

Bangladesh Press Council

40, Topkhana Road, Segunbagicha, Dhaka-1000

Case No 7/2015

AIN- ODHIKAR (BD) FOUNDATION,
Represented by, Excutive Director,
Md. Farid Ahmed Sentu,
C-86, Islampur Madrasha Road,
Dhamrai, Po. Station : Dhamrai,
District: Dhaka.

–**Complainant.**

VS

1. The Editor, The Daily Prothom Alo,
100, Kazi Nazrul Islam Avenue, Karwan Bazar, Dhaka.
2. The Secretary, Ministry of Education, Bangladesh secretariat, p station:
Shabagh, Dhaka-1000.
3. The Secretary, Ministry of Home Affairs, Bangladesh secretariat, p station:
Shabagh, Dhaka-1000.
4. The Secretary, Ministry of Information, Bangladesh secretariat, p station:
Shabagh, Dhaka-1000.
5. The Secretary, Ministry of Law, Justice and Parliamentary Affairs
Information, Bangladesh secretariat, p station: Shabagh, Dhaka-1000.
6. The Deputy Commissioner of Dhaka, p. station: Kotoali, Dhaka-1000.

–**Opposite Parties.**

Present : The Hon’ble Chairman and the Member of the Judicial Committee.

- | | |
|--|----------|
| 1. Justice Mohammad Mamtaz Uddin Ahmed | Chairman |
| 2. Mr. Akaram Hossain Khan | Member |
| 3. Dr. Utpal Kumar Sarkar | Member |
| 4. Dr. Md. Khaled | Member |

Petitioner : Absent.

For Opposite Party No 1 : Mr. Aftab Uddin Siddiqui, Advocate.

Date of Hearing : 18-04-2016 and 25-05-2016.

Date of Judgment : 24-07-2016.

Judgment:

The complainant lodged the complaint petition alleging inter alia, that the opposite party no 1 the Daily Prothom Alo published, simple question and answer on 15-08-2015 at page no 6 with the title “Preparation for final examination of Primary School 2015 (২০১৫ সালের প্রাথমিক শিক্ষা সমাপনী পরীক্ষার প্রস্তুতি) and also published with the title “ Special preparation for junior school certificate examination”. (জুনিয়র স্কুল সার্টিফিকেট পরীক্ষার বিশেষ প্রস্তুতি ১) and publication of such articles regarding primary school certificate and the junior school certificate are illegal being prohibited by the Note Book (prohibition) Act, 1980. Complainant further stated that such publications are contrary to the object of education and are also prejudicial to the primary and secondary education system and prayed for restraining opposite party

no 1 from publishing such question and answer and also sought declaration to the effect that such publications are illegal and to have published without jurisdiction. The complainant stated further that he served legal notice upon the opposite party no 1 to stop publication of such question and answer. The opposite party no 1 gave reply to the said notice and stated that the opposite party no 1 published “পড়াশোনা পাতা” in the line with existing curriculum and also object of “স্বজনশীল পদ্ধতি” aiming of educative service to the students and such publications are not contrary to Primary and the Secondary education system. The petitioner having not been satisfied with the reply filed this complaint petition for redress of his grievance.

The complaint petition was registered accordingly and issued usual notices upon the opposite parties. Upon receipt of the notice the opposite party no 1 entered appearance on 19-11-2015 through the learned Advocate Aftabuddin Siddiqui. Thereafter, the opposite party no 1 filed application for rejection of complaint on 21-12-2015. The complainant filed written objection on 21-01-2016 against the said application.

As the case was ready for hearing, the application for rejection of complaint petition was kept on record and the date of hearing of the matter was fixed on 8-3-2016.

On 8-3-2016 the date of hearing the complainant or his Advocate did not appear for hearing of the matter. However, for ends of justice the matter was adjourned and fixed 18-04-2016 for hearing.

The learned Advocate of the both parties appeared. The matter was taken up for hearing and heard in part and on the prayer of learned Advocate for the complainant the matter was adjourned and fixed on 25-5-2016 for hearing.

The learned Advocate for opposite party appeared but on repeated call the learned Advocate for the complainant was found absent.

However, the learned Advocate for the opposite party was invited to make his submission. The learned Advocate with the leave of the judicial committee of the Council at the very set submitted that complaint petition is not maintainable as it does not come within the scope of section 12 of the Press Council Act.

He next drawn the attention of the committee to the provisions of section 12 of the Act and submitted that the council deals with the offences against the standard of journalistic ethics or public taste committed by news paper or news agency or that an editor or a working journalist committed any professional misconduct or a breach of the code of journalistic ethics for which the Council is empowered to warn, admonish or censure the newspapers, news agencies, the editor or the journalist as the case may be, but the instant case was filed seeking order to restrain the opposite parties from publishing the page namely Studied Page (পড়াশোনা পাতা) of the Daily Prothom Alo and as such the complaint is liable to be rejected.

He further submitted that the complainant has brought allegations of violating the provisions of Note Book (prohibition) Act, 1980 by publishing the “Study Page” (পড়াশোনা পাতা) in the Daily Prothom Alo, but sought relief under the Press Council

Act and as such the complaint petition is liable to be rejected. He again submitted that the allegations brought against the opposite parties neither come within the purview of the section 12 of the Press Council Act nor disclose any offence under the Act and thereby the complaint petition is liable to be rejected. He has submitted further that the complaint does not comply with the requirements of Rule-8 of the Press Council Regulation, 1980 for which the complaint petition is liable to be rejected.

We have heard the submissions of the learned Advocate for the opposite party no 1 at length and examined the petition of complaint, application for rejection of complaint petition filed by the opposite party no 1 and the written objection filed by the complainant. We have also examined section 12 of the Press Council Act, Rule 8 of the Regulation, 1980 and the Note Book (prohibition) Act, 1980 and upon scrupulous scrutiny of the aforesaid provisions of laws we are of the view that the complaint petition is not maintainable in law and the same is liable to be rejected.

We find considerable substance in the submissions of the learned Advocate for the opposite party no 1.

In the result, the complaint petition is rejected on merit as being not maintainable in law without any order as to cost.

Signed/-

Justice Mohammad Mamtaz Uddin Ahmed
Hon'ble Chairman

Signed/-

Mr. Akaram Hossain Khan
Member

Signed/-

Dr. Utpal Kumar Sarkar
Member

Signed/-

Dr. Md. Khaled
Member