

# Bangladesh: MEDIA and the LAW



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Bangladesh on the Globe

Law and legal institutions are omnipresent in Bangladeshi society. So is the media, electronic media in particular. People are involved with the law like it or not. They often complain about legalism. They have developed a mind-set about the functioning of laws. Media plays a role in forming this mind-set. Accordingly, there is an uneasy relationship between law and the media. The law of libel and the social action litigations offer two glaring examples of this uneasy relationship. Legal scholars may write volumes on the legal aspects of the issue. However, to my mind, there is a motion factor in mounting up such a relationship. Let me explain how and why.

There was an age when law could have been traced from the king's dictum or stone's inscription. Afterwards, passing through the handwriting era, law entered into the printing age. Printing provided law a kind of continuity and stability in its functioning. Now is the time for internet. The voluminous works of law are mere a click away in today's world. The media, electronic media in particular, have added a new dimension in the operational process of law. They have rather started a sort of socialisation of law in the guise of serving legal news to the people at large. They are doing it by presenting the law as information. News about law and courts occupy a greater share in the day to day media news of Bangladesh. Here comes the question of motion—the pace of the legal information through electronic media and the pace of age-old way of functioning law. More than 25 TV channels in Bangladesh, almost all with 'breaking news' offers and hourly news services, have added a huge pace to the role of law. The online newspapers have intensified the momentum.

Today, law itself is information. Law has its own life. Information is somewhat like the blood-stream in that life. It is being transfused in the social system through the media vein. It is taking place so swiftly that the news and the medium are becoming synonymous. Media scholar Marshall McLuhan is perhaps correct when he says: "the medium is the message!" A startling example of McLuhan's words is the kattor TV's promo: 'shongbaad noi, shongjog'! The news itself is somewhat the connection! As legal news occupy the major place in the current Bangladeshi society along with its all-embracing influence in its psychology, we need to see the extent to which Bangladeshi law and its

legal culture are ready as a means of communication. The pace of transmitting legal news, formation of public opinion based on that and the legal step by the executive on the issue have got separate pace and mode of operation. I think this pace-difference has a toll on the public confidence about the efficacy of the Bangladeshi legal system.

As such, it seems that we have entered into a media culture of law. For, law is being unleashed as a social construct. It is being turned into a phenomenon in a society packed with internet, power, pace and emotion. This trend conditions the operational mode of legal institutions, influences the sharpness of legal arguments and determines whether the social and moral values will have a place in the legal construct.

This media culture of law inevitably breeds certain consequences. First of all, it oversimplifies the legal remedies. You will watch courts passing order every day asking the executive to do or not to do something. The otherwise unprepared executive body lags behind in carrying the order out. In the meantime, another occurrence comes to the scene requiring a good-heart or a busybody to obtain an order from the court with a view to sensitise the public opinion, making 'breaking news' in the TV scroll. Judicial remedies like writs and extra-judicial remedies like administrative directions from higher position of the government fall prey of this trend. If a legal system is to function, some words must have its weight in social belief. The media coverage of the litigants puts a cosmetic in face of real justice and makes 'efficacious remedies' like writs very inconsequential. I am afraid this will take us into a point where we will hear from the executive: "the court has ordered it, ask the court to carry it out"! I sense a shadow of this in the Prime Minister's stand about the court order of arresting two RAB officials allegedly involved in the Narayangonj seven murder killings.

Secondly, the electronic media serve the legal news, music, religion, poverty, hue and cry all in the same tray. It ushers in the same pace, same weight. It makes the public accustomed with judging everything in the same spirit.

Thirdly, this makes the audience not merely the consumer of legal news but also an agent of law interpreter. In a handsome pace, the 'breaking' legal news is transmitted through the social network like the facebook. The consumers (including the talk-showers) construe the law with its extra-legal facets. In this way, legal opinion is concluded from merely a news title even without going into the details of court's reasoning. Let me recall Suranjit Sengupta, an expert legislator of Bangladesh parliament, who commented on the Jamaat trial debate between the incumbent law minister and the former one. Gupta said: "Now, you see, lawyers have got a problem. They interpret law from different point of views. These are the intricacies of law, it should have been better if all these would not have appeared in the media". (The quote is a free translation by the author from Sengupta's speech published in the Prothom Alo Online, 2 June 2014).

Fourthly, media culture of law apparently provides an alternative remedy to the victim. But I am afraid it does not help the justice process in the long run. Let us take the example of a victim of abduction or murder. The family of the victim gets public sympathy through the media coverage of the incident and the follow up legal process. If it involves an incident having political implications, the victims may expect to have a consolation message from the political giants. If fortunes favours, they may also receive monetary compensation and sometimes political package like nomination of one of the members of the victim's family in the elections to follow. These all provide illustrations of alternative remedy at the cost of justice. The Sagor-Runi killings, Lokman killing, Toki murder and

all other horrific cases substantiate this proposition.

Fifthly, we are living in a legal culture conditioned by extra-legal factors. Judges are social vehicles. They are members of the same society we do live in. As such, their interpretation of law is strongly influenced by social and political factors. But they have their own reasoning of a case decision. When the news of a case decision permeates through the electronic media, it comes only in the form of 'breaking news' at the first instance. People at large do not read judgement, nor do they have that opportunity every time. But they know the way the court system functions and is characterised by the extra-legal factors. This social mind-set raises a question mark about the judicial decision rendered by the court. The media culture of law has amplified the scope of raising such doubts. The release of Tarique Rahman in the money laundering case by the subordinate court and subsequent investigation against the judge of that case provides a good illustration on this point.

These all having said, I am not against ferrying law related news in the form of 'breaking news'. But I doubt, in Bangladeshi society, we are struggling to tackle the all-pervading social impact of legal culture modelled by the media. It is true that media can play a pivotal role in building up a legally enlightened citizenry. It is equally true that media puts a social pressure on the administration to ensure their accountability to the people, particularly in a democracy where the parliament has a non-impressive record of functioning. At times, the social pressure mounted by the media can act as a catalyst to pass new laws and bring amendment to the existing laws. Unfortunately, instances suggest that new laws passing as an outcome of this type are short-lived and not far-sighted. They invite intervention within a remarkably short time. The city corporation law, truth commission law, war crimes law, election laws are good examples of these kinds. A short-sighted new law invokes injustice at times. Let us rather recall Tagore, the versatile genius of the Indian sub-continent:

*"raja vabe nobo nobo ainer chole/ naya srishti kori ami/ naya dhormo bole, ami puraton, mor jonmo keba dei, ja tobo notun srishti, she shudhu onnai".*

So, what to do? Should we ask the media to abandon their law related news and commentary talk-shows? Not at all! There is a saying that: "Can't tackle the media? Become the media". What initially we need is to improve the technological proficiency of the legal actors at par with the pace of the media. Second solution is in the form of a question. Why should every TV channels running in Bangladesh be a news channel? Let music, theatre, films, agriculture, geography, sports some independent space. Third, the media themselves should develop a self-evaluative mechanism of permeating law related 'breaking news' in a constructive way. For that we not only should study the media law, but also should more concentrate on the intersection between law and the media.