

## Consequence of Press Freedom for the Promotion of Democratic Governance: Bangladesh perspective\*

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***Abstract:** The paper attempts to focus the press freedom and democratic governance in analytical perspective. It is pointed out that freedom of press is indeed, an essential force that plays critical role as one of the main 'conscience keepers' of the nation, and for the protection of those who have no other redress in a democratic country like Bangladesh. For the welfare of the society and the maturity of democratic governance, none can deny the magnitude of freedom of press. Specially, democratic governance and its sustainable development are fully meaningless without the freedom of press. The press freedom acts as an essential safe guard of democratic governance. But in the developing country like Bangladesh, there are numerous restrictions behind the free flow of press. That is the reasons why democracy and responsible governance is not carrying out properly till today. Moreover, the democratic journey of the country is at a stake. The paper also considers the current state of freedom of press in Bangladesh and contributions of it for the promotion of democratic governance.*

### 1.0 Introduction

According to Alexis de Tocqueville, "the emergence of the press claims it self as a powerful instrument for democracy" Press freedom, therefore, becomes more necessary in proportion as men become more equal and individual more to be feared. To suppose that they only serve to protect freedom would be to diminish their importance. Democratization process for good governance and freedom of press are hand in hand and reinforce one another. There is hardly any doubt that democracy to be meaningful must ensure freedom of information to the people. The free flow of information is therefore, an essential requirement for successful democratization process. In fact, freedom of press is a powerful change agent in a democratic society. Bangladesh is a democratic country of the 3rd world. The reintroduction of the Parliamentary Democracy from the 1991 has brought a considerable freedom for the press with a democratic order. The successive democratic regime generally respected the freedom

\* The views and opinions expressed in the article don't necessarily represent the views and opinion of UNDP Bangladesh

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of the press, although the tasks of upholding this freedom by the Journalists have not been easy in Bangladesh. Numerous cases have been documented where journalists are harassed, intimidated and killed by political activists, police and often vested groups in the society.

The state and its functionaries are the most obvious source of media censorship, reassessment and repression. However, as many action also have a stake in suppressing, the activities of journalists. Steady criminalization of the political and economic landscape explaining much of the violence and brutality experienced by members of the press. Pervasive corruption at all levels also becomes a fundamental barrier to press freedom. The problem is not so much of oppressive laws-although existing laws are not exactly liberal but more that extralegal measures and illegal forms of intimidation, coercion and violence are routinely used by the state and others to silence the press. The numerous newspapers and periodicals published in Bangladesh testify to that freedom press. Notwithstanding, the press in Bangladesh suffers from some serious limitations and barriers. As a result of the fact, press freedom is an essential for the consolidation of fledging democracy to promote good governance in Bangladesh .

The paper is organized as follows: Section 2 presents the conceptual analysis of press freedom, section 3 provides the meaning and content of democracy and good governance, section 4 presents the importance of press freedom in democratic governance as a critical analysis, and section 5 provides an evaluation over the present state of press freedom in Democracy in the context of Bangladesh.

## **2.0 Press Freedom: Conceptual Analysis**

The press has become even more central to democratic discourse worldwide. The existence of freedom of the press still marks a critical point that distinguishes a freely functioning democracy from an authoritarian regime. The quintessentially modern idea of a free press has been evolving for more than two centuries. A truly noteworthy development of the latter half of the twentieth century has become a gradually growing realization around the world that press freedom not only is an indispensable pillar of democracy, but it is important for the long term sustainability of social and economic development. For over a century and a half following 1791, when the first amendment was written into the U.S. Constitution to guarantee freedom of the press, this idea did not gain global acceptance. Only a few industrializing societies in the

west allowed the press to function freely within their borders. Today, how ever the number of countries that respect freedom of the press has risen dramatically, though there remain many others that still do not have anything resembling a free press. In 1950, as the post world war II. Wave of a desalinization swept across the world, India became the first non-western, non-industrialized nation to create a dramatic republic with the right of "freedom of expression" written in to its constitution. Article 19 (1) of the Indian constitution did not use the exact phrase "freedom of the press", it simply stated that all citizen's would have the right to "freedom of speech and expression".

Many newly independent nations declared themselves to be democracies of one kind or another, but their governments excluded press freedom from the definition of democracy. The situation began to change as the new third wave of democratization initiated among the 3rd world countries in the 2nd half of the twentieth century.

The awarding of the 1998 Nobel Prize in economics to Amartya Sen was therefore a milestone for those who recognize the crucial link between freedom and well being, between democracy and growth.

Significantly, that link has been noted by the world's leading development organization, the World Bank. Until recently, the Bank rarely mentioned words like "democracy" or "press freedom" in its official statements. These days, the Bank openly states its support for freedom of the press as a key factor in economics and social advancement. In a recent speech to the world press freedom committee in Washington D.C, World Bank president James D. Wolfensohn stated. "A fresh press is not a luxury; a free press is at the absolute core of equitable development, because if you can not enfranchise poor people, if they do not have a right to expression, if there is no search light on corruption and inequitable practices, you can not build the public consensus needed to bring about change ".

According to the definition of William Blackstone, "Every free man has an undoubted right to lay what sentiment he pleases before the public; to for did this, is to destroy the freedom of the press."

A.V. Dicey commented, "The freedom of press means the right of a person to publish what he pleases in books or newspapers ."

Realizing the importance of freedom of press, Ex U.S president Jefferson Stated, "were it left to me to decide whether we should have government without news paper or newspaper without government, I should not hesitate a moment to prefer the latter ".



So, a free press means a press, which is free from the compulsions from whatever source govt., social external or internal. A free press is free for the expression of opinion in all its phases. Freedom of press includes the right to adopt and pursue a policy without governmental restriction.

### **3.0 Democratic Governance: meaning and content**

To commence with, meaning of Democracy should be conversed in brief to apprehend the implication of democratic governance justly. More than a form or system of government, democracy has come to assume the status of a fashionable nomenclature. As fashion is a fast changing concept, so are the meanings and contents of democracy in reality, if not always in theory. Though often assumed to be simple form of government, democracy seems to have assumed most of the complexities of the world; on the other hand, an umpteen number of adjectives have been adopted to divert the attention of the critics of democracy in several states. "Basic", "Guided", "Panchayat", "Party less", "one party", "People's", and "Islamic" are some such adjectives.

Allan Ball has identified the following features of liberal democratic system:

1. There is more than one political party competing for political power.
2. The competition for power is open, not secretive and is based on established and accepted forms of procedure.
3. Entry and recruitment to positions of political power are relatively open.
4. There are periodic elections based on universal franchise.
5. Pressure groups are able to operate to influence government decision. Associations such as trade unions and other voluntary organizations are not subject to close governmental control.
6. Civil liberties, such as freedom of speech, religion, freedom from arbitrary arrest, are recognized and protected within the political system. This assumes that there is substantial amount of independence and freedom from government control of the mass media, i.e., radio, television, newspapers.
7. There is some form of separation of powers, i.e., a representative assembly has some form of control over the executive and the judiciary is independent of both executive and legislature .

Democracy is the single governance framework that is consistent with a comprehensive perspective on human development. Democratic governance means that:

- ♦ People's human rights and fundamental freedoms are respected, allowing them to live with dignity.
- ♦ People have a say in decisions that affect their lives.
- ♦ People can hold decision-makers accountable.
- ♦ Inclusive and fair rules, institutions and practices govern social interactions.
- ♦ Women are equal partners with men in the private and public spheres of life and decision-making.
- ♦ People are free from discrimination based in race, ethnicity, class, gender or any other attribute.
- ♦ The needs of the future generations are reflected in current policies.
- ♦ Economic and social policies are responsive to people's needs and aspirations. and
- ♦ Economic and social policies aim at eradicating poverty and expanding the choices that all people have in their lives.

Democratic governance is associated with the following mechanisms:

#### 1. Human Rights

- ♦ Strengthen formal human rights institutions and mechanisms
- ♦ Support civil society, education and accountability roles
- ♦ Realize human rights of women, children, and marginalized groups

#### 2. Accountable Public Institutions

- ♦ Improve financial and economic management
- ♦ Strengthen audit, statistical capacity, and human resource management
- ♦ Promote policy coordination
- ♦ Enhance transparency and anti-corruption
- ♦ Improve service delivery, e.g. health, energy, basic needs

### 3. Freedom and Democracy

- ♦ Build open and accountable political systems: electoral and legislative assistance, decentralization, federalism, and local government, political parties, and competition
- ♦ Create a democratic environment: independent media and transparency, development of civil society, education for democratic culture, building inclusive societies

### 4. Rule of Law

- ♦ Promote predictable, impartial, accessible, timely, and effective legal systems
- ♦ Support independent and non-discriminatory judicial systems
- ♦ Advance public legal education and engagement, and
- ♦ Support informal legal practices that respect human rights

### 4.0 Press Freedom in Democratic Governance: A critical analysis

The exercise of freedom of opinion, expression and information, recognized as an integral part of human rights and fundamental freedoms, is a vital factor in the strengthening of peace and democracy. In fact, press freedom is a major component that plays a critical role to promote democratic governance.

According to John Stuart Mill, "Greatest happiness for the greatest number of people is democracy and freedom of thought. It holds that the freedom to speak is intimately tied to the freedom of thought, and that a provision on what one can think is an attack on one's identity, freedom of thought as a result of the fact, is indeed a vital force to strengthening democracy as it is necessity for enhanced governing process of the country".

Realizing the importance of press freedom for democracy and responsive governance, David Flint pointed out three major points:

- (1) People need to be informed on all matters of public interest so that they may effectively exercise their roles, as citizens, for example in voting and so also those they may form opinions and engage in debate to the governing process for the sake of responsiveness towards the people's wellbeing.



- (2) The exchange of free and full information is the oxygen of a market economy, good governance.
- (3) Democracy requires both good and erroneous ideas be allowed and indeed, encouraged in the market place of ideas. When ideas complete in the market place for acceptance, full and free discussion exposes the false and they gain few adherents .

Amartya Sen rightly commented that, "Freedom of expression and freedom of the press are surely essential elements in the developing process of democracy and it disseminates information to make the process of governance truly transparent".

United Nations in its universal declaration of human rights (Article 19) rightly mentioned the following:

"Every one has the right to freedom of opinion and freedom of 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". Declaration on mass communication media and human rights, council of Europe, 1970 prioritized the importance of press freedom that works best as a safeguard to protect human rights, transparent public institutions, and democratic process as well. Press systems of SAARC, Jointly organized by Asian Mass Communication (AMIC) and Nepal press institute in 1991, placed importance over the freedom of press for the exercise of democracy and pro people governance. It also stressed the priority upon the free flow of information through press freedom in South Asian countries for the institutionalization of democratic governance .

Tocqueville pointed out the importance of press freedom in strengthening democracy. He mentioned that "press freedom causes political life to circulate through all the parts of that vast majority. Its eye is constantly open to detect the secret springs of political designs and to summon the leaders of all parties in turn to the bar of the public opinion. It rallies the interest of the community round certain principles and draws up the creed of every party; for it affords a means of inter course between those who hear and address each other without ever coming in to immediate contact".

Importance of press freedom for truly democratic governance can be decorated as:

- (a) In a democratic system, the connection of every group is important for a strong democracy, every group must be able to criticize the functions of govt. which is against the interest of people. Right to information or access to be acquainted with the public delivery system is the basic component of good governance. Freedom of press makes that right of public true.
- (b) In modern governing system public opinion is very significant issue. For the existence of any state, the articulation of public opinion is crying need. Press is the only way to articulate the public opinion and let the govt. give a chance to run over the state through pro-people policies. For organizing people's view, to force down inputs of masses towards decision making process of government there is no alternative to press freedom. Press freedom can provide people the real and factual news and as a result, people can go through right decision and organize themselves for real objects.
- (c) Without people's consciousness about their right and duties, the society will not drive in a proper way. Press is the ultimate product of public consciousness that plays a critical role to bring a sense of eagerness to take part in the state functioning and accelerating governance process.
- (d) Human rights are essential to promote the development of the society. Press plays a critical role to secure the human rights in all respect. When human rights is violated any where by anyone through the country, press comes forward to speak in support of it.
- (e) UN former Secretary General Kofi Annan says, "Good Governance is perhaps the single most important factor in eradicating poverty and promoting development. In fact, democracies are better guarantor or property rights than no democracies an that enforcing tracts is essential for investment and growth for the development of the society, freedom of press is important as it can ensure the real situation regarding development. As a result, the authority concern goes through right measures on time to boost development process."



- (f) Press is the mirror of a society. It provides the real picture of a society. Specially, in modern world press is very alert and conscious about corruption and bad governance. So any sort of mismanagements, power abuse, and wastages of resources, nepotism, and press when it is free from the interference can uphold the real story, and let the govt. give a chance to combat terrorism, corruption, mismanagement those are great barriers for the promotion of democratic governance.
- (g) In a modern world, press is known as the 'fourth state' for the democratic development of any state.

Press can drive the state and society in a proper way and can pave the way to be solidified nation. Every state has some objective end views for the articulation. Such sorts of national goals are the ultimate product of the unification and consensus of the people. A free press can work to serve the national interest.

### **5.0 Press Freedom in Democratic Governance: an evaluation in the context of Bangladesh**

Bangladesh is a democratic country of the 3rd world. Parliamentary democracy had been practicing in Bangladesh since her birth in 1971. Moreover, after few years of practicing parliamentary democracy since its liberation, Bangladesh went through a serious political instability with the staging of coups and counter coups. Several political ups and downs like introduction of one party system, military roles and irresponsible competition of political parties to capture power have placed the democratic journey of the countries at stake. However, the nation has restarted her journey to democracy in 1990 but the path is not moisturized still now, though as an independent nation, we have passed about thirty five years but our achievements in the spheres of democracy and better governance are not noteworthy. Even, the country today is riddled with numerous problems threatening the very development of democratic governance as democratic governance is broadly divided into four elements: freedom and democracy, human rights, rule of law, and accountable public institutions. Lack effective and strong presence of freedom of press is one of them. Through the constitution of People's Republic of Bangladesh guarantees freedom of speech and expression under article 39, but such freedom is subject to reasonable restrictions. Moreover, a number of acts along with the rigid government control over the information and the misuse of power are responsible for the less

effectiveness of press freedom. Good governance and development are important goals in their right; they also depend on and reinforce each other for the promotion of responsible governance process. But absence of people's participation and restriction of them to have an access to information are jeopardizing democratic governance. Political parties are a keystone of democratic governance. They provide a structure for political participation; serve as a training ground for political leadership; and transform social interests into public policy. The question for development practitioners is how best to work with political parties in addressing the challenges they face. In Bangladesh, political parties could not flourish as transparent and democratic organizations. More over, access to the information about the functions, budgeting's very tricky for media and media could not work for the democratization and development of political parties as harassment of the journalists by the activists of the political parties is often happen.

In 2003, 'The committee to protect journalists' (CPJ) declared Bangladesh to be one of the most violent places in the world for reporters. In deed, investigative journalism has become an increasingly hazardous occupation in Bangladesh. The state and its functionaries are the most obvious source of media censorship harassment and repression. However, as many of the incidents make clear, a variety of non state actors also have a stake in suppressing the activities of journalists, steady criminalization of the political and economic landscape explains much of the violence and brutality experienced by members of the press in 2003. Pervasive corruption at all levels has also become a fundamental barrier to press freedom. The problem is not so much of draconian or oppressive laws-although existing laws are not exactly liberal but more that extralegal measures and illegal forms of intimidation, coercion and violence routinely used by the state and others to silence the press.

In Bangladesh, till today journalists are routinely harassed intimidated on physically assaulted in the course of their work. There are almost daily causes of physical assaults and intimidation, particularly in rural areas. Not surprisingly, those journalists who reports on political violence, official corruption and organized crimes are prime targets for reprisal by the police, political cadres affiliated with the ruling party, and by underworld criminal gangs who themselves often ties to parties in powers. On the contrary, many found that upon publishing stories that incriminate powerful interest groups, false cases are lodged against them in turn. In most cases, journalists become prey when they report on the hooliganism

and corruption of the ruling party members. Libel and defamation cases against journalist are also used as tools of harassment. Although turning to procedures laid out in the law, rather than resorting to extra legal measures such as rouging up and intimidating individuals on ransacking offices, may appear democratic, the uses and interpretation of the law leave much room for manipulation.

Many laws in Bangladesh compel journalists to practice some degree of self censorship, when even a case is filed under section 501 of the penal code, which relates to printing or engraving matter known to be defamatory. The courts response is to issue an arrest warrant rending investigation, it has become a practice in Bangladesh that on the day of the first hearing, the court issues a warrant and in most cases, irrespective of the charges gravity, journalists are ordered to be arrested immediately. It has been a long standing demand of the press that the practice on issuing warrants be changed so that journalists are not inhibited by the fear of arrest even if their report is based on facts.

Even, the official secrets act, 1923 restricts the journalists to have access to official materials. The administration is a vital source of news as it is the arena where corruption, mismanagement are most likely to take place the bureaucracy in Bangladesh till looks at the press with suspicion and fear, and tries to avoid the journalists. This is a stumbling block to the growth and impact of the press for an accountable and efficient democratic system in Bangladesh .

However, the Right to Information Act enacted by the Government of Bangladesh in April 2009 will bring a revolutionary change as to ensure free flow of information and people's right to information. The freedom of thought, conscience and speech is recognized in the Constitution as a fundamental right and the right to information is an alienable part of it. Since all powers of the Republic belong to the people, it is necessary to ensure right to information for their empowerment. The right to information shall ensure that transparency and accountability in all public, autonomous and statutory organizations and in private organizations run on government or foreign funding shall increase, corruption shall decrease and good governance shall be established as well as press freedom shall be protected.

It is said that no paper or periodical can stand up to financial power in Bangladesh. It needs money to bring out papers. The revenue earned from subscribers can not cover even a fraction of the production cost even if



the circulation is exceptionally high. Advertisements are the lifeblood of the media, and since the government is the biggest blood donors, as a result, the Govt. can influence over the press and that is a barrier to the freedom of press in Bangladesh. On the contrary, In case of irresponsible journalism on press freedom creates a critical problem in a democratic country like Bangladesh. For the cause of freedom, press can provide public news without real documents; this type of wrong and irresponsible information creates an unprecedented suffering at local and national level and its jeopardizing the stability and democratic development of the country. Moreover, political involvement and biasness of the editors, publishers and journalists have become a major impediment to the freedom of press in our country. Despite the fact, Bangladesh today is fortunate to enjoy a considerable freedom that is essential for the promotion of democratic governance.

### **6.0 Concluding remarks**

What becomes very clear from the above discussion is that the press and for that matter free press is inseparable for the promotion of democratic governance. It is at once an essential attribute of and indispensable precondition for democracy and sustainable democratic development can change the total image of the nation like Bangladesh. The people must be allowed the freedom to hold opinion without interference and to seek, receive and impart information and ideas to enable them to exercise their rights as citizen and participate intelligently and effectively in the governance process of the country. The press is by far the best-suited medium for the purpose. It can keep the people informed of all the local, national and international developments and provide widest possible scope for public discussion on issues of the good and responsible governing process and common concern. It is acknowledged on all hands that freedom of the press is not a one sided privilege of the journalists. It is a corollary to the reader's right to know about their political rights, basic rights and the functions of the government, political parties in power and opposition since right to information is major part of democratic governance.

The press in Bangladesh plays a unique role and enjoys a considerable freedom compatible with a democratic order; the successive democratic regimes generally respected the freedom of the press, although the tasks of upholding this freedom by the journalists have not been easy. Numerous cases are documented where journalists are harassed,

intimidated and killed by political activists, police and other vested groups in the society. There are cases when the press in Bangladesh sometimes becomes a willing propaganda machine for corporate on dominant political interests, but the change can be clearly noted as the profession of journalism is moving towards a high standard of accountability and increasing realization that media serves the needs and aspirations of the people. The profession of journalism is noble, enjoyable as well as risky. The practice of journalism is difficult in today's world that is paradoxically witnessing enormous opportunities as well as myriad challenges for peaceful social and political existence. The tasks of journalists, therefore, are adventurous, rewarding and often dangerous, particularly in conflict areas and violence of prone societies. The trend is clear the journalists suffer increasingly for their reporting on crime, corruption, bad governance, and violation of human rights. In Bangladesh, journalists run the risk of arrests and violence as offenders against public order and safety by the state. At the same time, in many new democracies like Bangladesh, the profession of journalism has not also developed to that highest standard where ethics of journalism is fully maintained. The journalist are often tempted and induced to write sensational and motivate news damaging for particular groups, political party or interest. The frontiers of information ethics are therefore, becoming very reluctant for the journalists in the globalizing era. It is imperative that journalists must follow the ethics of their profession, and without which individuals, groups and nation states will suffer in image and reputation. The new generation of journalist should therefore, be equipped with skill, professional integrity and greater realization of the implications of their reports and stories. The official secrets act, 1923 restricts the journalists to have access to public official materials. That is the reason why, a transparent system of administration like Right to information (RTI) Act has to be enforced with a view to ensuring free flow of information from the government so that inefficiencies, misuses and failures of the govt. can be exposed to the wider public. More over, practice of democracy within political parties is required in the process of freed of press in Bangladesh. Separation of Judiciary from the Executive is a milestone achievement of the caretaker government and it will accelerate the process of freedom of press in Bangladesh.

So, time has come to realize the importance of freedom of press to promote democracy for the sake of good governance in Bangladesh. The govt. should be solemn to apply the mechanism to ensure good

governance by protect all sort of basic rights of the citizens particularly human rights in all aspects for the better and professional performance of journalists in their actions as per the constitutional obligation (article 39). Since Caretaker government is committed to establish National Human Rights Commission, hence freedom of press will be more momentous. Beside the editors, publishers and journalists should keep their neutrality to uphold the prestige of the profession. It is impossible for the govt. and the press media to shoulder the responsibilities of improving the state of press freedom. So, the political parties, civil society, public intellectuals and conscious citizens should come forward to uphold the spirit of freedom of press to strengthen democratic governance in Bangladesh. In fact, freedom of press plays an important role as one of the main 'conscience keepers' of the nation and is indeed act as an essential watchdog of democracy and responsible governance.



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