

# ‘There’s a huge difference between DSA and CSA’

The newly appointed state minister for information and broadcasting, Mohammad Ali Arafat, speaks with Badiuzzaman Bay of The Daily Star about the state of press freedom in Bangladesh, rumours and disinformation, the Cyber Security Act, his priorities in the first 100 days, and other issues.

There have been a lot of criticisms and questions about the freedom of press in the last 15 years of Awami League rule. Starting another term, how does the government view these questions?

Historically, it is during the Awami League’s rule that democracy, and democratic institutions such as the press, have flourished. Take, for example, the spread of digital media following the government’s digitisation drive over the last 15 years. Awami League has always been pro-media and pro-expansion. True, there have been criticisms in some cases. But I see this more as a difference of opinion. We don’t claim that we have always made the right decisions or made no mistakes. On the contrary, I can cite many examples of how we have revised decisions in light of legitimate concerns. One thing you have to keep in mind is that a government, too, can be prone to mistakes. Trial and error is part of the decision-making process, and adjustments can take some time. So, for a fuller understanding of our approach, you should factor in not just our reactions to criticism but also how we’ve adjusted our decisions in light of that.

On the question of press freedom, the government often cites the growing number of media houses to indicate the state of the press. But can a quantitative measure reflect its qualitative state or freedom?

Yes, of course. A government that wants to control the press will want to suppress its growth. The fewer there are, the easier it is to control them. A pro-press government will think differently. It’s true that higher numbers do not automatically translate into higher quality. But it’s a step in that direction. Quantity is also something that you can put your finger on. But how do you gauge quality or freedom? Everyone has a different opinion about it. There is no methodology that can be used to objectively measure it.

But the opinion of journalists or rights organisations can help determine the level of quality or freedom.

No, that’s still an opinion. Only an objective scale can ensure exact measurements. Those working on rights may have a bias; they see the world from an idealistic point of view. Journalists, as direct stakeholders, cannot be objective or unbiased either. Therefore, I see their evaluations as their opinions, with which I may or may not agree. But I cannot take them as concrete evidence. That said, we should try to establish an objective methodology.

Since being sworn in, you have talked about rumours, misinformation and disinformation on several occasions. You said those spreading rumours or disinformation through various channels would be held accountable, and that you wanted to create a framework to prevent it. What might that framework or strategy be?

That’s an important topic. The threat of disinformation has been identified as a top global risk at the recent World Economic Forum summit in Davos. I think, in principle, we all agree that we want free flow of information and full freedom of the press, but at the same time, we want to prevent disinformation from misleading people. How to ensure that an anti-disinformation drive does not overstep into press freedom? There is a fine balance to be struck between the two. I have a few ideas about how to go about it, but I want to discuss with all the stakeholders of the media to make the process inclusive. I think we all understand the importance of separating fact-based journalism from motivated journalism, which is a disservice to citizens. Together, we can try to find a way.

Can you be a little more specific about your plan?

Primarily, we want to sit with all the stakeholders and collect their ideas. The objective is to collate and fine-tune them and build a structure to ensure accountability for spreading



Mohammad Ali Arafat

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misinformation and disinformation. Accountability does not mean punishment, but exposing and shaming those behind disinformation campaigns so that they eventually lose their credibility. In other words, we want to motivate those who want to practise fact-based journalism and expose those who don’t do so.

Will you support a shift away from the current practice of taking legal or extra legal action for ‘objectionable’ reports to a practice of social rejection?

Personally, I’d prefer social action. I think the power of social response in such cases is important to recognise. For that, we need a cultural transformation that will be more effective and sustainable. But to reach that level will take time given our present socio-political reality.

Let’s talk about the Digital Security Act (DSA), which was replaced by the Cyber Security Act (CSA) before the election. Now that the election is over, many fear that use of the law will be intensified again. What’s the government thinking about it? Will critics and political activists again suffer the abuse of the law?

First of all, the DSA was a new law, and

it took some time to adjust it. We’re not denying that it was not abused in some cases. Our law minister has also acknowledged it. The DSA had some flaws in it, and this is why it was replaced. For example, earlier there was a provision for arrests in case of defamation without any option for bail. In my opinion, it was not right. It was the most talked-about aspect of the law, but the CSA has made a huge departure from that.

Now, there is no provision for jail—hence no bail concerns—instead, a fine will be imposed, which will be payable only after the final judgment. The judge will determine the fine considering the gravity of the offence. I think these changes should be acknowledged. This is another proof that the government accommodates public feedback and makes adjustments where necessary.

There are still considerable concerns about the DSA/CSA.

There is no room for concerns about the DSA because there is no DSA anymore. For one, there is no scope for harassment anymore because there is no jail term in case of defamation. The journalist community didn’t raise objections about other sections that have nothing to do with journalism. Concerns about those other sections

are irrelevant. If you study the CSA properly, you will see that those in journalism have nothing to worry about.

But can we ignore the prospects of the abuse of the law?

Any law can be abused, and we all have to play the role of the watchdog to prevent it. Such abuse hurts everyone: it harms the victim in question, causes discontent among the public, and tarnishes the government’s reputation. The abuse is done by individuals out of ill motive; there is nothing to gain from it for the government politically.

If someone files a case out of ill motive, whose responsibility is it to prevent it? Even if a defendant doesn’t land in jail, few cases are usually disposed of, so a defendant has to carry the stigma or burden of a case for long.

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The CSA removes the main concerns by eliminating jail terms. My personal opinion is that there is a tendency in some sections of society to view court cases as a tool of harassment. Often such cases are politically coloured,

even when politics has nothing to do with it. To prevent this tendency and demotivate filing cases with ill intent, I think there should be a remedy or safeguard within the legal framework, not just for DSA/CSA cases but all kinds of cases. No one should be allowed to abuse the law in any way.

We have often seen people face consequences, through various means, for having diverse or critical thoughts. This has created a climate of fear. Even journalists are being forced to self-censor. What will you say about it?

I think this is an artificially created narrative. I see no reason for fears over expressing opinion. In the majority of TV talk shows, I have seen commentators criticise the government, often mixing facts with falsehoods. In these shows, you will see criticism aired 70-80 percent of the time every day, from evening to late night. Not just on television, you will see critical views on other platforms as well. This does not support the narrative of the culture of fear. You can talk about self-censorship, but how do you measure its extent or level? Yes, there has been some abuse of the DSA, but you cannot judge the mood or reality in the whole country in light of that.

What will be your priorities for the first 100 days in office?

There are some administrative tasks, which are a big part of the job of a minister. There are also some strategic areas that need attention. For example, there has been an orchestrated disinformation campaign against Bangladesh and the government globally, and we need to be careful about it. The growth of media through technological advancements has also created some realities that need to be taken care of, for the sake of the industry. Our main goal is to protect the interests of citizens, not to secure the continuity of our authority. We need to leave a strong foundation for the future of Bangladesh in line with the spirit of our Liberation War.

## The high cost of dying



BLOWIN’ IN THE WIND

Dr Shamsad Mortuza  
is professor of English at  
Dhaka University.

SHAMSAD MORTUZA

“It seems dying is more difficult than living,” an octogenarian relative of mine, who had just returned from visiting one of his terminally ill relatives, remorsefully observed. The thought has been troubling him for quite some time now, as he worries about becoming a burden to his family at the time of his passing. This selfless man has given everything to ease the lives of his near and dear ones. He is now concerned about a prolonged dying process, which can lead him to be at the mercy of others. The conversation ended in an appropriately optimistic tone, reassuring that he had created a solid support base through his good deeds over the years, who would stand by him at times of need.

However, the haunting concern over the high cost of dying is as real as death itself. High-tech interventions for dying patients are becoming more common than ever. There was a time—the kind of time that we read in novels or watched in black-and-white movies—when a doctor would simply prescribe a change of weather or moral support to the terminally ill. Modern medicine has equipped doctors with sophisticated technology to battle death, or at best delay or ease the process. The doctors can thus disperse hope for patients who have reached the final chapter of their lives. The desperation to cling to the hope of a few more precious moments with a cherished family member prompts the relatives to remain willing to exhaust financial resources. They succumb to their own emotional turmoil and the pressure of societal

expectations, ensuring that they have done everything in their power to prolong a life.

In many instances, the healthcare industry exploits the emotions of the relatives of patients and suggests procedures that will increase their profit margins or justify their gaudy establishment. Doctors, consultants, nurses, and hospital administrators team up to prepare for the medical rites to prevent natural death as sedated patients in intensive care units technically thrive on digital monitors. Finally, when doctors announce the passing, families not only grapple with grief but also bear the burden of crippling debts caused by the exorbitant costs of medical

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interventions and obscure billing practices.

I know of a young man who had to work three shifts in a store for months in the US to pay off the loans that he took to cover the hospital bills of his father, who had to be kept in the ICU for nearly a month. During the ritual bath, the family noticed that the deceased’s skin was peeling off, indicating that the patient had been dead for a while but was falsely declared alive. The doctors deluded the family by promising a delayed death, while the dutiful son assured his grieving mother and sisters that money would not be a problem.

Then there are those affluent others who would travel to foreign hospitals, albeit on chartered flights, to receive care in foreign currencies to console themselves that they did not compromise their love.

The other day, a female student of mine came to me to request a leave

of absence. Tears streamed down her face as she explained that her in-laws had asked her to leave the house due to the extensive time she needed to spend with her mother diagnosed with cancer. Even the expenses at a public hospital were beyond her, as she was using private tutoring to pay for her daughter’s education and her mother’s treatment. Her family and future are in turmoil because she needs to be with her mother.

I know many families who have had to sell their properties to meet hospital bills. One such family member told me that they could have actually built a school in memory of the deceased with the amount they spent at the hospital. And the irony was that the patient’s transfer to the ICU was caused by an infectious hospital bug that formed in the concealed oxygen system. While in that critical stage,

medical professionals conducted numerous tests and specialists held board meetings to inflate the bill. These are common medical practices, and there is no one to see or protest. If attendants complain or express their concerns, they will be requested to withdraw their patients. Dying becomes dubious.

Rarely are patients given the option to choose their transition. Palliative care, a humane and compassionate approach to end-of-life care, often takes a backseat in the relentless pursuit of life-prolonging measures. The emotional weight of making decisions about when to move from curative treatments to palliative care is a delicate one. Choosing comfort and quality of life may be seen as abandoning their loved ones, causing families to struggle with guilt and uncertainty.

I think there is scope for serious research on the finances involved

in this medical rite involving the last days of a patient. According to an episode of *60 Minutes*, in 2017, the American healthcare system “paid \$55 billion just for doctor and hospital bills during the last two months of patients’ lives; that’s more than the budget for the Department of Homeland Security or the Department of Education, and it’s been estimated that 20-30 percent of these medical expenses may have had no meaningful impact.”

In the absence of a health insurance system in our country, a similar amount is actually coming from patients. The cost of living is so high that we can hardly afford to think of dying. And when the time comes, we seem unprepared or underprepared. There is hardly a day when you don’t get an appeal for crowdfunding for the people that we know. The desire to stand by the dead or the dying makes us human. However, the quicksand of a medical system that promotes medical myth by delaying death engulfs and obscures this humanity.

In terminal cases, can we not shift our focus towards concretising the memory of the deceased in a more meaningful manner? Instead of investing exorbitant amounts in medical interventions with marginal benefits, redirecting those resources towards creating lasting memorials, such as charitable foundations, scholarships or community projects, can serve as a meaningful tribute to the departed.

I think the time has come for us to foster open conversations about death and embrace palliative care as an integral part of the healthcare system. We need to do serious research on the emotional and financial burdens associated with the end of life. Education and awareness about the options available, as well as promoting emotional support for families navigating this challenging time, can contribute to a more compassionate and dignified approach to death.