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<th>Communication ethics in South Asia legal and policy dimensions</th>
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Paper No. 7
The people of South Asian countries enjoy constitutional guarantee to freedom of thought and conscience. But when it is a question of an act or a report of what a media person thinks or feels or sees and reasonable restrictions are imposed. Even its interpretation of reasonableness will be more than less subjective due to adjudicator's humane reflexes in the process. More annoying is a procrastinated scaling up of the layers of the court from the lower district level to the Appellate High Court division of the Supreme Court. The administration thus enjoy a technical privilege to execute any law even unlawfully till a verdict determines who is right from who has wronged. The time lost and the consequences left can never be reverted.

In the light of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, most South Asian constitutions guaranteed a greater measure of fundamental rights pertaining to freedom of assembly, of association, of speech and expression, of privacy of correspondence and of the press.

These is also the constitutional guarantee for the parliamentarians as representatives of people. A member of parliament shall not be liable to proceedings in any court of law in respect of anything said in the parliament or in any committee thereof. These are positive indicators.

These are however negative provision in the constitutions to be applied during emergency situations and limiting restrictions in the interest of the security of the State, public order, decency, morality, in relation to contempt of court, defamation or incitement to an offence and the like. In Bangladesh there are as many as twenty five such restrictive laws and regulations. After the mass movement of 1990 for restoration of democracy, the government amended the Special Powers Act, 1974 by omitting sections which fettered freedom of the press and freedom of speech. But simultaneously these sections were included into the Code of Criminal Procedure and the Penal Code. One significant development discernable during this time is that the government cannot now stop authentication is now vested with the Press Appellate Board.

Such legislative exercises of granting freedom and imposing restrictions in the same go in the South Asian context are not new. Barring a country enjoying technical democracy for decades due to vastness of the territory and heterogeneity of the populace, most countries in South Asia with more or less homogenous populace racially or through religious belief, suffered an unwarranted see-saw between a longer autocracy and a brief democracy.

In these countries the freedom of speech of assembly of association and of the press were earned through toil and
turmoil, only to be eclipsed by successive charge overs. And this time whatever measure of freedom we are currently enjoying is not earned, but given mainly by the unipolar world power structure and the advent of information superhighway. In this changed scenario, the flow of communication increased unidirectionally, the freedom seems adequate with lower level of popular cognition of fundamental rights.

Walter Lippmann once observed that a small nation by the side of a rich nation can never be sovereign. Similarly an information poor society by the side of an information rich society shall also suffer from the same consequence.

I would imagine the present swing back to religious and racial heritage in South Asia could be ascribed to a identity searching vis-a-vis invading ingress of alien culture through satellite. Enactment of laws in such a situation has become irrelevant.

Even the existing laws are proven to be irrelevant. The censor board for films in Bangladesh is releasing films for public exhibition even if they do not comply with general principles like upholding the country’s integrity or solidarity as an independent state, discouraging breach of law and order and portrayal of violence and lawlessness with forces of law and order either absent or inactive. Films, cleared by censor condones act of immorality ever emphasises, glamorises or glorifies immoral life, depicts actual acts of sex, legal or illegal, shows exaggerated horror torture cruelty or suffering and depicts third degree methods of bestiality. This is in flagrant violation of censorship codes. and the argument has always been that such scenes allowed through dish should also be condoned in the locally produced films, Decency therefore lies at the individual level. If it is not here not law can help.

In Bangladesh there are yet other instances where prohibitive regulations are consistently being violated by a multi media approach. The print media enjoy a leeway to be critical of the judiciary. Publication of literary works every year, centering round the books fair of the 21st February Language Martyrs day, by and large offers materials critical of the government, of the judicial system, and even of the judges and the command forces. People of different political hue can visit the shaheed minor area that day, except those who opposed liberation struggle movement of 1971. The poets and playwrights will be found in different book stalls selling their own writings which mostly are disruptive of norms. The fair continues for a fortnight under the overall supervision of Bansha Academy. This cultural and literary format is in truth a format of protest for writers against socio-political ills.

With the initial fillip towards being critical of the judicial administrative and political systems offered by the cultural and literary format, the theatrical media take up the content and performance to such an excellence that performers become near idols and the contents simple and forceful for both street audience and TV audience. The electronic media have no option but to accept the drama serials in the form of a cultural
pursuit. The Bangladesh television’s recent series "Kothao Deo Nei" (None is these Anywhere) in its last episode gave a verdict against Baker the hero, who outwardly posed to be a violent while going against social evils by choosing the life of an evil himself but having the benign innerself for his fellow friends and neighbours doing whatever good possible challenging the heinous acts of outwardly aristocrats, but always freezing his love and longing and holding his tears back to the icicle of his doomed existence. Just before the last episode every newspaper carried stories saying "Baker to be hanged today" as if this drama serial is a reality. In fact every paper went in sympathy with the processionists in the street demanding that the television should change the episode to free and hero to lead a life. The playwright in a statement said sorry. Himself a chemist a stubborn university Professor the playwright had to be given temporary protective custody by the administration It was a unique interaction between the viewers, the lawyers, the administration and the electronic media on the last episode of a TV serial. The entertainment side aside, the judicial system was being questioned through a cultural format by the help of a both print and electronic media. In fact the society which is already sifting a number of socio-political issues is taking resort to any medium to ventilate their simmering discontent.

Of late, the army generals as being subjected to investigative press scrutiny due mainly to repeated killings of at least two seating Presidents.

The practice of pretrial by journalists on reporting courts has of late become an obsession with them never caring for the bounds within which he or she is to work. The subdued urge for democratic order for the last decades in over society has set the media a stage where the board feeling seems to be among the elite and political activists that everything from formats need to judicial verdict must as if to be foretold by the press.

Even the issue of objectivity is being increasingly questioned. They say objectivity may become a mere presentation of two sides of an issue that distorts proportionate importance of each. Most Bangladeshi media have chosen as their policy to go for a tilt even in news treatment.

These unwritten codes went beyond ethical constitutions. They escape the purview of ethical discipline because they are deeply embedded in the newsroom culture and set of reflexes religiously held by individual newspapers. Not only that, two, distinct reflexes in the media, harping on liberation war sentiment or religious feelings - affect news treatment. They are nevertheless popular even with definite disapproval of ethical considerations in the treatment of news. Accuracy, fairness, balance, comprehensiveness to name a few of media ethics can hardly be found in these papers. The news mostly carves views. Violations of privacy, is a regular feature. The press council created to repair the damages caused to images could draft a 21 point code of ethics for the media men and women which is still unknown to most of the journalists.
The codes spelt out responsibilities for the media people. But the privileges of the journalists are still unclear and hence they tend to overbounce, landing them to questions before parliamentary special committees. Not only, that. Both the judiciary and the parliament are also currently locked in searching their jurisdictional bounds within which they must function. At the moment the administration is playing safe or remain sensitive to issues with benign responses. The media thus are reaping the best of the harvest till the role positions in a new democratic set up are defined for all the estates. The nation is as if set for a democratic culture to evolve in a state of press pluralism conducive to the growth of a reasonable press without the help of coded ethics or slips of laws. This might be equally true for other emerging democracies in South Asia.