

Free the FREEDOM!



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While reading a book called "Freedom is not Free", by Shiv Khera I find an undeniable truth that every generation needs to earn its own freedom. That means freedom is not free, in order to achieve freedom there should be some sacrifice. Even the historic four freedoms propounded by Franklin Roosevelt had arisen out of sacrifice of millions of people in the event of unprecedented danger and instability during the World War II. Coming to the birth of Bangladesh, it was the freedom for which three million people sacrificed their lives. But unfortunately freedom is not free at all in Bangladesh even after forty four years of independence. Protection of freedom is constantly charging human lives amidst of fear and instability. Now the question is how many lives we have to sacrifice to secure freedom? A definite uncertainty might be the response.

The recent brutal killing of Avijit Roy, a writer and co-founder moderators of a popular blog Mukto-Mona (free thinking), reminds us again that the cost of freedom or free thinking can only be compensated by sacrificing human lives. This is not the single incident where freedom is compromised rather it is becoming a common phenomenon in the present context of Bangladesh. According to the recently released report of Amnesty International (AI) (2014/15), Journalist, human rights defenders and bloggers were continued to be attacked and harassed during the year of 2014. It explicitly reported that "the government's use of Section 57 of the Information and Communication Technology (ICT) Act severely restricted the right to freedom of expression".

The curtailment of freedom by virtue of legal instruments not only disregards constitutional commitment of freedom of expression but also jeopardizes the rule of law which demands for individual liberties.

This is true that freedom of expression guaranteed under Article 39 of the Constitution of Bangladesh is not absolute it also encompasses permissible restrictions but that does not in way mean the curtailment of freedom without reasonable justification. In the case of Santokh Singh V. Delhi Administration, AIR 1973, SC 1091, it was held that in determining the reasonableness of a restriction upon freedom of expression stipulated a reasonable balance must be drawn between the need for the freedom in a democratic system of government provided by the constitution and the social interest in the prevention of disorder and anarchy. Mahmudul Islam in his constitutional law of Bangladesh stated that the restriction under Article 39 is to be imposed by law and when discretion is conferred on any authority, the law should provide sufficient guidelines for the exercise

of the discretion. In this regard, the extent to which people can exercise their freedom and the extent to which the state can impose restriction by virtue of saving clauses are yet to be ascertained in the context of Bangladesh.

In this missing line, State is always found to be [winner] in case of taking away of freedom of individuals. Since the voices of individuals are not empowered and on other hand the voice of state mechanisms are overpowered, it is obvious that the vulnerability will be borne by people at large.

Freedom is regarded as an essential tool by virtue of which a citizen of a country can pursue legal avenue with a view to realizing his or her entitlements. But amidst of lawlessness prevalent in Bangladesh accompanied with innumerable enforced disappearance cases, number of extra-judicial killings and so called shootouts, impunity of wrongdoers particularly law enforcing agencies, it would not be an exaggeration to opine that freedom of individuals are hindered by the hands of powerful state mechanisms and the availing of legal avenue by virtue of the tool of freedom remains a far cry.

The alleged misuse of incompatible legislation by the state machineries, the impunity of law enforcing agencies, as reported by Amnesty International, facilitates the religious groups in Bangladesh to exploit the religious sentiments of common people and at the same time threatens the free thinkers. The AI report went on to state that freedom of expression was also threatened by religious groups. In at least 10 instances, these groups were reported to have spread rumours that a certain individual had used social media to insult Islam, or had engaged in allegedly anti-Islamic activity in the workplace. At least five people were subsequently attacked; two were killed and others sustained serious injuries.

These incidents not only carry the mere story of brutal killings and sufferings but also reveal the dominant presence of anti-freedom elements even within the state instrumentalities. A culture devoid of freedom and freethinking cannot enlighten the torch of liberty rather it generates intolerance, disharmony and bigotry which leads to deviate from the core values of society.

Let me conclude with the words of Gilbert Francklyn that every deprivation of freedom is a species of servitude or slavery. Are we indulging in a new a form of slavery?