

LAWS RELATING TO PRESS IN BANGLADESH

Ghazi Shamsur Rahman

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The Press Council, Bangladesh

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he Press Council, Bangladesh

DEDICATION

To,

my youngest Mother

Hasna Hena Shams

with my good wishes

Ghazi Shamsur Rahman

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INTRODUCTION

My personal association which has, of necessity, grown very deep with the Press dates back to January 1980 on which date I joined the Press Council as its Chairman.

The Press Council Act was passed in 1974. The main objective behind the constitution of the Press Council was to maintain freedom of the Press and to improve its standard. With this end in view the Press Council was constituted in 1979. It should be clearly understood that the laws of the country delineate the frontier within which freedom should be exercised and standard improved.

When I joined the Press Council as its Chairman on the 1st of January 1980, the Press Council was inactive due to absence of Rules and Regulations.

I took immediate steps to make Press Council function effectively. A draft rule for the Press Council was prepared and was sent to the Government. The Press Council Rules was promulgated by the Government on 12th September 1980. After the promulgation of the Press Council Rules by the Government, the Press Council Regulations were framed on the basis of the Press Council Act and Rules. The Press Council Regulations were promulgated on 7th October 1980. From that date, the Press Council started actually functioning. Right then, it was felt that the Council and the journalists need a manual containing all laws that affects the Press.

I prepared an anthology of laws relating to the Press and in the first Council meeting held in 1980, I distributed copies thereof to the learned members.

In the second Council meeting, discussions were held on the preservation of Press-freedom and rights of the Council in correcting erring journalists. The learned members who were perhaps aware of my background as an humble writer requested me at that early stage to write a book on "Press Laws of Bangladesh". I assured the learned members to undertake the work.

Since then the learned members have been urging me to complete the work which I had undertaken at their request.

I am very happy to say that two books have been already published from the Press Council. The books are "Decision of the Press Council" and "Commentary on the Press Council Act". The book "Decision of the Press Council" consists of important judgments of the Council. "Commentary on the Press Council Act" contains analysis of the provisions of the Act. I believe that the books will be of use to journalists and persons connected with journalism. I donated the copy-right of the book "Commentaries on the Press Council Act" to the Press Council.

It is obvious that the Council could take no adequately satisfactory measures relative to the freedom of the Press. During the period, the Press Council has been in existence, publication of a number of papers was prohibited and in some cases news were pre-censored under the Special Power Act.

The Special Power Act vests the Government with the right to prohibit the publication of a newspaper and to pre-censor. The Government utilised that right. Therefore, the action of the Government was in accordance with law. Now if a paper is banned or a news censored the freedom of Press is jeopardised. And when freedom of Press is in jeopardy, the Press Council can look into the matter. This responsibility of the Press Council is based on law.

In one of the cases Press Council observed : "The Press Council is caught between the two horns of a dilemma. The Press Council must act within the bounds of law and the law speaks in two voices by two Acts. The Press Council Act requires the Press Council to keep in view any restriction imposed on the newspaper in the matter of publication of news and views, and the Special Power Act provides the Government with the power of pre-censorship. In the circumstances we may rest our views on the constitutional guarantee of Freedom of expression and the assurances of the authorities in Bangladesh and assume jurisdiction in the matter only for the purpose of opining as to if the imposition or continuance of pre-censorship is justified by circumstances."

It has been contended in some quarter that the Press Council did not have enough power and that it is not possible to control an erring newspaper through warning, admonition or censure. Press Council believes that if a journalist goes wrong in his profession he can be brought back to normalcy by awakening his conscience. Press Council consists of reputed journalists and learned persons of the society. If they condemn any journalist, it cannot go in vain.

Then again judgments of the Press Council are published in newspapers. The journalists admonished by the Council are obviously ashamed of their behaviour. What can be done by putting one to shame cannot always be done through punishment. There are courts for punishment. It is not wise to make the Press Council another punishing organisation.

Man connected with Press must know that his freedom should be consistent with the freedom of others. Study of laws that affect the Press will give him the required knowledge to exercise his freedom with injury to none.