

1st Workshop for Journalist: Bangladesh

Organized by: People's Mediation Center (PMC)

Date 26th June, 2021

Diversity at the Mediation Table



Bangladesh International Mediation Society BIMIS

PMC Journal-2021



Mr. S. N. Goswami Chairman of BIMS with Mr. P.V. Raja Gopal, Mr. K.S. Sarma and Ms. Jill Carr Harris at Inaugural Sessions, PMC Bangladesh.

From right -Mr. P.V. Raja Gopal, Core Founder Member of SAPA with Mr. Abdus Salam Mandal (DAG), Mr. S.N. Goswami and Mr. Sahinur Islam, in front of National Press Club Dhaka.



From right -Air Cdrs M. Obaidur Rahman, BSP, ndc, Psc (Rtd), Ms. Anowara Khatun Vice Chairman upazila Parishad, Ms. Jill Carr Harris, Mr. Shahinur Islam, Mr. P.V. Raja Gopal & Mr. Emran Hossain

বাংলাদেশের স্থপতি জাতির জনক বঙ্গবন্ধু শেখ মুজিবুর রহমান

Founder of Bangladesh Bangabandhu Sheikh Mujibur Rajman



PMC Journal-2021

1st Workshop

Introduction on Mediation for Journalists

Dated 26th June, 2021

Advisory Board

Mr. S. N. Goswami

Mr. K.M. Rafique Hasnain

Ms. Selima Sobhan Khasru

Editorial Board

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Schedule for Workshop on Mediation for Journalists

Organised by Peoples' Mediation Centers (PMC) controlled by Bangladesh International Mediation Society

Date : 26th June 2021

Time : 9.30 am to 5 pm

Venue: Hotel North View, Rangpur, Bangladesh

Chief Trainer: Honorable Mr. Justice Muhammad Imman Ali, senior most Judge, Appellate Division, Supreme Court of Bangladesh & Recipient of International Mediation Award, 2020.

Chief Guest: Mr. Monjurul Ahsan Bulbul, Editor in Chief TV Today & Recipient of International Mediation Award, 2019.

Programme Moderator: Ms. Silvia Heidy Gazi, BIMS Executive Director

Sl. No.	TIME	TOPIC	SPEAKER
1	9.30 am - 10 am	Opening speech	Mr. S. N. Goswami, Chairman of BIMS
2	10 am - 10.30 am	Conflict Sensitive Journalism	Mrs. Asha Paresh Mahant, Director General of PMC Bangladesh
3	10.30 am - 11.15 am	Conflict Resolution for Journalists	Ms. Chaweewan Mekarporn, Regional Director of BIMS, Thailand
4	11.15 am - 11.45 am	Role of Mediation & Journalism in Dispute Resolution	Ms. Tanushri Roy Faculty member of BIMS
5	11.45 am - 12.30 pm	Mediation- the science in workable resolution	Ms. Uma Ramanathan, Faculty member of BIMS
6	12.30 pm - 1.15 pm	Media & Mediation	Ms. Priyanka Chakraborty, Executive General Secretary of BIMS
1.15 pm to 2.30 pm- Lunch break			
7	2.30 pm - 3.15 pm	Singapore Convention on Mediation	Mr. Veerraghavan Imbavijayan, Training Course Director of BIMS
8	3.15 pm - 4 pm	Mediation and its interaction with Media and Society	Ms. Geeta Ramaseshan, Adjunct Faculty of Asia College of Journalism
9	4 pm - 4.15 pm	Related Law	Honorable Mr. Justice Muhammad Imman Ali, Senior most Judge Appellate Division Supreme Court of Bangladesh & Recipient of International Mediation Award, 2020
10	4.15 pm - 4.25 pm	Mr Mizan Ahmed, Staff Reporter SATV, Award For "Mediation in Bangladesh Journalism".	Award will be presented by the Chief Guest Mr. Monjurul Ahsan Bulbul, Editor in Chief TV Today & Recipient of International Mediation Award, 2019
11	4.25 pm - 4.30 pm	Acceptance Speech by Mr Mizan Ahmed, Staff Reporter SATV	
12	4.30 pm - 4.40 pm	Valedictory Speech	Mr. K. M. Rafique Hassnain , Regional Director of BIMS Bangladesh
13	4.40 pm - 5 pm	Closing Remarks	Dr Prosannajid Sarkar, Deputy Director of PMC Bangladesh

Ms. Aashha Paresh Mahaant
Director General, PMC

Resource Persons



Chief Trainer
Hon'ble Justice Muhammad Imman Ali
Most Senior Judge, Appellate Division
Supreme Court of Bangladesh

Mr. Veeraraghavan Inbavijayan
International Arbitrator
& Course Director of BIMS



Ms. Uma Ramanathan
Faculty Member of BIMS

Ms. Geeta Ramaseshan
Faculty
Asia College of Journalism



Ms. Priyanka Chakraborty
Faculty Member of BIMS
Advocate & Accredited Mediator

Ms. Tanushri Roy
Faculty Member of BIMS
Advocate & Certified Mediator



Mr. Manjurul Ahsan Bulbul
CEO of Today Television

S. N. Goswami
Advocate, Appellate Division
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Date: 26.06.2021

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Participant's Photo



Mahbub Rahman



Zakir Hossain



Manik Sarkar Manik



Sazzad Hossain Bappy



Md. Siddiqur Rahman



Zainal Abedin



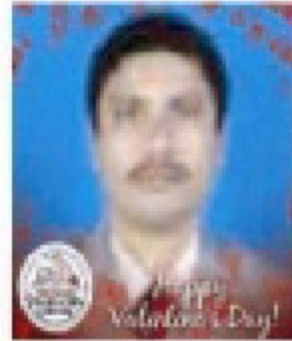
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Susanto Bhowmik



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Abdur Rahman Mintu



BMRH Gorky



AKM Mainul Haque-1



AKM S zaman



Raju Ahmed



Sabbir Arif Mostofa



Reajul Islam



Jahangir Kabir Jitu



Mahamudul Haque



Farhaduzzaman Faruk



Abu Taleb

স্বাগতিক বক্তব্য

সমরেন্দ্র নাথ গোস্বামী

সম্মানিত চিফ ট্রেনার, বিচারপতি মোহাম্মদ ইমান আলী, জ্যেষ্ঠ বিচারপতি, আপীল বিভাগ, বাংলাদেশ সুপ্রীম কোর্ট, সম্মানিত গেষ্ট অফ অনার জনাব মঞ্জুরুল আহসান বুলবুল, এডিটর-ইন-চিফ টুডে টেলিভিশন চ্যানেল,

সম্মানিত আলোচকবৃন্দ ম্যাডাম চাঁউ উ ওয়ান, রিজিওনাল ডাইরেক্টর বিমস্, থাইল্যান্ড, ম্যাডাম তনুশ্রী রায়, ফ্যাকাল্টি মেমবার অফ বিমস্, ম্যাডাম উমা রামা নাথান, ফ্যাকাল্টি মেমবার অফ বিমস্, ম্যাডাম প্রিয়াংকা চন্দ্রবর্তী, এক্সিকিউটিভ সেক্রেটারী জেনারেল, বিমস্, মিঃ ইনবাভিজিয়ান, ট্রেনিং কোর্স ডাইরেক্টর, বিমস্, ম্যাডাম গীতা রামাসিশান, ফ্যাকাল্টি অফ এশিয়া কলেজ অফ জার্নালিজম,

সম্মানিত ম্যাডাম আশা পরেশ মাহান্ত, ডাইরেক্টর জেনারেল, পিএমসি ও প্রিয় ড. প্রসনজিৎ সরকার, ডেপুটি ডাইরেক্টর, পিএমসি

সম্মানিত কে.এম. রফিক হাসনাইন, রিজিওনাল ডাইরেক্টর, বিমস্ বাংলাদেশ এবং “Workshop”-এ অংশগ্রহণকারী প্রিয় সাংবাদিকবৃন্দ মুজিব বর্ষে আপনাদের সবাইকে অভিনন্দন।

উপস্থিত অংশগ্রহণকারী সাংবাদিকবৃন্দ,

“Mediation” ও “Journalism” পরস্পর সম্পর্কযুক্ত। “Mediation” সম্পর্কিত আজকের “Workshop” এর শুরুতে সংবাদপত্রের সংক্ষিপ্ত ইতিহাস নজরে আনা আবশ্যিক। উল্লেখ্য পৃথিবীর সৃষ্টি থেকেই “Mediation & Journalism” পাশাপাশি চলে আসছে। আজকের গোয়েন্দা সংস্থা সমূহের প্রাচীন রূপ হচ্ছে “তথ্য সংগ্রহকারী”। সাংবাদিক অঙ্গণের ছাত্র হিসাবে আমরা সবাই জানি পৃথিবীর প্রথম সংবাদপত্রের নাম হচ্ছে- Acta Diurna যা BC 59 রোম থেকে প্রকাশিত হয়।

১৬০৫ সালে সাপ্তাহিক পত্রিকা “Relation” জার্মানি থেকে প্রকাশিত হয়।

১৭৮০ সালে প্রথম বাংলা সাপ্তাহিক পত্রিকা “Hicky’s Bengal Gazette” অবিভক্ত ভারতের কোলকাতা থেকে প্রকাশিত হয়।

পর্যায়ক্রমে ১৮১৮ সালে “দিগ দর্শন”, “সমাচার দর্পন” প্রকাশিত হয়। ১৮৩১ সালে “সংবাদ প্রভাকর” প্রকাশিত হয়।

অবিভক্ত ভারতের ঢাকা থেকে “ঢাকা নিউজ” ১৮৫৬ সালে, “ঢাকা দর্পন” ১৮৬৩ সালে এবং “ঢাকা প্রকাশ” ১৮৮১ সালে প্রকাশিত হয়।

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১৯৪৭ সালে তদানিন্তন পূর্ব পাকিস্তানের ঢাকা থেকে “দৈনিক আজাদ”, “দি ইত্তেহাদ”, “দি মর্নিং নিউজ” ও “পাকিস্তান অবজারভার” প্রকাশিত হয়।

১৯৭১ সালে স্বাধীনতা লাভের পর বাংলাদেশের প্রথম পত্রিকা হচ্ছে “দৈনিক ইত্তেফাক” ও “দৈনিক সংবাদ”।

তদানিন্তন জমিদার কালী চন্দ্র রায়ের আর্থিক আনুকুল্যে ১৮৪৭ সালে রংপুর শহর থেকে প্রথম প্রকাশিত “রংপুর বার্তাবহ” বর্তমান সাংবাদিকতায় গুরুত্ব বহন করছে। মনে রাখতে হবে, সাংবাদিকতার ইতিহাসের মাঝেই লুকায়িত আছে তৎকালীন সমাজ ব্যবস্থার প্রকৃত চিত্র। সেই চিত্রসমূহের সঠিক রোমস্থান সমাজ, দেশ ও বিশ্বকে শাস্তিময় করতে পারে। সে কারণেই স্ব-স্ব পেশার উৎস অনুসন্ধান আবশ্যিক।

উপস্থিত অংশগ্রহণকারী সাংবাদিকবৃন্দ,

এ পেশায় রত থেকে আমাদের সবাইকে জানতে হবে সাংবাদিকতার ধরণ কি ?

আন্তর্জাতিক অঙ্গণে প্রতিষ্ঠিত সাংবাদিকদের মাধ্যমে আমরা ৯ ধরনের সাংবাদিকতার পরিচয় পেয়ে থাকি।

যথা :

- (1) Investigative Journalism,
- (2) Watchdog Journalism,
- (3) Online Journalism,
- (4) Broadcast Journalism,
- (5) Opinion Journalism,
- (6) Sports Journalism,
- (7) Trade Journalism,
- (8) Entertainment Journalism,
- (9) Political Journalism.

উপস্থিত অংশগ্রহণকারী সাংবাদিকবৃন্দ,

PMC এর পক্ষ থেকে আপনাদের নিকট বাংলাদেশ সুপ্রীম কোর্ট এর ইংরেজী ২১/০৩/২০২১ তারিখের একটি Circular সরবরাহ করা হয়েছে। Circular-টি প্রস্তুত ও অনুমোদনে গুরুত্বপূর্ণ ভূমিকা পালন করেছেন আমাদের সবার প্রিয় বিচারপতি মোহাম্মদ ইমান আলী। যিনি আজকে চিফ ট্রেনার হিসাবে আমাদের মাঝে উপস্থিত রয়েছেন।

চীনের Tang Dynasty অর্থাৎ Tang রাজবংশের শাসনামলে একটি “Report” বা Court Circular প্রকাশিত হয়। যা পৃথিবীর প্রথম Court Circular হিসেবে গণ্য করা হয়।

আন্তর্জাতিক অঙ্গণে প্রতিষ্ঠিত “Mediation with Journalism” এর বিশ্লেষকবৃন্দ আপনাদের নিকট তাঁদের মূল্যবান বক্তব্য রাখবেন। আমি বিশ্বাস করি তাঁদের বক্তব্য অনুধাবন ও অনুশীলনের মাধ্যমে আমরা হতে পারি “Watchdog Journalism” এর এক একটি স্তম্ভ এবং আমরা যদি ইংরেজী ২১/০৩/২০২১ তারিখের Circular-টি সাধারণ মানুষের নিকট কিংবা বিচার প্রার্থী জনগণের নিকট কিংবা আইন অঙ্গণের মাননীয় বিচারক কিংবা শ্রদ্ধেয় আইনজীবীবৃন্দের নিকট উপস্থাপনে সক্ষম হই, তাহলেই প্রদত্ত Circular-টি জাতির জনক বঙ্গবন্ধু শেখ মুজিবুর রহমান এর কাঙ্ক্ষিত বিচার ব্যবস্থা প্রতিষ্ঠায় সহায়ক ভূমিকা পালন করবে। Core founder member of South Asia Peace Alliance SAPA -র পি.ভি. রাজ গোপাল এর হাত ধরে বাংলাদেশে প্রথম পিএমসি’র যাত্রা শুরু হয়। উদ্বোধনী অনুষ্ঠানে তাঁর সঙ্গে ছিলেন সিভিল সোসাইটির গবেষক MS. Jill Carr Harris ও BIMS এর Faculty Member K.S. Sarma.

উপস্থিত অংশগ্রহণকারী সাংবাদিকবৃন্দ,

বাংলাদেশ ল’ টাইমস্ কর্তৃক আপনাদের নিকট (১) “বঙ্গবন্ধুর দ্যুতিময় মেডিয়েশন”, (২) “মধ্যস্থতায় মহাত্মা” এবং (৩) “আমি জানি তুমি মিথ্যা বলছ” তিনটি বই সরবরাহ করা হয়েছে। বই তিনটি অধ্যয়ন করলে আমরা স্থানীয়ভাবে “Mediation with Journalism” সম্পর্কে একটি গুরুত্বপূর্ণ বার্তা পেতে পারি।

কানাডিয়ান প্রতিষ্ঠিত সাংবাদিক মার্শাল ম্যাকলুহাসের প্রতিষ্ঠিত নীতি হলো, “মাধ্যমই বার্তা”। তাহলে প্রারম্ভিক বক্তব্যে আমার প্রশ্ন - মাধ্যম না বার্তা কোনটি মুখ্য? বিষয়টির সম্পূর্ণ প্রশ্ন এবং উত্তরের মাঝেই আজকের “Workshop” সফল হবে।

উপস্থিত অংশগ্রহণকারী সাংবাদিকবৃন্দ,

সাংবাদিকতার ধরনসমূহ প্রতিষ্ঠিত নীতিমালার আলোকে আমরা যদি আত্মস্থ করতে পারি - তবে জনগণ কি নিয়ে চিন্তা করবে, কি নিয়ে কথা বলবে - সেটা গণমাধ্যম ঠিক করে দেয়।

জাতির জনক বঙ্গবন্ধু শেখ মুজিবুর রহমান এর কাঙ্ক্ষিত গণমাধ্যম প্রতিষ্ঠা করতে হলে এজেন্ডা সেটিং তত্ত্বের মিডিয়া দূরদর্শী হতে হবে। জাতির জনক বঙ্গবন্ধু শেখ মুজিবুর রহমান ছিলেন বিশ্বের শ্রেষ্ঠ এজেন্ডা সেটিং তত্ত্বের মিডিয়া দূরদর্শী যোগাযোগবিদ।

আপনাদের সবাইকে অভিনন্দন।

সাংবাদিকদের জন্য মেডিয়েশন বিষয়ক কর্মশালায় সমাপনী বক্তৃতা

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রিজিওনাল ডাইরেক্টর (বাংলাদেশ) বিমস

শুভ অপরাহ্ন, আজকের এই মেডিয়েশন বিষয়ক কর্মশালাটি অনুষ্ঠিত হচ্ছে রংপুরের স্বনামধন্য কুড়িজন সাংবাদিকবৃন্দকে নিয়ে। ভারুয়ালী প্রধান প্রশিক্ষক হিসেবে উপস্থিত আছেন বাংলাদেশ সুপ্রীম কোর্টের সর্বজ্যেষ্ঠ্য বিচারপতি মান্যবর বিচারপতি জনার মোহাম্মদ ইমান আলী স্যার, উদ্বোধনী বক্তৃতা করেন জনাব এস.এন. গোস্বামী ও প্রধান অতিথি হিসেবে উপস্থিত আছেন বিশিষ্ট সাংবাদিক মঞ্জুরুল আহসান বুলবুলসহ দেশ বিদেশের গন্যমান্য রিসোর্স পারসনগন। ইতোমধ্যে আমাদের সাথে কথা বলেছেন সারাঙ্কণই সাথে আছেন তনুশ্রী রায় ও প্রিয়াঙ্কা চক্রবর্তী, যাঁদের কথামালা আমরা চমৎকারভাবে উপভোগ করেছি। আরো অন্যান্য যাঁরা বক্তৃতা দিয়ে আমাদেরকে সমৃদ্ধ করেছেন সব্বাইকে ধন্যবাদ জানাই।

এই অনুষ্ঠানটি আয়োজন করেছেন ডঃ প্রসন্নজিৎ সরকার, ডেপুটি ডাইরেক্টর, পিএমসি, রংপুর বিভাগ, যিনি বেগম রোকেয়া বিশ্ববিদ্যালয়ে কাজ করেন এবং নানাবিধ গবেষণায় যুক্ত, তাকে সার্বিক সহযোগীতা করেছেন বিমস এর রংপুর বিভাগীয় কোঅর্ডিনেটর এডভোকেট আফরোজা শারমিন কনা, পরামর্শ দিয়ে উৎসাহিত করেছেন এডভোকেট পঙ্কজ কুন্ডু। আমরা BIMS এ সমঝোতা নিয়ে কাজ করি তৎপ্রেক্ষিত রংপুর বিভাগে ইতোমধ্যে অনেকগুলো প্রোগ্রাম হয়েছে বিশেষ করে বিচার বিভাগের কর্মকর্তাবৃন্দকে নিয়ে। সারা দেশের বিচারকবৃন্দকে নিয়ে আমরা কাজ শুরু করেছি এবং বেশ কয়েকটি প্রশিক্ষণও সমাপ্ত হয়েছে। BIMS বাংলাদেশের স্বাধীনতার উদ্দেশ্য বাস্তবায়নে নিরন্তর কাজ করছে। আমাদের পবিত্র সংবিধানে সকলেরই বিচার পাবার অধিকার স্বীকৃত আছে, অপ্রতুল বিচারক ও মামলা জটের ফলে কাঙ্খিত লক্ষ্যে এখনো আমরা পৌছাতে পারিনি। দীর্ঘদিন ইংরেজদের অপতৎপরতা বিরুদ্ধে লড়াই করেছি, পাকিস্তানের দুঃশাসন ও শোষণের বিরুদ্ধে জাতির পিতা বঙ্গবন্ধু শেখ মুজিবুর রহমান এর নেতৃত্বে আন্দোলন ও সংগ্রাম করে মহান মুক্তিযুদ্ধের মাধ্যমে স্বাধীনতা অর্জন করেছি স্বাধীনভাবে মাথা উচু করে বাঁচার জন্য। স্বাধীনতার সুবর্ণজয়ন্তী পালন করছি কিন্তু লক্ষ্য করলেই দেখবো এ পঞ্চাশ বছরের বেশিরভাগ সময়ই সামরিক স্বৈরাচারী শাসন বলবৎ ছিল।

আমরা একটা হতভাগা জাতি, মুক্তিযুদ্ধের/স্বাধীনতার সাড়ে তিন বছরের মধ্যে জাতির পিতাকে স্বপরিবারে হত্যা করা হয়েছে, নানা বাধা পেরিয়ে এ হত্যার বিচারে অনেক দীর্ঘ সময় লেগেছে। নানা ঘাত প্রতিঘাত পেড়িয়ে হত্যার বিচার সম্পন্ন হলেও অদ্যাবধি রায় সম্পূর্ণভাবে কার্যকর করা যায়নি, সকল

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আত্মস্বীকৃত খুনিদেরকে ফাঁসিকাঠে আনা যায়নি। যে দেশে জাতির পিতার খুনিদের বিচারের রায় কার্যকর করতে এতোটা দীর্ঘপথ অতিক্রম করতে হয় সেখানে সাধারণ মানুষের পক্ষে ন্যায় বিচারের প্রত্যাশা সুদূর পরাহত।

তাই আমরা মনে করি যে এ ধরনের ব্যবস্থা থেকে সরে এসে সমঝোতার মাধ্যমে মানুষের বিভেদ ও বিবাদ দূর করা। শান্তি প্রতিষ্ঠায় সমঝোতা অধিক কার্যকর। পরস্পর সমঝোতা ও আপোষ মিমাংসার মাধ্যমে শান্তিপূর্ণ সমাজ প্রতিষ্ঠা করলে বিচার বিভাগের দীর্ঘসূত্রতা থেকে রক্ষা পাওয়া সম্ভব, বঙ্গবন্ধুর সোনার বাংলা বিনির্মান অনেকটাই সহজ হয়ে যাবে।

প্রত্যেক নাগরিক সৌহার্দ্যপূর্ণ ও আন্তরিকতার সাথে কাজ করলে মেডিয়েশন কোন কঠিন বিষয় নয়।

বিচারের জন্য বিচারালয় আছে ঠিকই কিন্তু তার আগেই যদি আমরা নিজেদের সমস্যা নিজেরা মিটিয়ে ফেলি অথবা সমঝোতার মাধ্যমে সকল বিবাদ নিষ্পত্তি করি তাহলে একটি **win win** পরিস্থিতি বিরাজ করে যা দেশ ও দেশের জন্য অত্যন্ত ইতিবাচক। মেডিয়েশনের লক্ষ্য ও উদ্দেশ্য হলো কেউ ঠকবে না কিংবা ন্যায় বিচার থেকে বঞ্চিত হবে না, সকলেই নিজ নিজ অধিকার প্রাপ্ত হবে তবে এ ক্ষেত্রে বিবেক, আন্তরিকতা ও নিরপেক্ষ মানসিকতার প্রয়োগ করতে হবে। আদালতের বাইরেও আপনাদের মতো যাঁরা গন্যমান্য ব্যক্তি আছেন, যাঁরা সাংবাদিক হিসাবে কাজ করেন এ বিষয়ে তাঁদের গুরুত্বপূর্ণ ভূমিকা আছে। গনমাধ্যমের ভূমিকা অত্যন্ত গুরুত্বপূর্ণ হওয়ায় বিশ্বে গনমাধ্যমকে দ্বিতীয় পালামেন্ট বলা হয়। যখন কোন দেশে পালামেন্ট থাকে না, গনতন্ত্র থাকে না তখন গনমাধ্যমই জনগনের কথা বলে এবং জনগনের অধিকার বাস্তবায়নে কাজ করে নিরন্তর। জনগনের অধিকার আদায়সহ যাবতীয় দায়িত্ব থাকে আপনাদের উপর। জনগন আপনাদের সাথে জয়ধ্বনি দিয়ে থাকে তাই গনমাধ্যম যেন আমাদের পাশে থাকে, পাশে থেকে মেডিয়েশন বিষয়ে কাজ করে সেজন্য এই প্রোগ্রাম এর মাধ্যমে আপনাদেরকে একটু উৎসাহ দিচ্ছি। বৃটিশ সৃষ্ট বিচার পদ্ধতির মাধ্যমে বিচারের বাণী সর্ব মানুষের কাছে পৌঁছায় না। বৃটিশ সৃষ্ট আইন শোষণ ও শাসনের জন্য প্রণয়ন করা হয়েছিল কিন্তু স্বাধীন দেশের সুশাসনের জন্য বিচার ব্যবস্থা প্রণয়ন করা দরকার। যা জাতির পিতা অনুধাবন করেছিলেন, বঙ্গবন্ধু বেচে থাকলে আমরা নিশ্চয়ই স্বাধীন দেশের জন্য উপযুক্ত বিচার ব্যবস্থা পেতাম।

ফলে বিচার ব্যবস্থার ক্ষেত্রে নতুন সূর্যদয় হতো, বঙ্গবন্ধুর মতো স্বপ্ন দেখতে হবে। নানা কারণে লক্ষ্যে পৌঁছতে ব্যর্থ হচ্ছি এক্ষেত্রে সাংবাদিকগণ গুরুত্বপূর্ণ ভূমিকা রাখতে পারে। আজ বঙ্গবন্ধু আমাদের মাঝে নাই তাঁর কন্যা জননেত্রী শেখ হাসিনা রাষ্ট্র ক্ষমতায় তাই আমি নৈরাশ্যবাদী নই, দেশরত্ন শেখ হাসিনার নেতৃত্বে আবার সূর্য উঠবেই, আবার জমবে খেলা বটতলা-হাটখোলা, স্বাধীন দেশের জন্য বিচার ব্যবস্থার উদয় হবে। আমি জানি তিনি যে স্বপ্ন দেখেন এবং স্বপ্ন দেখান, পিতৃহত্যার বিচারের দীর্ঘসূত্রিতার কারণে এ বেদনা

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উপলব্ধি করেন এবং মর্ম বোঝেন। আমরা সমঝোতার কথা বলি নিজেদের সামান্য বিরোধের ক্ষেত্রে কিন্তু সমঝোতার কথা বলি না আমাদের স্বাধীনতার ক্ষেত্রে, পতাকার ক্ষেত্রে এমনকি শহীদের রক্তের ক্ষেত্রে।

স্বাধীনতা বিরোধীরা এদেশের শাসন ক্ষমতাকে ও বিচার বিভাগকে নিজেদের দখলে নিতে চায়, সর্বত্র আসন গাড়তে চায়, সেদিকে সকলের সতর্ক দৃষ্টি রাখতে হবে। মুক্তিযুদ্ধের চেতনায় বাংলাদেশের বিচার ব্যবস্থা গড়ে তুলতে হবে। এক্ষেত্রে আপনাদের গুরুত্বপূর্ণ ভূমিকা পালন করতে হবে।

সাংবাদিক মিজান ভাই মেডিয়েশন প্রোমোটিং এর জন্য এওয়ার্ড পেয়েছেন। এ এওয়ার্ড দিয়ে সকল সাংবাদিক ভাইদেরকে উৎসাহিত করার চেষ্টা করা হয়েছে। প্রতিবছর এ এওয়ার্ড দেওয়া হবে বলে জানিয়েছেন BIMS এর চেয়ারম্যান স্যার। বলার অনেক কিছুই ছিল। আমাদের এ পথচলায় দেখা হবে কথা হবে বারবার মেডিয়েশন প্রোমোটিং এর কার্যক্রমে।

জয় বাংলা
জয় বঙ্গবন্ধু
বাংলাদেশ দীর্ঘজীবী হোক।

Awarded

Mr. Mizan Ahmed Staff Reporter SATV, Mediation Award received from Mr. Monjurul Ahsan Bulbul recipient International Mediation Award & CEO Today Television channel



Life Sketch of Mizan Ahmed

Mr. Mizan Ahmed is dedicated professional and had been serving as Staff Reporter at SATV since September 2012 to present and a well known Anchor at Chayer Cup e Jhor (NCA Program of SATV). He was born in the heart of the Dhaka city. Mirpur in 1977 on 31st October. He grew up in a highly valued muslim family and is a successful self educated person where the qualities like resourcefulness, insight, adaptability and pride made him a self made individual's today. His father, Late Mansur Ahmed was Retired Senior Accountant at T&T, Bangladesh.

Mr. Mizan Ahmed is a man with a diverse personality who has been providing his talents in the fields of broadcasting journalism since 2009. He has also gathered experiences previously in many other fields during his early professional life.

Being an optimist, Mr. Mizan Ahmed is believes in head-heart-hard work for the progressive society with the best of his knowledge while adopting new technologies and with the changing socio-politico-economic conditions, keeping in view the ongoing social reforms and the globalization of business. His mission is to contribute himself in such organization where the environment is transparent and the team spirit is omnipresent.

Diversity of the Mediation Table

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Message From SAPA

South Asia Peace Alliance (SAPA) is glad to know that People Mediation Centre, Bangladesh is bringing out publication named " Diversity at the mediation Table "

This is fundamental to the mediation process. Diversity is core to human co-existence. We as humans we tend to become bias so there is need constantly orient ourselves and keep us updated. Any training is incomplete without this exposure. Constantly being aware, alert and mindful of diversity aspect and giving space to this aspect in mediation process will go long way for bringing justice. Hope your publication be helpful for all students and mediation practioners.

With best Wishes

Vijay Bharatiya/Rita Roy

For South Asia Peace Alliance

July 2021

People's Mediation Centre (PMC): Bangladesh

পটভূমি (Background)

ইংরেজী ২০১৭ সাল ৩১ শে মে। গনপ্রজাতন্ত্রী বাংলাদেশ সরকারের সংশ্লিষ্ট বিভাগ থেকে **Bangladesh International Mediation Society BIMS** নিবন্ধন সনদ লাভ করলো। প্রায় ১৬ কোটি মানুষের এ দেশ-বাংলাদেশ। দেশের প্রথম **Self Contributory** সামাজিক সংগঠন হিসেবে **BIMS** আত্মপ্রকাশ করলো। “নতুন বিচার পদ্ধতি চাই। বিচার ব্যবস্থা তাড়াতাড়ি বদলে ফেলা সরকার”- বঙ্গবন্ধুর এই বাক্যটির প্রতি আকৃষ্ট হয়ে **BIMS** তার **vision and Mission** ঠিক করেছিল। বিচার অঙ্গনে বিচার প্রার্থীদের প্রতি “ন্যায় বিচার” প্রতিষ্ঠা করতে পারলে -আর্থ সামাজিক উন্নয়ন সম্ভব। বিচারের নামে অবিচার দেখা দিলে সমাজজীবনে প্রতিহিংসা ডেকে আনবে। বঙ্গবন্ধুর ‘চিন্তা’ সমূহের সার্বিক রোমস্থান সমাজ, দেশ ও বিশ্বকে শান্তিময় করতে পারে। সে কারনেই **Bangladesh Law Time's BLT** এর সহযোগীতায় **BIMS** রচনা করলো ‘বঙ্গবন্ধুর চিন্তা ও কর্মে মেডিয়েশন’ [যা ইং ২০২০ সালে গ্রন্থ আকারে প্রকাশিত] উন্নত সমাজজীবন প্রতিষ্ঠার ক্ষেত্রে জনগনের সাথে যোগাযোগ স্থাপনে নৈপুণ্য থাকা আবশ্যিক।

উৎপত্তি (Genesis)

বাংলাদেশ প্রাচীন ভারতের একটি অংশ ছিল। ধর্মীয় অনুশাসন ও ধর্মীয় ব্যক্তিগত আইন দ্বারা সমৃদ্ধ প্রাচীন ভারত সকল প্রকার বিরোধ নিষ্পত্তিতে ভূমিকা রাখতো। একথা স্বীকৃত সৃষ্টিলগ্ন থেকে বিবাদ কলহের মধ্যস্থতা বা সালিশ এক চিরায়ত ব্যবস্থা। পথপরিক্রমায় প্রাচীন ভারতীয়দের মধ্যে বিরোধে শান্তিপূর্ণ নিষ্পত্তিতে ‘**Kulas, Srihis, Parishads**’ ভূমিকা শান্তি প্রতিষ্ঠায় সমাজকে সমৃদ্ধ করে এসেছে। ব্যক্তি, পারিবারিক ও সমাজ জীবনে শান্তি স্থাপনে গুরু প্রথা থেকে ‘লোক আদালত’ এক অপূর্ব সমন্বয়।

গ্রাম ভিত্তিক বাংলাদেশের প্রশাসনিক সর্বনিম্নস্তর হচ্ছে ‘গ্রাম’ বা ওয়ার্ড এবং স্থানীয় সরকারের সর্বনিম্ন ইউনিট হচ্ছে ‘ইউনিয়ন পরিষদ’। বাংলাদেশে বর্তমানে ৪৫৬২ টি ইউনিয়ন পরিষদ আছে। ইউনিয়ন পরিষদ অধীন আছে ‘গ্রাম আদালত’।

সমাজ গঠনের সুপ্রাচীন ‘ধরন সমূহ’ আত্মস্থ করার ক্ষেত্রে পঠন **Peoples charter 1838 and People's Charter 1848** পঠন কালে **BIMS** নজরে আনলো -ঢাকাতে অনুষ্ঠিত ‘**Peace in the way—cenfiled transformation in South Asia workshop** এর সিদ্ধান্তাবলীর প্রতি। ইতিমধ্যে বিশ্বের স্বল্প উন্নত, উন্নয়নশীল, উন্নত; ধনী এমন ২৯টি দেশের শান্তি বিনির্মাণে সংগঠন সমূহের মূল

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(Core) নেতৃত্বের সাথে ধারাবাহিক যোগাযোগে কাজিত বার্তা নিরক্ষনে BIMS বিশ্বাস করলো-বঙ্গবন্ধুর দেখানো 'মেডিয়েশন' পথেই পরিবার, সমাজ, রাষ্ট্র এবং আন্তর্জাতিক অঙ্গনে শান্তি বিনির্মান সম্ভব। সম্ভব হবে ত্বরিত 'ন্যায়বিচার' উন্নত বিচার অঙ্গন' প্রতিষ্ঠা। BIMS সচেষ্ট হলো People's Mediation Center PMC' গঠন প্রক্রিয়ায়। জুলাই ২০১৮ সালে Core group meeting হলো। সিদ্ধান্ত হলো BIMS প্রনীত vision and mission পূরন লক্ষ্যে প্রান্তিক জনগনকে সম্পৃক্ত করতে People's Mediation Center PMC প্রতিষ্ঠা করা হবে। তখনমূলে মেডিয়েশন আন্দোলন ছড়িয়ে দিতে এবং রাষ্ট্রের 'জনগনের সনদ' এজেন্ডা সমূহ দ্বারা উদ্ভূত করার অংশ হিসেবেই মালিকগঞ্জ এর সিংগাইর উপজেলা সদরে ৩ সেপ্টেম্বর ২০১৮ 'পিপলস মেডিয়েশন সেন্টার' এর যাত্রা শুরু হয়। South Asia Peace Alliance (SAPA) Mr. P.V. Raja Gopal, Core founder এর উদ্বোধন করেন। বর্তমানে ২১টি PMC দেশব্যাপী কাজ করছে। PMC এর অভিজ্ঞতা নিয়ে অতি শীঘ্রই Community Mediation Centre প্রতিষ্ঠার প্রক্রিয়া চলছে।

সাংগঠনিক কাঠামো (Structure)

BIMS এর সেক্রেটারী পদাধিকার বলে ডাইরেক্টর হিসেবে PMC দেখাশুনা করবেন। তার নেতৃত্বে দুইজন ডেপুটি ডাইরেক্টর নিয়োগ হবেন। আন্তর্জাতিক অঙ্গনে ডাইরেক্টর জেনারেল মাধ্যমে ৯ জন ডেপুটি ডাইরেক্টর কাজ করছেন। পদাধিকার বলে Chairman, BIMS হচ্ছেন PMC এর সমন্বায়ক বা Coordinator.

বর্তমান কার্যক্রম

PMC এর মাধ্যমে BIMS স্থানীয় সরকারের ইউনিটগুলোকে Mediation বিষয়ক কর্মসূচীতে সম্পৃক্ত করছে এবং গনপ্রজাতন্ত্রী বাংলাদেশের 'সংবিধান' পাঠ্য হিসাবে প্রদান করছে। স্থানীয় ছাত্র/ছাত্রীদের, শিক্ষকদের, শিক্ষানুরাগী ব্যক্তিদের এবং সমাজসেবী ব্যক্তিদের নিয়ে নিয়মিত কর্মশালা পরিচালনা করছে।

ভবিষ্যত পরিকল্পনা

গ্রামের প্রতিটি পরিবারকে Mediation এর গর্বিত Mediator হিসাবে তৈরী করতে, Community Mediation Center CMC মাধ্যমে কর্মসূচি গ্রহন করা হবে।

MEDIATION

—Mr. Veeraraghavan Inbavijayan

B.A.B.L., FICA, FAA, FA Arb, FAMINZ(Arb), FCIArb(UK)

International Arbitrator

Though there is no law governing mediation in India, it is resorted to by many to give quietus to the disputes among themselves. The settlement reached consequent to mediation may not have a force of law behind it, but yet it is preferred to conventional litigation or arbitration, as the case may be, for, it goes unchallenged when the parties accept such a settlement mediated upon. Mediation is principally invoked to settle non-commercial and non-criminal disputes such as family disputes, tortious disputes, etc. Commercial disputes can also be subjected to mediation, but it comes with a rider that failing to resolve such disputes by way of mediation, the unsatisfied party to the dispute should seek redressal of his grievance either by moving a court of law or by arbitration or by conciliation, as the case may be. Or, for that matter, even while mediating, the parties to it, once not satisfied with its outcome, can resort to arbitration or conciliation or even litigation to procure a binding ruling.

Mediation is primordial, as, it was there even before the advent of law and evolution of judiciary. In our country, even today, one can find mediation taking place in village panchayats where the village heads (usually elders) apply modalities of mediation to the tribulations of the disputing parties for an amicable resolution of their disputes that include disagreements.

In India, the law dealing with mediation is the Legal Services Authority Act, enacted in 1987 where under Lok Adalats are constituted. Lok Adalats have jurisdiction to hear and resolve both pre-litigation cases and post-litigation cases. Lok Adalats, once the parties submit themselves to their jurisdiction, will amicably settle the cases. They don't decide the disputes; in fact, they resolve the disputes with the full agreement of parties before them. They don't play judicial role though their members are from the judicial service; they, on the other hand, play adjudicatory role.

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Lok Adalats are constituted at Taluk level, District level, State level and National level. They are also empowered to conduct mega Lok Adalats taking into reckoning the pendency of cases before courts of law. Under the said legislation, Permanent Lok Adalats are also set up whose decision called 'Award' becomes final and unassailable by either party to the dispute.

There is no difference between mediation by Lok Adalats and mediation by private unofficial persons who are appointed by the parties in mutual agreement, or by a court at its discretion in the *lis* pending before it. They differ only in the name. Their functions, conduct of proceedings and dispensation of a binding ruling are alike. Generally, Lok Adalats or mediators don't delve into intricate issues of law, but confine themselves to scrutiny of facts and make their decision on the basis of equity and fair play. After all, if legal issues are agitated, the best defence against them is the law itself! Hence, complex and labyrinthine legal arguments are not entertained by the mediators, who focus only on provision of solution to the disputing parties.

Mediation, for that matter, arbitration and conciliation, crudely speaking, is judiciary privatised. This means, private unofficial persons don the role of judiciary though not in the strict sense of the term. They are fora of equity, just like Chancery Courts in the United Kingdom. They believe that in a conflict between law and equity, equity should prevail, come what may. In their vistas, equitable justice gains prominence over justiciable justice. They live up to the faith and confidence that the disputing parties reposed in them without taking sides with any party and without exhibiting tendentious attitude and display.

Mediation, like arbitration and conciliation, is an Alternative Dispute Resolution Forum where, as said above, and the mediators mediate with parties to the dispute and pass consent decrees by annexing to them the compromise settlement terms of parties, who have approached the Lok Adalat on their own volition. This said, even the courts of law, under the provisions of Section 89 of the Code of Civil Procedure, 1908, can refer the suits pending before them to Lok Adalats and such Adalats will record the compromise or settlement arrived at between the parties to a dispute and submit the same to the courts that referred pending lawsuits to Lok Adalats for exploration of settlement, and based on settlement terms, the courts pass consent decrees that cannot be assailed except on the ground of fraud.

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Every High Court in the country has Mediation Centre attached to it to which the HC refers suits or petitions pending before them for promoting settlement of disputes between parties. This mediation Centre is different from Lok Adalats constituted under an Act of Parliament. The proceedings before the Mediation Centre are called court-attached mediation process.

Even under the provisions of Commercial Courts Act enacted in 2015, mediation attempts are made before commencing the hearing of judicial proceedings, namely, suits, petitions, etc. If and when the parties arrive at a mutual settlement, they will report the settlement to the presiding officer of the Commercial Court who will deliver a consent order or decree by recording and annexing compromise terms to such an order or decree.

In the legal fraternity, an adage goes around among lawyers and judges. “A bad compromise is better than a good lawsuit” is the adage. A compromise is beneficial to the parties while a lawsuit determines who is right and who is wrong. Every lawyer or a judge dons the role of a mediator before presenting or hearing the court cases, as the case may be, on merits. This is what our jurisprudence advocates. No matter, if the mediation fails, litigation takes over, which will prolong for years, dampening the spirits of litigant public. Whereas, mediation is a sure shot solution for disputing parties.

A mediator should not be mistaken for a middleman. In fact, a mediator is a facilitator and he thrives to mediate between the parties by sorting out all contentious issues between them, not for the sake of sorting out but with a professional mission to resolve such issues he sets in motion the mediation process. Both the parties to a dispute exit mediation with utmost satisfaction, not with a feeling that they have won, but with the sublime feeling that they have resolved the disputes and differences between them.

A mediator does not influence the mind of disputing parties. He makes the parties themselves resolve their disputes. It is not so in the case of conciliation, which is another Alternative Dispute Resolution mechanism. A conciliator intervenes, of course, with the aid of the law – Arbitration and Conciliation Act, 1996. But, even in the absence of a legislation, a mediator does not act as an interventionist but acts as a reductionist.

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This said, a mediator can give suggestions and persuade the parties to arrive at a solution, keeping in mind the resolution modalities.

When judiciary is a slow-moving coach and justice is episodic across the world, and when there is docket explosion in courts, the litigant public are left high and dry, and they will feel that they are in the middle of nowhere and staring at uncertainty. The antidote for their tribulations is nothing but mediation, which is cost-effective, efficacious and not time-consuming. And, the disputing parties will gain shiploads of benefits from mediation, as they, at the end of the day, will be heartfully content with the decision of a mediator.

Another advantage of mediation is, the documents and statements filed by the parties before mediators cannot be made public and they are confidential. Their non-disclosure will give immense faith in the mind of disputing parties about the transparency and efficaciousness of the entire process and progress of mediation, which, in fact, acts as a catalyst for speedier conclusion of claims and counter-claims of parties before the mediator.

With the mediation gaining currency across the globe, transnational companies, high net worth individuals and their ilk prefer to have mediation as a mechanism for resolving their problems with their counterparts. After all, for them, time is money, which they don't like to waste. They know for sure that mediation will provide succor and panacea indubitably to them, as they don't involve legal issues for determination but only facts encompassing their grievances that need to be ironed out.

To conclude, mediation is here to stay forever and it will be a much sought after dispute resolution mechanism by the litigant public and by quasi-litigants such as spouses, family members putting forth familial issues, etc. One hopes and wishes that, to make mediation more popular and redressal mechanism, the legislature will pass an exclusive legislation therefor, or subsume the same into the existing arbitration law, viz., Arbitration and Conciliation Act, 1996, if passage of exclusive legislation is not possible, given the political atmosphere that is not conducive for such purpose, at least, for the present, if not for the times to come.

MEDIATION- THE SCIENCE OF RESOLUTION

MS. UMA RAMANATHAN

FOUNDATION FOR COMPREHENSIVE DISPUTE RESOLUTION

Conflict is a challenge to our pretense of completeness- **Robert Kegan**

Conflict is natural as it arises out of differences, perceptions and constructs. How it is handled determines the future of that relationship. Most of the issues are not apparent on the surface and so potential of the conflict can be gauged only by recognizing the underlying issues. Perception leads to attracting information stored in memory and manifest as disruptions.

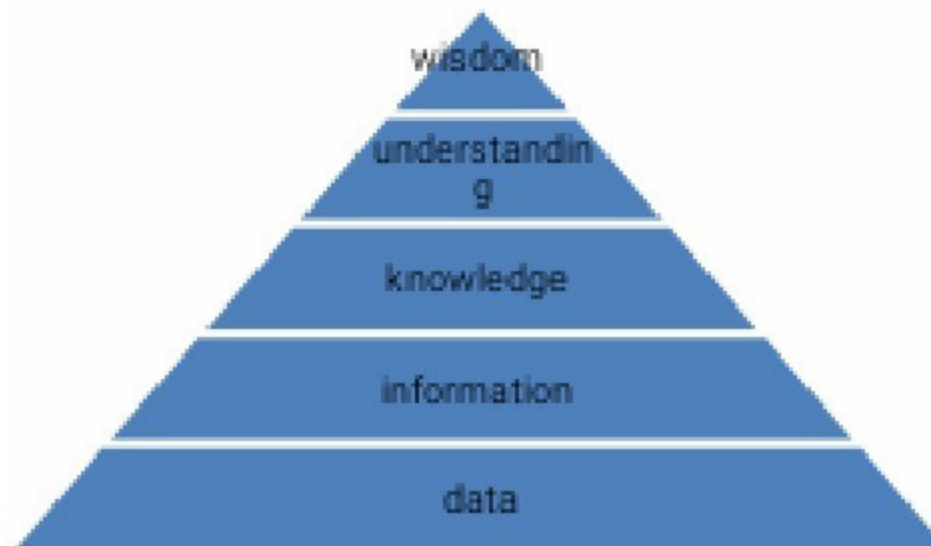
Disruptions are often due to expectations, goals, desire which motivate a perceived need which in turn activates behavior. Often perceived need supports the belief of entitlement, leading to tension and manifestation of behavior. Behavior is hinged on perception and cognition. Behavior invites a reaction and that leads to reactions/disruption due to emotions that are kindled by anxiety. How the other person reacts or how the situation occurs cannot be changed. What can change is only building the ability to understand our style and how we approach conflict and deciding as to how it is to be handled

Vilhelm Auber, the sociologist, defines conflict as: “a state existing between two or more individuals characterized by some overt signs of antagonism.” This antagonism often spills over as overt aggression. The aggression may be initiated by the ‘victimizer’ or could be a response of the ‘victim.’ Perception of the situation together with goals, the feeling of need to exercise ‘free will’ instigates the ever-

present attempt to ‘get even’ or to ‘save face.’ The disruption is sustained by the energy erupting out of frames and constructs.

Perception of a situation is based on information directed by senses and the processing and collating of information/data. Once data is received by the senses the processing activates the information stage leading to alignment with correlates in memory and frames it as knowledge. Knowledge as a premise is sustained by the ability to ‘see’ and ‘hear’ and to connect with impressions stored and available to be retrieved. Arrangement of data requires effective listening or engagement. Engagement leads to understanding. In this context **Russ Acroff** has extended the perception pyramid which is conceived as data, information, knowledge and wisdom, to include understanding after knowledge. This enables assimilation of information which in turn directs consequent action to be based on wisdom. When there is an objective view of the construct of knowledge there is understanding.

The **DIKUW triangle of Acroff** :



The transformation of knowledge to wisdom is spurred by understanding. While processing of information is based on perceived needs and interests, and what appears on the surface as demands, claims are in effect an expression of the inherent needs of the individual understanding is experiencing the value of the information and ability to SEE & HEAR. Enabling self- efficacy by building strength to be objective, building

recognition of need to take responsibility and to be conscious of the potential in volition, needs restructuring of constructs and ‘perceived needs.’

Expectations and entitlements arising out relationships, structural and power dynamics tend to superimpose on needs and affect the trajectory of engagement.

Johan Galtung refers to basic needs of an individual as:



Self- efficacy and volition are hinged on the satisfaction of these basic needs. Freedom to choose from options available and ability to discern opportunities are based on satisfaction of these needs. Satisfaction is possible only when there is clarity and communication and willingness to take responsibility for a decision. **Galtung’s** triangle of conflict or ABC of a conflict stresses on:

- **Attitudes/anxiety**- perception/non-perception of people about themselves and others, made up of emotive, cognitive and affective components- worry, fear, panic, guilt, shame etc

Core factors:

- # Data
- # Mind set in conflict
- # Styles
- # Stages
- # Paradox
- # Mapping

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Perception & cognition

Communication in conflict- effective listening

- **Behaviour/Beliefs**- cooperation or/coercion, conciliation or hostility, anger, grief, joy, love, pride, etc

Core factors:

Personalities

Emotions

Values

Structure

Relationships

Communication

Barriers in conflict perception and negotiation- frames, constructs

- **Contradictions/ context**- real or perceived incompatibility of goals reflected in handling of interests and relationships

Core factors:

Goals

Resources

Fallacy in reasoning

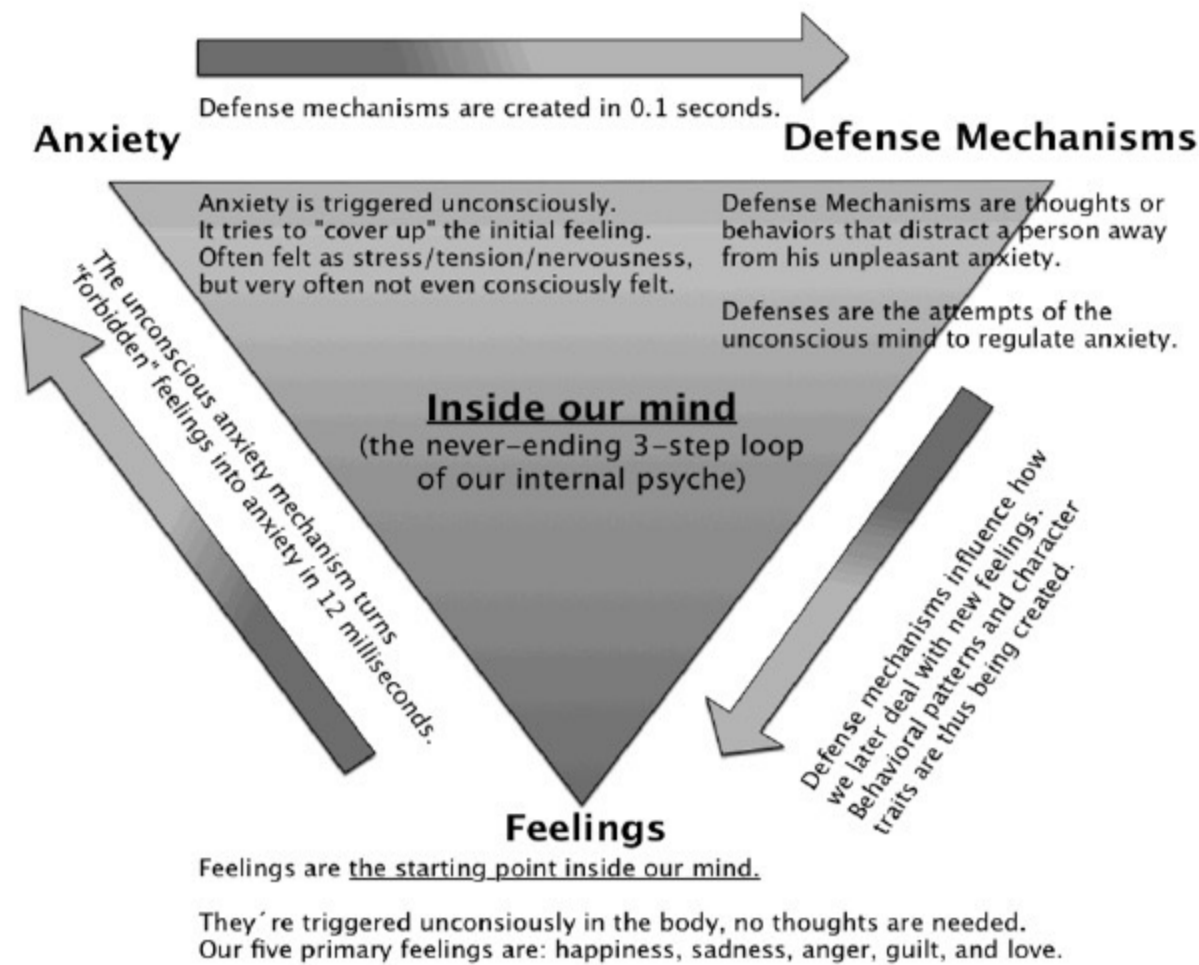
Process of negotiation

Power structure

Problem solving

While conforming to this idea and discussing the mechanisms involved in the exploration of basic needs, **David H. Malan** considers anxiety, defense and feelings as the three-pronged angles which enable and structure a conflict. The conceptual framework triggered by anxiety tends to focus or perceive the immediate situation triggering defenses which project the underlying pattern. Feelings then take over to frame the context. Realignment of perceptions and frames needs motivation to recognize and be objective for a valid reappraisal of the situation or cognition

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Malan identifies defenses as changing subject, ignoring, minimizing, etc

Core factors:

- Projection- inner feelings, impulses, thoughts expressed as that of another person
- Projective identification- when the projection is acted upon by the other in consonance with the projection
- Splitting- self and the other seen as all good/bad and can shift back and forth
- Idealization- attributing superior characteristics
- Somatization- focussing on physical sensations to the exclusion of painful emotions
- Acting out- feelings expressed through actions rather than words
- Identification- unconsciously imbibing characteristics, behaviour, mannerisms, attitudes of the other person
- Displacement- unconscious redirection of feelings associated with the other
- Rationalisation- providing logical explanations or excuses for unacceptable feelings, behaviours and attitudes

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- Intellectualization- avoidance of feelings by focusing on logical and cognitive explanations
- Isolation of affect- separating thoughts from their associated emotions
- Reaction formation- transformation of unacceptable feelings, wishes or impulses into their opposite
- Repression- exclusion from awareness of feelings, thoughts, impulses arising internally
- Undoing- attempt to neutralise unacceptable aggressive, sexual or shameful feelings by elaborating contradictory behaviours or thoughts
- Controlling- distraction from feelings by means of control, organisation, regimentation of tasks and other people
- Sexualisation- focus on sexual aspect of the other defending against the experience of painful emotions
- Disassociation- alteration in the awareness of current events, surroundings and time in the presence of full consciousness
- Humour- automatic unconscious use of humour to divert focus from unpleasant feelings, disguised expression of feelings without personal discomfort
- Sarcasm- expression of anger disguised as humour
- Passive aggression- indirect expression through deniable behaviour such as procrastination, forgetting and inconveniencing others
- Externalisation- attribution of responsibility for one's feelings or behaviours to external factors or people
- Altruism- behaviour directed towards needs of others
- Sublimation- unconscious diversion of emotions, desires and behaviours into socially productive activities
- Masochism- self- sacrifice of one's needs, wishes and gratifications as a defence against feelings of guilt, shame or anger

Any understanding of information therefore has layers and as information processing is the core of media, there it plays a constructive role in the handling of conflict. Media in a way represents reality as it is the voice of concerns and enables understanding of motives in action. It is the canvas which projects the perspectives of the society. Hence lack of sensitivity and strategy to control the flow of information, inability to have a media environment which guarantees autonomy, responsibility and safety [physical & professional]; difficulty in ethical handling of information, developing a conflict identity based on ideologies; wage and working structure, handling 'information warfare' tend to cause disruptions that need resolution.

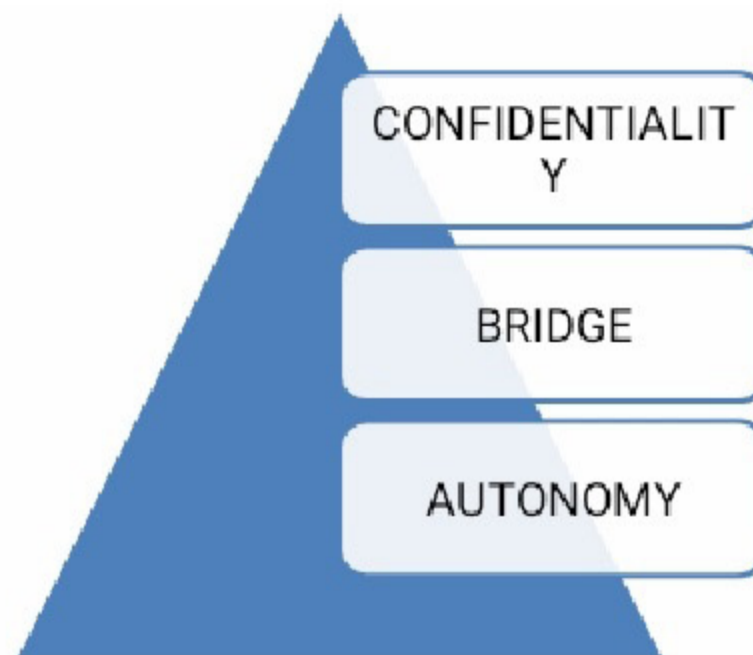
ROUSBEG LEGATIS states that on the discursive battlefields of already fragmented societies, the media and the independent journalist play an important part in construction of realities. They provide a daily stream of information and analysis on current events. Through their work, media professionals not only influence the perceptions of millions of reader's viewers, listeners, internet users, but also determine to a crucial degree whether and to what extent the conflict actors recognize the array of constructive options available for resolving their differences. It is obvious that understanding the alternatives/options, perceiving the need to change needs an objective assessment of the conflict space.

Mediation provides a structure where a neutral third party enables the persons in the conflict space to gather information, to get clarity, to move beyond their original perceptions to cognize realistic choices and to make an informed choice. Any ethical practice demands that there is autonomy, justice, beneficence, non-maleficance and fidelity. Mediation structure is based on enabling self- efficacy by helping parties to gather data, understand the information, move from knowledge to wisdom by understanding by addressing concerns, anxiety, feelings and helping them to remove the superimpositions created by the need to be defensive. The mediator as the neutral

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third party helps the parties to restructure their defensive stance by helping them to identify costs, benefits/secondary gains, origin of the defenses and motivates them to let go and find a workable solution.

More than cooperative or collaborative effort, the active participation of the parties in taking ownership and making an informed decision helps them to look at the situation beyond the prejudices against the other. The mediator helps the parties to move beyond claims and wants to understand the needs and underlying issues that have manifested as behavior and to move from 'I' to 'WE.' The process ensures confidentiality and hence enables parties to open up and address their concerns.



Mediation is a scientific approach to problem solving as it enables a conscious and voluntary choice based more on the understanding of values and respect for ideas and the people involved.

Peace Journalism

—**Ms. Aashha Mahaant**
Solicitor India & England
Director General, PMC, Bangladesh

With the advance of technology the media and its influence on the societies has grown exponentially. The Internet makes communication fast and omnipresent and has led to a new era where the presence of the media pervades public life as never before. Mass media are the means of social interaction and it has given each of us a platform to voice our opinions on all sorts of social and political issues and share information with one another. On the positive side the mass media keeps watch over everything for us and report back to us. And on the negative side, mass media are considered to be manipulative. In addition frequently a reporter's story on a conflict can be the only information available to his audience and the only link to events happening outside of one's neighborhood. One other weak point is that most journalists merely report on the conflicts as it happen and they do not deal with ways of prevention and resolving the conflicts.

Journalists must be aware of media's role and the responsibility that follows with this in times of conflict and report conflicts professionally without feeding the flames and playing a role in helping parties to find solutions to conflicts. This particular role requires an additional and deeper understanding about the roots of conflict, and how conflict develops and ends. For the reporters it is compulsory to have mastery of newsgathering, processing and presentation and conflict sensitivity while reporting about conflicts and solutions

What is Conflict:

Violence is a manifestation of conflict hence social scientists have adopted a broader and more positive approach to understanding conflict. So conflict is normal when there is change and it remains a legitimate part of social and political life. If the involved parties manage their disagreement or their conflict peacefully and constructively, conflict can be a positive process. So the aim of conflict prevention is not to avoid conflict, but to avoid its violent escalation.

Conflicts are not inevitable, nor do they happen overnight; conflict is a dynamic process, which may take differing forms and run through various stages of escalation and de-escalation, resulting from the complex combination and overlap of the various causes of conflict. It's often possible for parties to be largely unaware of the potential for conflict until something happens that alerts people to a problem. So conflict takes place within relationships and it's clear that the nature of these relationships will have an important influence on the way the conflict plays out.

Role of journalists in conflict reporting:

If journalists want to play a role in helping parties to find solutions to conflicts, then they need to understand how the conflict may have started. They may never be able to bring out the precise cause of a conflict, but they can develop informed hypotheses founded on an enhanced understanding of the different factors that cause conflict. These informed hypotheses can help journalists formulate questions that enable them to explore the origins of the conflict in greater depth, which can help them to promote an all-round understanding of what is happening and why. It's important to acknowledge that a conflict may have more than one cause and journalists need to remain alert to the fact that they may well be missing something.

Although conflicts are often explained in terms of ethnic, religious, cultural or national differences the most experts writing about conflict believe that these terms are generally just labels that are used to hide something else. Conflicts may well have ethnic or religious dimensions to them, but the underlying causes of these conflicts will lie elsewhere, such as in scarce resources and their allocation, in structural imbalances, lack of or little information and communication etc. Large percentage of the world's serious conflicts happen in areas characterized by high of ethnic or religious diversity. And the most common causal factors that lead to conflict are scarce resources: If a community or nation does not have the resources to ensure a reasonable standard of living for everyone, then conflict is likely as groups and individuals compete for scarce resources. Journalist should keep in mind that conflicts about access to land as a resource, can also take on ethnic and cultural dimensions.

Due to historical circumstances one dominant ethnic or religious group is able to use its power to entrench a privileged position and to use this position to secure an unequal distribution of resources and to benefit at the expense of others. The desire to fulfil human needs is believed to be so strong that when groups are unable to satisfy them by following conventional and accepted social and political processes they are likely to turn to other more contentious strategies. A key feature of these needs is that they are integral to the individual, are deeply rooted in groups and cannot be bargained away. It is common for parties in conflict to want to withhold information from each other in the hopes that this will give them an advantage. People are likely to believe the worst of an opponent and it can become exceptionally difficult for someone wanting to make a conciliatory gesture to ensure someone from the other side understands this. When conflicts are allowed to develop in this way they can take on a dynamic of their own, sometimes extending beyond the leader's sphere of influence. The list of possible confrontations is endless and the challenge is to find ways to meet the needs of all parties to a degree that all find satisfactory. However, while these categorizations provide a useful aid in helping to identify the causes of a conflict, the reality is that they seldom, if ever, occur in isolation. It's commonly the case that while one of these issues is dominant, the other factors may also be contributing to the conflict. For example: a conflict may appear to be structural in origin with members of a particular ethnic group being privileged over others, but it will also involve issues of human needs as the group that is being discriminated against feels that its identity needs are being ignored.

Violence vs Conflict:

Violence and conflict are not synonymous. Violence is a manifestation of conflict and involves one party taking intentional action to hurt another. However violence does not have implicitly to involve the use of physical force. Any action that aims to undermine people's sense of self and identity, such as oppression of human rights or crackdown on civil and political rights, can be seen as violent. In this sense verbal abuse and hate speech should be seen as well as a violent act, because the abuser's goal is to inflict harm on the other. So beside the manifest violence they are other kinds of violence that exists in societies and these are more difficult for reporters to see and to explain. Nevertheless the coverage of these kinds of implicit violence is

also important, because these kinds of violence have the potential to turn into explicit violence unless effort is made to forestall and curb them in earlier stages.

Journalists need to understand that conflict involves more than a confrontation that ends with winners and losers; it can also end peacefully with parties finding mutually satisfactory solutions. Journalists also need to recognize that conflict can exist without parties even being aware of the danger of escalation to levels that may be destructive and harmful to all involved.

What is conflict Sensitivity:

Conflict sensitivity means the ability to understand the context, the socio-economic and political tensions, root causes, cultural and historical background as well as structural factors which have the potential to become violent; understand the interaction between the intervention and the context; act upon the understanding of this interaction, in order to avoid negative impacts and maximize positive impacts. If journalists are just professional spectators and distributors of the bare facts about a violent conflict, citizens will only understand the conflict in those terms. So if journalists want to play a role in helping parties to find solutions to conflicts, then they need to understand how the conflict may have started, which are the actors of conflict and the capacities for peace and how are conflicts resolved. In reporting on conflict journalists need to be able to analyze what is happening and to draw on their own analysis in posing the kinds of questions that will help people understand what is going on and why.

The analysis of the nature and ingredients of a conflict consists in four main elements:

- **Factors of Conflict:** The different types of causes overlap and interrelate and there can never be one single factor that leads to a violent conflict. These cause and factors could be *systemic* (structural), *proximate* (enabling) or *immediate* (triggering). These factors can be internal or external to the area in conflict.
- **Actors of Conflict:** refers to all those engaged in or being affected by conflict. This includes individuals, groups and institutions contributing to conflict or being affected by it in a positive or negative manner, as well as those engaged in dealing with conflict.
- **Conflict dynamics:** can be described as the resulting interaction between the

conflict profile, the actors, and causes.

- **Capacities for Peace:** The purpose of identifying capacities for peace among various actors is simply to sift the "spoilers" or "interest groups" who have a stake in perpetuating a conflict.

Stages Of Conflict Escalation:

It is very important for a conflict reporter to know the stages of conflict escalation. The communication scientist Friedrich Glasl¹ has identified nine stages of escalation:

1. **Hardening:** Opinions transform into positions. In conflict situations perceptions and roles are consolidated. Nevertheless, both parties still believe that misunderstandings can be clarified through verbal argumentation.
2. **Polarization, Debate:** Common goals still exist but at the same time individual interests start to increase. It is anticipated that losing ones position would have disadvantageous implications. Each party tries to affirm itself against the other. Ways of behavior which do not relate directly to the problem are becoming fixed. There is still interest in keeping the relationship alive but tactical maneuvers increase.
3. **Actions, Not Words:** Widely perceptions are not questioned any- more, only those that differ from the norm are considered to be in need of addressing. The right of the other party to retort is denied. Dialogue is abandoned. Actions against the norm receive backlash.
4. **Images and Coalitions:** Resilient attitudes increase and the focus shifts to victory over defeat; and the assurance of one's own existence. The negative image of the opponent becomes impossible to change and at the same time a glorified image of oneself is emerging. Self perceptions are affirmed by the actions of the opponent.
5. **Loss of Face:** Defamation of the other in public in order to strengthen one's own position is practiced. Any form of direct con- tact between the

¹ Friedrich Glasl: Konfliktmanagement, Vol. 2, Bern/Stuttgart, 2002, p.216ff

groups is impossible. Disgust towards the other.

6. **Strategies of Threat:** The conflicting parties have cut off all avenues for pulling back. Violent actions are increasing. Actions of the enemy are considered to be aggressive and one's own behavior is interpreted as reactive. Irrational acting increases, the aim is to gain absolute control over the opposition and the situation.
7. **Limited Destructive Blows:** Intention to destroy the enemy through destructive actions to ensure one's existence is secured. Each party perceives the other to be capable of undertaking any actions and in order to avoid this they must be eliminated. One's own purpose must be asserted at any cost.
8. **Fragmentation:** Destructive blows are undertaken to fragment the adversary, destroy their foundation of existence and cut them off from their supporters. Erratic acts of aggression increase. Aim isto shatter the other party in the greatest possible way but without jeopardizing one's own existence.
9. **Together in the Abyss:** Any and all forms of violence are used, even those with the danger of self-destruction. Immediate goal is the elimination of the enemy.

Stage 3 is an important stage for media as it is where through bridging the communication gap between the two sides in a conflict it can play the role of peace agent. Through good reporting and accurate and impartial news the two sides in a conflict can start to take into consideration the opinions of the other side and this can decrease the chance of further escalation of the conflict.

This is where good journalism becomes crucial in conflicts and where the media can perform the role of peace agent. In the process of a conflict, the media perform the following roles that can eventually lead to peace making: *Pre-conflict phase:* In this situation, the media publicizes the competing interests of conflicting parties, which may lead to a conflict situation, with a view to striking common grounds for a negotiated settlement of differences and thus raise demands for peace. *The conflict*

period: at this stage, the media brings to fore its human, economic, social and political impacts and thus reinforces the need for peace. *The post-conflict situations*: In this situation, the media keeps an eye on the enforcement of peace agreements that have been put in place by competing parties and ensures that they are being implemented judiciously. *Correcting misperceptions*: By examining and reporting on the two sides' misperceptions of each other, the media encourages disputing sides to revise their views and move closer to reducing conflict.⁵ *Identifying underlying interests*: In a conflict both sides need to understand the bottom-line interests of the other. By reporting what they say, the media allows leaders in a conflict to conduct face-saving and consensus-building, even reaching to refugees and exiles in far-away places.

How Journalists Can Contribute To Conflict Resolution And Peace-Building:

It is important to appreciate that conflict does not end by itself. Certain things must occur for the conflict to end. Some differences and conflicts can be resolved through a dialogue and peaceful means, while the ones that remain unsettled can brew, escalate and give rise to violence or armed means. One of the most important means to resolve a conflict is communication. For two sides in a conflict to move towards a non-violent resolution, they must first talk. This communication often leads to amicable resolution of disputes and conflicts. This is where good journalism becomes crucial in conflicts and where the media can perform. Journalists are not robots, per se neutral and non-partisan. They have their values, their subjective view and, like everyone, journalists carry the values of their home country, their religion and their ethnic group. That is why professional journalists have standards for accuracy, impartiality and responsibility, to remove their personal values and bias.

The Concept Of Peace Journalism

Journalists have a responsibility to the people they report on and for them. Some journalists say it is not our job to take responsibility for what happens when we report the news. We just report the conflict the same way we report on a soccer match — we just describe it. Nevertheless journalistic inquiry and reporting conflict already represents an intervention that can change positions. Peace journalism² faces this responsibility.

Peace journalism is an approach in reporting on wars or conflicts that is striving for their peaceful resolution and that provides an understanding of the general picture of the causes, consequences and motives behind the conflicts themselves. Contrary to this would be reporting that increases tensions and deepen divisions and differences between the parties involved in the conflict.

Journalists are not robots, per se neutral and non-partisan. They have their values, their subjective view and, like everyone, journalists carry the values of their home

² The term and the concept were coined in the 1970s by Johan Galtung, Norwegian founder of peace and conflict studies, who envisioned it as a self-conscious, working concept for journalists covering war and conflict.

country, their religion and their ethnic group. That is why professional journalists have standards for accuracy³, impartiality⁴ and responsibility⁵, to remove their personal values and bias.

For reporters to be peace journalists, they must consciously avoid: (i) to represent the conflict as a clash between two sides that are competing for one goal and where the logical result would be one side to win and the other to lose, instead, find other affected interests and include their stories, opinions and goals; (ii) sharp distinctions between “us” and “them”, (iii) connecting the conflict with something that only happens in a specific place and in a specific time where there is violence. (iv) assessing violence or policy of violence only in terms of visible effects. (v) using terms such as devastated, tragedy, terrorized, words are powerless, helpless, pathetic etc. to describe what has been done to one group. (vi) blaming the others that they “started first”. Instead, try to find out how common problems and questions lead to consequences that have not been expected by either side etc. Always ask oneself is race or religion or caste important in my report? If not, remove it. Is this necessary news? What is the public interest in this report? Is it news only because it is about the other side? Even if the facts are correct, will this report encourage prejudice? Can it be reported differently? Are there enough different voices in the report? Did we ask

³ Getting the correct information is most important of all. Everything which is reported must be described accurately - the spelling of names, the facts as they happened, and the real meaning of what was said. Before they report it, good journalists seek the evidence and accurate facts. A good journalist will rush to get the news first. But first, the journalist must get it right. People will not talk to journalists if they fear journalists will not repeat their words accurately, or will not describe things as they really are.

⁴ Impartiality (balance): Almost every code of good journalism puts importance on impartiality, on not taking sides. To do this, a good journalist will seek to produce a report which is balanced. To be balanced is to include both sides. There are always two sides in any story involving conflict. Citizens need to know what the other side says, and how it will affect them. Balance is as important in every story as accuracy. People will not talk to a journalist who only reports one side of the story. Impartiality also means that the professional journalist is not an active leader in any political group or movement. Impartial journalism is an important defence for reporters in a time of conflict. Journalists should be respected because they take no sides.

⁵ Journalists have obligations to the people they report about, and to the society to whom they report the news. Journalists have a responsibility to protect their sources. Many people will not tell journalists important news if they fear they will be revealed. Good journalists also use only honest methods to obtain the news, which means they do not break the law.

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enough different opinions from ordinary people and experts? Are there words and comments in the report which offend people or cause prejudice? Are these comments balanced by other comments? In crime news, are we reporting the race or culture of the offender and the victim? Is this information necessary and in the public interest? Why?

The difference between traditional reporting and peace journalism:

Traditional journalism: the news is full of blame and accusations with no proof. It uses emotional language: massacre, terrorists, assassination squad. It reports a claim by the police captain without proof. It reports un-named government sources who say other unnamed people say they saw the opposition leader and blame him. There is no proof of this.

Peace journalism: It reports only what is known. It seeks both sides' explanation and comment. It does not report emotional words like massacre. It does not report police speculation and police claims, which do not include names of witnesses. It reveals more possible explanation.

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**STRENGTH OF MEDIA AS MEDIATOR FOR COMMUNITY
DISPUTE RESOLUTION:**

—Ms. Manisha T. Karia
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Sukhda Karla Advocate, New Delhi, India

Media is the most significant, effective, widely popular and suitable easy method of formulating public opinion. The media plays a crucial role in conflicting situations, and neutral journalists can be a great contribution/value addition towards management and resolution of any domestic or international conflict. Media has the potential to be an anchor in reaching the largest population. The media, in its true sense acts as a watchdog on leaders and the society at large, and provides early cautions on possible escalations of a conflict. Journalists can build confidence and mediate between conflicting parties by nurturing healthy communication for negotiations and provide a forum for dialogue and they also act as a vehicle, which conveys different views, outlooks and perspectives experienced in a society.

Therefore, the role of a journalist is significant before conflict, during conflict and post conflict. An effective media is necessary for prevention and resolution of violent conflicts. A recent example of this can be the protest against Citizenship (Amendment) Act (CAA) in India. It has been reported that more than 15,000 mediators from [social media](#) platforms, such as Twitter, Facebook, TikTok and Helo worked overtime for days together to curb the spread of any fake, incendiary and communal [news](#) on their platforms. Such media which acted disseminate of information to the public always played a vital role in promoting communal harmony.

Media has the capability to provide a great deal of information during an ongoing conflict. It can inform the public or communicate directly with the victims and their families. However, they are also capable of alleviating or aggravating a situation. Thus, controlled steps and actions should be taken in order to prevent the situation from further aggravation, especially in economic, social and political conflicts. The communal conflicts are difficult to handle and require negotiations between the parties involved, and the governments are finding it extremely difficult to handle such situations. Hence, the role of media in covering and resolving conflicts, especially

those involving religious differences that leads to frequent communal riots, is extremely crucial. There are enough challenges faced by a journalist and media personnel in such a situation. During times of conflicts, the media which enjoys the utmost freedom of expression, has a great and vital role to play in moulding public opinion on correct lines with regard to the need of friendly and harmonious relations between various communities and religious groups, and thus promote national solidarity. The role of media in such situations is to be that of peacemakers and not abettors, to be trouble-shooters and not troublemakers.

The media's potential to support democracy by its efforts and build peace and play the role of a mediator in a conflict prevention and resolution. The media can give voice to those who are advocating tolerance, peace, and negotiation.

A reliable, diverse and independent media has immense potential for contributing to conflict resolution. It functions as a channel of communication that counteracts misperceptions. It frames and analyzes the conflict, identifies the interests, defuses mistrust, provides safe emotional outlets, and more. The process of Mediation entails certain specific characteristics. Mediation stresses on good listening, the art of paraphrasing, and the importance of giving each side equal time. While journalists endorse these skills in theory, in practice many media sources become aligned with a particular side or perspective, and content themselves with having credibility only within a limited constituency. Thus, by drawing on the experience of mediators, journalists could better learn how to win trust, build credibility, and challenge secrecy and authority at the same time.

One of the facets of media is that it unavoidably, necessarily mediates conflicts. The journalists often tend to define, shape, and often inflame conflict by their stories. News media in particular manipulates the information and the news they choose to cover, and seldom conveniently omit, the sources they use, by the facts they include, the language they use, by their own biases, or news frames. One relevant example of this could be seen in the recent murder case of actor Sushant Singh Rajput (bollywood Actor), which was blatantly lead by the media, which encouraged polarization and extremism by marginalizing certain parties and by only quoting their most extreme members and positions.

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Media is more engaged in fact finding, their primary role is to find the news and spread it around whether to invite criticism or favouritism through public opinion. Journalists owe a very special responsibility to their country in promoting communal peace and amity. News, views or comments relating to communal or religious disputes/clashes must be published after proper verification of facts and presented with due caution and restraint in a manner which is conducive to the creation of an atmosphere congenial to communal harmony, amity and peace.

Acts of communal violence or vandalism shall be reported in a specific manner that may not undermine the people's confidence in the law and order machinery of the state. Giving community-wise figures of the victims of communal riot, or writing about the incident in a style which is likely to inflame passions, aggravate the tension, or accentuate the strained relations between the communities/ religious groups concerned, or which has a potential to exacerbate the trouble, shall be avoided, unless done on the basis of reliance of those number or facts by the appropriate fact finding authorities.

To use journalism for mediation, there needs to be an inclusion of some special modifications in the professional training of journalists. This can be done by inculcating advancements in their training which aim to support journalists in new and rewarding career paths, where their unique contribution to problem-solving gets recognised and embraced. The journalists become players, not just the audience. It's like a need for the Conflict Resolution toolkit. With it they can often be an agent for positive change.

- Thus, rather than focusing on facts just for news, they should focus on clarity of facts and two sides involved in the conflict for dispute resolution.
- While conducting discussions, rather than pointing out public opinion or their own perspective of looking at things, journalists should adopt the approach of listeners where they can put statements or questions on table that can provide a comfort base to both the conflicting parties, just like what mediator do to set a peaceful environment.
- Journalists must examine their own biases and habits

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- Media/ journalists to ask the parties fresh, innovative questions, to widen the frame of the conflict, and to promote dialogue between the parties and promote resolution.
- To be less outcome oriented, and to pay more attention to processes.
- Journalists must pay closer attention to their use of language and choice of terms. The media tends to use terms with heavy positive and negative connotations such as "regime," and to reduce complex perspectives to stark dichotomies, such as democratic or communist.
- Journalists must also become more aware of the impact of what is left unsaid. For example, reports tend to leave the victims of violence unnamed. Naming confers recognition and power, and so victims are often left unrecognized and disempowered even in death.

A leading example that helped in educating journalists about the role of the media as mediators, was initiating the Mediation and Conflict Training for Journalists Project (MJP) in South Africa. The project was based on the premise that "the principles of sound mediation are basically principles of sound journalism. MJP also encourages journalists to be less outcome oriented, and to pay more attention to processes. The authors note that "journalists report the symptoms of conflict, and generally pay short shrift to its causes. Mediation concentrates on separating parties and positions, and focusing on the parties' interests. Currently journalists tend to identify parties with their positions, using the "party X says, party Y says" model of reporting. This format can tend to lock parties into their positions, and to make their positions more intractable. Thus, the MJP encourages investigating and reporting on the parties underlying interests, because if journalists do not explore, help identify, and communicate people's basic interests and needs, they merely regurgitate propaganda.

The reference of the highly sensitive *Ayodhya* dispute to mediation had brought the community conflicts mediation in the attention of the Indian public. The *Ayodhya* dispute was a matter of national importance to the Hindu's and Muslim's alike, the Apex Court had strictly ensured the mediation to be a discreet process and prohibited any media coverage in this regard.

The Indian media upholds the 'norms for the journalistic conduct' prescribed by the Press Council of India which (Section 20:11) says, "Journalists and columnists owe a

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very special responsibility to their country in promoting communal peace and amity. Their writings are not a mere reflection of their own feelings but help to a large extent in moulding the feelings and sentiments of the society at large. It is, therefore, of utmost importance that they use their pen with circumspection and restraint." The Council also directs the journalist to be vigilant and restrained when dealing with issues of communal clashes. In the aftermath of the Gujarat communal carnage the Council revised the 'norms for journalistic conduct' by saying (Section 20:111), "The role of media in such situations [Gujarat Carnage] is to be peacemakers and not abettors, to be trouble shooters and not trouble makers". The Council adds (Section 20:111), "There is a greater moral responsibility on the media to do their best to build national solidarity and to strengthen communal harmony at all levels remembering the noble role they had played during pre-independence days."

Thus, media has huge potential for creating a common basis and thus cultivating conditions for conflict transformation through a variety of activities. First, they can serve an informing and educating function by securing a free flow of accurate and constructive information, counteracting misperceptions, identifying the interests. The potential of the media in conflict and post-conflict situations remains a net positive, and has been sadly underutilized to this point in time. The role of media both historically and more so in the present day is of paramount significance for resolving community conflicts as mediator.

Role of Mediation and Journalism in Dispute Resolution

—Ms. Tanushri Roy

Modern 21st century is an era of globalization. An era which celebrates plurality of thought, culture and values. No where are mediums like mediation and journalism more relevant than in the globalized world of today. Globalization has furthered the development of new forms of journalism which benefit from the advent of new media technology and it has also led to the growth of alternative mechanisms of dispute resolution such as mediation. In an increasingly interconnected world, otherwise divided by differences of class, race, religion and political orientation; mediation and journalism could bring the world away from disruptive practices and towards collaboration and unified productivity.

In today's globally connected world, we do not live in silos. What happens in one part of the world does end up affecting the other. Today we are faced with differences of opinions on climate change, politics, economic structures and issues of human rights, all of which may become triggers of conflict. So if the problems can be so interconnected, why can't the solutions too? And why can't people from different professions be a part of such problem solving?

In this article, I will dwell on how both mediation and journalism can play important roles in the conflict resolution and peace building processes.

Introduction to Mediation

Across the world, mediation has proved to be a successful alternative to the courtroom model and has been used to resolve interpersonal, organizational, commercial and public conflicts. It is a conflict management tool used across many areas of social, economic and political life. It can be considered as a process of assisted negotiations allowing parties to engage in better decision making. Here, mediators do not make decisions or judgments, instead they expertly guide parties in reaching a clearer understanding of other's perspectives and arriving at a common agreement. As a self determining process, it allows the parties to resolve differences on their own and also control the outcome. With our justice dispensation systems completely overburdened,

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mediation thus provides an alternative which is voluntary, confidential and flexible. The process which involves facilitation of discussion by a neutral 3rd party, allows us to maintain relations and gives the parties a **fresh perspective** to the case.

Where on one end, the purpose of mediation is to create a conducive environment for parties to understand each other, engage in conversation, share information and reach informed solutions amicably, journalism on the other hand also provides citizens with the information they need to make the best possible decisions about their lives, their societies, and their governments. In the next section, we see how both mediation and journalism converge in their roles as information sharing and communication building platforms.

What are the key principles governing both these professions and what values and skill sets do mediators and journalists share? Let us dwell on this further and see if there is any convergence.

Some important principles governing the practice of mediators is that of maintaining confidentiality, impartiality, independence (disclosing any conflict of interest with the parties) and ensuring the voluntariness of the process. Similarly journalists too must respect their subject's right to privacy, be impartial i.e keep personal feelings, biases and pre conceived notions aside in order to arrive at the truth while investigating or reporting a story. They must also maintain independence of thought irrespective of overarching power structures or social pressures and disclose any conflict of interest while dealing with ethical dilemmas. This would help the recipients of the reported information to gauge any potential bias in the reporting just like in the case of parties to a mediation who have a right to such knowledge.

Mediators are often required to take on the role of an equalizer- create a level playing field for the parties irrespective of their backgrounds and maintain objectivity in the process. Good journalism also entails finding and reporting on the facts while not being swayed by economic, ideological or political interests. Thus even subjective interests are required to be reported in an objective manner. Conscientious journalism then requires an awareness and control over any biases when reporting on a conflict to prevent it from becoming an instrument of propaganda. This is even so in the case of mediators who have a duty towards the parties.

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A good mediator facilitates a conversation to move forward, that is to move from the negative to the positive and from the past to the future. Towards this end, she uses various tactics including asking relevant questions which assist the resolution process. Similarly, a good journalist must also be courageous enough to ask tough questions to arrive at the truth. To be able to do this in either profession, one has to be able to think analytically and critically. Analytical reasoning encourages us to base opinions on facts instead of emotions. Critical thinking is also crucial, be it while trying to dissipate an argument or break an impasse in a mediation setting or when it comes to journalistic reporting.

Communication is the core of mediation through which both information and intention is transmitted. Strong communication skills are essential for a mediator not only to understand a dispute but also to help the parties engage in a constructive exchange. Similarly, strong communication skills are a must for a journalist where these skills are used on a regular basis while interviewing sources, drafting stories as well as in reporting.

Mediation requires principles of truth, legality and fairness to be maintained. Similarly, truthfulness and fairness lie at the core of good journalistic practice. Journalists must present facts with neutrality, presenting all sides to a story, just as mediators are required to ensure that all parties get an equal opportunity to share their views. Maintaining standards of competence, diligence and honesty are essential to a mediator. In the same manner, a journalist should also be competent and diligent in gathering and presenting facts to provide a good understanding of the subject reported. Honesty is an article of faith for journalists so it is a journalist's duty to report accurate and reliable information to the public just like its important for mediators to disclose all relevant information apart from that which is confidential to the parties. Both must strive to achieving their audience's trust with core ethics being built into every action.

Thus, to be a good journalist or a good mediator, not only does one need to possess a high degree of professionalism and competence but also a **core professional ethic**, with **prudence, balance, integrity** and **neutrality** maintained at all times.

Culture, Mediation and Journalism

Today, we live in a globalized world and interact with heterogeneous people from different cultures and nationalities. People approach disputes with different mindsets, often informed by underlying cultural forces. These differences of thought, values and priorities can also be a decisive factor in provoking misunderstanding. These misunderstandings may be exacerbated during cross cultural communication and it is here that mediators and journalists come into play.

Often, application of subjective assumptions to similar words, may lead to different interpretations. So would differences in styles of communication, for instance, similar types of words, body language and phonetics may trigger different responses across cultures. These culturally-determined assumptions may prevent successful communication and, as a consequence, pose a risk to the successful conclusion of a mediation or of understanding of a reported issue. For this reason mediators have to understand and adapt to cross-cultural communication differences of the parties in the same way as journalists while interviewing or reporting on ground. Effective communication thus is a pre requisite to resolving disputes or dealing with sociopolitical challenges across contexts.

Audiences may also react differently to depictions of violence, stigma or exploitation due to differing standards and practices. Thus, it is important to respect a diversity of perspectives while having compassion and empathy for those who may be affected adversely, both in the cases of parties to a mediation or subjects of an interview. Towards this end, mediators and journalists need to understand historical perspectives and develop sensitivity towards cultural pluralities.

Can journalism take up mediative functions? How can the media contribute to conflict transformation and peace building?

The media can don variable roles. It can be a weapon of violence when it propagates messages of hate and intolerance but it can also be an instrument of conflict resolution, when the information it represents respects human rights and supports multiplicity of perspectives. A form of media that broadens understanding of the causes and consequences of a conflict, enables a society to make well informed

choices and contributes to societal reconciliation is a precursor of democratic governance. Thus, if the media moves towards talks of inclusiveness, unity and tolerance it can become a useful tool in conflict resolution.

Information is power. People in conflict situations need access to credible information to make decisions. The ability to make informed decisions strengthens societies and fosters socioeconomic growth. In today's day and age, information and communication technologies can go a long way in peacemaking efforts such as by providing information, helping people process information, thus improving decision making and promoting democratic principles. By facilitating multiple narratives and providing a more balanced discourse, journalism can also counter hate-speech and contribute to conflict de-escalation. Therefore, instead of dwelling on the inevitability of certain conflicts, media could propagate the possibility of resolving conflicts amicably- achieving peace, reconciliation and societal development being the key priorities.

The media is also an indispensable political actor in peace building processes for instance by serving as a channel of communication between political leaders in cases of international political disputes. Diplomacy today is deeply influenced by public opinion which is largely formed by mass media. The press thus has the power to defuse tensions by keeping an eye on government, opposition and society.

Media professionals can contribute a series of actions leading towards establishing peace-supporting social structures. They derive this power by their ability to define or reframe conflicts; initiate consensus-building between communities; rebalance asymmetrical power relations and counteract the propaganda of violent actors. Furthermore, they can broaden dialogue by anchoring important issues and can help break stereotypes of victims and perpetrators, thus making potential transformation processes more participatory. The media thus has ample opportunities to play a constructive role in conflict transformation. To gain these advantages, the media should remember its moral responsibilities in reporting conflict, the end goal being-enhancing peace.

Conclusion

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In conclusion, I would like to revisit the basic ideas enunciated in this article. We began by understanding the concept of mediation and how it often converges with the role of journalism as a communication facilitator. We then went on to analyze the various principles governing mediation and journalism and then dwelt on the similarities in values and skill-sets as possessed by good mediators and journalists. Thereafter, we discussed the importance of communication while dealing with conflicts, specially those lying at the intersection of cultural identities. Finally, we strived to deconstruct the potential of journalism as an instrument of peace and a medium of conflict resolution.

At this juncture, I reiterate my question to you- Can journalism take up mediative functions and contribute to the conflict resolution and peace building process? I leave the answer to your wisdom.

কোন ব্যক্তি বা প্রতিষ্ঠানকে 'হিরো' বানানো ঠিক নয়।



বীনা ভেঙ্কাকটীরামান

ভারতীয় বংশোদ্ভূত মার্কিন সাংবাদিক বীনা ভেঙ্কাকটীরামান দ্য বোস্টন গ্লোব পত্রিকার সম্পাদকীয় বিভাগের প্রধান। গত মে মাসে তিনি ইউনিভার্সিটি অফ সাউদার্ন ক্যালিফোর্নিয়ার সমাবর্তন অনুষ্ঠানে বক্তৃতা দিয়েছেন।

২০২০-২১ সালের সব শিক্ষার্থীকে বলছি, তোমরা পেরেছ, অভিনন্দন। বিশ্বাস না হলে নিজেদের চিমটি কাটো। পাশের জনকে কেটো না আবার।

গত এক বছরের মধ্যে এটাই আমার প্রথম কোন জনসমাগমে

আসা। এই এক বছরে একসঙ্গে চারজনের বেশী মানুষের সঙ্গে বসা হয়নি। তাই এখানে আসতে পেরে আজ সত্যিই দারুন লাগছে।

তোমরা আলাদা

মন থেকে বলছি, মহামারির এই কঠিন সময়োও আমি কখনো তোমাদের যোগ্যতা আর ক্ষমতার ওপর থেকে আস্থা হারাইনি। তোমাদের ব্যক্তিগতভাবে হয়তো চিনিনা, কিন্তু তোমাদের তারুণ্যের উপর বরাবরই আমার আস্থা ছিল। যে সময় তোমরা পার করে আজ এ পর্যন্ত এসেছ, এরপর তোমাদের যোগ্যতা নিয়ে কারো মনে কোন সংশয় থাকার কথা নয়।

নিকট অতীতের অন্য যেকোন প্রজন্মের চেয়ে তোমরা অনেক বেশী প্রতিবন্ধকতা আর বিপর্যয়ের মোকাবিলা করেছ। প্রতিবন্ধকতা আর বিপর্যয় বলতে আমি বোঝাচ্ছি এই বৈশ্বিক মহামারি আর তোমাদের জীবনের উপর এর প্রভাবের কথা। তোমাদের সংগ্রাম আর চেষ্টা ইতিহাসের অংশ হয়ে থাকবে, আগামী প্রজন্মের জন্য অনুপ্রেরনা হয়ে থাকবে।

জীবনের বিগত কয়েকটা বছরের দিকে তাকাও, তাহলেই বুঝবে তোমার মেধা, তোমাদের জ্ঞান, তোমার পরিশ্রম আজ তোমাকে এখানে নিয়ে এসেছে। আগামী দিনগুলোতেও এরাই হবে তোমার একান্ত সঙ্গী। তবে আমার ব্যক্তি আর কর্মজীবনের অভিজ্ঞতা থেকে বলতে পারি, শুধু মেধা আর জ্ঞানই সফল হওয়ার জন্য যথেষ্ট নয়। এর সঙ্গে দরকার সাহসের চর্চা করা।

আমার যখন শুরু

প্রায় এক যুগ আগের কথা। আমি তখন দ্য বোস্টন গ্লোব পত্রিকার বার্তাকক্ষের সবচেয়ে অনভিজ্ঞ আর নবিশ সাংবাদিক। আমার চারপাশে যারা কাজ করতেন, তাঁদের দেখে আমার ভেতর বিস্ময় আর রোমাঞ্চ কাজ করতো। আমি নিজের চেয়ে বেশী তাঁদের কাজের উপর ভরসা রাখতাম, নিজের ওপর আত্মবিশ্বাস ছিল অনেক কম।

কিন্তু বার্তাকক্ষের ওই পরিবেশ আমাকে এমন অনুপ্রেরনা দিল, যার জোরে আমি ওই সময়ে সবচেয়ে প্রভাবশালী ও বমতাবান রাজনৈতিক পরিবারের সদস্য সিনেটর প্রয়াত টেড কেনেডিকে নিয়ে একটা প্রতিবেদন লিখলাম। তিনি তার ক্ষমতার প্রভাব খাটিয়ে একটা প্রতিষ্ঠানকে ক্ষতিগ্রস্ত করেছিলেন। সেটা ছিল আমার প্রতিবেদনের বিষয়। ওই প্রতিবেদন দেখে তিনি ভীষন অসন্তুষ্ট হন। ছুটির দিন হওয়া সত্ত্বেও তিনি আমাদের পত্রিকার প্রত্যেক বিভাগের সম্পাদককে ফোন করে নালিশ করেছিলেন। যাঁদের তিনি নালিশ করেছিলেন, তাঁদের সবাই আমাকে ফোন করে জানতে চেয়েছিলেন, আমি যা লিখেছি তা প্রমাণ করার মত শক্ত কাগজপত্র আছে কি না। আমি প্রত্যেককে একই জবাব দিয়েছিলাম- হ্যাঁ, আছে।’ বলেছিলাম, ‘আমি আমার দায়িত্ব পালন করেছি, প্রতিটি তথ্য যাচাই করেছি, সিনেটরের অফিসে সরাসরি কথা বলেছি, আমার প্রতিবেদনের প্রতিটি কথা সত্যি।’ তাঁদের কাছে আসা নালিশগুলো ছিল আমাকে নিছক ভয় দেখানোর পায়তারা। আর সবার মতো সিনেটর আমাদের পত্রিকার সর্বোচ্চ পদবিতে থাকা সম্পাদক এলেনকেও অভিযোগ জানিয়েছিলেন। এলেনও আমাকে ফোন করেছিলেন। বলেছিলেন, সিনেটর কেনেডি ভীষন ক্ষেপে আছেন। তিনি জানতে চাইলেন, আমি কি আমার প্রতিবেদনে ভুল কিছু লিখেছি কি না? ততবনে প্রায় ১০ জনের কাছে একই প্রশ্নের জবাব দিয়ে ফেলেছি। তাই নিজেকে আর সংবরণ করতে না পেরে বলে ফেললাম, ‘আপনি কি বুঝতে পারছেন না, এখানে ভুল আমি করিনি, করেছেন সিনেটর নিজে?’

এটা শোনামাত্র এলেন কিছু না বলেই লাইন কেটে দিলেন। আমি অবাক হয়ে গেলাম। তার চেয়েও অবাক হয়ে গেলাম এই ভেবে যে এত উচ্চ পর্যায়ের একজন সাংবাদিকের সঙ্গে আমি এমনভাবে কথা বলতে পারলাম! মনে মনে ধরেই নিয়েছিলাম, আজ থেকে তিনি নিশ্চয়ই আমাকে ভীষন ঘৃণা করবেন। আমার সাংবাদিকতা জীবন বুঝি আর বেশী দিনের হবে না। এরপর থেকে বার্তাকক্ষে আমি এলেনের কাছ থেকে লুকিয়ে লুকিয়ে থাকতাম। তবে নিজের কাজটা আমি মন দিয়ে চালিয়ে গেলাম, লেগে থাকলাম প্রভাবশালীদের ক্ষমতার অপপ্রয়োগের অনুসন্ধান।

সাহসের খোঁজ

ক্যারিয়ারের ওই একটা ছোট্ট অনাকাঙ্ক্ষিত ঘটনা আমার জীবনে আমূল পরিবর্তন নিয়ে আসে। সে সময় আমি উপলব্ধি করেছিলাম নিজের বিশ্বাস আর দক্ষতার ওপর আস্থা রাখা নিজের জন্য আওয়াজ তোলার

গুরুত্ব কত। আমি সাহস খুঁজে পেয়েছিলাম সবার সামনে সত্য তুলে ধরার মধ্য দিয়ে, ক্ষমতার অপব্যবহারকারীদের মুখোশ উন্মোচন মধ্য দিয়ে। আমাকে সাহসী হতে হয়েছে নিজের সাংবাদিকতার ক্যারিয়ারকে বাঁচানোর জন্য, সেই সঙ্গে সত্য প্রকাশের ধারা অব্যাহত রাখার জন্য, ভবিষ্যতের জন্য।

ঘটনার ১০ বছর পর সেই সিনিয়র সম্পাদক এলেন -যার সঙ্গে আমি উদ্ধত আচরন করেছিলাম, যিনি আমার মুখের ওপর ফোন রেখে দিয়েছিলেন -সেই তিনিই আমাকে দ্য বোস্টন গ্লোব পত্রিকার অন্যতম বড় দায়িত্বে পদোন্নতি দেওয়ার জন্য অফিসে সুপারিশ করেন। তাঁর সহযোগীতাতেই পরবর্তী সময়ে আমি পত্রিকাটির সম্পাদকীয় পাতার সম্পাদকের দায়িত্ব পাই। এমনকি তিনিই আমাকে হোয়াইট হাউস বিষয়ক বড় বড় প্রতিবেদন করার দায়িত্ব দিয়েছিলেন। অথচ আমি ভেবেছিলাম তিনি আমাকে অপছন্দ করেন।

কিছুদিন আগে আমি এলেনকে ওই ঘটনার ব্যাপারে জিজ্ঞেস করেছিলাম। আমাকে অবাক করে দিয়ে তিনি বললেন, আমার সাহসিকতা তার ভাল লেগেছিল। আমাকে যখন প্রশ্নের কাঠগড়ায় দাঁড় করানো হয়েছিল, তখন আমি যেভাবে সত্যের সঙ্গে ছিলাম, তাতে নাকি এলন মুগ্ধ হয়েছিলেন। আসলে ওই দিনের পর থেকে তিনি আমাকে সম্মান করতে শুরু করেছিলেন।

সবাই ত্রুটিপূর্ণ

সাহসের চর্চা করতে গিয়ে আমি আরেকটা বিষয় জেনেছিলাম, তা হলো জীবনে এগিয়ে যাওয়ার জন্য কোন ব্যক্তি বা প্রতিষ্ঠানকে 'হিরো' বানানো ঠিক নয়। মনে রেখো প্রতিটি মানুষই ত্রুটিপূর্ণ। আজ তুমি যেই শিল্পী, খেলোয়াড়, ব্যবসায়ী, উদ্যোক্তা বা সাংবাদিককে তোমার জীবনের 'হিরো' ভাবছ, কাল হয়তো দেখা যাবে সে-ই কোন অন্যায় বা অপশক্তিতে জড়িয়ে পড়েছে। তখন তার বিরুদ্ধে দাঁড়ানোর সাহস সঞ্চার করা কিন্তু সহজ হবে না। তাই অনুপ্রেরনার জন্য দূরে নয়, নিজের আশপাশের মানুষের দিকে তাকাও। তোমাকে যাঁরা আজ পর্যন্ত নিয়ে এসেছেন, যাঁরা তোমার ওপর আস্থা রেখেছেন, যাদের জীবনের সংগ্রাম দেখে বড় হয়েছে-আদর্শ হিসেবে তাঁদের এগিয়ে রাখো। রূপালী পর্দা নয়, হিরো খুঁজে নাও তোমার দৃষ্টিসীমার ভেতর থেকে।

আর সবশেষে বলব, শুধু সমাজ বদলের বা অন্যায়ের বিরুদ্ধে আওয়াজ তোলার সাহস না, বড় স্বপ্ন দেখার সাহস করো। এমন স্বপ্ন দেখো, যা পূরণের জন্য নিজেকে উজার করে দিতেও সংশয় হবে না। হ্যাঁ, অনেকেই হয়তো তোমাকে সম্ভব-অসম্ভবের পাঠ দিতে আসবেন। কিন্তু তুমি তাঁদের প্রশ্ন করো, 'লোকে যা অসম্ভব বলে তা আদৌ কি সম্ভব করা যায় না?' যখন তারা বলবেন, 'না' তুমি বলো 'কেন নয়', আর দেখিয়ে দাও স্বপ্ন দেখার সাহস তোমার আছে, প্রশ্ন করার সাহস তোমার আছে। আর তাই সব বদলে দেওয়ার সাহসও তোমার আছে।

(ইংরেজী থেকে অনূদিত)

আদব রহমান



Workshop's Participant received certificate from Mr. K. M. Rafique Hassnain, BIMS Regional Director (Bangladesh)

Shahinur Islam received Certificate of BIMS & KOVID Accredited Mediator from BIMS course Director Mr. V. Inbavijiyan & from Ms. Iram Majid BIMS Faculty Member (the then)



Peace rally in Dhaka City by PMC Students inaugurated by Mr. P.V. Raja Gopal & Ms. Madeline