

Full text of Bangladesh Press Council Judgment on the petition by Prothom Alo against Kaler Kantho, delivered on 12 April 2011.

MR. Matiur Rahman, editor and publisher of the daily Prothom Alo and director Media Star Ltd had filed a complaint to the effect that the daily Kaler Kantha by publishing an objectionable, false and concocted news on 10 May titled “Matiur Rahman tried to save the kingpin Tajuddin” in its first page as headline, has denigrated his personal and family reputation and status.

He complained that by publishing the news under that heading as the lead news on the first page in the daily Kaler Kantho the newspaper has defamed him as an individual, socially, mentally and also from the point of view of religion. He claimed that he is an eminent and

abroad Tajuddin had met Matiur Rahman several times at the Prothom Alo office in Karwan Bazaar which was coordinated by Tipu Sultan” and “The target of the Matiur Rahman and the other groups was Sheikh Hasina and democracy”.

It was further stated (in the complaint) that the motivated lies of Kaler Kanto was so vicious and intimidating that it published a colour photo of the Prothom Alo editor just alongside the sloppily published protest letter in a single column with another false and baseless news under the headline “21 August grenade attack: Matiur Rahman may be quizzed”. There was no reason or basis for publishing that kind of news.

The Council is hereby issuing a warning against The Daily Kaler Kantha to refrain from publishing any subject under prosecution or publishing any material not supported by proper evidence. The Council is further cautioning the editor Abed Khan and publisher Mustafa Kamal of the Daily Kaler Kantha for publishing such controversial report and instructing them to refrain from publishing such type of report in the future.

well established person in the profession of journalism, and the defendant, without any provocation and rationale, and instigated by a particular quarter, by publishing false, bogus, baseless, outrageous, insulting and spurious news, has tried not only to harm the reputation, respect and impartial status of his and his newspaper the daily Prothom Alo but has also put him immensely in an adverse and unpleasant situation socially.

The news was baseless and lacking in substance and documentary evidence or specific source. It attacked him personally through false and motivated lies without respect for journalistic ethics. The news is not supported by any published reports. The daily Kaler Kantho appeared only in January, 2010 as a daily. And they have tried to defame him by false and bogus news related to an event of almost five and half years ago.

He has further claimed that though he had no connection with the grenade attack of 21 August, 2004 still the respondent has harmed his image and his social standing, by publishing propaganda-like news that is against the ethics of journalism and morality. He, quoting some lines from the said news, stated that on 10 May on behalf of the daily Prothom Alo, sent a letter of protest to the editor of the daily Kaler Kantho for publishing such news and reports.

On 12 May “Kaler Kantha” published only a part, and that too a distorted version, of the protest letter, under the heading, “Prothom Alo’s protest and Kaler Kantho’s reply”. It was requested by the Prothom Alo authorities that the letter be published on the first page with due importance. But Kaler Kantha published the letter after slashing it and without giving it due importance in a haphazard manner which was difficult to see let alone catch the attention of the readers, which is a clear violation of Article 17 of Journalists’ Code of Conduct 1993 (revised in 2002).

The application (quoting Kaler Kantho) states, “The editor of the eminent newspaper the daily Prothom Alo and journalist Tipu Sultan of the same daily had warned Maulana Tajuddin, the main architect of the brutal 21 August grenade attack, that the RAB was looking for him. Not only that, Matiur Rahman had also discussed with Tajuddin about forming a new political party by the latter to help BNP”. “When RAB and other law enforcement forces were looking for Tajuddin an influential group sent him abroad after being cautioned by the Prothom Alo editor and journalist Tipu Sultan. Before going

The respondent, the Kaler Kantho, submitted a reply in their defence which claimed that the false, baseless and twisted information of the daily Prothom Alo had no legal value and prayed that it not be taken into cognizance. In that reply they refuted the complain of the Prothom Alo as false, fabricated, which was filed to unnecessarily harass them, and claimed that Kaler Kantho did not violate any journalistic code of conduct.

It further stated that, the two news- a) “Matiur Rahman tried to save kingpin Tajuddin” published on 10 May, Monday, 2010 and b) “21 August grenade attack: Matiur Rahman may be quizzed” published on 12 May, 2010 - were based on facts and the applicant had filed the false case being enraged at the objective report of Kaler Kantho. In defending its position the Kaler Kantha appealed for dismissal of the case. A protest letter of Prothom Alo, edited by the applicant, was published with due importance on 12 May, 2010 in the Kaler Kantho. The news, which has been objected to by the applicant, was published quoting an intelligence officer or the intelligence agency had not disputed the said news. So it can be assumed that the statement of Pintu or the related report was correct.” It (Kaler Kantha) further added that “as former state minister Pintu, who was arrested in the 21 August grenade attack case, is a conscious person and so are his family members, who would have protested if the report was false”. As they are yet to lodge any protest on behalf of Pintu it can be assumed that the report concerning him (editor Prothom Alo) is true.” Basing on these arguments the Kaler Kantho” appealed for rejection of the case.

Mr. Matiur Rahman filed another reply following Kaler Kantho’s reply. It stated that the respondent had set an unprecedented example of yellow journalism by publishing the contested reports under banner headings and the photo of the complainant alongside the photo of the arrested person of the grenade attack case. The photo of the editor/publisher of the largest circulated daily, the Prothom Alo and director of a renowned company was published without his consent with dishonorable ulterior motives. The respondent has given a warning to the readers of its presence in the world of journalism like that of a bull in a china shop. It was further stated, “The respondent has violated the Secrets Act of the government by quoting an intelligence agency”. The appeal further added, “the respondent has used a) gossip, b) speculation and conjecture, c)

claim of accessing very secret government documents and reports and d) previous publication of defaming reports, as its defense.

The above petition, its reply and reply thereto are analysed below.

The court heard lengthy submissions from the learned lawyers of both sides. The basis of the respondent’s assertion relates to several reports on Tajuddin, the accused in the barbaric grenade attack of 21 August 2004, and jailed former deputy minister Abdus Salam Pintu in the Kaler Kantho. It published a report on 10 May, 2010 under a red banner headline credited to staff correspondent. It goes as, “The editor of the eminent newspaper Prothom Alo and journalist Tipu Sultan of the same daily had

lished. In the same issue it stated, “The sources inform that Tajuddin was sent to Pakistan under an assumed name, Badol. Matiur Rahman was also the main advisor to the key planners of 1/11 Major General (Retd.) A.T.M Amin and his cohorts.”

No valid information or witnesses were mentioned in that report. **This Council is of the opinion that a journalist has been falsely implicated in a motivated manner to malign him publicly.** No F.I.R in any police station or any case has been lodged against the editor and publisher of the Daily Prothom Alo Matiur Rahman in this matter. No evidence has been placed before the Council which can prove that there has been any meeting between Matiur Rahman and Maulana Tajuddin or former state minister Abdus Salam Pintu or Pakistani citizen Majid Bhat. The lawyer representing Daily Kaler Kantho failed to put up any evidence to the Council which can prove that Matiur Rahman is the key planner who hatched the plot to eliminate the Awami League President Sheikh Hasina and BNP Chairperson Khaleda Zia from politics.

On 28/03/2011, the respondent appealed to the Council to submit case-related documents which, and the Council in the interest of justice, allowed 7 days more, and fixed 05/04/2011 as the next date. On that date a computer composed statement of the accused Abdus Salam Pintu, Father: late Dr. Mahiuddin Mia, Village: Gutipecha, Post: Arjuna, Thana: Gopalpur, District: Tangail, which was taken under the CrPc Act 161, was brought before the court.

As the said statement did not bear the seal of any court, the Council did not take it into cognizance. Any one can use this kind of computer composed statement to mislead the Council and as such it decided to reject the document. **This council, after scrupulous review of the appeal of the Prothom Alo, reply of the Kaler Kantho and reply of the Prothom Alo thereto, found no evidence which supports the information of Kaler Kantho about Matiur Rahman. The Council is of the opinion that the information provided by Kaler Kantho about Matiur Rahman does not have any basis.** Moreover, the matter is still under investigation, as such to publish any information about it would be unlawful.

The Kaler Kantha in a written comment published on 10th

news about cases that are under investigation. The influence, extent, durability and responsibility of the print media are comparatively more than other mass media. For this reason, special attention has to be given to the credibility of the sources and legal rights, by the journalists who will be writing for the newspaper. It is of utmost necessity to be conscious about the authenticity of the news and also to retain the sources to avoid risks. It is the duty of the newspapers to publish news at all levels when any case is under trial in any court of law and to publish the final order of the court to disclose the actual state of the case. But the journalists and the media should abstain from giving comments and opinions before the final order is passed by the court. The appropriate sources have to be mentioned in the reports to prove the credibility of the news. Unclear and incomplete attribution are to be avoided at all levels.

No individual or newspaper can publish anything against another individual or newspaper that may cause financial loss to the newspaper or bring disrepute to the individual. Newspapers and journalists must be very cautious so as not to tarnish the image of any individual or institution unnecessarily. **To use negative words or sentences in journalism related discussion or to publish and disseminate information to create unnecessary sensation, excitement and attraction is called ‘yellow journalism’.**

In spite of the fact that these are in contravention to the principles of honest journalism, the owners/publishers of some newspapers and other mass media sometimes publish/broadcast news to serve their own interest and they resort to negative competition against other rivals, in which case there is no other alternative but to bring the offenders under the ambit of ‘yellow journalism’ and consider them guilty as such.

If such practices of journalism are proved at the minimum level it will be convicted under the law. No one will be considered ‘guilty,’ until the charge is proven one cannot be declared guilty based on accusations only. Even if one is proven guilty, one should be given an opportunity of self-defense. We should keep in mind that the trial of the accused person will be held in the court, and not by news reporting. In this case, the journalists and newspapers have to be especially careful that an individual or institution or a newspaper don’t face

Publisher of the Daily Prothom Alo have suffered and he has been put in an embarrassing position at family and social levels. The Council considers the controversial publications of the Kaler Kantha absolutely baseless, concocted and motivated. The controversial Kaler Kantha reports couldn’t provide lawful basis of its one-sided news through any appropriate sources, information or legal documents.

After hearing lengthy deliberations of the lawyers of both sides, the Council is of the opinion that the Daily Kaler Kantha had resorted to yellow journalism through deliberate lies, fabrication and vilification.

The Council considers that this behaviour of the “Daily Kaler Kantha” is against the principles of journalism and the contentious news not at all based on facts and opines that these are false, concocted and slanderous.

The present case was filed on 24-10-2010. The respondents submitted their written statement on 28-12-2010. While the case was under trial, a report was published in the Daily Kaler Kantha titled, ‘21st August’s grenade attack: Matiur Rahman under intelligence watch’ on 10-02-2011. The Daily Prothom Alo filed an application to the Press Council stating, ‘publishing a report on an issue under trial violating the order of Press Council’ on 13-02-2011.

It was ordered to the effect that the issue should be settled on the day of trial of the case. Section 9:2 of the Press Council Regulation, 1980 says, “When a case is taken into cognizance by the Press Council, no party in the case shall publish anything in any form regarding the subject matter. Any such publication if made shall be construed as interference with the judicial procedure of the Council. Therefore, it appears that The Daily Kaler Kantha has violated the law by publishing a report on an issue under prosecution, which, under no circumstances, is desirable from a daily like the Kaler Kantha. This Council expects that in the future, no section of the media will make any attempt to create confusion in the prosecution of the trial by publishing any matter that is sub judice.

This Council is hereby cautioning the Daily Kaler Kantha against such activities. The Daily Kaler Kantha has also failed to present any evidence in support of the propaganda it has launched against Tipu, who is a journalist of the The Daily Prothom Alo. The Daily Kaler Kantha has created an instance of bad journalism centering on The Prothom Alo editor Matiur Rahman by involving Tipu; it has gone against the norms of good journalism.

The Council is hereby issuing a warning against The Daily Kaler Kantha to refrain from publishing any subject under prosecution or publish any material not supported by proper evidence. The Council is further cautioning the editor Abed Khan and publisher Mustafa Kamal of the Daily Kaler Kantha for publishing such controversial report and instructing them to refrain from publishing such type of report in the future.

The Council further orders both the parties to publish this verdict in full in their newspapers within seven days of receiving copies of the verdict and submit the published copies to the Council.

Signed:

Justice B. K Das, Chairman, Reazuddin Ahamed, Member, Iqbal Sobhan Choudhury, Member M Shahjahan Mian, Member Shree Kartik Chatterjee, Member Shamshuzzaman Khan, Member

The Council considers the controversial news carried by the Kaler Kantha illegal, imaginary, baseless and devoid of facts. For the same reason, the reputation and image of Mr. Matiur Rahman, Editor and Publisher of the Daily Prothom Alo have suffered and he has been put in an embarrassing position at family and social levels. The Council considers the controversial publications of the Kaler Kantha absolutely baseless, concocted and motivated. The controversial Kaler Kantha reports couldn't provide lawful basis of its one-sided news through any appropriate sources, information or legal documents.

Awami League President and present Prime Minister Sheikh Hasina was planned to be killed.” The report did not mention any name or statement of the intelligence agencies.

In the same issue it was further revealed, “the intelligence agencies had information that the grenade supplier of the 21 August attack, Maulana Tajuddin, met Matiur Rahman in the Prothom Alo office (100, Nazrul Islam Avenue) several times before and after the attack. Simultaneously, a loyal journalist on behalf of Matiur Rahman kept regular contact with Maulana Tajuddin. Several agencies feel that their association is linked to the 21 August grenade attack.” Here also no name of the agencies was pub-

February, 2011 regarding the report titled, “goyenda nozordarite (under intelligence surveillance) admitted that the special police super Abdul Kahhar Akhand said, “we are trying to complete the investigation of the case very soon. As it is a sensitive case, he didn’t agree to say anything else. Therefore, the case is under investigation according to Daily Kaler Kantha and the Special Police Super Abdul Kahhar Akhand didn’t disclose anything because of the sensitive nature of the case. This proves that the case is under investigation till now and the investigation report was not submitted under article 173 of Criminal Law.

The newspapers, editors or owners or publishers or the media have no right to publish and present any

‘media trial.’

From the analysis it is evident that the accusations against Mr. Matiur Rahman, editor of the Daily Prothom Alo were not made legally. The matter is under trial. Under the circumstances, the Council considers that the news regarding Mr. Matiur Rahman and journalist Tipu published by the Daily Kaler Kantha on 10th May 2010, 12th May 2010 and 10th February 2011 were illegal, baseless, concocted and unsubstantiated.

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