of '*Barony of Grostock*' was void because of perpetuity. Henry based his claim on then legal principle that perpetual restrictions of any kind upon the alienability of the property were void. Lord Chancellor Nottingham decided the case in favor of Charles indicating that in the device perpetuity did not occur. Though the case was to adjudicate the problem between two brothers, it gave some more specific insights on the rule and so it is often argued that the rule against perpetuity retains its roots in the 'Duke of Norfolk's Case'. On that case the remoteness of vesting was declared to be void.

Since on that case the contingency became vested in one generation, Lord Chancellor Nottingham did not regard it a situation of perpetuity.

In the case Lord Chancellor Nottingham did not specify how long the contingency could be tied up, but he simply said that property had to be vested at some point. Afterwards, it was developed that property, though cannot be tied up in perpetuity, can be tied up for a generation which was in existence at the time of such transfer and the majority of subsequent generation. In this regard the classic statement of John Chipman Gray is much relevant. As per his statement every interest must vest on or before twenty-one years and not later after some life in being at the creation of the interest. If an interest does not vest within this stipulated time, the interest shall not be regarded as a good interest in the eye of law. (Gray, 1942) So a contingent interest will fail if it is not vested within this permissible interest. (Levin, 1980) It is to be noted here, the twenty one year provision is not relevant for Bangladeshi law because here in Bangladesh the age of majority is 18 years. (The Majority Act) So we are to take consideration of 18 years while explaining this rule under Transfer of Property Act, 1882 as the Act stated in section 14 'the full age'.

In summary, the rule was a compromise between the landowner's intent to restraint alienation of their property even after their death and the royal judges' intent to remove such dead hand control and to make the property alienable. (Vallario, 1999) Though the dead hand control was not outwardly abolished by the rule, it limits the dead hand control, which was considered to be as old as the concept of ownership of land, (Mulroney, 1990) up to a limited time thus making the property more suitable for alienation. Hence the property can be roped up to the lifespan of a generation being in existence while making the device and the majority of the subsequent generation.

The ever complicated rule against perpetuity is provisioned in the, then, Indian law named Transfer of Property Act, 1882 under its section 14 which has later become the law of Bangladesh after independence in 1971. The rule in the Act has been described and provisioned in the same way as it was the concept of the rule in England. The Act of 1882 is the result of the Fourth Law Commission appointed by the, then, British Government of India in 1879. In that Law Commission Sir Charles Turner, Dr. Whitey Stokes and Raymond West were the members and they recommended making the English law as the basis for Indian law for the future. They drafted many laws including this Transfer of Property Act, 1882 on the basis of English Law and they became enacted as such. (Kulshreshtha, 2016) So, it is apparent that the rule enunciated in section 14 is the same version of the English rule against perpetuities with a modification of the concept of 'full age' in the two different jurisdictions.

Purpose and object of the rule:

The rule against perpetuities was primarily targeted to avert dead person from dominating estates from their grave. (Greenfield, 2006) As asset is needed for the living person not for the dead so the control over such asset should also be in the hands of living person. This rule eases the alienability of the land thus limiting the dead hand control. By the decision of the 'Duke of Norfolk's case' the court limited the control of wealthy family to restraint property alienation for the future generation. (Kramer, 1997) This rule is a reaction to the desire of then English wealthy families to impose contingencies on property in such a way that makes the vesting far remote. In law, the remoteness of vesting is considered to be obnoxious. (Fraser, 1922) The rule against perpetuities is the rule against remoteness of vesting. (Licata, 1996) The rule stated that the contingent interest should be invalid if it failed to be vested within the permitted period i.e., the lifetime of a person or persons living at the time of formation of the interest and 21 years (age of majority) of the next generation.

Though the wealthy families in England desired to impose perpetuities to restraint their asset to be alienated, the royal judge regarded perpetuity to be dangerous for economic, social and political life of the British reign. Thus it was a demand of the public policy to adopt rule against perpetuity. (Siegel, 1982)

Perpetuity was supposed to hinder the alienability of the property and it was supposed to take the assets out of stream of trade and commerce thus hindering the marketability. From the unfolding of the rule in the Duke of Norfolk's case, it furthered the alienability and marketability of the property. In short, the object of the rule was to pacify the lives of living human being rescuing them from the dead hand control. So, with the inception and development of the rule, the alienation of the land becomes easy and uncontrolled from the dead ancestral desire.

Interpretation of the rule under Bangladeshi law:

Perpetuity simply means uncertain or indefinite period. The maximum period, during which the transfer of property can be legally delayed, is named as perpetuity period. The interest is created in present, but it is to take effect in future. One cannot adjourn the transfer of property in the transferee beyond a certain specific period. The rule which limits the highest time period beyond which no property can be transferred is called rule against perpetuity.

The question of perpetuity may jump up in two cases. One is by detracting the power of transfer from the transferee. Section 10 of Transfer of Property, 1882 prohibits such kind of perpetuity provisioning the condition of restraining

alienation void. According to Section 10 of the Act of 1882 if any property is transferred with a condition absolutely restraining the transferee from parting with his interest in the property, such condition is void. Though this condition of absolutely restricting the right to disposal of his own property is void under this section, the transfer shall be valid in such a way as if there were no such condition in the transfer. In the same section, there made two exceptions to the above rule. It is provisioned that though absolute restraint of disposal of property is void generally, it is allowed when the condition is for the benefit of lessor or those claiming under him in a lease transaction and the transfer of property to a woman who is not a Hindu, Mohammadan or Buddhist is valid with a condition that she shall have no power of disposal of such property during her marriage.

The other case is by forming future remote interest in the property. In this paper the intention of the authors is to interpret this type of perpetuity which is well known as rule against perpetuity. In order to understand the rule, sections 13 and 14 need to be read together. According to section 13 of the Transfer of Property Act 1882, if a property is to be transferred for the benefit of an unborn person, a prior interest must be created by the same transfer and the interest created for such unborn person must extend to the whole of the remaining interest of the transferor in the property. As per section 14 of the Act of 1882, no interest shall be created on the transfer of any property which will be effective after the lifetime of one or more persons living at the time of such transfer, and the minority of such person who shall be in existence at the end of that period, and to whom, if he attains the majority, the interest created belongs.

According to section 5 of the Act, transfer must be made *inter-vivos* or between only alive persons. This section does not allow the transfer of property directly to a person not in existence at the time of such transfer. If anyone wishes to transfer his property in favor of an unborn person, he has to follow the rules provided under sections 13 and 14 of the Act.

Section 13 provides the way for the transfer of property for the benefit of a person who is unborn on that date and who will be the ultimate beneficiary from such transfer. On the other hand, section 14 provides the maximum time period beyond which such property cannot be transferred in favor of such unborn person. In this case, sections 13 and 14 are the supplements for each other. To understand the rule, sections 13 and 14 are to be illustrated.

Analysis of section 13 of the Transfer of Property Act 1882:

As per this section, a transfer of property shall not be effective if the following conditions are not carefully met. Since this is an extraordinary type of transfer and apparently beyond the general scope of the Transfer of Property Act, 1882

because of its being not *inter vivos* directly, these conditions are provisioned to be accomplished to make the transfer valid.

Prohibition of direct transfer:

According to this section, a transfer in favor of an unborn person cannot be made directly and it can only be made by way of trusts. If a property is transferred directly in favor of an unborn person, there would be an adjournment of ownership and title from the date of the transfer till the unborn person is born.

Thus, if Abul transfers his property to his unborn son Babul, the transfer is void because it cannot be made directly to Babul as he is not capable of being received.

Creation of prior interest:

If a trust is not created, the property must vest in favor of some person or persons alive between the date of the transfer and the birth time of the unborn person. So interest in favor of an unborn person must always be headed by a prior interest in favor of some living person or persons. Such interest is only lifetime interest in which living person can enjoy the interest of the property without the right of transfer. Thus, if Mr. Rahim wants to transfer his property to his unborn son Karim, he must transfer such property by creating a prior interest in favor of one or more living persons until the birth of Karim. Transfer without such creation of interest shall not be valid under this section.

Person not in existence:

There must be a transfer in which the ultimate beneficiary is a person who is yet to born. An unborn child is considered to be a person in existence from the day of its conception. If any transfer is made in favor of a person who is living at the date of such transfer, such transfer shall not come under the purview of this section.

Transfer of total remaining interest:

The total remaining interest must be transferred to an unborn person instead of life or limited interest. It is not permitted to transfer a life or limited interest in favor of an unborn person. (Girijesh Dutt v. Delta Din (1934) 9 Luck. 329) Life or limited interest is only to be created in favor of one or more persons living.

Thus, A transfers his property to B for life and after his death to his unborn son C for life and after his death completely to B's unborn child D. Here this transfer is void because C was unborn during such transfer and only life interest is being given to him which is affected by the doctrine of double possibilities.

Analysis of section 14:

To transfer a property in favor of an unborn person, maximum time limits have been fixed by this section beyond which property cannot be transferred to an unborn person.

Lifetime interest in favor of one or more persons:

To transfer a property in favor of an unborn person, an interest shall be created to one or more persons for their life or lives. Thus, a property is transferred to A for life, then B for life and then to the B's unborn son C. Such transfer is valid because the lifetime interest in favor of A and B has been created.

Existence of living person at the date of transfer:

The person or persons to whom an interest is created must be alive during such transfer. If any prior interest is created in favor of a person or persons who are not alive at the time of such transfer, such transfer shall not be valid under this section. Thus, a property is transferred to A for life, then B for life and then to the B's unborn son C. At the time of such transfer, if it is shown that B was not alive. The transfer is considered as void.

Minority period of unborn person:

The transfer shall not be effective when it goes beyond the minority period of such unborn person. Minority period in Bangladesh come to an end when a person is 18 years old or when the minor is under the supervision of the court at his attaining the age of 21 years. (The Majority Act) It is to be noted that, during the transfer in favor of an unborn person, it is not possible to know that a custodian would be assigned by the court after the birth of an unborn person. (Saundara Rajan v. Natarajan, A.I.R 1925 P.C. 244) So the age of minority shall be considered as up to 18 years.

Gestation Period:

To calculate the minority period, the period of pregnancy shall also be added up along with the minority period. It includes the period during which a child prevails in the mother's womb after being conceived which is generally about 280 days or 9 months. If the unborn person (the ultimate beneficiary) is already born, such period shall not be computed in addition to the minority period.

Existence of minor:

The unborn person must be born or in the mother's womb on or before the death of the last prior interest holder. Thus, a property is transferred to living person, A

for life, then to a living person B for life and then to the B's unborn son C. A died in 2018, B died in 2019 and C born in 2020. The transfer shall not take effect, because C was born after the death of B (last prior interest holder).

Attainment of full age:

A minor who is the ultimate beneficiary under this section, shall be entitled to get the property conclusively if he attains the full age. In Bangladesh the age of majority is considered 18 years or if the person is under the custodian of the court, the majority comes at the age of 21 beyond that period any transfer of property cannot be made in favor of an unborn person. (The Majority Act)

Thus, a property is to be provided to a living person, A for life, then to a living person B for life and then to the B's unborn son C if he attains 21 years. The transfer is considered void.

Therefore, Section 13 and 14 together spring the following ingredients to make a transfer of property in favor of an unborn person legal:

- A transfer of property must happen there
- The transfer must be to create an interest in favor of a person who is yet to be born
- Such transfer can be made by way of trusts
- If no such trusts is made, prior interest must be created
- The vesting interest must be headed by life or limited interest of living person or persons
- The interest holder or holders in whose favor the life interest is created must be alive at the time of such transfer
- The whole remaining interest must be transferred in favor of such unborn person
- The unborn person must be in existence (either by birth or in the mother's womb) on or before the death of the last prior interest holder
- The unborn person must attain the age of majority to get the property (Talukdar)

If all the above requirements are fulfilled, then the transfer of interest in favor of an unborn person may be adjourned only up to the life or lives of some living persons and the minority (18 years) of the ultimate beneficiary.

So the perpetuity period is the lifetime of one or more living persons plus gestation periods plus 18 years. If there is an intention to transfer a property in favor of an unborn person beyond these periods, such transfer shall be adversely affected by the rule.

Non-Applicability of the rule:

The provisions of section 14 shall not be applicable in the following cases:

Transfer for the benefit of the public: The restrictions shall not be applicable when the transfer of property is made for the welfare of the public in the betterment of religion, knowledge, trade and commerce, health, safety, or any other object advantageous to humankind. (Section 18 of the Transfer of Property Act, 1882)

Personal agreements: Any agreement which does not contain any interest in property, shall not hamper the rule against perpetuities. (Nafar Chandra v. Kailash, (1921) 25 C.W.N.201)

Mohammedan Law: Transfer in favor of an unborn person shall not apply to the Muslims except in case of *wakf*. (Abul Fata Mahomed Ishak v Russomoy Dhur Chowdury (1895) ILR 22 CAL 619)

Contract to pay money: A contract to pay money to a person, heirs or legal representatives upon happening of a future contingency would be completely valid. (Walsh v. Secretary of State for India PLD 1952 (Lah) 166)

Perpetual renewal of Lease: According to section 105, a lease of immovable property is a transfer of a right to enjoy such property which can be made in perpetuity. In case of perpetual lease, the provision for renewal of perpetual lease by the lessee from time to time is permissible in the lease deed. So if any lease is made for a perpetual period, such period shall not be affected by this rule.

Pre-emption: In case of pre-emption there is a right to purchase a land before others in which there is no question of interest in the property. In this case, a person has the right to be asked for the property for transfer to him before anyone else. The covenant for pre-emption does not violate the rule laid down in section 14 of the Act and for this reason such a covenant cannot be considered void in the eye of law. (Ram Baran v. Ram Mohit AIR 1967 S.C. 741)

Mortgage: According to section 58 (a), In a mortgage there also happens a transfer of an interest in specific immoveable property and the aim of such transfer is to secure the money which was advanced or to be advanced by way of loan, an existing or future debt, or the performance of an engagement which may cause a monetary liability. In this case, there is only transfer of an interest in which the mortgagor is authorized to mortgage his property for a longer period specified in section 14. For this reason, the provisions of section 14 are not applicable for the mortgage.

Redemption of Mortgage: A contract for redemption of mortgage is not adversely affected by this rule. The mortgagor may redeem his property

mortgaged from the mortgagee within the time agreed in the deed of mortgage which may exceeds the fixed time determined by this rule.

Vested interest: Once the interest is vested it cannot be invalid only because of the remoteness.

Corporation: If any land is purchased by corporation, this rule is not applicable in that case.

Effectiveness of the rule:

This rule ensures betterment of the society. Continuous transfer of property without making it inalienable is always effective for the society at large. The ultimate beneficiary from the benefits arising out of the transfer is the society to prevent it from the loss as a result of non-transfer for a long time. It is not expected for the betterment of society that a dead person controls property of the living being who are in need of the property.

The rule against perpetuity has significantly been working for the betterment of property itself. It is always an effective method to assure whether the property is being circulated freely and actively for trade and commerce and for the advancement of the property as well. To circulate property freely and actively for trade and commerce, the property must be transferred from one hand to another from time to time.

Bangladesh is a developing country in which most of the revenues come directly from the people of the country. When a person transfers his property to other, he has to pay the revenue to the government for such transfer. If any property is transferred for many a time, the government will get the revenue from every such transfer. But when it remains non-transferrable for a long time, the government is ultimately deprived of more revenues.

This rule has removed the double possibilities of vesting which is a problem to the property law. So, because of this rule not more than one generation can get the benefits of the rule. Thus, A transfers his property to B for life and after his death to B's unborn elder son C for life and after his death absolutely to B's unborn younger child D. In this case, the transfer would be valid if it is made absolutely to the C. By this rule, D will not get the benefits of the rule.

Transfer of property is essential to meet the necessity of our life whether for personal use or for any other commercial purpose. If an industry needs to be established in a suitable

place which is made inalienable for a long time by its owner, then it is not possible to establish such industry in that place. This is the barrier of using property.

The rule against perpetuity is an absolute fair balance between the intention regarding moral enjoyment of the present owner of the property for the upcoming days and the intention of those living tomorrow to have the same which they have inherited.

Conclusion:

The rule against perpetuity limits the dead hand control over the property. It also prohibits remoteness of vesting. Thus, an interest will be valid if it is vested within the allowable time by this rule i.e., some life in being at the time of creation of the interest and the majority of some person who was not in being at that time. So, transfer to the generation who was living at the time of the creation of the interest is valid. Also it can be tied up for the next generation who was unborn at the creation of the interest till he attains full age i.e., 18 years in Bangladesh. If the transfer is not vested within this permitted time the interest will be void. This rule has certain exceptions where remoteness of vesting is accepted under the existing laws of Bangladesh. They are mostly for public benefit not of individual desire to control property from the grave for his/her own family.

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