

Short Article

**MEDIA, DEMOCRACY AND HUMAN RIGHTS IN
BANGLADESH**

*Jesmul Hasan**

Human rights and democracy are closely interlinked. Democratic process cannot ensure establishment of democracy in spirit unless right-duty co-relationship exists between the electorate and the elected. And media acts as one of the important tools of strengthening democracy and promoting human rights. It is more important in the context of a nascent democracy like Bangladesh.

The number of daily newspapers in the year 2002 was 282 out of which 107 are being published from the capital city Dhaka while the rest 185 are from outside Dhaka. The number was 67 and 23 respectively in the year 1990. This increase in number of newspapers coincides with the transition of the country from the autocratic rule during the 1980s to democratic process during the 1990s.

The society in Bangladesh is highly polarized along political lines of two major political parties the Awami League (AL) and the Bangladesh Nationalist Party (BNP). Newspapers could remain outside and allegedly are toeing the party lines. As a result, people do not always get total picture of particular issue or event and get influenced by biased opinion/analysis. This also acts as some sort of censorship by the journalists or newspaper owners. Similarly the journalists unions are divided on political lines, which is a barrier on development of professionalism.

Although in 1991, democratic process was established in Bangladesh after a decade of autocratic rule, the system of governance still remains dictatorial in nature. Instead of presidential form of Government, parliamentary form of Government has been established. But Prime Minister has become all-powerful in the existing system apparently without any checks and balances. Thus the media in Bangladesh is to operate in an environment of democratic autocracy.

Article 39(1) of the Constitution of Bangladesh ensures freedom of thought and conscience. Article 39(2) ensures freedom of speech,

* Mr. Jesmul Hasan, Governance Advisor, Canadian International Development Agency (CIDA), Dhaka, Bangladesh.

expression and press subject to reasonable restrictions imposed by law. Here the term 'reasonable' is subjective and can be interpreted selectively by particular quarters to serve their particular interests.

According to Printing Presses and Publication Act 1973, publication of any newspaper requires prior written approval of the Deputy Commissioner. The Act also bars printing and publishing anything that affects interest of State and the Government of Bangladesh. During the tenure of Awami League Government (1996-2001), the provision of oath or affirmation was inserted in the law forcing publisher/printer to an undertaking that he/she will not publish/print anything against the interest of the Government. This was undemocratic behaviour of a democratically elected Government.

According to Section 124A of the Bangladesh Penal Code, a person can be punished with imprisonment for three years or fine if he expresses dissatisfaction against the Government. Dissatisfaction denotes disloyalty and feeling of enmity as explained in the provision. This is an undemocratic obstacle to people's freedom of expression. Section 505(b) of the same law forbids any report or statement against the State the punishment of which is imprisonment for seven years or fine or both. Originally this imprisonment was for two years as promulgated by the British rulers, but the democratically elected BNP Government increased it to seven years in 1991. What is surprising is that after the fall of autocratic ruler in 1990, the interim government scrapped some provisions (Sections 17, 18 and 19) of the Special Powers Act 1974. These provisions were against freedom of speech and expression in general and freedom of press in particular. But the democratically elected government incorporated more stringent provisions in the Penal Code after assuming State power. Similar provision against freedom of thought, opinion and expression is incorporated in section 505A of the Penal Code. According to Section 99A of the Code of Criminal Procedure, the Government can forfeit any publication if it is defamatory of the President, Prime Minister or Speaker of Parliament.

The most draconian of the laws against free flow of information in Bangladesh is the Official Secrets Act of 1923. It bars public servants to provide to anyone any secret government plan, document, note, sketch, model, signal, information etc. which are related to restricted places and which if made public could pose threat to the security of the State. But

the Government keeps all its decisions, including very trivial ones out of public knowledge under the pretext of this law. This is abuse of law to curtail free flow of information and hence, undemocratic. The Governments Service Rules of 1979 also prohibits public servants to disclose official information to press or to non-official persons.

However, despite presence of such stringent legal regime, media in Bangladesh is very bold in promoting people's rights and is critical against government. A favours made by some ministers and government officials in providing information to the media-men tacitly has enabled media to play this role. But here too, sometimes professionalism of media-men suffers at the cost of information.

Although the number of newspapers published in Bangladesh is huge in terms of number of population and literate people (62% claimed by the Government, 47% claimed by the NGOs), many of the newspapers are not available in newspaper shops. This is due to financial vulnerability of these newspapers. They depend largely on the Government allocated newsprint and advertisement for their existence. Only around 12 leading newspapers out of 282 have considerable circulation at the national level in the country.

Moreover, newspapers which are critical of the Government do not get their due share of newsprint and advertisements. The Government claims that advertisements are allocated according to the circulation figure that is, in fact, fabricated by some corrupt government officials in favour of some newspapers behind which, there are some underhand transactions. The Government claims that objectivity of news reporting is also considered in allocating newsprint and advertisements. This issue is subjective in nature and is interpreted by the Government according to its own party policy and interest. Reporting on corruption, nepotism, and development projects initiated to protect vested interest instead of people's interest has deprived many newspapers from Government advertisements.

In recent years, some newspapers have succeeded to get rid of their dependency on Government allocated advertisements by getting lion's share of their revenues from private sector advertisements. But this has not ensured extension of freedom of those newspapers rather they are sometimes influenced by interests of private sector companies and cannot go against those interests.