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**THE ROLE OF MEDIA MONITORING MECHANISM
IN BANGLADESH**

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THE ROLE OF MEDIA MONITORING MECHANISM IN BANGLADESH

Bangladesh is located in the northeastern part of the South Asian subcontinent between latitudes 20.34' and 26.38' north and longitudes 88.01' and 92 41 East .It is bordered by India on the west , north and the east and by Mynmar (Burma) on the southeast .To the south lies the Bay of Bengal .Bangladesh has a land area of about 144.000 sq km. According to Bangladesh Bureau of Statistics the country's population was estimated at 111.5 million ,calculated to an average density of about 755 people per square kilometer as per census of 1991 .About 80% percent of the people live in rural areas.

POLITICAL SYSTEM

Bangladesh has a multi -party democratic system with a parliamentary form of Government .A sovereign Parliament called the Jatiya Sangshad is elected by the people for a five year term .It acts as the legislature and approves the budget .It can amend the constitution with the support of at least two-thirds of the 330 members of the House .A simple majority is,however sufficient to approve laws and pass the annual national budget .

Parliament adopted unanimously the Constitutions Twelfth Amendment Bill on 6 August 1991 which led to the change over to parliamentary form of government from the presidential system. Bangladesh has a plethora of political parties and the constitutions guarantees full freedom of assembly and of expression,freedom of press,religious freedom and the other fundamental rights of the people irrespective of caste,sex and religion.

GOVERNMENT

The governments accountability to the people is ensured by a democratic system .It conducts its business in utmost transparency.The Prime Minister appointed by the President from among the Members of Parliament who commands the majority is responsible to Parliament .So also is the Cabinet of Ministers.The Prime Minister chooses the Ministers from among Members of Parliament but can also appoint up to one-tenth of the cabinet from outside Parliament .There are parliamentary standing committees for different government ministries which act as the principal watchdogs over the activities of the ministries .

PARLIAMENT

Bangladesh has a 330 -seat Parliament called the Jatiya Sangsad .Three hundred members of Parliament are directly elected while another 30 seats reserved for women are filled by voting among the directly elected members .The Parliament has a tenure of five years .

At the moment the country is run by a non-party Caretaker Government which will continue until the election to the parliament is held on 12th June 1996 . With the participation of all major political parties.

The last Government was run by the Bangladesh Nationalist Party while the Awami League was the main opposition party followed by the Jatiya Party and the Jamat-e-Islami Bangladesh .

ADMINISTRATIVE DIVISIONS

The country is divided into six administrative divisions,each headed by a Divisional Commissioner.A division consists of a number of districts ,each administered by a Deputy Commissioner .There are 64 such districts divided into 464 Thanas (Police Stations), 4,500 unions and over 68,000 villages .

Every union, comprising several villages, has an elected body called the Union Parishad which is the local government at the lowest tier. Between the national Government and the Union Parishad is the district level Zilla Parishad. Four big cities have city Corporations headed by an elected Mayor and other towns have municipalities headed by an elected Chairman. The Government is strengthening local Government institutions so as to cater to development needs of the people with their effective representation and participation.

MASS MEDIA

Press in Bangladesh is completely free. With the restoration of democratic system in the country, the press enjoys full and unhindered freedom without any kind of censorship. As many as 549 media listed newspapers and periodicals including 164 dailies are being currently published in Bangladesh. Dhaka, Chittagong, Khulna, Sylhet and Bogra are the main centres of newspaper publication shown in map. Total circulation of newspapers is about 1.6 million. It is continuously growing in the prevailing democratic environment. Most of the newspapers are brought out in the national language, Bangla. English language dailies are also quite significant in number. Almost every district town publishes newspapers, but Dhaka, the capital city, alone publishes 63 national dailies and 135 weeklies, most of them utilising modern printing technologies. Local and foreign journalists representing foreign print and electronic media are functioning freely.

Bangladesh has 2 news agencies, namely, Bangladesh Sangbad Sangstha (BSS) and United News of Bangladesh (UNB). Several international news agencies like Reuters, Associated Press (AP), Agence France Press (AFP), Xinhua and Irna have their offices in Dhaka.

Radio Bangladesh has country-wide network with 2 national, 6 regional and 10 relay stations. Daily combined broadcast is 103 hours. Dhaka, the national broadcasting station, alone transmits 21 hours. 41 news bulletins and 7 commentaries go on the air every day. It also runs an external service beamed in 7 languages towards Europe, the Middle East, Pakistan, India and Nepal.

The Bangladesh Television is state owned. Bangladesh Television (BTV) has undergone rapid expansion and modernisation. It has 10 relay stations, Dhaka being the mother station. BTV is contemplating to commission its second channel this year. It relays daily CNN International and BBC programmes. The people are free to use dish antenna to receive foreign television programmes via satellite. It reflects the government's intention of allowing a global free flow of information.

Press Information Department (PID) is responsible for disseminating information relating to government policies and actions.

Bangladesh Press Council adjudicates complaints and Bangladesh Press Institute organises training programmes and seminars for the working journalists and conducts media studies.

National Institute of Mass Communication (NIMC) imparts training to persons engaged in print and electronic media.

The Department of Mass Communication also plays a significant role in rural areas disseminating governmental programmes to people and vice versa.

Brief description of the context in which mass media operate

The Press is a social institution and its function and character differ according to the political, economic and social structure of the country.

The following laws and constitutional provisions deal and regulate the rights and limitations of the press:

The Constitutional Provision

Freedom of thought and conscience and of speech .

- (1) Freedom of thought and conscience is guaranteed.
- (2) Subject to any reasonable restrictions imposed by law in the interest of the security of the state, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence -
 - (a) the right of every citizen to freedom of speech and expression; and
 - (b) freedom of the press, are guaranteed .

Protection of home and correspondence

Every citizen shall have the right, subject to any reasonable restrictions imposed by law in the interests of the security of the state, public order, public morality or public health -

- (a) to be secured in his home against entry, search and seizure; and
- (b) to the privacy of his correspondence and other means of communication .

Proclamation of emergency :

- (1) During promulgation of emergency fundamental rights shall remain suspended. If the President is satisfied that a grave emergency exists in which the security or economic life of Bangladesh, or any part thereof, is threatened by war or external aggression or internal disturbance, he may issue a Proclamation of Emergency with shown provision;
- (2) **A Proclamation of Emergency-**
 - (a) may be revoked by a subsequent Proclamation
 - (b) shall be laid before Parliament ;
 - (c) shall cease to operate at the expiration of one hundred and twenty days, unless before the expiration of that period it has been approved by a resolution of Parliament .
Provided that if any such Proclamation is issued at a time when Parliament stands dissolved or the dissolution of Parliament takes place during the period of one hundred and twenty days referred to in sub-clause (c) the Proclamation shall cease to operate at the expiration of thirty days from the date on which Parliament first meets after its reconstitution unless before the expiration of the said period of thirty days a resolution approving the proclamation has been passed by Parliament .
- (3) A Proclamation of Emergency declaring that the security of Bangladesh, or any part thereof, is threatened by war or external aggression or by internal disturbance may be made before the actual occurrence of war or any such aggression or disturbance if the President is satisfied that there is imminent danger thereof .

Suspension of provisions of certain articles during emergencies :

While a Proclamation of Emergency is in operation nothing in articles 36, 37, 38, 39, 40 and 42 shall restrict the power of the State to make any law or to take any executive action which the State would, but for the provisions contained in part iii of this constitution, be competent to make or to take, but any law so made shall, to the extent of the incompetency, cease to have effect as soon as the Proclamation ceases to operate, except as respects things done or omitted to be done before the law so ceases to have effect .

Suspension of enforcement of fundamental rights during emergencies :

- (1) While a Proclamation of Emergency is in operation ,the President may (on the written advice of the Prime Minister by order) declare that the right to move any court for the enforcement of such of the rights conferred by Part iii of this Constitution as may be specified in the order,and all proceedings pending in any court for the enforcement of the right so specified , shall remain suspended for the period during which the Proclamation is in force or for such shorter period as may be specified in the order .
- (2) An order made under this article may extend to the whole of Bangladesh or any part thereof .
- (3) Every order made under this article shall ,as soon as may be ,be laid before Parliament.

Contempt of Court

Article 108 of the constitution provides Power to Supreme Court to give an order for any contempt of itself .Section 228 of the Penal Code provides punishment for causing insult to,and interference with the proceedings of the court.

The Contempt of Court Act of 1926 empowers the High Court Division of the Supreme Court to take action in respect of the contempt of subordinate courts .

Sedition

Section 124 A of the Penal code provides that whoever by words either spoken or written,brings into hatred or contempt or exites disaffection towards the Government shall be punished. Disapprobation of measures of the Government with a view to altering them by lawfull means without creating disaffection is, however, no offence .

Class-Hatred

Section 153 A and 153 B of the Penal Code provide punishment for promoting or attempting to promote feeling of enmity or hatred between different classes of the citizen of Bangladesh ,and inducing or attempting to induce any student or any class of students,or any institution interested in or connected with students,to take part in any political activity which disturbs or undermines or is likely to disturb or undermine the public order .

Obscenity

Section 292 and 293 of the Penal Code provide punishment for obscene publication. Parliament for Outraging Religious Feelings

Section 295 of the penal code provides punishment for outraging religious sentiments of the people .

Defamation

Defamation is an injury for the reputation of a person which is actionable under civil law as a tort and a criminal liability under section 499 of the Penal Code .

Section 499 of the Penal Code provides that whoever by words,either spoken or written makes or publishes any imputation concerning any person intending to harm,knowing or having reason to believe that such imputation will harm the reputation of such person,except stating facts for public good is said to defame that person .

Forfeiture of Objectionable publication

Section 99-A code of Criminal Procedure empowers the Government to forfeit newspapers containing seditious matters or matters which promote feeling of hatred between classes of outrage the religious feelings of the citizens ,and to issue surch warrants for sizing them .

The offences for which these measures have been provided are mentioned in Section 123 A, Section 124 A, Section 153 A, and Section 195 A, of the Penal Code.

The Official Secrets Act

Section 3 of the Official Secrets Act 1923 makes it an offence if any person for any purpose prejudicial to the safety or interest of the state -

- (a) approaches, inspects, passes over or is in the vicinity of , or enters any prohibited place, or
- (b) make any sketch, plan, model, or note which is calculated to be or might be or is intended to be directly or indirectly, useful to any enemy ; or
- (c) obtains, collects, records or publishes or communicates to any other person any secret official code or pass word, or any sketch, plan, model, article or note or other document or information which is calculated to be or might be or is intended to be directly or indirectly , useful to any enemy or which relates to a matter the disclosure of which is likely to affect the sovereignty and integrity of Bangladesh, the security of the state or friendly relations with foreign states.

Special measures against prejudicial publication

Section 2 of the Special Powers Act of 1974 defines prejudicial report, as any report , true or false, which is an incitement to the commission of a prejudicial act. Prejudicial act means any act which is intended or likely to prejudice the security of Bangladesh or endanger public order; or interfere in the administration of law or maintenance of supplies or services; or to cause fear or alarm; or to prejudice the financial interest of the state.

Section 16 of the Special Powers Act 1974, prescribes imprisonment for a term which may extend to five years , or with fine, or with both for the author, editor, printer and publisher of any person who otherwise makes or produces, any prejudicial report and any person who distributes or sells any report of the nature, knowing it to be of such nature.

Section 17 of the Special Powers Act empowers the government to prescribe, prohibit further publication and forfeit any document containing the prejudicial matters or translations thereof and also to require the editor , printer or the keeper of the press concerned to furnish security.

Section 18 of the Special Powers Act empowers the government to require all matters relating to a particular subject or class of subject affecting the security of Bangladesh, or public order, to be submitted for security by and specified authority before being published in any document or class of documents with the provision for appeal to be dealt with the District Judge.

Authentication of Declaration

The Printing Press and Publication (Declaration and Registration) Act of 1973 empowers the Deputy Commissioner to authenticate or withhold authentication of declaration on certain grounds.

Interception of Press Telegraph.

The Telegraph Act 1885 provides that on the occurrence of the public emergency, or in the interest of public safety, the Government may order that any message or class of message to or from any person or class of persons, or relating to any particular subject brought for transmission by, or transmitted or received by, any telegraph, shall not be transmitted, or shall be intercepted or detained, or shall be disclosed to the Government or an officer mentioned in the order. It has further been provided that if any doubt arises as to the existence of a public emergency, or whether any act was in the interest of the public safety, a certificate of the Government shall be conclusive proof on the point.

Interception during transit by post

Section 27-B of the Post Office Act empowers an officer authorized by the Post Master General to detain any postal article suspected to contain seditious matters or matters published in breach of rules regarding them.

Indecent Advertisement

Section 3 of the Indecent Advertisement Prohibition Act 1963 provides under pain of penalty that (i) no person shall take any part in the publication of any advertisement which is indecent; and (ii) no person having the ownership, possession or control of any property or public place shall knowingly allow any advertisement which is indecent to be displayed on such property or place or to be announced therefrom.

Processings of cases involving children :

The Children Act provides that no report in any newspaper, magazine or news-sheet nor any news giving agency shall disclose any particular or any case or proceeding in any court under this act in which a child is involved and which leads directly or indirectly to the identification of such child, nor shall any picture of such child be published.

Provided that for persons to be recorded in writing, the court trying the case or holding the proceeding may permit the disclosure of any such report, if, in its opinion, such disclosure is in the interest of child welfare and is not likely to affect adversely the interest of the child concerned.

Relations with foreign states

Besides the constitutional sanction for restriction, freedom of expression in the interest of friendly relations with foreign states there are two statutes that deal with different aspects of the relations with foreign states. These statutes are;

- (i) The Foreign Relations Act, 1932 and
- (ii) The Foreign Recruiting Act, 1894.

Section 2 of the Foreign Relations Act empowers the Government to prosecute for defamation of a Ruler of a state or son or Principal Minister of such ruler while Section 3 of the act authorises the Government to intercept during transmission and for publications containing such defamatory matters.

Section 6 of the Foreign Recruiting Act provides whoever in violation of the prohibition of the government or of any condition subject to which permission to recruit may have been accorded :

- (a) induces or attempts to induce any person to accept or agree to accept or to proceed to any place with a view to obtaining any commission or employment in the service of any foreign state, or
- (b) knowingly aids in the engagement of any person so induced, by forwarding or conveying him or by advancing money or in any other way whatever, shall be liable to imprisonment for a term which may extend to seven years, or to fine to such amount as the court thinks fit, or to both.

The foregoing paras indicate the condition and constraints and also legal limits under which the press media have to work.

Establishment of the Press Council

The establishment of the Press Council in Bangladesh as elsewhere followed the realisation of the need for an independent authority for safeguarding the freedom of the Press and protecting individuals and institutions from excesses by the media men.

While the importance of a free press in a civilised world cannot be over emphasized, the problems of abuse of the press also cannot be ignored. There is no easy and permanent solution to the problem either. It has, therefore, been necessary to devise a mechanism to ensure that the press exercises the freedom, yet do not go beyond the limits of national and social interest. The Press Council is such a mechanism - sort of an umpire to ensure that the rules of the game are followed.

The Press Council Act of Bangladesh was passed by the Parliament in the year 1974 with the objective of preserving the freedom of the press and maintaining and improving the standard of newspapers and news agencies in Bangladesh.

The Press Council Act of Bangladesh started functioning in October 1980, after the rules and regulations necessary to carry out the purposes of the Act were made.

Composition of the Council :

- (1) The Council shall consist of a Chairman and fourteen other members.
- (2) The Chairman shall be a person who is, or is qualified to be appointed as, a judge of the Supreme Court of Bangladesh and shall be nominated by the President of Bangladesh.

(3) Members:

- (a) there shall be working journalists nominated by such association of working journalists as the Chairman may notify in this behalf ;
- (b) there shall be editors of newspapers and news agencies nominated by such association of editors of newspapers and news agencies as the Chairman may notify in this behalf;
- (c) there shall be persons who own or manage newspapers and news agencies nominated by such association of owners or managers of newspapers and news agencies as the Chairman may notify in this behalf;
- (d) there shall be persons having special knowledge or practical experience in respect of education, science, art, literature and law of whom respectively one shall be nominated by the University Grants Commission, one by the Bangla Academy and one by the Bangladesh Bar Council; and
- (e) two shall be members of Parliament nominated by the Speaker;

Provided that before notifying any association under clause (a), clause (b) or clause (c) the Chairman shall consult such associations of persons of the category concerned and such individuals or interests concerned as he thinks fit :

Provided further that no working journalist who is an editor of any newspaper or news agency or who owns or manages any newspaper or news agency shall be eligible for nomination under clause (a) ;

Provided further that no editor who owns or manages any newspaper or news agency shall be eligible for nomination under clause(b):

Provided further that not more than one person having interest in any newspaper or news agency or group of newspapers or news agencies shall be eligible for nomination under clause (a), clause(b) or clause(c).

- (4) Where any nominating body referred to in clause (a), clause(b), clause(c) or clause (d) fails to send the names of its nominees to the Chairman when invited by him to do so or where a nominating body does not exist for the time being, the Chairman may nominate members to represent the category concerned.
- (5) The names of persons nominated under this section shall be forwarded to the Government in the official Gazette and every such nomination shall take effect from the date on which it is so notified.

Term of Office of Chairman and members

- (1) Save as otherwise provided in this section the Chairman shall hold office for a period of three years. The Chairman shall be eligible for renomination for one further term.
- (2) Save as otherwise provided in this section, a member shall hold office for a period of two years and shall be eligible for re-nomination for one further term.

Object of the Council

- (1) The object of the Council shall be to preserve the freedom of the press and to maintain and improve the standard of newspapers and news agencies in Bangladesh.

Functions of the Council

- (2) The Council may, in furtherance of its object, perform the following functions, namely:
 - (a) to help newspapers and news agencies to maintain their freedom;
 - (b) to build up a code of conduct for newspapers and news agencies and journalists in accordance with high professional standard.
 - (c) to ensure on the part of newspapers and news agencies and journalists the maintenance of a high standard of public taste and to foster a due sense of both the rights and responsibilities of citizenship;
 - (d) to encourage the growth of a sense of responsibility and public service among all those engaged in the profession of journalism;
 - (e) to keep under review any development likely to restrict the supply and dissemination of information of public interest and importance;
 - (f) to keep under review cases of assistance received by any newspaper or news agency in Bangladesh from any foreign source including such cases as are referred to it by the Government or are brought to its notice by any individual, association of persons or any other organization;

Provided that nothing in this clause shall preclude the Government from dealing with, in any manner it deems fit, any case of assistance received by a newspaper or news agency in Bangladesh from any foreign source;

- (g) to undertake studies and research of national and foreign newspapers, their circulation and impact;
- (h) to provide facilities for proper education and training of persons in the profession of journalism;
- (i) to promote technical or other research;
- (j) to promote a proper functional relationship among all classes of persons engaged in the production of publication of newspapers or in the running of news agencies:

Provided that nothing in this clause shall be deemed to confer on the Council any function in regard to dispute to which the Industrial Relations Ordinance, 1969 (XXIII of 1969, applies;

- (k) to do such other acts as may be incidental or conducive to the discharge of the above functions.

Mandates of the Press Council :

The mandates of the Press council, the lone self-regulatory press monitoring mechanism in Bangladesh ran as under :

- (1) The object of the Council shall be to preserve the freedom of the press; and to maintain and improve the standard of newspapers and news agencies in Bangladesh.
- (2) The Council may, in furtherance of its objective, perform the following **functions**, namely:
 - (a) to help newspapers and news agencies to maintain their freedom;
 - (b) to build up a code of conduct for newspapers and news agencies and journalists in accordance with high professional standards;
 - (c) to ensure on the part of the newspapers, news agencies and journalists the maintenance of a high standard of public taste to foster a the sense of both the rights and responsibilities of citizenship;
 - (d) to encourage the growth of a sense of responsibility and public service among all those engaged in the profession of journalism;
 - (e) to keep under review cases of assistance received by any newspaper or news agency in Bangladesh from any foreign source including such cases as are referred to it by the association of persons or any other organization:
Provided that nothing in this clause shall preclude the Government from dealing with, in any manner it deems fit, any case of assistance received by newspaper or news agency in Bangladesh from any foreign source;

- (g) to undertake studies and research of national and foreign newspapers, their circulation and impact;
- (h) to provide facilities of proper education and training of persons in the profession of journalism;
- (i) to promote technical or other research;
- (j) to promote a proper functional relationship among all classes of persons engaged in the production or publication of newspapers or in the running of news agencies;

Provided that nothing in this clause shall be deemed to confer on the Council any function in regard to dispute to which the Industrial Relations Ordinance 1969 (XXIII of 1969) applies;

- (k) to do such other acts as may be incidental or conducive to the discharge of the above functions.

9. The power of the Press Council has been to warn, admonish and censure

- (1) Where, on receipt of a complaint made to it or otherwise, the Council has reason to believe that a newspaper or news agency has offended against the standard of journalistic ethics, the Council may after giving the newspaper or news agency, the editor or journalist concerned an opportunity of being heard, hold an inquiry in such manner as may be provided by regulations made under this Act and if it is satisfied that it is necessary to do, it may for reasons to be recorded in writing warn admonish or censure the newspaper, the news agency, the editor or the journalist as the case may be.
- (2) If the Council is of the opinion that it is necessary or expedient in the public interest to do so, it may require any newspaper to publish therein, in such manner as the Council thinks fit, any report relating to any inquiry under the section against a newspaper or news agency an editor or a journalist working therein, including the name of such newspaper or news agency editor or journalist.
- (3) Nothing in subsection (1) shall be deemed to empower the Council to hold an inquiry into any matter in respect of which any proceeding is pending in a court law.
- (4) The decision of the council under subsection (1) or subsection (2) as the case may be shall be final and shall not be questioned in any court of law.

10. General power of the Council.

- (1) For the purpose of performing its functions or holding any inquiry under this act., the Council shall have the same powers throughout Bangladesh as are vested in a civil court while trying a suit under Code of Civil Procedure 1908 (V of 1908), in respect of the following matters, namely:
 - (a) summoning and enforcing the attendance of persons and examining them on oath;
 - (b) requiring the discovery and production of documents;
 - (c) receiving evidence on affidavit;
 - (d) requisitioning any public record or copies thereof from any court of office;

- (e) issuing commissions for the examination of witnesses or documents;
 - (f) any other matter which may be prescribed.
- (2) Nothing in subsection (1) shall be deemed to compel any newspaper, news agency, editor or journalist to disclose the source of any news or information published by the newspaper or received or reported by the news agency, editor or journalist.
- (3) Every inquiry held by the Council shall be deemed to be a judicial proceeding within the meaning of sections 193 and 288 of the Penal Code (XLV of 1860).
6. The Press Council does not have any staff of their own for the enforcement of their decision either, to investigate into the veracity of the complaint filed or to enforce their decision. The Council, however, exert moral pressure on the newspapers as well as the journalists.
7. The Council, being a quasi-judicial body, adjudicates into matters of dispute but when it is a question of decision, it can warn reprimand and censure those found wrong. It can continuously warn the same newspaper for the same commission of offence but it cannot go for a punitive measure.

The Council cannot impose any corporal or financial punishment on the offending journalist nor can the Council award damages to the aggrieved party. The strength of the Council lies in its appeal to conscience. The public rebuke that the Council administers and the obligation of the offending newspaper to publish its decisions operate both as a penalty and a deterrent.

11. Working procedure of the mechanism :

- (1) The Council shall meet at such times and places as may be provided by the regulation made under this Act. Provided that, until such regulations are made, the Chairman may summon a meeting of the Council at such time and place as he may deem expedient by notice addressed to each member.

To constitute a quorum at a meeting of the Council not less than six member, including the Chairman shall be present.

The meetings of the Council shall be presided over by the Chairman, in the absence of the Chairman, by a member nominated by the Chairman.

All questions at a meeting of the Council shall be decided by the majority of the members present and voting, and in the case of equality of votes, the person presiding shall have a second casting vote.

- (2) In order to file a complaint with the Council the complainant shall have to furnish the name and address of the newspaper, news agency, editor or working journalist against which or whom the complaint is brought. He shall have to submit a copy of the matter or news item complained of in original and such other particulars as relevant to the subject matter of the complaint. The complainant will state in what manner the passage or news items complained of is objectionable.

On receipt of the complaint the Chairman shall, not later than 15 days of the receipt of the complaint send a copy of the publication as supplied by the complainant to the newspaper, news agencies, editor or working journalist against which or whom the complaint has been made to show cause as to why action shall not be taken against the alleged offender.

- (3) The adjudicatory function of the mechanism starts with a formal notice served to the alleged offender for written statement in reply to the complaint within 14 days from the date of the serving of the copy of the complaint and notice. The judicial committee of the Council considers the complaint and the written statement and any other particulars or documents relevant to the subject matter. The committee shall hear the complainant if he / she desired to be heard and also the newspaper, news agency, editor or other working journalist as the case may be. The judicial committee shall follow the procedure laid down in the Code of Civil Procedure 1908.

In the inquiry before the judicial committee the party shall be entitled to adduce evidences oral or documentary and make any oral submission in support of their contentions. At the close of the inquiry the judicial committee shall make a report of its findings on the allegation contained in the complaint together with its reasons and submit the record of the case to the Council. The Council shall after perusing the record of the case and the recommendation of the judicial committee pass final orders or refer it back to the judicial committee for further enquiry. On receipt of the report or further report the Council shall determine the case present and voting. In an enquiry by the judicial committee or by the Council the alleged offender may appear in person or by a legal practitioner or duly authorized representative. There is no time limit within which the mechanism has to make decisions or to make rulings.

- (4) After the conclusion of the case or during its hearing the Council may ask any newspaper of the country to publish anything including the final decision relating to the case under enquiry in such manner as the Council directs.

Code of journalistic ethics emanating from Press Council are as follows :

1. The journalist has the responsibility of keeping the public informed of matters that affect or interest them.
2. In discharging his responsibility the journalist has to report and comment on achievements and failure and lapses of corporate bodies and individuals. The very nature of this responsibility warrants that the journalist should be exempted from adverse consequences for any publication made in good faith on the basis of evidence, reasonably believed to be true.
3. Information of undoubtable veracity emanating from reliable sources may be published with impunity even though the truth thereof cannot be conclusively established on evidences, provided the disclosure is in public interest.
4. In view of the social responsibility of preventing crime and corruption the Press could adapt such reasonable and legal practices to this end as might not be quite acceptable in other spheres. The impact of being over censorious about information that might lead to exposure of serious public ills would be perilous.
5. Every thing that interests the public is not in public interest and accordingly catering to unhealthy public curiosity through sensational stories is a professional misconduct.
6. In view of the magnitude of the impact of the newspaper compared to other media the journalist writing for newspaper should be exceptionally careful about the reliability of the sources and the veracity of the stories.

7. The journalist should be fully conscious about the bearing of his writings and must make distinction between reports relating to incidence of a common disease and a public man obeying down with an infection resulting from indulgence in passion.
8. The newspaper reporting a crime has the obligation of following it through all the stages of litigation and publishing the final judgement of the court, if any, so that the true picture about the matter stands revealed.
9. Subject to the editor's right of scrutiny and improvement, the contradiction from aggrieved parties to any report in the Press should be published promptly on a page likely to draw the attention of the readers of the original story.
10. Subject to restraints concerning defamation and public interest the editor has the right to publish advertisement signed by competent persons even if it appears, on the face of it, against the interest of anyone else, but he will be obliged to publish the protest, if any, free of cost.

General Monitoring Mechanism

Freedom of the Press is a fundamental right available to every citizen of Bangladesh. Therefore no organ of the state i.e. executive, legislative and judiciary can act in contravention of such rights. Such rights are protected by law and are enforceable in the courts of law.

The Press Information Department is responsible for overseeing the activities of the press. Public relation officers of the department of PID under the Ministry of Information are deputed to each Ministry. District level officer is also posted at the District to look after the works of the media, press and publicity related matters. Divisional level setup is also there so network is available up to the district level to bring it to the knowledge of the authority through clipping of newspaper/reports against violation or excess and untrue or prejudicial or motivated reportings.

The Press Information Department, responsible for arranging publicity of the policies/action of Government of Bangladesh through the media of communication has **press trend** section to scan news stories, editorials and post editorials from the dailies which are compiled and despatched to different ministries for their information and follow up action. PID also has clipping section to maintain clippings of national dailies and to send those to various ministries on regular basis.

Radio Bangladesh has a Directorate of Monitoring to monitor major foreign news broadcasts and commentaries daily. The monitoring reports are compiled and sent to the Government policy-makers and executives for their information and follow-up action on regular basis.

Bangladesh Television also has monitoring section which is responsible for monitoring all programmes broadcast by CNN BBC / Dish Antenna as per national policy guidelines in this regard.

The Council cannot impose any corporal punishment on the offending journalist nor can the Council award damages to the aggrieved party. The strength of the Council lies in its appeal to conscience. The power conferred by section 12(2) requiring a newspaper to publish therein any particulars relating to any enquiry is, if properly used and constantly exercised can become extremely effective. The public rebuke that the Council administers and the obligation of the offending newspaper to publish its decisions operate both as a penalty and deterrent.

It was not the intention of the legislators that the Press Council should exercise the powers of a court. Since its operation in 1980 the Council has been able to dispose of a good number of complaints (shown in a chart).

The district magistrate in every district and other magistrates through out country exercise powers relating to infringements of laws relating to press based on reports of the law enforcing agencies.

It will thus appear that the role of media monitoring mechanism as discussed is insufficient so far the entire press media is concerned. About electronics media existing monitoring system seems to be very inadequate in view of the permission of dish antenna in our country.

Punitive and restrictive measures have since been amended by the last democratic regime in view of pressing public demand in this regard, enabling environment has been created for free press in Bangladesh.

...

The Statement of Complaint/ Cases disposed of by the
Bangladesh Press Council from the year 1980 to 1995.

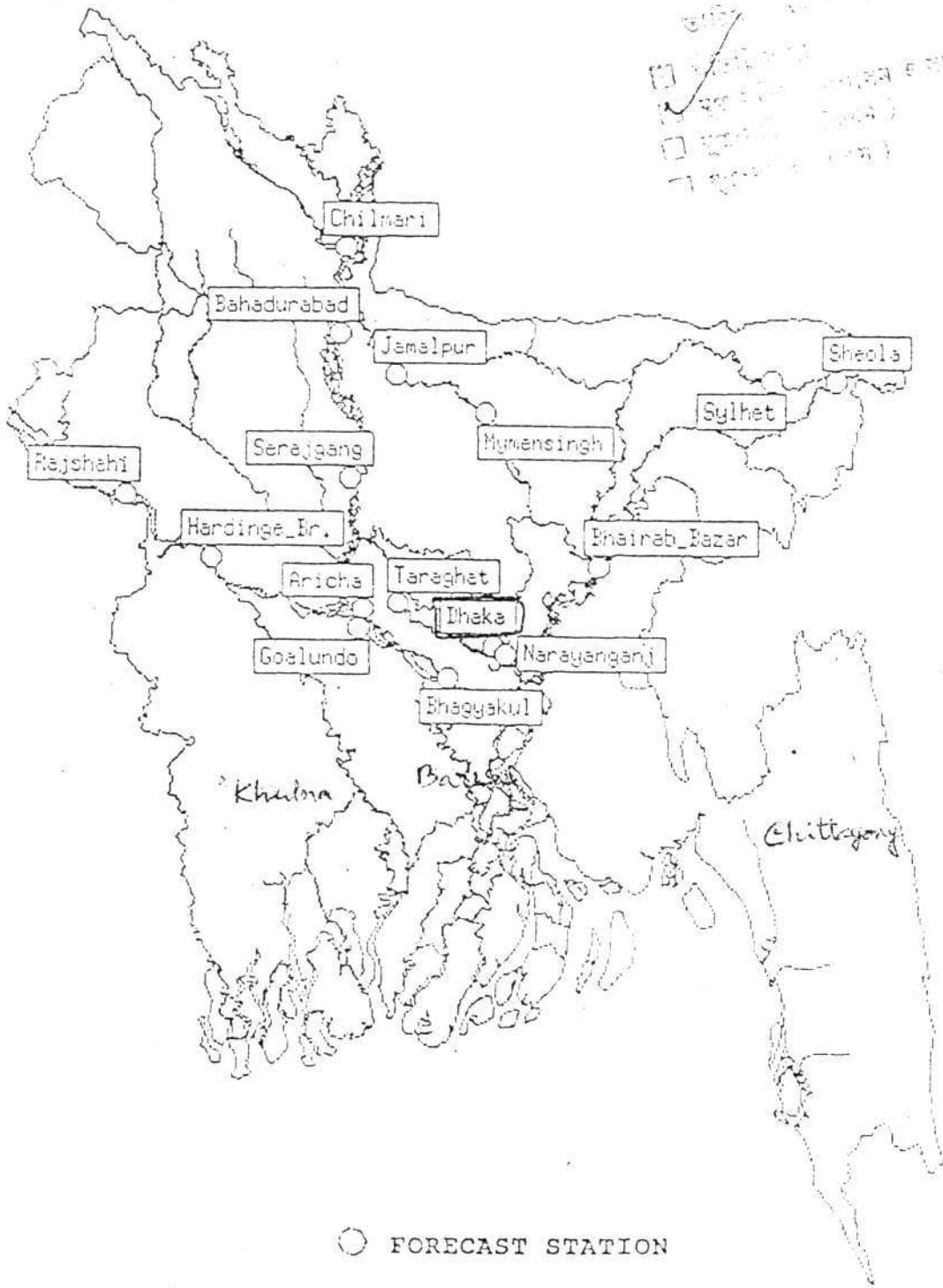
Year	Number of Complaints/Cases	Number of Cases Disposed of	Number of Cases Withdrawn	Number of Compromised Cases
1980	9	9	-	-
1981	21	10	-	-
1982	51	45	-	-
1983	28	36	-	-
1984	23	21	-	-
1985	27	20	2	-
1986	5	2	-	-
1987	5	12	2	-
1988	7	7	-	-
1989	5	8	-	-
1990	10	7	1	1
1991	23	7	2	3
1992	30	21	3	-
1993	9	14	-	2
1994	11	7	1	1
1995	10	8	-	-
Total	274	234	11	7

Number of pending cases : 22

FLOOD INFORMATION CENTRE (FIC)

DAILY FLOOD BULLETIN AND FORECAST STATEMENT

উপাধায়ক
 মুখ্য অফিসার
 ঢাকা
 ০৫ মে ১৯৬৬
 প্রকৃত অবস্থা
 প্রকৃত অবস্থা
 (স্বাক্ষর)



○ FORECAST STATION

05th May, 1966