



LAW vision

Autonomy of Radio and Television: Expectation and reality

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EVERYONE has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers." - Article 19: Universal Declaration of Human Rights adopted in the General Assembly of the United Nations held on December 10, 1948.

The International Covenant on Civil and Political Rights (ICCPR) is an international treaty, ratified by over 140 States (by Bangladesh in 2002), which imposes legally binding obligations on parties to respect a number of human rights set out in the Universal Declaration of Human Rights (UDHR). Article 19 of the ICCPR guarantees the right to freedom of opinion and expression in terms very similar to those found in Article 19 of the UDHR.

Background

After the emergence of Bangladesh as an independent and sovereign country, the government by a President's Order made on September 13, 1972 (Order No 115 of 1972), took over the Pakistan Television Corporation Limited and named it as Bangladesh Television. Article 9 of the Order provided that "The Government shall manage and administer the affairs of the undertaking vested in it under Article 4 in such manner as it deems fit."

The Radio formed the integral part of the

discharge of its functions, was bound by such general or special instruction as was issued by the Government from time to time.

Mass media as means of governance

In the modern age of information technology politics has largely changed into what, experienced by most citizens through broadcast and print media of their choice. Democracy in a country is, therefore, absolutely depends on the media report and interpretation of political events and issues, and how media itself influences the political process and shapes public opinion. Thus, media has become central to politics and public life in contemporary democracy.

In any democracy access to media is one of the key measures of power and equality. Media can shape power and participation in society in negative ways, by obscuring the motives and interests behind political decisions, or in positive ways, by promoting the involvement of people in those decisions. In this respect the media and governance equation becomes important.

Guaranteeing people's right to know

Public broadcasters are a vital component of the broadcasting sector in most countries, and will continue to be so long into the future. Historically, such broadcasters have often been the only national broadcast medium and continue to occupy a dominant position in many countries. Funded out of

than as independent source of information for the public. It is only when the independence of public broadcasters is guaranteed -- in law and in practice -- that they can truly operate as servants of the public interest, providing high quality information from a variety of sources to the public. But the ill fate of the people of our country is that the last two democratic governments of Bangladesh attempted to devise mechanism to retain control over the electronic media directly or indirectly. Since the independence of Bangladesh the electronic media have always been a propaganda machine in favour of the exiting government.

Granting autonomy to Radio and Television was one of the main demands in the joint declaration (announced Nov 19, 1990) of the three alliances announced after the fall of Ershad. Section 2(d) of the Joint Declaration states, "The mass media, including the radio and television, will have to be made into independent and autonomous bodies so that they become completely neutral..."

After the democratic election and with the restoration of parliamentary democracy in 1991, the issue of 'public broadcasting autonomy' gained momentum. It was a great expectation of the general public involved in the anti-autocratic movement. But we have noticed with frustration that both the major political parties enjoyed power but did not uphold their commitment to grant autonomy to electronic media.

Political commitments and govt initiatives

The major political parties during the October 1, 2001 general election pledged in their election manifesto regarding the autonomy of Radio and Television as the following:

Bangladesh Awami League in its election manifesto said, "The law enacted by us to make Radio and Bangladesh Television autonomous institution free from party influences, will be made effective. The freedom of newspapers will be protected."

Bangladesh Nationalist Party (BNP), however, did not pledge anything especially in its election manifesto but criticised Awami League for using the state owned media for the party interest.

Jamaat-e-Islami Bangladesh in its election manifesto mentioned, "Healthy and creative thinking shall be developed in literature, culture and mass media. Moral based programmes, which are helpful for flourishing the actual thinking and feeling of people and human qualities shall be published in all mass media including Radio and Bangladesh Television..."

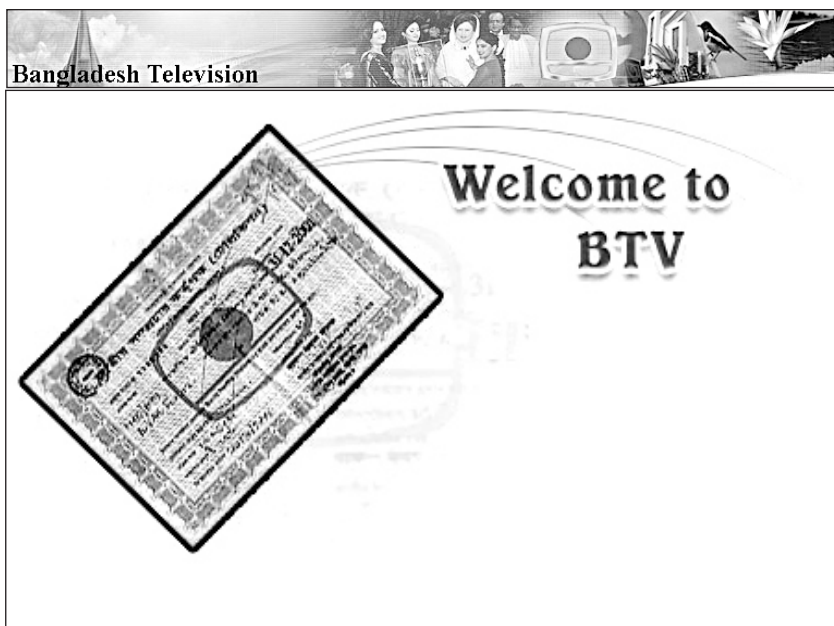
The pledges of the major political parties in the election manifestoes during the June 12, 1996 general election regarding the autonomy of Radio and Bangladesh Television were as follows:

Bangladesh Awami League promised for, "Autonomy to radio, TV and government-controlled news media; privatisation of newspapers now owned by the government"

Bangladesh Nationalist Party (BNP), however, promised that policy for free flow of information shall continue.

Jamaat-e-Islami Bangladesh in its election manifesto said, "Government trust be abolished and the newspapers be handed over to individual entrepreneurs" and "withdrawal of government control in matters of distribution of advertisement"

Jatiya Party (Ershad) which was adversely criticised for capturing and utilising the state-run Radio and Bangladesh Television completely for the party interest



came with the promise that, "Mass media shall be utilised for development of character and humanity. Professional quality and the status of the journalists shall be enhanced."

Just after winning the mandate of the people in June 12, 1996 election The Awami League government constituted a Commission for framing Rules and Regulations for the autonomy of Radio and Bangladesh Television (Radio-TV Autonomy Commission) in September 1996. But the whole nation witnessed that the Awami League government at the fall of its five-year tenure took initiative to give much awaited autonomy to the state-run Radio and Bangladesh Television. The cabinet of the then Awami League government recommended two draft laws on May 7, 2000 seeking to grant autonomy to Radio and Bangladesh Television. The key points of the draft law were:

- Separate authority for Radio and Bangladesh Television
- A committee of five members would be selected by the government with a Chairman as its head
- Telecast of news and programmes would be in accordance with the National Broadcasting policy
- The government shall have the power to dissolve the authority

This move of the Awami League government to give 'autonomy' to the state run Radio and Bangladesh Television bypassing substantial recommendations of the government-appointed "Radio-TV Autonomy Commission" which it was instrumental in setting up for the purpose in the first place, has evoked sharp criticism from the civil society organisations.

Changed behaviour

In spite of some limitations and preconditions of not criticising any political party during the rule of the caretaker government just before the election, the changed behaviour of the state run Radio and Bangladesh Television was of course encouraging. It would be clearer if we look at the following statistics:

During caretaker government: Fair Election Monitoring Alliance (FEMA) in its media monitoring report states, "The public-funded media largely managed to discharge its duty to inform the electorate impartially about the candidates in the 2001 parliamentary elections. Under the control

of the non-party caretaker government, the public television and radio gave news coverage of the main parties on an equal basis.

"Public media however failed to provide in depth analysis or reporting on some serious issues during the campaign. Indeed, state radio censored its own coverage to such a degree that it did not broadcast any critical comments of party leaders made against their rivals."

During the BNP led 4-party Alliance: A report of Democracywatch released on October 2, 2002, which forecast the news coverage of 8:00 pm during the month of September, 2002 shows that 33.56 per cent of the news time was allotted to the country news. Prime Minister and her Cabinet got 31.96 per cent of the coverage of which Prime Minister alone got 8.94 per cent.

The report also states that out of the total political news Prime Minister got 27.75 percent coverage. The Bangladesh Television in the month of September 2002 gave only 0.91 per cent coverage to the human rights related issues. It was pointed out in the report that the ratio of news coverage of government and opposition during the month under consideration was 99:1.

No government initiative: Most interestingly although the present government has already completed nearly four years of its regime but has not yet taken any initiative on the issue of autonomy of Radio and Television. It has been observed that the 4-party alliance govt has already changed and in some cases cancelled various decisions and policies of the previous Awami League government on important national and local issues but has remained silent on this issue.

End notes

There is a prevailing belief that if the Radio and Bangladesh Television are given legal autonomy by just enacting laws, then they would actually get no autonomy. Many have argued that media is an elitist bourgeois construct, reflecting essentially bourgeois interests and values and conditions of existence, and can thus never serve the genuine interests of the people as a whole. Despite its democratic façade, it is said that the media remains exclusive, and people as a whole feel no real involvement in a process which appears to give them power but in reality does not.

The author is a development activist.



Department of Information, a Directorate of the Information Ministry and it continued to be so until recently. On May 24, 1986, the President by an Ordinance (Ord. No. XXXII of 1986) established the National Broadcasting Authority (NBA) bringing both the Radio and Television under its administrative control. This Authority consisted of a Chairman and Members not less than three and not more than seven. The Chairman and the Members were appointed by the government from amongst persons who were in the service of the Republic and they held office on such terms and conditions as determined by the government.

The functions of the Authority, amongst others, were to control, manage, operate, and develop the Radio and Television and implement the policy of the government in respect of broadcasting. As per provision of the Ordinance, no plans and programmes could be implemented by the National Broadcasting Authority without prior clearance from the government. The Authority, in

the public purse, they are a unique way of ensuring that quality programmes covering a wide range of interests and responding to the needs of all sectors of the population are broadcast. They thus ensure diversity in programming and make an important contribution to satisfying the public's right to know.

The public broadcasting sector in Bangladesh have been misused as a propaganda tool of vested interests of the parties in power. Bangladesh Radio and Bangladesh Television were established with the primary aim of rendering public service for the transmission of news and entertainment. But both institutions were, from the very inception, devalued by political appropriation, overt censorship and restraints of due process.

Politics of autonomy

The government exerts a great deal of control over public broadcasters, using them as mouthpiece for government rather

HUMAN RIGHTS advocacy

Reproductive and Sexual Rights as Human Rights

A H M KISHOWAR HOSSAIN

THE human rights system is premised on fundamental and universal values of human dignity and social justice. These articulated as principles of inter alia, "life, liberty and security of person" equality or nondiscrimination; and "freedom of opinion and expression". The preamble to the Universal



Declaration proposes that human rights and dignity are self-evident, the "highest aspiration of the common people," and "the foundation of freedom, justice and peace." "Social progress and better standards of life in larger freedom", including the prevention of "barbarous acts which have outraged the conscience of mankind," and broadly speaking, individual and collective well-being, are considered to depend upon the "promotion of

universal respect for and observance of human rights." Such values and principles are the foundation on which to build an understanding of women's reproductive and sexual rights as human rights. Reproductive rights include "the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so. It also includes their right to make deci-

sions concerning reproduction free of discrimination, coercion and violence as expressed in human rights documents." (UNFPA). Reproductive rights are somewhat different from sexual rights. "Sexual rights include the human right of women to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence." (UNFPA)

So reproductive and sexual rights are the constellations of legal and ethical principles that relate to an individual woman's ability to control what happens to her body and her person by protecting and respecting her ability to make and implement decisions about her reproduction and sexuality.

Although the origin of the term 'reproductive rights' may be traced to movements that initially surfaced in North America and Europe, similar yet distinct movements on behalf of women's reproductive health and rights rapidly formed during the early-to-mid 1980s in Latin America and the Caribbean, Asia and Africa.

Women's and gay and lesbian rights movements in countries where the Catholic Church is powerful-such as the Philippines, Brazil and Mexico- has struggled to legalise abortion, reduce maternal mortality and educate about safer sex and condom use. In Bangladesh, women's organisations have publicly countered brutal attacks on women accused by Islamic religious tribunals of transgressing sexual norms. In Africa and the Middle East, campaigns by women's groups against female genital mutilation (FGM) have focused both on the procedure's suppression of women's sexual pleasure and on its severe risks to their health. Women-of-colour organisations in the US, like women's groups in India, have vigorously opposed sterilisation abuse and the coercive or non-consensual promotion of long-acting contraceptives by family planning programs.

These practical campaigns and theoretical preconceptions nourished by forcefulness of the women's coalitions at the World Conference on Human Rights in Vienna in 1993, the International Conference on Population and Development (ICPD) in Cairo in 1994 and the Forth World Conference on Women (FWCW) in Beijing in 1995. Representing women from both global South and the North, those coalitions worked to replace the old population-and-family-planning discourse with a broad concept of reproductive and sexual health and rights that links sexual and reproductive freedom to women's human rights.

North-South feminists were pushing for a much broader approach later. That approach would integrate issues about abortion, contraception, child-

bearing and sexuality- the politics of body- into larger framework that emphasises "the transformation of state social, demographic and economic development policies to incorporate women's social economic rights"

Now the question is what problems of turning reproductive and sexual rights into concrete realities in women's everyday lives are facing by feminist activists in all the world's regions? First, due to hegemonic capitalist markets and declining role of the state, the availability and quality of public health services continue to deteriorate. For women's reproductive and sexual rights to be implemented in practice will require not only supportive laws and policies but also a thorough transformation of existing global, regional and national economic structures. Second, resurgent fundamentalisms in many countries, claiming ultimate authority over religious doctrine and moral values, actively challenge the recognition of reproductive and sexual freedom as a basic human right. Whether Christian, Hindu, Islamic, Buddhist or Jewish, these fundamentalist currents reinforce traditional patriarchal views of women's 'natural' subordination and the primacy of a male-dominated, procreative, hetero-sexual family form. Finally, these economic and political obstacles to realising reproductive and sexual rights are reinforced by the deep cultural and social roots of gender inequality. These obstacles can be eliminated and women have to take the responsibilities. Ultimately, political action can be effective only if masses of women believe in and own their rights. They must have a conviction that they are entitled to be treated as primary decision-makers over their own bodies and reproductive capacities.

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LAW week



Galib denied bail again

A Naogaon court denied bail to militant kingpin Dr Asadullah Al Galib and three of his cohorts. Judge Abdul Hakim Mondol of the Court of District and Sessions Judge rejected bail prayers of the four after their lawyers filed a petition with the court. The chief of militant outfit Ahle Hadith Andolan, Bangladesh and his associates are accused in the Khejur Ali murder case. Bangla Bhai and his men killed Ali at Bhet camp in Naogaon after an announcement through loudspeakers.

A huge number of police and Rapid Action Battalion personnel were deployed on the court premises during the hearing of the bail prayers. -The Daily Star, August 22.

Probe in right direction, says Babar

The State Minister for home Lutfuzzaman Babar said the investigation into the serial bomb blasts is progressing in the right direction. He held a series of meetings with the high-ups of law enforcement agencies and intelligence officials and discussed about the progress of the blasts at his office. Meanwhile, the Inspector General of Police (IGP) Abdul Qaiyum, at a post meeting briefing, told journalists that they have received a lot of information from the arrestees.

"According to the statement of the arrestees, we have prepared a list of suspected persons linked with the August 17 bomb attacks," the IGP added. He also hoped that they could net one of the top leaders of the group. He also held a meeting with the officials of Joint Interrogation Cell (JIC) and inquired about the progress of the interrogation. -BD News, August 23

Arrested moulana points finger at Nizami

Former Islamic Foundation director Moulana Fariduddin Masud, detained for suspected links to the August 17 blasts, accused Jamaat-e-Islami Ameer and Industries Minister Motiur Rahman Nizami of involvement in the countrywide explosions. Meantime, the home ministry ordered the intelligence agencies to investigate the income sources and expenditures of the NGOs allegedly sponsored by some Middle Eastern countries. A reliable government source said all bank accounts of Masud are being frozen. "Vital clues to the blasts will come out if Nizami is grilled," Masud said when police yesterday produced him before a Dhaka court amid tight security and petitioned for him to be taken on a seven-day remand. The Court of Chief Metropolitan Magistrate, Dhaka placed him on a five-day remand. A day into his arrest at Zia International Airport (ZIA), airport police yesterday showed Masud arrested in the August 17 blasts case. -The Daily Star, August 24.

SC rejects WorldTel plea for exclusive right to landlines in Dhaka

The Appellate Division of the Supreme Court dismissed WorldTel's petition for retaining its co-exclusive right with Bangladesh Telegraph and Telephone Board (BTB) to provide landlines in Dhaka, paving the way for private landline operators to operate.

Following the court order, there remains no legal barrier for Bangladesh Telecommunication Regulatory Commission (BTRC) to license private Public Switched Telephone Network (PSTN) operators to work in the capital, said sources in the telecom industry. A long-drawn legal battle between the telecom watchdog and UK-based WorldTel has deprived for a long time thousands of prospective subscribers of receiving private fixed phone connections in the capital.

In August last year, WorldTel filed a case with the High Court against BTRC and the Ministry of Post and Telecommunications, accusing those of curtailing its co-exclusive right. After the High Court dismissed the case, WorldTel filed an appeal with the Appellate Division. But the Appellate Division dismissed the plea for exclusivity, saying that it is against the public interest given the higher demand for fixed line telephone in the capital and its adjacent areas. -The Daily Star, August 24.

LAW event

Advocating for the rights of the migrant workers



SULTANA RAZIA

In recent years migration has made and is making its way steadily to the top of the international affairs agenda, and the issue has been prioritised by most of the governments because the number of those from the underdeveloped countries who migrate for better economic prospects has grown immensely over the last few decades.

A few organisations in Bangladesh are working on migrant workers and their rights, and arranging workshop for advocating the rights of the migrant workers is indeed a very effective approach to deal with this issue. Recently a workshop of this nature was jointly held by Refugee and Migratory Movements Research Unit (RMMRU), Welfare Association of the Repatriated Bangladeshi Employees (WARBE), and Migrant Forum Asia (MFA) in Dhaka (August 15-19). Participants from five different countries shared their experiences and updated themselves about humanitarian laws and recent developments on migrant issues. Experts from different countries shared their tactics, simplified the laws and way of advocating on this issue. The workshop was guided with the help of Diplomacy Training Programme (DTP) of the University of New South Wales.

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families was approved on 18 December 1990 by the UN General Assembly and became the most comprehensive international tool promoting the human rights of migrants. The strength of the Convention lies in enabling all those persons, who qualify as migrant workers under its provisions, to enjoy their human rights regardless of their legal status and it protects both documented and undocumented workers. Nevertheless, States undertake to ensure that the migrants whose rights have been violated may seek judicial remedy.

From 1 July 2003, it came into force as the seventh basic human rights instrument of the United Nations. Though Bangladesh is a signatory to this convention but the absence of ratification or accession of the treaty makes the situation a bit complex. Especially in case of undocumented workers the sufferings are immense.

In the closing ceremony of the said workshop, Dr. Tasneem Siddiqui, chair of the session, said that according to ILO there were over 80 million workers world-wide, of whom 27 per cent were in Asia. Some two million Asian workers leave every year on contract to work in other countries within and outside the region.

Dr. CR Abrar, executive director of RMMRU, University of Dhaka informed that though our law commission recommended its ratification but the implementation process has not started yet.

Syed Saiful Haque, chairman of WARBE, thanked the participants for their effort and showing interest in the matter. He handed over the certificates to the participants for the successful conducting of the workshop.

The chief guest of the closing session Justice Syed Reefat Ahmed said the government should establish without any undue delay a framework to protect human rights and orderly movement of migrant workers.

-From Law Desk.