

Bangladesh: National Broadcast Policy 2013 (English)

1.1 Background: Radio and television are two strong mass media in the present world. Due to the technological development, programs of many international media are now available in Bangladesh with the help of satellite technology. All the radio and television of modern world air/broadcast creative programs from other sources in addition to their own productions. This trend helps create a competitive platform for producing creative and quality programs. Beside radio and television, online newspaper and radio and television have also gained popularity among common people. In line with the spirit of liberation war, the constitution of the People's Republic of Bangladesh consider the freedom of news media a basic right. Article 39 of the constitution has ensured freedom of thinking of every citizen. A large portion of radio and television listener base, are children, juvenile and youth who are easily influenced by the programs of radio and television and other online media. Thus TV, radio and online media plays a role in shaping the minds of new generation. Since other family members of different age also watch/listen to these programs, the ratio of impact that these media put on one's mind varies drastically. In addition, it is necessary to scrutinize if the programs run by these media are harmonious with the spirit and ideal of liberation war, and the country's social, cultural, geographical and political tradition and values. Moreover, it is the duty of the government to ensure the social responsibility of these programs an advertisement. Broadcast media plays an important role in building up a child-friendly society. So it is essential to put stress on monitoring broadcast media to prevent degradation of social values. Considering the abovementioned points, it is crucial to have a relevant policy for all, both government and non-government online radio and television. In line with the abovementioned contexts, this policy has been formed to develop a free, open, multi-dimensional, liable and effective broadcast sector in the country.

3. 1.2 Motive and aim

1.2.1 Speeding up the country's broadcast system without hampering the smooth run of both government and non-government broadcast media.

1.2.2 Maintaining international regulations and standard in expressing opinions through this media and upholding its freedom, as well as bringing variety, credibility, neutrality and ensuring free flow of information.

1.2.3 Keeping intact the basic rights of citizen and individual freedom, ensuring freedom of mass media and its liabilities.

1.2.4 Undertaking initiatives to help establishment of non-government mass media and providing necessary assistance.

1.2.5 Creating a platform for open and healthy competition in establishment mass media under both public and private supervision.

1.2.6 Speeding up the broadcast sector and developing skills in this sector through publicprivate partnership;

1.2.7 Raising awareness among the common mass about different issues of public interest through broadcast media so that they can participate in development programs, especially education, agriculture, women empowerment and poverty alleviation;

1.2.8 Ensuring the role of non-government mass media in reducing disparity/discrimination and establishing the rule of equality in all levels of the society.

1.3 Main Aspects

1.3.1 Developing an organizational structure to provide license of broadcast service, monitoring it and maintaining its standards;

1.3.2 Bringing the sector under a coordinated system and establishing fair governance in the sector through providing license;

1.3.3 Making sure that the media broadcast programs respecting the spirit, ideal and history of the liberation war, public interest, social values and state policy.

1.3.4 Defining the role of broadcast sector in empowering women and marginal communities of the country;

1.3.5 Developing community broadcast through targeting a specific area or groups of people;

1.3.6 Ensuring that no programs conflicts with basic individual rights as described in the constitution of the People's Republic of Bangladesh;

1.3.7 Help establish discipline in the society and prevent moral degradation;

4. 1.3.8 Ensuring the contribution of the country's broadcast sector to socio-economic development and poverty eradication, through raising awareness among people;

1.3.9 Establishing good governance and upholding human rights through bringing transparency and liability in the society;

1.3.10 Ensuring social responsibility of the broadcast media and patronising local culture by not airing any program or advertisement that go against social values.

1.4 Strategies

1.4.1 Taking advise/suggestion from all stakeholders for forming and implementing this policy;

1.4.2 Forming an organisational structure and new laws & regulations for implementing this policy;

1.4.3 Undertaking necessary initiatives to establish a platform for healthy competition through public-private partnership;

1.4.4 Forming an independent broadcast commission for the effective implementation of this policy and its inspection.

1.4.5 This broadcast commission will form necessary broadcast regulations to set a standard for programs and implement the standard. Chapter two Broadcast License

2.1 Giving License

2.1.1 All private radio, television, community radio, online radio and television have to get license from the government;

2.1.2 The broadcast commission will form a coordinated policy for issuing license;

2.1.3 Based on the license, the commission will make recommendation for giving license;

2.1.4 A transparent, competitively open and independent law/regulation/policy will be formed for providing license after discussing with stakeholders. The policy will describe license giving process, requirement for license, ineligibility of getting license and scrapping license;

2.1.5 All the running private radio and television who already acquired approval of Information Ministry, need to reacquire their license in line with the new policy;

2.1.6 The Ministry of Information will take all necessary decisions until the concerned law/regulation/policy is formed.

Chapter three

Program broadcast related regulations

3.1 Glorious Liberation War and history

3.1.1 The main purpose of program broadcast will be ensure free flow of information, spreading education, inspiring people to take part in development works and providing them a source of pure entertainment. All radio and television should follow this principle in broadcasting program and news;

3.1.2 The spirit and ideology of liberation war, basic principles of the state and governmental ideology and policies should be upheld;

3.1.3 Programs have to uphold the proper history of independence and glorify the freedom fighters;

3.2 News and Entertainment Programs

3.2.1 No ideology of political parties should be promoted through any program or advertisement;

3.2.2 Broadcast of misinformation or distorted truth is strictly prohibited in discussion or talk shows. However participants can present their argument with relevant information and logic;

3.2.3 The following government-approved programs of social interest have to be broadcast, emergency weather update, healthcare bulletin, urgent announcements, government press note, and other governmental notifications.

3.3 Language, Culture and Religious Sentiment

3.3.1 Programs have to reflect the country's native culture, tradition and ideology and connect them local culture to inspire regional culture with patriotism;

3.3.2 Native culture, tradition and ideologies of minor ethnic groups have to be reflected for the sake of their advancement;

3.3.3 Have to hunt and bring out artist from the rural/marginal regions and inspire them to enrich culture;

3.3.4 Emphasize on the appropriate pronunciation of Bangla and maintain a standard to establish state language at an upper level. In no circumstances this standard can be brought down;

3.3.5 Show due respect to all religion and religious sentiment;

3.3.6 Play important role in establishing equal rights and participation of women in all spheres of political, economic, religious and social life through broadcasting different inspirational program and reflect this tendency.

3.4 Development Activities

3.4.1 Inspiring development activities, especially voluntary works, producing programs to implement this goals and making detailed reports on development projects. Raise awareness

among the people about the value of labour and the necessity of physical labour, in this regard no programs can be run that degrades any profession;

3.4.2 Inspire people to raise agricultural and industrial output to make the country self reliant. Especially inspiring the farmers, labours and other concerned group to play sustainable role;

3.4.3 Raising awareness among the people about the adverse impact of population growth through various programs and making them take necessary actions against this. Special attention needs to be given on established customs and decency while broadcasting population control activities;

3.4.4 Inspiring common people to contribute to industrial development as well as technological innovation;

3.4.5 Guiding the youth to apply their creative thinking and power in practical field and providing effective suggestions for solving their problems;

3.4.6 Contain adequate and specific direction for helping morality, getting rid of prejudices and eradicating activities responsible for social degradation;

3.4.7 Raising awareness among government staffs and common mass for preserving national resources.

3.5 Entertainment Programs

3.5.1 Staying away from broadcasting any programs that contains or inspires hostility/discrimination towards children and women;

3.5.2 Giving special attention in broadcasting programs that put negative impact on children psychology, and their moral development

3.5.3 Use of dialects in drama, folk and cultural programs is allowed but use of dialects to mock specific region or community is prohibited;

3.5.4 Programs cannot contain any indecent remarks or attitude, and display criminal strategies that can help rising new ways committing crimes.

3.5.5. Any program that hearts humanistic sentiment, news that depicts scenes of actual murder, heinous murders, images or footage of dead bodies of people who dies in an accident or committed suicide and images of any women or children who were victims of physical oppression and rape must not be reproduced;

3.5.6 Scenes showing physical attack on any human or animal or by any means hearting the human sentiment of general mass must not be reproduced;

3.5.7 Perverted images whether its source be domestic or international must not be reproduced. Programs instigating violence, criminal activities and by any means contradicting national culture must not be presented.

3.6 Educational Programs

3.6.1 The programs must relate to the betterment of the educational system for the overall benefit of the mass and may look forward to taking education to the poverty stricken people or people living in remote areas;

3.6.2 The programs must be cooperating to the need of a knowledge abased society and must be made in a manner that would catalyze the goal and must be information based;

3.6. 3 The programs must catalytic in raising awareness among the masses of being educated and thr program s must to designed to create interest in education among the masses;

3.7 Others

3.7.1 Every radio or television station must have a specified "charter of duties" and an editorial policy;

3.7.2 In case of non-government publications, no program should violate "The Censorship of Films Act 1963" or any regulations under the act.

Chapter- 4

Advertisement Oriented Regulations

4.1 Political and Religious personalities and Advertisement

4.1.1 Political personalities, foreign diplomats and national heroes can't be included in advertisement of products. But, In advertisements pivoting social awareness or social positive change, famous citizens can be included and their personal consent must be taken;

4.1.2 The language, scenes or commandments must not be such that they hurt the religious or political sentiments of any group of people. The use of religious sentiment for product sentiment must be avoided and thus images or footages of mosques, temples,

8. churches in product advertisement must be avoided. But depending on the subject or context of the advertisement, the images of footages of the religious institutes may be reproduced must caution must be preserved that this doesn't hurt the religious sentiment of any citizen;

4.1.3 Any advertise that may cause degradation or conflict regarding relations with friendly nations can't be presented;

4.1.4 Advertisements that may cause hatred or conflict between different or in between the same religious groups can't be presented; 4.2 Product, product quality and consumers rights preservation

4.2.1 In case of advertisements of products enlisted under the Bangladesh Standard and Testing Institute (BISTI), the products must present the quality control certificate from BISTI. In case of other products, the quality control certificate given by related authorities must be presented;

4.2. 2 The advertisement must not describe or place demand for any issue that is intended for exploitation of the rights of the people;

4.2.3 The advertisement must not compare or show superiority against any competitive product. Defamatory remarks can't be made about any other product than that being advertised.

4.2.4 An advertisement can't be shown in the form of news. Programs and advertisements must be differentiable. Plays or other programs can't depict a particular advertisements or aspects of any particular advertisement;

4.2.5 The audio used in an advertisement must maintain a certain quality and must be good to hear. It must not be too chaotic or irritating to the ear. The advertisement must not include dirty or perverted dialogues, quotation, jingle, abuse etc.

4.2.6 No national or international songs or parts of the songs can't be used in advertisements without the conscious of the composer and copy right holder;

4.2.7 Plagiarism of any sort or type can't be allowed;

4.2.8 In case of advertisements of medicines, hospitals, clinics, diagnostic centers, health centers etc. a clarification certification from the Health Ministry or any associated commission has to be taken;

4.2.9 Career advice in advertisements must be avoided. In case of advertisements of medicines or health oriented products, specialist doctors can't be presented as specialist and advice from them including their name can't be depicted in the advertisement. Similarly, in case of commercial products, specialist advice has to be avoided. But in advertisements intended for social awareness e.g. AIDS, dengue, tuberculosis etc and also in advertisements showing drug control, repercussions of acid attacks etc , advice from named specialist can be used with permission;

4.2.10 Local models must be used in case of advertisements of national or international products who's product is produced in Bangladesh. But, in case of national products or service can use a limited number of foreign models;

4.2. 11 In case of foreign products that have been produced outside of the country can use international models;

9. 4.2.12 Environment damager or environment unfriendly scenes can't be shown in the advertisement;

4.2.13 Nation owned buildings and monuments like the parliamentary building, Prime Minister's office, Principal's office, court or the proceedings of the court, Military area, Shaheed Minar, the national monument etc cannot be depicted in commercials;

4.3 The war of freedom of Bangladesh, language or culture;

4.3.1 Reference to the Independence Day, war of freedom, mass upsurge, language movement etc, can't be made in whether directly or indirectly in an advertisement in order to retain the integrity and auspiciousness of the events;

4.3.2 If a station is in doubt or suspicious about any content of an advertisement about its quality, acceptability etc than the respective station must refer to the concerned authority to give a verdict;

4.3.3 Advertisements that are conflicting with the culture of Bangladesh, inflicting hopelessness among the youth or causing any distortion of culture can't be acceptable. Advertisements that uphold economic or social disparity among the youth, advertising concerned with physical deficiencies or advertisements depicting body structure or those that bring up the concept of not giving the right value of labor has to be avoided;

4.3.4 In case of transmission in radio and television, these must be in cognizance with the prevalent laws and regulations of the country, the country's culture and traditions. The advertisement must not depict any concepts such that the unity of the nation is hampered;

4.3.5 The models that take part in the advertise must be dressed properly and acceptably;

4.4 Women and Child Rights

4.4.1 The advertisement must not depict scenes such that children are doing defamation, taking part in conflicts, causing chaos etc and the advertisements must look to develop positive character skills among the children;

4.4.2 Any advertisement that may cause a child to be harassed in idealistic, mental or physical way would not be acceptable. The natural simplistic and gullible nature of the child can't be misused in a way to again commercial benefit; 4.4.3 Advertisements of powdered milk products can't use models under the age of 5 nor can the advertisements depict images of children under five. Super imposition of the following two statements must be ensured in the advertisement: a) b)

4.4.4 "There is no alternative to breast feeding for the healthy development of a child" – at least 5 seconds, and " This powdered milk is not for children under the age of 1"- at least 5 seconds. Child advertisements must not depict any footage that may cause children to be misled, directly influencing the child or any footage that may hinder the mental or physical development of the child.

4.4.5 Advertisements of any food product or beverage must clearly show the product's nutrient constituents and the health effects. This information must be clearly super imposed in the advertisement;

4.4.6 Advertisements must not depict scenes of dangerous objects such as explosives, lighting matches, petrol or other incinerating materials, risky machinery including electrical machineries, drugs and medicines etc. Under all circumstances, the safety of the children in the advertisement must be ensured and be given priority. No risky scenes can be shown;

4.4.7 When broadcasting the advertisements, internationally recognized procedures must be followed and logical break

periods must be set. If any complaints are filed in regard of this matter, Broadcasting Commission will give the proper guidance;

4.4.8 The advertisement must not depict any scenes that may inflict fear. Scenes of hanging, strangling, suicide, separation of body parts etc cannot be shown. Any scene that inflicts mental stress on child, old persons or ill persons must not be shown;

4.4.9 The advertisement must not show scenes of rape, perverted images or videos, violence against women, downgrading of the physical, social and economic status of women, teasing of teenage women or female adult.

4.5 Miscellaneous

4.5.1 The advertisements can't mock the military forces or law enforcing agencies of the country. Advertisements for commercial purpose of any product cannot take members of the military or the law enforcing agencies as models. In cases of advertisements relating to awareness programs or social issues, members of the military or law enforcing agencies may act as models with permission from the authorities. Notices or recruitment announcements of the law enforcers can be broadcasted;

4.5.2 Improvement of moralities, freeing the society of prejudices and tackling acts against society must have emphasis and the advertisements must clearly point out ways of achieving the above stated goals;

4.5. 3 Proper license related to advertisements must be maintained by the respective radio or television authorities. If there are any infringements of the laws related to advertizing, the government has right to take steps against the authority of the radio/ TV station;

4.5. 4 Caution must be maintained in case of reproduction of scientific data, terms, and statistics so that the viewers are not misled. Any controversy or dispute regarding the representation of such data will lead to the authority of the advertisement to be accountable;

4.5.5 TV programs must be presentable, refined, well thought and must show scenes which are socially acceptable; 4.5. 6 In case of advertisements of sanitary napkins, condoms and other products of family planning, the scenes must not be perverted and must be well presented; 4

.5.7 The advertisements of the following listed products cannot be broadcasted: 1) Loan companies or financial institutes which do not have clearance certificates from Bangladesh Bank or non-licensed loaning institutes; 2) Club for making pen friends, night clubs, bars or any socially disregarded clubs or associations;

11. 3) Fortune tellers or related; 4) Non-licensed business or recruitment institutes/ service/ bureau; 5) Bidding, gambling or related agencies/ individuals/institutes; 6) Cigarette or other detrimental smoking products; 7) Alcohol, marijuana, heroin or other socially unacceptable drugs which are detrimental to health; 8) Any alcoholic product regardless of the amount or percentage of alcohol present; 9) Products claiming to increase size of women's personal body parts, slimming products for men, women or children, weight loss products, non-licensed medical drugs or medication for body figure maintenance, weakness in sexual acts or early aging curing special cheap drugs, medication, magic tricks, pendants etc; 10) Illegal collection of funds related campaigning; 11) Disputes in business or schools related campaigning etc; 12) Real estate or apartments which are not government certified.

4.5.8 These set of broadcasting regulations would be formulated by the Broadcasting Commission. The government can take steps according to the existing laws in these issues until the Broadcasting Commission is formed. In this case, if a dispute arises between the advertiser and the radio/ TV authority, the government's decision would be regarded as final. CHAPTER 5 Cases of non-qualification in case of program broadcasting

5.1.1 Failure to abide by the rules and regulations quoted in the following act and the advertisement act.

5.1.2 Cases of mockery of the national motto or goal, mockery or derogatory remarks about the people of Bangladesh or disrespect of the national character of Bangladeshi people or any remark or broadcast that may disregard the sovereignty of Bangladesh;

5.1.3. Broadcast that depicts disunity or mass distrust, class or origin oriented divide, mockery of any religion, derogatory remarks or personal attacks or causes religious or racial divide between different sects of people;

5.1.4 Information that causes personal defamation can't be broadcasted. But, in cases where the information is of a person who has carried out an activity against the cause of the state, the representation of information of the activities that that person has carried out against the cause of the state will not fall under this privacy violation;

5.1.5 Broadcast of secret information either governmental or military which may put national security at risk;

5.1.6 Broadcast which can inflict an attack on a religious sentiment, motivating infringements of laws or causing public sympathy to develop for infringements of law;

5.1.7 Broadcast which causes mockery or derogatory remarks against a military or law enforcing officer, mockery of government officials who works against crime, who determines the magnitude of crime or officer involved in affirming the punishments of a crime ;

5.1.8 Leakage of information to any country or broadcasting that may cause distrust or conflict between Bangladesh and any other country, broadcasting of propaganda against a friendly country of Bangladesh that may cause distrust among the nations;

5.1.9 Tampering of historical data concerning a certain sect of the population, certain race disrespectful presentations against such groups;

5.1.10 Broadcast of scenes of rape, violence against women or children, illegal business with women and children, teasing, prostitution, disturbing body postures or use of socially acceptable bed scene to amalgamate it with other scenes;

5.1.11 Physical violence or scenes depicting extreme agony during child birth, sexual disease, uncontrolled excessive bleeding, deep cuts and bruises, actual hanging scenes, ravage murder scenes, strangling scenes etc can't be broadcasted;

5.1.12 Depicting a rebel, act of violence having political motive;

5.1.13 Broadcasts that grow sympathy for breakers of law and order. CHAPTER 6 Broadcasting Commission 6.1 Structure of the Broadcasting Commission

6.1.1 A Broadcast Commission would be formed to issue Broadcasting licenses, to ensure the overall standard of broadcasting, the stop unjust and unfair broadcasting topics, and observe and handle the broadcasts that cause unwarranted infringement of privacy;

6. 1.2 The Broadcast Commission will take complaints about programs, information and advertisement from the people and try to take actions based on the complaints; 6.1.3. This commission will be a monitored agency;

6.1.4 This commission will have one chairman and number of members according to the need of the commission;

6.1.5. The chairman and the members of the commission will be formed by a Committee formed by the Information Ministry and will be appointed Honorable President. The Search Committee will ensure that the all stake have participatory roles and so the stakeholders would include government women activist, media personnel and specialist, journalists, teachers, civil representative and Freedom of Expression specialist.

6.1.6 Search by the holders officer, society The Commission will conduct the following tasks: 1) To ensure that the Broadcast Policy and code put forward by the commission are being executed consistently;

13. 2) 3) Broadcasting Commission can inspect any broadcasting institute; 4) If this commission finds any broadcast as not fit for broadcasting or is violating Broadcasting Policy, it can command the respective institution to show- cause for the anomaly that the commission found. The Commission will also file a report against the anomaly to the Government; 5) The commission can propose to the government to cancel licenses of broadcasting for particular cases where there is strict violation of the Broadcast Policy or the prevailing general law of the country;

6) 6.2 To collect broadcasted programs and news oriented weekly/ forth night/ monthly/ annual reports from the broadcasting institutes and submit it to the Information Ministry; For cases if adding or change in the law, the commission will take advice from the stake holders. CODE OF GUIDANCE

6.2.1 Broadcast Commission will formulate a Code of Guidance for the broadcasting institutes and the regulators and from time to time will take advice from the stake holders to make adjustments, or amendments; When forming this Code of Guidance the commission will ensure the following listed issues: a) b) c) d) Taking into account the extent of violations and sorting out the unjust and unfair issues; To ensure that unwarranted infringement of privacy is not done; To ensure that each radio and Television channel follows specified Charter of Duties, Disclosure Policy and Editorial Policy.

6.3 Complaints and steps regarding the complaints:

6.3.1 If a citizen or institution feels that specified broadcast or broadcasts have violated their rights, they can file a complaint against the broadcasting institute to the Broadcast Commission within 30 days of the specified broadcast;

6.3.2. The Commission will examine the complaint and then hear the response regarding the issue from both sides and reach a conclusion, then the Commission can propose plausible steps to the government if necessary;

6.3.3 If the complaint is proved true than Government can take measures under specified clauses to set a punishment for the violator. Translated by: Bangladesh NGOs Network for Radio and Communication (BNNRC)