

A LEGAL ANALYSIS ON THE DIGITAL SECURITY ACT ,2018



LL.M THESIS

**A RESEARCH MONOGRAPH
SUBMITTED IN PARTIAL FULFILLMENT OF THE CREDIT REQUIREMENTS FOR
AWARDING THE DEGREE OF MASTER OF LAWS BY
DAFFODIL INTERNATIONAL UNIVERSIT**

Submitted by

Munna Khan
ID: 221-38-070
Batch: 37
Program: LL.M.
Daffodil International University

Supervisor

Md. Safiullah
Assistant Professor
Department of Law
Daffodil International University

Date of Submission: 1 March,2023.

LETTER OF TRANSMITTAL

To

Md. Safiullah

Assistant Professor

Department of Law

Daffodil International University

Subject: Prayer for Submission of Dissertation

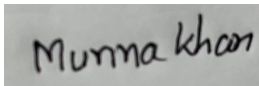
Dear Sir,

It is an excellent pressure on behalf of me that I even have been ready to make research on “**A Legal Analysis on the Digital Security Act ,2018** ” In concluding this research, I even have given all of my best afford to make useful research and by collecting all the relevant information from different sources which will fulfill your expectation.

Therefore, I shall remain grateful to you if you undergo this thesis paper for your evaluation and I would be like that if any valuable recommendation is made on your part in this matter.

I am always available for any longer clarification of any part of this paper at your convenience.

Sincerely Yours



Name: Munna Khan

ID No: 221-38-070

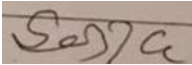
LL.M (37th Batch)

Department of Law

Daffodil International University

Letter of Approval

This is to certify that the work is done “ **A Legal Analysis on the Digital Security Act, 2018** ” is a real work done by Munna Khan , ID: 221-38-070, Department of Law, Daffodil International University, done under my supervision in the partial fulfillment for the research work for



Md. Safiullah

Assistant Professor

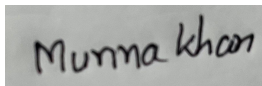
Department of Law

Daffodil International University

DECLARATION

I hereby solemnly declare that the thesis title “ **A Legal Analysis on the Digital Security Act, 2018** ” submitted by me in partial fulfillment of the requirement for the award of the degree of master of laws, Department of Law, Daffodil International University.

I further declare that the research work presented in this thesis is original and it has not been submitted earlier either partly or wholly to any other university for any academic qualification/certificate/diploma degree. The work I have presented does not breach any copyright.



.....

Name: Munna Khan

ID No: 221-38-070

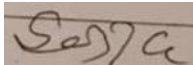
LL.M (37th Batch)

Department of Law.

Daffodil International University, Dhaka.

CERTIFICATION

This is to certify that the dissertation report on “**A Legal Analysis on the Digital Security Act, 2018** ” An Appraisal is done by Munna Khan in partial fulfillment of the requirements for the degree of Law from the Daffodil International University. The dissertation report has been carried out under our guidance and as a record of the bona fide work carried out successfully.



.....

Md. Safiullah

Assistant Professor

Department of Law

Daffodil International University

ACKNOWLEDGEMENT

First of all, I wish to acknowledge the immeasurable grace and propound kindness of the Almighty Allah, I express our gratitude to our honorable dissertation supervisor Md. Safiullah, Assistant Professor of Daffodil International University, Department of Law for giving me the opportunity to complete my dissertation report under his supervision. He gave me his valuable time and important information to complete the dissertation report. Without his proper guidance, it was quite impossible for me to complete the dissertation.

Specially thanks goes to Daffodil International university public Library for kindly allowing me to use its Library resources. Special thanks go to Bangladesh Institute of Law and International Affair (BILIA) for providing me a space for using its studying and office resources.

I also express my gratefulness to my parents and my family members who encourage me all the time.

Finally, I express thank to my friends and well-wishers.

Munna Khan

Munna Khan

ID No: 221-38-070

LL.M (37th Batch)

Department of Law

Daffodil International University

Dedication

Firstly, I am showing very much respect and gratitude to Allah. I would like to express my gratitude and love to my parents for their encouragement and to provide me with opportunities for higher education. They are still guiding me to be a good human being and motivated me to dedicate myself to the benefit of the country.

Table of Contents

SL. NO:	Contents	Page No:	
	<u>CHAPTER: ONE</u> Introductory Chapter	1 – 8	
1.1.	Introduction.	1-2	
1.2.	Literature Review	2-5	
1.3.	Statement of Problem.	5	
1.4.	Objective of the study.	6	
1.5.	Research Questions	6	
1.6.	Methodology	7	
1.7.	Method of the research	7	
1.8.	Data collection.	7	
1.9.	Data processing and Analysis.	7	
1.10.	Limitation of Research	8	
	<u>CHAPTER: TWO</u> Analysis On Digital Security Act	9– 14	
2.1	What is the Digital Security Act ?	9	
2.2	Laws of Digital Security Act	9-12	
2.3	How has the Digital Security Act ,2018 has been used to muzzle government critics?	12	
2.4	Who is being accused is arrested under the Digital Security Act,2018?	13	
2.5	How has the Digital Security Act ,2018 contributed to the countries democratic backsliding?	13-14	

	<u>CHAPTER: THREE</u> Drawbacks	15- 19	
	<u>CHAPTER: FOUR</u> Case Study	20– 23	
	<u>CHAPTER:FIVE</u> Findings And Recommendation	24 – 27	
5.1.	Finding.	24-25	
5.2.	Recommendation of Digital Security Act 2018	25-28	
5.3.	Conclusion.	29	
5.5.	Reference	30-31	

Abbreviations and Glossary

DSA : Digital Security Act

FGD : Focus Group Discussion

Eu : European Union

ICCPR : International covenant on Civil and political Rights

GC34 : General comment 34.

ABSTRACT

The Digital Security Act of 2018 has put up several obstacles in the way of citizens' access to information and their freedom of speech, especially for Bangladeshi journalists and other media workers. As a result, there is currently a fear of being distinguished in investigative journalism. In this situation, the study's goals are to investigate the Act's diverse consequences and to concentrate on various avenues of protection from legal phobias. This article discussed several areas of such excellent journalism while demonstrating the need for investigative journalism..The material for this article was gathered using both primary and secondary sources and was analyzed using a qualitative methodology.

The study's findings have demonstrated that despite the Digital Security Act's stated goal of ensuring information and communication security, there is a predominate worry of its unfavorable effects. Given the study of expert viewpoints, it is not surprising that some legal provisions have put investigative journalism at risk given their potential consequences.The majority of experts voiced worries about the unfavorable effects the law does have, as evidenced by the data. It is also implied that the state would eventually be responsible for these negative impacts, leading to the unfortunate scenario where it is believed that the government failed to act quickly enough.

Keywords: Digital, Security, vigilante equity, bailable

CHAPTER: ONE

Introduction

1.1 Introduction

The Digital Security Act 2018 was ordered exclusively to safeguard the significant information of the province of Bangladesh from different sorts of digital assaults. The digital Security Act 2016 was authorized exclusively to safeguard the significant information of the Public authority of Bangladesh from different kinds of digital assaults. In this lawful cycle, the state didn't consider the insurance of electronic interchanges and individual data, as well as the opportunity of articulation on the web and the security of any remaining fundamental basic liberties of all individuals in the state. As of late, the Bangladesh government has been manhandling opportunity of thought, soul, and motions to smother information.¹When Bangladesh emerged as an independent state through a bloody war of independence on December 16, 1971, the founding fathers sought to build a society based on democratic values such as the rule of law, respect for basic human rights and dignity. And value of Bangladeshi individuals. Freedom of speech and opinion is the lifeblood of a democratic legal society, so the Founding Fathers made this right an integral part of the catalog of fundamental rights enshrined in the Constitution. However, this article will show that the ideals of a society based on the virtues of democracy have been greatly weakened by the passage of the Digital Security Act, the Digital Security Act (DSA). The broad scope of the ICTA, particularly Article 57, has been used by the current administration to initiate unprecedented crackdowns on the basic human rights of individuals, particularly freedom of speech and expression. As a result, Section 57 was repealed by the DSA enactment. Despite the repeal of Article 57, some of its key features have been adopted by the DSA and are already being abused by the administration to quash dissent as well.

Things deteriorated during the Coronavirus scourge due to the badgering, confinement also, capture of instructors, understudies, article of clothing labourers and common liberties activists. The primary doesn't straightforwardly address or dissect what the Digital Security Act really implies. Indeed, even all the arrangements to guarantee advanced security are not as expected revered in this demonstration. Digital security fundamentally alludes to the control strategy that should be taken on through data and correspondence innovation to guarantee the free trade of data, privacy, precision, accessibility, and so

¹ <https://carnegieendowment.org/2021/12/09/how-bangladesh-s-digital-security-act-is-creating-culture-of-fear-pub-85951> retrieved on 20.01.2023.

forth of all data and data. The Digital Security Act is a regulation sanctioned by the Bangladesh government in October 2018.

The public authority asserts that this regulation has been authorized to give security to the residents. Anyway this regulation and a portion of the arrangements inside the law are excessively wide and ambiguous, which has given huge correctional capacity to the policing

Therefore, this research paper provides recommendations to ensure the promotion and protection of the democratic virtues in which Bangladesh is founded. Indisputable ideas productive and needful to the country as well as the abuse of the Digital Security Act.

1.2 Literature Review

(YILDIRIM, B, 2020), The Bangladesh government passed a controversial digital security law in 2018 aimed at combating cybercrime. However, the law may pose an obstacle to freedom of expression and media in Bangladesh. The Constitution of Bangladesh (Article 39) recognizes freedom of speech and freedom of the media as fundamental rights, but this current law cannot be applied in this digital age to support the free flow of information. Neither suitable nor effective. There are many accusations against the government of the country that the law is constantly being abused for its own political gain. We show that it encompasses a number of broadly defined crimes with severe penalties that can have a dangerous deterrent effect on the rights of people. This enacted law restricts freedom of speech and freedom of the press in many ways. This creates the threat of severe punishment, especially since they only express their beliefs and opinions. This could provide an opportunity to misinterpret the law and abuse citizens without court approval. This study explores how freedom of expression and free media are complicated under current digital security laws, and how citizens and journalists face difficulties due to the abuse of the law. It is intended to explain and illustrate, through content analysis techniques, how In addition, it analyzes international instruments on freedom of speech to provide international standards for protecting free speech and freedom of the press in democratic countries. The study finds that the Digital Security Act violates Bangladesh's constitution, international standards and democratic values. Because the law prevents the free exercise of freedom of expression and

independent journalism. Laws need to be amended to ensure freedom of expression and freedom of the press.

(Rashid, H. O ,2020),The Digital Security Act of 2018 has created several barriers to citizens' access to information and freedom of expression, especially for media professionals, including journalists in Bangladesh. Investigative journalism is now in a state of borderline terror. In this context, the purpose of this study is to examine the different impacts of this law and focus on different forms of protection while addressing legal fears. This article outlined the need for investigative journalism and also introduced different areas of such effective journalism. Methodologically, this article followed a qualitative approach and collected information from both primary and secondary sources. The study found that although the Electronic Information Security Act is intended to ensure the security of information and communications, there are widespread concerns about its impact. From analysis of expert opinion, it is easy to predict that some sections of the law, given their applicable implications, pose a dangerous threat to investigative journalism. Most experts expressed concern about the law's negative impact, the results show. Moreover, it is believed that these harmful effects will ultimately fall on the shoulders of the state, and it is feared that the government is lagging behind in making the right decision at the right time. Creating a bad situation.

(George, A,H,2019)

After Bangladesh became an independent state after a bloody war of independence on December 16, 1971, the Founding Fathers established a society based on democratic values such as the rule of law, respect for basic human rights and dignity. I pledged to personal value. Freedom of speech and opinion is the lifeblood of a democratic legal society, so the Founding Fathers made this right an integral part of the catalog of fundamental rights enshrined in the Constitution. The virtues of democracy have been dramatically undermined with the passage of two of his digital security laws, the Information and Communications Technology Act (ICTA) and the Digital Security Act (DSA). The broad scope of the ICTA, particularly Article 57, has been used by the current administration to initiate unprecedented crackdowns on the basic human rights of individuals, particularly freedom of speech and expression. As a result, Section 57 was repealed by his DSA enactment. Despite the repeal of Article 57, some of its main features have been adopted by the DSA and are already being abused by the regime to suppress different views in the same way. Therefore, this article provides

recommendations to ensure the promotion and protection of the democratic virtues in which Bangladesh is founded.

(Bari, M. E., & Dey, P,2019),With the advent of information communication and technology, the world has become a digital world, and the advent of this technology has facilitated communication and economic transactions. Bangladesh also presents this digital world, and interestingly, today's Bangladesh is nationally referred to as 'Digital Bangladesh'. However, in this digitized Bangladesh, participation in social media, especially Facebook, has increased dramatically in recent years. The problem arises when social media users commit cybercrime and use it for more than just a means of communication. The government enacted the Bangladesh Telecommunications Regulation Act in 2001, when the people of Bangladesh were not familiar with the internet and communication technology. Meanwhile, due to the increased use of the Internet and social media, the government enacted the Information and Communication Technology Act in 2006 to prevent possible cybercrime. However, this law was not enough to combat the rise of cybercrime by criminals. For this reason, the government passed another law in 2018, the Digital Security Act. However, how effective this digital security and ICT law is in combating cybercrime on social media, especially Facebook, is a major concern. Therefore, this paper attempts to analyze existing laws and institutions regulating cybercrime in Bangladesh. The paper shows that the legal framework regulating cybercrime in Bangladesh is extensive but technically dangerous and complex. This paper therefore analyzes existing legal provisions, mainly focusing on his ICT Law and Digital Security Law. Finally, the paper concludes by proposing legislation on social media safety and curbing abuse.

(Runa, S. J. 2019),The Bangladesh government has passed the controversial Digital Security Act (hereafter referred to simply as DSA 2018) aimed at tackling digital crime that could act as a barricade for freedom of expression in the country. Article 39 of the Bangladesh Constitution recognizes freedom of expression as a fundamental right, but current law is silent on its scope and function in the digital age. It has been argued that sanctioned laws can be abused by governments. The paper shows that the law contains broadly defined crimes with severe penalties that can have a serious deterrent effect on freedom of expression in Bangladesh. Ratified laws limit freedom of expression in many ways. There are particularly severe penalties for simply expressing a belief or opinion. This can lead to abuse by misinterpreting the law and giving government agencies the power to arrest citizens without a warrant. This paper describes and analyzes how freedom of expression is challenged within

existing legal frameworks and how it takes into account the careful legislative efforts and judicial activities of various jurisdictions. Doing.

(Azad,A 2021), As the Internet and other information and communication technologies spread rapidly around the world, cybercrime is becoming a threat to personal data stored on computers and can affect entire data systems. The United States, one of her most technologically advanced nations, is also subject to such crimes. As a developing country, Bangladesh is also at risk of cybercrime that can endanger national security. As the current government aims to ensure internet connectivity in all government departments by 2021 under the slogan of ‘Digital Bangladesh’, more and more domestic and multinational companies are looking to follow the government agenda. It provides online services to its own services through the Internet. From shopping to banking, everything is just a click away, enabling higher internet penetration. However, criminals also use the same online platforms to carry out different types of criminal activity, including phishing, hacking, and personal data theft. Both government and private organizations can therefore fall victim to cyberattacks that can affect the lives of entire citizens. In addition, 90% of the country’s software is unlicensed and compromised, increasing the risk of cybercrime. Moreover, the recent tug-of-war between Bangladeshi and Indian hackers has soured diplomatic relations between the two countries. More importantly, according to numerous media reports, terrorist groups are using online platforms to raise funds and maintain internal communications. In this context, existing laws and government measures against cybercrime are very weak to combat the burgeoning threat.

1.3 Statement of Problem

The present research proposed to investigate , depict the real scenario of how the Digital Security Act are used in Bangladesh to administer justice as well as the major challenges the law enforcing agencies, lawyers and victims are facing in dealing with the Digital Security and Evidence and the way out to overcome those. This research convers with large number of case study and experts opinion. . Although today we have a lot of studies on the application of Digital Security Act in Bangladesh perspective . But there is no previous research on this title. There may be problem to collect primary data as well as secondary data.

So, this proposed research can contribute to find out and the way out to overcome challenges to the implementation Digital Security Act ,2018 in Bangladesh.

1.4 Objective of the study

The principal objective of the review is to research and evaluate the position and Abuse of the Digital securityGo about as given under different global statements and shows as well as public strategies and contrast them and training offices.

The particular targets are as per the following —

Main objective to this research is to

- 1) Find out that what extent Digital Security Act protect our Freedom of speech.
- 2) Find out what extent Digital Security Act Protect our cyber security and ensure to demolished cyber crime form our society.

Other objects are:

- 3) Find out drawbacks of The Digital Security Act,2018.
- 4) Case study and finding recommendations.

1.5 Research Questions:

The exploration inquiries of the review are as per the following —

- 1) Who Digital Security Act,2018 protect our cyber security?
- 2) What extent Digital Security Act protect our Freedom of speech?

This two questions are evaluately answered in my research p

1.6 Methodology

In the section above, the introduction to the subject is offered followed by the literature review, problem statement, and scope of study. In this section, I am going share the research methods or strategies to discover this subject .

1.7 Methods of the research

The study design by using case study, qualitative methods are used and inductive approaches are selected. Research focuses on key interviews taken by the news reports and also online document-based analysis.

1.8 Data collection

In proposed research data will be collected from secondary sources.

I will mostly depend with the secondary data reason behind it for the time limitations. The Secondary sources will be books, journals, periodicals, articles published, weekly magazines, research reports, web-sites, monographs, government reports and other reports published by Government and NGOs on pertinent topics. In addition, Online websites and portals related to this research field has also been included in this Study.

1.9 Data Processing and Analysis

In this proposed research qualitative analysis method will be used where it fits and possible by maintaining reliability and by direct observed information. In this stage of data processing and analysis it will be tried to put best responsibility and it will be taken care in every level, so that, unexpected errors may be avoided. In case of data processing and analysis in this proposed research, care will be taken from the first. At first when received online data is processed, to reform its error send gapes it will be kept sight to data completeness and legibility and eliminating inconsistency.

1.10 Limitations of Research

The main limitation of the proposed research is its comprehensive reliance on journals, books and reports throughout the online. Further regard to practical scenario, unavailability of data in relation to the research concern may also be settled as another limitation. There have Another problem of time restriction. In fact it's so much tricky to complete a Research precisely within short time, with inadequate resources.

CHAPTER: TWO

Analysis On Digital Security Act

2.1 What is the Digital Security Act?

The Digital Security Act, 2018 is a regulation ordered by the Bangladesh government in October 2018. The Public authority guarantee that this regulation has been sanctioned to give security to the residents. Anyway this regulation and a portion of the arrangements inside the law are excessively wide and dubious, which has given huge correctional capacity to the policing. For instance, one of the arrangements empowers the policing to hold onto any gear, capture anyone or search any premises with no warrant.

2.2 Laws of Digital Security Act.

DSA is divided into nine chapters. According to the DSA-2018 draft, Sections 54, 55, 56, 57, and 66 of the former Information and Communications Technology Act (ICT) will be repealed once the law comes into force. Section 57 of the repealed ICT Act states:

Obscene or related, defamatory, obstructing law and order, damaging the reputation of governments and individuals, attacking religious sentiments, or inciting any person or entity

Such information is considered criminal. The maximum sentence for this crime is 14 years, the minimum sentence is 7 years and the maximum sentence for this crime is Tk 10 million. The government has very cleverly split this provision into Sections 25, 28, 29 and 31 of the new DSA.

Some forms of expression are limited by international law, while others impose unusually broad restrictions on expression. In particular, the most problematic sections are Sections 8, 21, 25, 28, 29, 31, 32, 43, and 53. For example, Section 28 does not provide a clear and concise definition of crime, which is the domain of abuse. Criminalizing the expression of free action. Some sections restrict internationally protected terms, while others define additional broad restrictions.

Chapter 1 Section 4 of the Act deals with “extraterritorial application of the law”¹⁰⁴. Under this law, if a person commits a crime outside Bangladesh, he will be prosecuted and arrested upon his return.

According to article 19. Section 4 is excessive because it leads to extraterritorial application of the regulation. Those who violate international human rights law. Therefore, Article 19 Recommendation that “National regulations drawn up shall be applied externally where:” Between the services in question, you can create real, non-trivial links Countries trying to apply their own laws in this way.

Section 25 prohibits the transmission or posting of intentionally offensive or threatening information on a website or in any other electronic form. It is a crime to transmit distorted information, in whole or in part, in order to damage a nation’s reputation or reputation. However, there is no precise definition of crime or image defamation.

State or religious sentiment. The vague language of this verse allows for dictatorial use for criticism and dissent. This section is extensive and leaves room for misuse. The terms “misinformation” and “offensive” content are not clear here.

This clause is dangerous in the case of free speech. In the case of free speech, this section is dangerous because it is difficult for many people to verify what is false and what is true. As such, anyone who posts false information on social media platforms can be arrested.

Section 28 states that it is a crime for an individual or group to electronically attack religious sentiments or values. But there is no mention of what religious values mean. Nor is it mentioned which religions should not be criticized. This is important

I ask because only this section is the most abused. This section is only used to arrest atheists, Hindus and secularists. Muslims have the right to criticize other religions, but followers of other religions do not have the right to criticize Islam. Beating your opponent in this section is pretty easy. Criticizing Islamic fundamentalism

Possible arrest. The penalties for him are imprisonment for 7 years and/or a fine of up to 10 Lac TK, and for repeat offenses, imprisonment for up to 10 years and/or a fine of up to 20 Lac TK. Article 19 of the ICCPR guarantees the right to liberty.

General Comment No. 34 on the Prohibition of the Expression of Opinions and Freedom of Expression Lack of respect for religion.

Article 29 deals with cases where a person has committed an offense under Article 499 of the Penal Code.(1860) for defamation of website or other electronic form, Fined. The clause carries a penalty of

three years in prison and he a five-year fine. Thousands of rupees for providing defamatory information, or both, but the criminal law definition of crime is so childish that anyone can be a gripper when criticizing influential people. Yes. This violates international standards of freedom of expression and is also criminal defamation, whether online or offline.

Article 31 stipulates that “criminal offenses and penalties for violations of law and order, etc. If any A person intentionally posts on a website or digital layout anything that provokes animosity, hatred, or animosity between different classes or communities of society, subverts communal harmony, or causes unrest. Also, important terms such as “adversity” and “law and order” are vague and undefined. Chapter 6 of the DSA covers a wide range of crimes, including speech crimes and computer crimes. Article 19 said the law replicates existing speech offenses in criminal law. In this chapter, the content of language crimes is ambiguous.

The section above describes different types of punishments for crimes. It is a crime to initiate or support any type of campaign against proposed legislation’s Bangladesh Liberation War, Spirit of Liberation War or Father of Nation by Digital Means. For this offense, he is subject to up to 14 years’ imprisonment or a fine of up to Tk 10 million, or both. In other words, if someone

If you go against the ideology that supports the government, you can be arrested. This clause is a strategy to stop criticism of the government. This section violates the Bangladesh Constitution as it violates Article 9 of the ICCPR. Misuse of This Section and Section 28

It has increased so far. In this case, the definition of liberation war is widely used and, of course, people are different, not the same way of thinking and reading history. Apart from that, where there is still much debate about the country’s history, people’s expressions differ. This is completely incompatible with international law and must be abolished.

The most controversial Article 32 states that if a person assists the government/semi-government to transmit or transmit or store sensitive or sensitive data,

Unauthorized entry by any autonomous or statutory authority through any computer, digital device, computer network, digital network, or other electronic means; In this case, it counts as computer crime or digital crime. This crime will be tried under the Official Secrets Act 1923. However, this section is too broad to allow journalists, academics, Writer. The provisions contained in the DSA are broad and vaguely defined, highly problematic and fragile. The law gives investigators the power to intervene,

Physically search the suspect, seize the suspect's equipment and materials, and arrest the suspect without a warrant. The Human Rights Commission has stated that "pretrial detention should be the exception, and bail is permitted except in circumstances in which the defendant may flee or destroy evidence, influence witnesses, or escape the jurisdiction of a State party." Should.

2.3 How has the Digital Security Act, 2018 been used to muzzle government Critics?

The Digital security Act has turned into a weapon of decision for the public authority and its allies to quietness the residents and gag opportunity of articulation. The law has a arrangement which permit the policing to document charges against person indeed, even before the wrongdoing is perpetrated simply based on a doubt. Plus, there is one more arrangement which permits the allies of the public authority and so far as that is concerned any person to record charges or document cases against people, regardless of whether the individual in question isn't distressed. So this has been utilized by the allies of the public authority over the last three years. That made a social of dread Among anyone. Who needs to make any remark that is basic to the public authority.²

Yet again the Bangladesh government has gone to its well known Progressed Security Act -2018 to choke chance of explanation, suing 11 individuals and catching four of them following examination of in the state run organizations' treatment of the Covid pandemic. Four people have been restricted since 5 May 2020 under the draconian high level guideline, including visual craftsman Ahmed Kabir Kishore, creator Mushtaq Ahmed , IT master Md. Didarul Islam Bhuyan , and Dhaka Stock Exchange Boss Minhaz MannanEmon . A further seven people have been charged . Every one of the four detainees were successfully evaporated for a seriously lengthy timespan after they were gotten by the Quick Movement Contingent (RAB) from different regions in Dhaka on 5 May 2020. Following a electronic amusement complaint, the RAB officially surrendered them to the Metropolitan police on 6 May at around 7:45 PM, and a case under the Modernized Security Act archived against them by Abu Bakar Siddique, the Delegate Accomplice Head of RAB. They stay in confinement.³

² <https://www.thedailystar.net/frontpage/news/digital-security-act-misused-muzzle-dissent-2048837> retrieved on 20.01.2023

³ <https://www.thedailystar.net/backpage/news/digital-security-act-sahr-calls-review-1646281> retrieved on 20.01.2023

2.4 Who is being accused is arrested under the Digital Security Act 2018?

Since it's show in 2018, hundreds of people have been Blamed for encroachment this guideline, and they have been charged under this digital Security act.

In an Exploration project, we have examined 754 cases, where 1800 people have been faulted for dismissing this guideline. Right when we explored those people who have been caught, we saw that this has been comprehensively Against various kinds of people looking at their purposes for living, we have sorted out that 20 % of them were feature writers and 22% of them were political trailblazers. Other than that, we have seen that cash directors 10%, students 16%, others 32% have been accused for encroachment this guideline. It shows how sweeping it has been used and how for the most part it had been used Against the inhabitants.

2.5 How has the Digital Security Act, 2018 contributed to the Countries democratic backsliding?

Bangladesh has been encountering serious disintegration of a majority rules system since 2011. Two back to back races in 2014, which was boycotted by the resistance, and 2018, which was genuinely imperfect, has sped up this course of majority rule apostatizing. The Digital security Act has added to and is likewise an impression of this vote based falling away from the faith. The law has made a culture of dread and has gagged the resistance voice furthermore, presently is being utilized by the public authority to cause what is going on wherein the opportunity of articulation is genuinely reduced.⁴

The High level Security Act 2018 has made a couple of hindrances for occupants' getting to information and chance of enunciation, particularly for the media specialists recollecting scholars for Bangladesh. Thusly, quick news inclusion is as of now in a state of fear for capability. In this particular circumstance, the justification for the audit is to research various effects of this Exhibition, as well as to focus in on different orientation of safety while defeating fears related with the law. Showing the necessities for keen news-projecting, this article moreover presented different fields of such a convincing detailing. Fundamentally, this article has followed the abstract philosophy and accumulated information from both the fundamental and discretionary sources. The revelations from this study have shown that the dread about antagonistic results structure the High level Security Act is

⁴ <https://en.prothomalo.com/bangladesh/lg4knqaoav> retrieved on 20.01.2023
©Daffodil International University

winning yet the place of the regulation, as portrayed, is to give security to information and correspondence. From the assessment of evaluations of trained professionals, it is really obvious that a couple of articles of the law have made dangerous risks on the technique for sagacious news-projecting, taking into account its appropriate effects. Most of the experts conveyed stresses about the unfavorable outcomes the law has, as shown in the disclosures

CHAPTER: THREE

Drawbacks of Digital Security Act 2018

The Digital Security Act 2018 was enacted to ensure national data protection and enact laws related to data crime detection, prevention, suppression, justice, and other issues. For example, stopping fake news by journalists, inciting violence against individuals and groups that publish or transmit material on websites and electronic media, and curbing digital crime through social media such as Facebook and WhatsApp.

Congress has passed legislation to prevent violence from spreading within communities through Facebook posts, but there are many ambiguities in the definition of the Digital Security Act.

The purpose of the Digital Security Act was about crime and criminal proceedings in the virtual world. However, the outline of the Digital Security Act 2018 shows a different picture in the two and a half years since its existence. According to a statistical analysis, 197 lawsuits were filed under the law last year, most of them for “rude language,” “defamatory language,” “sharing distorted images,” “conspiracy against the government,” etc. was involved in the allegations of

As a result, Bangladesh’s Digital Security Law has been widely criticized in the past. In criticizing the Digital Security Act of 2018, many said Section 57 was transformed into the Digital Security Act. In 2015, India’s Supreme Court declared a nearly similar section of the country’s IT law unconstitutional. In addition, the Digital Security Act 2018 and Freedom of Expression are separate topics. Therefore, the Drafting Committee rejected the bill and expressed concern about nine sections of the law (8, 21, 25, 28, 29, 31, 32, 43, and 53).

Media now chooses self-censorship for their own safety. Therefore, it does not convey the image of a high-ranking bureaucrat embroiled in corruption as it once did. It is expected that foreign media will tend to report corruption and fraudulent activities in Bangladesh in the future.

1. Attempts to enact laws to prevent crime by digital devices and to ensure security in the digital realm, laws to crack down on media manipulation, censor content, and promote freedom of media, freedom of speech, and freedom of expression. Liberty will be controlled as guaranteed

by our Constitution. 2. The law gives the police full authority to enter premises, search offices, search persons, and seize computers and networks, servers, and anything related to digital platforms. By law, police can arrest suspects without a warrant and without the approval of any authority.

2. The law is ambiguous and uses many terms that can be misunderstood or used against the media.
3. DSA creates an atmosphere of fear and intimidation that makes journalism, especially investigative journalism, nearly impossible.
4. Media professionals aside, this law causes panic among all users of computers, computer networks, etc.

Article 39 of the Constitution of the People’s Republic of Bangladesh recognizes freedom of expression as a fundamental right. However, we present a long list of reasons for limitation with the above warranty. This plethora of restrictions on free speech has created many disproportionate exceptions to the general rule and has often been criticized for not complying with international standards. No, but its declaration of application by the Constituent Assembly serves to avoid arbitrary restrictions on liberty. Any restrictions imposed on freedom of expression must be reasonable and subject to judicial review. Moreover, Bangladesh is committed to protecting individual freedom of expression under international law, so the criteria for application of grounds of restriction can be derived from international law. In addition, comparing constitutional standards of freedom of opinion can help assess legislative adequacy.⁵

Ultimately, the law aims to ensure digital security, but it only provides a tautological definition called “security of digital devices or digital systems.” This vague and over-broad definition is implied that if Section 8 gives the Director of the Digital Security Agency and members of law enforcement authority to delete or block information published in digital media when it threatens “digital security,” It leads to arbitrariness.

⁵ Art,39 The constitution of the People’s Republic of Bangladesh.
©Daffodil International University

In addition to the extent of arbitrary censorship, the law also suffers from the vice of over-criminalization. The law repeats (rather harshly) the old mistakes of criminalizing defamation, hate speech, and offending religious sentiments, as it did in the 1860 penal code. Again, Section 25 of the DSA criminalizes “the dissemination of information intended to damage the image or reputation of a country or cause confusion.” It has no reasonable relation to national security reasons or other constitutionally permissible restrictive reasons. A relevant standard test established in *Brandenburg v. Ohio* is the criminalization of speech that causes imminent illegal conduct. Punishment statements that merely damage a country’s reputation or cause confusion are too broad to be justified by national or international standards. In addition, vague and overly broad language in clauses can have a chilling effect on the expression of public interest.

Restrictions should be imposed in a content-neutral manner to avoid distorting the rules on freedom of expression. In other words, speech can only be restricted if it ignites imminent violence or social unrest, and not otherwise. Section 31 of the Act covers a wide range of statements that incite hostility or disturb the harmony of the community. However, Section 28 of the law again penalizes speech offensive to religious sentiments. The existence of Section 31 means that Section 28 only contains restrictions based on ideological content. Moreover, it contradicts the notion of secularism, which is a fundamental principle and a “guideline for constitutional interpretation.” Similarly, Section 21 imposes restrictions based on “propaganda or campaigns against liberation wars, spirit of liberation wars, fathers of nations, national anthems, or national flags.” Again, this is not only ambiguous and overly broad, it’s also a content limitation. Worse, these content restrictions come with disproportionate penalties and are classified as recognizable and unjustifiable.

Section 28 of the law again penalizes speech offensive to religious sentiments. The existence of Section 31 means that Section 28 only contains restrictions based on ideological content. Moreover, it contradicts the notion of secularism, which is a fundamental principle and a "guideline for constitutional interpretation." Similarly, Section 21 imposes restrictions based on "propaganda or campaigns against liberation wars, spirit of liberation wars, fathers of nations, national anthems, or national flags." Again, this is not only ambiguous and overly broad, it's also a content limitation. Worse, these content restrictions come with disproportionate penalties and are classified as recognizable and unacceptable.

Freedom of expression is fundamental to the institutionalization of democratic culture. It protects offensive language from undue government scrutiny and creates a free market for ideas. The DSA randomly combines important cybersecurity provisions, such as digital fraud and hacking, with provisions that do not justify unduly restricting freedom of expression. A major overhaul is needed to bring the law into line with current standards.

Section 57 of the law makes it a crime to “publish false, obscene or defamatory information in electronic form”.

Violations under the provisions of this law are punishable by imprisonment for a minimum of 7 years and a maximum of 14 years. The maximum fine is Tk 10 million.

It has been criticized for effectively silencing freedom of speech and expression.

Arguably, one of the most dangerous provisions of the DSA is Section 32, which prescribes a maximum jail term of fourteen years or a fine not exceeding Tk. Twenty-five lakhs or both for the commission or assisting the commission of an offense under the Official Secrets Act. The Official Secrets Act—which is based on the colonial-era legislation of the same name—is aimed at protecting state secrets, using a computer, digital device, computer network or digital network. The broad scope of Section 32 has deliberately been preferred for strangling investigative journalism. Investigative journalism often involves secretly recording evidence via digital devices for exposing irregularities and corruption within the government, thereby ensuring accountability and transparency in the conduct of state affairs. Section 32 would be a sword hanging over the heads of investigative journalists by instilling in their minds the constant fear of arrest, a hefty fine, or both. Thus, under the guise of protecting state secrets, the government of BAL has sought to insulate itself from the scrutiny of the press and citizens. Finally, in Section 43, the DSA, like the ICTA, gives law enforcement powers to search, seize and arrest without a court order. Thus, the DSA goes further than repealed Article 57 of the ICTA, criminalizing the dissemination of information on the Internet using obscure and obscure language, and protecting the constitutionally guaranteed freedoms of speech, expression, and press. It is clear that the right to As a result, the DSA is likely to be used indiscriminately and indiscriminately by the executive branch, “abandoning too many protected and innocent people.”

Freedom of expression is fundamental to the institutionalization of democratic culture. It protects offensive language from undue government scrutiny and creates a free market for ideas.

The DSA randomly combines important cybersecurity provisions, such as digital fraud and hacking, with provisions that do not justify unduly restricting freedom of expression. A major overhaul is needed to bring the law into line with current standards.

CHAPTER:FOUR

Cases Studies

From February 2022, an average of 147 people were sued under the Digital Security Act and 67 were arrested, according to a Center for Governance Studies report. From January 2020 to March 2021, 18 people were arrested and 61 were prosecuted each month.

The report listed the occupations of 315 people arrested, including 80 politicians, 59 journalists and 47 students. Reports show he has been charged with 2,244 people in 890 cases over the past two years. The report identified 508 plaintiffs. The ruling party was 33% and the police 22%.

According to various media reports, from January 2020 to March 2021 he had more than 1,500 lawsuits filed under his DSA. There were 925 lawsuits filed in 2018, 1,189 for him in 2019, and 1,128 for him in 2020. In the 26 months to February 2022, 207 journalists have been indicted under the Digital Security Act, according to a Governance Research Center report.

According to a report titled *The Unending Nightmare*, 70 of them were affiliated with national-level news outlets, and 117 were local journalists.

Implications of Bangladesh Digital Security Law-2018, published in April this year. Article 19, a London-based NGO, has documented a total of 10 cases against 23 journalists under the DSA between January and May of this year, making three arrests. Most of the victims in these cases are still in custody as their trials are still ongoing.

4.1 Case one:

The lawsuit was filed against Helena Jahangir, who was dismissed as a member of the Awami League subcommittee in July this year, for defaming key figures and causing panic and confusion among the public. It was accused of “spreading propaganda and misleading information” on digital platforms. Spirit. Judge Md Rezaul Haque and his HC Bank of Judge Md Badiuzzaman today denied bail requests after they were not properly presented. Deputy Attorney General Dr. Md Bashir Ullah told *The Daily Star* that HC denied bail because of certain allegations against her Helena Jahangir. Helena’s attorney ZI Khan Panna said a new request for bail will be made before the HC on behalf of his client after resuming after an ongoing annual leave. HC will resume after his vacation on October 20th. ZI Khan

Panna said Helena Jahangir requested bail in the case on the grounds of being physically ill with no specific allegations against her.

Former Additional Attorney General Momtaz uddin Fakir also appeared in court for Helena Jahangir, while Additional Attorney General Sukh Mud Moshed, Deputy Attorney General Mudd Bashir Ullah and AKM Amin uddin Manik were released on virtual bail. Denied bail request at request hearing.

After Helena Jahangir's arrest on July 30 2021, law enforcement agencies filed a Digital Security Act lawsuit against Helena Jahangir at Banani Police Station.

The Bangladeshi government has used a vaguely worded law on digital security to crack down on its critics and dispel online dissent Politics of Opposition in South Asia

Author and social activist Mushtaq Ahmed died in a Bangladeshi jail on February 25, 2021, after being detained and allegedly tortured for social media posts critical of the government. On November 8, 2021, a tribunal framed charges against journalist Shafiqul Islam Kajol for circulating "objectionable" information about ruling party leaders. And farmer Abu Zaman is on the run following accusations that he influenced the posting of false information on Facebook, even though he does not own a smartphone. Several minors in the country also have been arrested for social media activity and have been sent to juvenile corrections centers.⁶

These cases have one thing in common: all were filed under Bangladesh's 2018 Digital Security Act (DSA). The law, which came into force on October 1, 2018, has become the government's and ruling party activists' preferred weapon to muzzle critics and stymie their freedom of expression, especially in cyberspace. Even before the law was passed by parliament, human rights activists and organizations criticized it as a threat to freedom of expression. The Editors' Council, the apex body comprising Bangladesh's leading newspaper editors, protested and demanded that the government scrap nine sections of the law. While cabinet ministers met the editors and assured them that it would not be abused, such promises proved to be empty gestures. The law became so repressive that, in May 2020, the Editors' Council remarked, "our fear is now a nightmare-reality for the mass media."

4.2 Case Two.

⁶ <https://en.prothomalo.com/bangladesh/crime-and-law/helena-jahangir-seeks-bail-from-hc-in-dsa-case> retrieved on 01.02.2023.

Jhumon Das case

Police have arrested Jhumon Das, 26, from Noagaon village in Shalla upazila, Sunamganj, on charges of writing “controversial” statements on his Facebook wall. Law enforcement officers arrested Jhumon Das at his home.

Aminul Islam, the head of the Shara police station, said Jumondas had published a post about the mosque and temple from his Facebook ID a few days ago. This has increased tensions among local residents. In connection with this, a lawsuit was launched against him. Sumanur Rahman, Deputy Inspector of Shalla Police Station, filed a lawsuit under the Digital Security Act. On March 22 last year, at the same police station, he filed another lawsuit against Jhumon Das under the Digital Security Act.

The house and temple of the Hindu community in Noagaon village, where Jumondas was accused of making an offensive post on his Facebook on March 16 last year, were attacked the next day. Jhumon Das was previously arrested at midnight on March 16 and charged under the Digital Security Act. He was behind bars. Jhumon Das’ wife, Sweetie Rani Das, told Protom Aro that the police had been at the primary school in her village for the past four days. On Tuesday afternoon, several police officers went to his home and told Jhumon Das that a senior police officer would speak to him at Noagaon Bazaar. Jhumon and Sweetie then boarded the boat. However, the police took her to the Shara Police Station. She stayed with Jhumon all day. When she called this morning, police said Jhumon had been arrested. Regarding her Facebook post, Sweetie Das said she asked Jhumon about her Facebook post. Jhumon told her that he didn’t write anything to make anyone sad. But lately he’s written one or two posts about women’s clothing. Jhumon wrote something on Facebook. So he was taken to the police station. I spoke to the police seven. Police said this morning the case against Jhumon has been reopened.”

He will go on trial. His Junaid Babunagari, then-Hefajat-e-Islamic leaders, and his Mamunul Haque, centered around Indian Prime Minister Narendra Modi’s visit to Bangladesh, at his Derai Upazila, Sunamganj, March 15, 2021. Made a speech.

His Jhumon Das, from Noagaon village of Shalla Upazila Union Municipality in Habibpur, allegedly posted his offensive Facebook status about Mamunul Haque. The villagers turned Jumon over to the police on March 16 and he was taken to court the next day. The court sent him to prison.

Meanwhile, on March 17, over 100 people attacked a Hindu community in Noagaon village. They destroyed about 90 houses and temples in the village and looted the houses.

A lawsuit was filed against the Shara police station for the attack on Noagaon village, and a digital security law case was filed against Jumon Das in the same police station. ⁷

4.3 Case Three.

Mushtaq Ahmed, a writer and social activist, died in a Bangladesh prison on February 25, 2021. He was arrested and allegedly tortured for his social posts critical of the government. On November 8, 2021, a court indicted journalist Shafiqul Islam Kajol for disseminating “obscene” information about ruling party leaders. And farmer Abu Zaman is on the run after being accused of influencing people to post false information on Facebook despite not having a smartphone. Several minors in the country were also arrested for their social media activities and taken to juvenile detention. These cases have one thing in common.

All were filed under the Digital Security Act (DSA) of Bangladesh, 2018. The law, which went into effect on October 1, 2018, has become the weapon of choice for government and ruling party activists to silence critics and undermine their freedom of expression, especially in cyberspace. Even before the law passed Congress, human rights activists and organizations criticized the law as a threat to freedom of expression. The Editorial Council, the supreme body of Bangladesh’s major newspaper editors, protested and called on the government to repeal nine sections of the law. The minister met with the editor to assure him that it would not be abused, but such promises proved to be an empty gesture. The law has become so repressive that in May 2020 the drafting committee said, “Our fears are now a nightmare reality for the mainstream media.”

⁷ <https://en.prothomalo.com/bangladesh/local-news/ucgcvenwpj> retrieved on 01.02.2023.

CHAPTER: FIVE

Findings And Recommendations

5.1 Finding

One more name for advanced security regulations is alarm. The 5 areas of this regulation have continually made frenzy and dread among individuals. On the off chance that in 2018 those 5 segments 54, 55, 56, 57, 58 and 66 were cancelled and the law was passed once more, yet it is exceptionally miserable that those five segments were again supplanted inside different areas at various times. Those statements have been changed and those provisos have been converged into any remaining conditions. So that at last did no decent. Media labourers and social specialists are likewise exceptionally disturbed about the matter. Since the most risky area 57 has been changed however the offenses of area 57 have been separated and partitioned into segments in the new regulation.

Notwithstanding individuals' cannon, they eliminated the provisions however those conditions were again appended to any remaining provisions in different approaches, it had no advantage, however rather got the procop of mind boggling issues. It was never in the personalities of media laborers or social specialists that these provisions would be controlled to such an extent. There is a incredible chance of badgering of writers under Article 32. In such a circumstance, a writer can not offer his viewpoints plainly. The European Association has communicated worry over the 4 areas of the Advanced Security Act and 10 nations feel that the 4 areas will ruin the right to speak freely of discourse and articulation of autonomous assessment.

Media laborers are constantly worried about the 3 issues of this regulation, beginning from the writers' committee.

- 1) Punishments of this Demonstration
- 2) Non-bailable statement
- 3) Abuse of this Demonstration

Area 35 states that assuming any individual under this Act Supporting and abetting the commission of an offense, then that would likewise consider an offense. On account of the offense of supporting and

abetting the commission of the offense, the helping and abetting individual will be rebuffed with a similar punishment endorsed for the first offense. The article board expressed that since the execution of the Advanced Security Act, writers and attorneys are continually being irritated and tormented in different ways. We as a whole know well known illustrator Ahmed Kabir Kishore was confined in prison for a very long time. Columnists and journalists are exposed to unfeeling torment after capture under this Act which is very miserable. Nonetheless, Regulation Priest AnisulHaque said in a BBC interview that the law will be inspected. He additionally said that plans will be made to guarantee that nobody is captured before the examination of the case is finished according to the law. In any case, it's sufficiently not to simply say it, you need to make it happen. Legitimate activity ought to be taken as needs be.

Media laborers and writers have distinguished sketchy segments of the law and mentioned alterations to resolve these issues. Assuming these proposals were taken into thought, we would have been saved from the current circumstance. 9 areas of the Digital securityAct have been addressed. They are conditions (8, 21, 25, 28, 29, 31, 32, 43, 53)⁷. Questions are more than once brought up in the use of these conditions

5.2 Recommendations for Digital Security Act,2018.

Analysis of the Digital Security Act 2018 (Act of 2018) passed in October 2018. The 2018 law was enacted after the Bangladesh government pledged to repeal the Information Technology Law. Information technology laws have often been used to restrict the right to freedom of expression in Bangladesh.

Unfortunately, an analysis of Article 19 shows that the 2018 Act not only expands existing restrictive provisions, but also contains several provisions that violate international human rights law. In particular, some definitions contained in the 2018 law are too vague and broad. The law gives government agencies broad powers of interdiction. It also contains several speech offences, including criminal defamation, defamation of religions, or the sending of 'offensive' information that would criminalise a wide range of legitimate expression. Finally, the Act grants carte blanche to the government to make rules in areas such as the collection, preservation or decryption of evidence or

data, rules that ought to be decided by the Bangladesh Parliament with a view to protect the rights to freedom of expression, privacy and due process.

ARTICLE 19 concludes that the 2018 Act is deeply flawed and that it should be reviewed and its most problematic provisions repealed as a matter of urgent.

The entire Digital Security Act 2018 must be reviewed and brought into full compliance with international human rights standards.

•The following sections of the Digital Security Act must be repealed, in particular:

Section 8, Chapter 3 which grants sweeping powers to DSA, an executive body, to block information online and restrict freedom of expression beyond what is permissible. Under national freedom of expression standards; Sections 21, 25, 28, 29, 31 of Chapter 6 which include speech offences, defined in vague and overbroad terms. Section 38 which deals with service providers' liability. At the very least, it should be amended to require "actual" knowledge of illegality and taking "reasonable" action. Before liability is imposed. Sections 56, 59, and 60 of Chapter 9, each specifying different rights Delegate, 'solve difficulties' and establish rules. Or at least these sections The scope should be strictly limited.

• Some definitions in Chapter 2 need to be clarified, including data storage, critical information infrastructure, digital security, illegal access, liberation war awareness, and service providers.

• Amending section 4 of Chapter 1 to state that national regulations only apply if a real and substantive link can be established between the service in question and the country wishing to apply its law in this way. , should be made clear that it should apply outside the country.

• Articles 17-20, 33 and 34 computer-related offenses need to be reviewed and aligned more closely with relevant international standards in this area. 2001 Cybercrime Convention. • If Articles 21, 25, 28, 29, and 31 are repealed, Article 35 needs to be considered only for the intent requirement.

The Digital Security Act 2018 was endorsed only to shield the huge data of the territory of Bangladesh from various types of advanced attacks. The Digital Security Act 2018 was requested only to defend the critical data of the Public authority of Bangladesh from various kinds of Digital attacks. In this real cycle, the state didn't ponder the security of electronic correspondences and individual information, as

well as the chance of explanation on the web and the assurance of any excess fundamental essential opportunities shockingly in the state. Lately, the Bangladesh government has been mauling chance of thought, heart, and movements to smother data. Things disintegrated during the Coronavirus 19 scourge considering the baiting, control and catch of teachers, students, garment workers and normal opportunities activists.

Despite criminal allegations, imprisonment because of multiple factors thwarts the execution of various fundamental opportunities. For instance, - chance of improvement, chance of explanation, chance of heart and evaluation, chance of religion furthermore, conviction, chance of improvement, etc. Therefore, smart and political opportunities of people have been dismissed. Article 19, an overall rights affiliation managing chance of explanation, reports that in 2020 alone, there were 198 cases under the Digital securityAct in Bangladesh. In addition, something like 4 assortments of proof have been archived against 85 researchers and editorialists.

In addition, 32 people were caught in 2020 under the Digital securityAct. Close to the beginning of 2021, 6 writers have been charged in 5 cases under the Advanced Security Act. In 2019, 1135 people were caught in 632 cases under this guideline.

This overview can be confined into four segments:

1. A short establishment on the execution of the Control Security Act 2018.
2. Overall Basic freedoms Depending on the appearance of the Digital securityAct 2018.
3. Assessment of different areas of guideline as indicated by the viewpoint of human Suggestions:

For instance, - chance of improvement, chance of explanation, chance of heart and evaluation, chance of religion furthermore, conviction, chance of improvement, etc. Therefore, smart and political opportunities of people have been dismissed. Article 19, an overall rights affiliation managing chance of explanation, reports that in 2020 alone, there were 198 cases under the Digital securityAct in Bangladesh. In addition, something like 4 assortments of proof have been archived against 85 researchers and editorialists. There are many sections of the harmful Advanced Security Act 2017. Which is clashing with public and overall essential opportunities guidelines, ethics and standards and can without a doubt irritate Web clients. All cases recorded under this Act misuse occupants' in general right to life, including chance of thought, soul, and appraisal, including the press and the

media. The Digital Security Act 2018 gives signs of a variety of bothering and obstructive genuine variables, which will quickly set out open ways to dismiss worldwide and public legitimate norms and procedures and infringe on the honors of occupants. As indicated by this perspective, the Advanced Security Act should be disavowed completely. The state needs to cancel it since it is basically out of any change. All the while, we can get down to business and work with the withdrawal collaboration, to expand and recognize worldwide and public standards and courses of action, and to shield the open door and security of inhabitants to convey their viewpoints and, in particular, to comprehend the dream of cutting edge Bangladesh.

In any case, the significant, participatory, adequate and authentic discussions with occupants were not made during the drafting of the law. Occupants have imparted stress over the draft guideline on their drive. Under the watchful eye of the law was passed, the top state pioneer, guideline minister and information advancement serve said the law had not been applied against feature writers and the media. In any case, according to normal freedoms social affairs, something like 100 journalists have been charged in around 50 cases among 2019 and May 2021. Around 40 of the 91 charged reporters have been caught. It is dark right now what he will do resulting to leaving the post. Second, basically every section of this guideline, from the definition to the surrendering to different parts, is clashing with public and worldwide normal opportunities principles, ethics and rules and can be easily used to hurt people.

Basically every case archived using the law would dismiss the chance of thought, heart and verbalization of inhabitants and the media, which has proactively been seen generally speaking. Thirdly, the new disillusionment in prosperity the chiefs, expansive contamination in various administrations, especially nonattendance of changed orchestrating in the Service of Wellbeing, nonattendance of coordination of good organization, beguiling position and the option to general appraisal on corruption. Claims have been recorded against people from fluctuating foundations, including writers, for revealing information on peculiarities and degradation in help spread, which includes concern. The law is being used to prevent inhabitants from getting progressed security and affirmation furthermore, is ignoring social correspondence and consecrated protection.

5.3 Conclusion

In Bangladesh, the Digital Security Act has become a source of concern. Where the journalistic profession has gone binoculars. This law, in particular, has proven a stumbling block for investigative journalism. This law has instilled terror in computer network and internet users. Media professionals, in particular, are unable to write openly. Cannot articulate an autonomous viewpoint. Journalists and media professionals cannot freely express themselves on social media. It is not permissible to criticize the government. People have the constitutional right to criticize the government. Opposition parties, the general people, media workers, and journalists are all free to criticize the government's errors. However, after the passage of the Digital Security Act, people's freedom of expression has been restricted.

Especially those that create investigative journalism. Investigate irregularities at various government and commercial entities, produce records, and report them to the public. There is no replacement for investigative journalism in raising public awareness and protecting citizens from harm caused by various institutions' irregularities. However, investigative journalists are hesitant to disclose such information.

Due of digital security rules. As a result, government and private sector irregularities and corruption are being repressed. Such investigative operations are not undertaken by journalists.

Another gray area of digital security regulation that has gone above and beyond people's privacy. Section 43 empowers the police to enter houses and inspect all papers and offices, to conduct body searches on all people, and to confiscate computers, laptops, digital devices, networks, servers, and digital platforms. Worse, because of the authority granted by the legislation, the police can arrest anyone without a warrant. There is no need to seek approval from any police authority in this circumstance. A review of the Act finds that certain parts are unclear and contain a lot of phrases that are misused or misconstrued against the media. Which is simple to use. Misuse is simple. The most concerning feature of the Digital Security Act is that 14 parts of the Crime and Punishment Act are non-bailable, five are bailable, and one is negotiable. As a result, dread has been instilled in people's minds concerning this law. Various negative concepts have been woven into people's heads as a result of this law. Which journalists' news practices are jeopardized? So we must remember that this regulation does not apply to media professionals, journalists, or independent authors

Bibliography

Laws

1. Constitution of People's Republic of Bangladesh, 1972
2. Information and Communication Technology Act, 2006
3. Digital Security Act, 2018

Newspaper

- 1 Digital Security Act, 2018. (2022, 16 July). In Wikipedia
https://en.wikipedia.org/wiki/Digital_Security_Act,_2018
- 2 Staff Correspondent. (2021, March 7). Concerned over abuse of Digital Security Act,29 demands review. *Prothom Alo*. <https://en.prothomalo.com/bangladesh/concerned-over-abuse-of-digital-security-act-demands-review>
- 3 Staff Correspondent . (2021, October 27). Digital Security Act being misused: Telecom minister. *The New Age Bangladesh*.<https://www.newagebd.net/article/152905/digital-security-act-being-misused-telecom-minister>
- 4 <https://www.banglatribune.com/columns/288933/%E0%A6%AC%E0%A7%8D%E0%A6%AF%E0%A6%AC%E0%A6%B9%E0%A6%BE%E0%A6%B0-%E0%A6%85%E0%A6%AA%E0%A6%AC%E0%A7%8D%E0%A6%AF%E0%A6%AC%E0%A6%B9%E0%A6%BE%E0%A6%B0-%E0%A6%8F%E0%A6%AC%E0%A6%82-%E0%A6%A1%E0%A6%BF%E0%A6%9C%E0%A6%BF%E0%A6%9F%E0%A6%BE%E0%A6%B2-%E0%A6%A8%E0%A6%BF%E0%A6%B0%E0%A6%BE%E0%A6%AA%E0%A6%A4%E0%A7%8D%E0%A6%A4%E0%A6%BE-%E0%A6%86%E0%A6%87%E0%A6%A8>

Journal

1. Amin, S. B., & Rahman, S. (2019). The role of ICT in energy sector: towards a digital Bangladesh by 2021. In *Energy Resources in Bangladesh* (pp. 31-35). Springer, Cham .
2. ATAULLA, M., & YILDIRIM, B. THE DIGITAL SECURITY ACT 2018 AND THE OBSTACLES TO FREEDOM OF SPEECH AND FREEDOM OF MEDIA IN BANGLADESH. *Atatürk İletişim Dergisi, (Özel Sayı)*, 69-92.
3. Bari, M. E., & Dey, P. (2019). The enactment of digital security laws in Bangladesh: No place for dissent. *Geo. Wash. Int'l L. Rev.*, 51, 595.
4. Babu, K. E. K., & Ullah, M. A. (2021). Cyber legislation and cyber-related legal issues in Bangladesh: inadequacies and challenges. *International Journal of Electronic Security and Digital Forensics*, 13(2), 180-196.
5. Correspondent (2022, September 20). Unprecedented Abuse of Digital Security Act: Article Nineteen. *The Nayadiganta*.
6. Rahman, M. A., & Rashid, H. O. (2020). Digital Security Act and Investigative Journalism in Bangladesh: A Critical Analysis. *CenRaPS Journal of Social Sciences*, 2(2), 216-236.
7. Siddik, M. A. B., & Rahi, S. T. (2020). Cybercrime in Social Media and Analysis of Existing Legal Framework: Bangladesh in Context. *BiLD Law Journal*, 5(1), 68-92.

Turnitin Originality Report

Processed on: 23-Mar-2023 08:53 +06
ID: 2044092340
Word Count: 10933
Submitted: 1

221-38-070 By Munna Khan

	Similarity by Source
Similarity Index	Internet Sources: 21%
22%	Publications: 4%
	Student Papers: 10%

3% match (Internet from 25-Dec-2022)
http://www.etd.ceu.hu/2021/azad_ananya.pdf

2% match (Internet from 17-Oct-2022)
<https://acuresearchbank.acu.edu.au/item/8qz45/the-enactment-of-digital-security-laws-in-bangladesh-no-place-for-dissent>

1% match (Internet from 11-Oct-2022)
<http://dspace.daffodilvarsity.edu.bd:8080/bitstream/handle/123456789/5529/193-38-357%20%2815%25%29.pdf?isAllowed=y&sequence=1>

1% match (Internet from 11-Oct-2022)
<http://dspace.daffodilvarsity.edu.bd:8080/bitstream/handle/123456789/3149/P12585%20%2819%25%29.pdf?isAllowed=y&sequence=1>

1% match (Internet from 11-Oct-2022)
<http://dspace.daffodilvarsity.edu.bd:8080/bitstream/handle/123456789/5531/193-38-360%20%2820%25%29.pdf?isAllowed=y&sequence=1>

1% match (Internet from 09-Sep-2021)
<http://dspace.daffodilvarsity.edu.bd:8080/bitstream/handle/123456789/5530/193-38-358%20%288%25%29.pdf?isAllowed=y&sequence=1>

1% match (Internet from 09-May-2022)
<https://carnegieendowment.org/publications/85951>

1% match (Internet from 10-Jun-2022)
<http://www.bildbd.com/index.php/blj/article/download/25/25>

1% match (Internet from 14-Mar-2023)
<https://communication-ataunipress.org/en/the-digital-security-act-2018-and-the-obstacles-to-freedom-of-speech-and-freedom-of-media-in-bangladesh-13194>

1% match (student papers from 09-Apr-2018)
Class: Article 2018
Assignment: Journal Article
Paper ID: [943502198](#)

1% match (Internet from 10-Dec-2020)
<https://www.article19.org/resources/bangladesh-analysis-of-the-digital-security-act/>

1% match (Internet from 14-Apr-2021)
<http://bildbd.com/wp-content/uploads/2019/10/BiLD-Law-Journal-42-75-92.pdf>

1% match (Internet from 10-Jan-2023)
<https://www.jissec.org/Contents/V17/N3/V17N3-Dhillon.html>

1% match (Internet from 14-Jan-2022)
<http://journal.cenraps.org/index.php/cenraps/article/view/32>

1% match ("Cybersecurity, Privacy and Freedom Protection in the Connected World", Springer Science and Business Media LLC, 2021)
["Cybersecurity, Privacy and Freedom Protection in the Connected World", Springer Science and Business Media LLC, 2021](#)

1% match (Internet from 18-Nov-2022)

<https://en.prothomalo.com/bangladesh/local-news/ucgcvenwpj>

1% match (student papers from 05-Apr-2021)
[Submitted to Kozep-europai Egyetem on 2021-04-05](#)

< 1% match (Internet from 21-Nov-2022)
<http://dSPACE.daffodilvarsity.edu.bd:8080/bitstream/handle/123456789/8747/211-38-413.pdf?isAllowed=y&sequence=1>

< 1% match (Internet from 21-Nov-2022)
<http://dSPACE.daffodilvarsity.edu.bd:8080/bitstream/handle/123456789/8716/212-38-430.pdf?isAllowed=y&sequence=1>

< 1% match (Internet from 25-Oct-2022)
<http://dSPACE.daffodilvarsity.edu.bd:8080/bitstream/handle/123456789/3121/P12569%20%2826%25%29.pdf?isAllowed=y&sequence=1>

< 1% match (Internet from 11-Oct-2022)
http://dSPACE.daffodilvarsity.edu.bd:8080/bitstream/handle/123456789/5867/201-38-366%20%2823_%29.pdf?isAllowed=y&sequence=1

< 1% match (Internet from 21-Nov-2022)
<http://dSPACE.daffodilvarsity.edu.bd:8080/bitstream/handle/123456789/8718/212-38-427.pdf?isAllowed=y&sequence=1>

< 1% match (Internet from 26-Oct-2022)
http://dSPACE.daffodilvarsity.edu.bd:8080/bitstream/handle/20.500.11948/2686/priyanka_chakroborty.pdf?isAllowed=y&sequence=2

< 1% match (student papers from 10-Apr-2018)
Class: April 2018 Project Report
Assignment: Student Project
Paper ID: [944168566](#)

< 1% match (student papers from 10-Apr-2018)
Class: April 2018 Project Report
Assignment: Student Project
Paper ID: [944151305](#)

< 1% match (student papers from 25-May-2021)
[Submitted to North South University on 2021-05-25](#)

< 1% match (student papers from 27-Feb-2023)
[Submitted to Charles University on 2023-02-27](#)

< 1% match (Internet from 12-Oct-2022)
https://www.researchgate.net/publication/335442759_Forensic_Use_of_Scientific_and_Physical_Evidence_in_Banglade

< 1% match (student papers from 24-Jan-2022)
[Submitted to Mississippi College on 2022-01-24](#)

< 1% match (Internet from 23-Jan-2021)
<https://asiapacific.gchumanrights.org/wp-content/uploads/2020/07/Liton-Hossen-thesis.pdf?fbclid=IwAR2pheNd-dTP20EgS5HZK7yI3LYAhodjMk9cEiF3jPqTrVcmEXKYkmpYzVM>

< 1% match (student papers from 31-Jul-2020)
[Submitted to Kenyatta University on 2020-07-31](#)

< 1% match (student papers from 21-Mar-2021)
[Submitted to Cardiff University on 2021-03-21](#)

< 1% match (student papers from 28-Aug-2022)
[Submitted to Macquarie University on 2022-08-28](#)

< 1% match (student papers from 10-Jan-2022)
[Submitted to BRAC University on 2022-01-10](#)

< 1% match (Smitha Krishna Prasad, Sharngan Aravindakshan. "Playing catch up – privacy regimes in South Asia", The International Journal of Human Rights, 2020)
[Smitha Krishna Prasad, Sharngan Aravindakshan. "Playing catch up – privacy regimes in South Asia", The International Journal of Human Rights, 2020](#)

< 1% match (Internet from 19-Oct-2022)

<https://asiacentre.org/wp-content/uploads/2019/09/Fake-News-Conference-Proceeding.pdf>

< 1% match (Internet from 15-Jan-2023)

http://dspace.unza.zm/bitstream/handle/123456789/6713/S_Nyundo_Disertation_REDONE%5B1%5D.pdf?isAllowed=y&sequence=1

< 1% match (student papers from 28-Apr-2022)

[Submitted to University of Greenwich on 2022-04-28](#)

< 1% match (Internet from 03-Sep-2022)

https://digitalcommons.kennesaw.edu/cgi/viewcontent.cgi?article=1040&context=incmdoc_etd

< 1% match (Internet from 03-Dec-2021)

<https://medium.com/@cyberdiplomacy/landscape-study-on-cybersecurity-in-bangladesh-bf5a8deaffe>

< 1% match (student papers from 18-Apr-2021)

[Submitted to Bangladesh University of Professionals on 2021-04-18](#)

A LEGAL ANALYSIS ON THE DIGITAL SECURITY ACT ,2018 LL.M THESIS [A RESEARCH MONOGRAPH SUBMITTED IN PARTIAL FULFILLMENT OF THE CREDIT REQUIREMENTS FOR AWARDDING THE DEGREE OF MASTER OF LAWS BY DAFFODIL INTERNATIONAL UNIVERST](#) Submitted by Munna Khan ID: 221-38-070 Batch: 37 Program: LL.M. Daffodil International University Supervisor [Md. Safiullah Assistant Professor Department of Law Daffodil International University](#) Date of Submission: 1 March,2023. LETTER OF TRANSMITTAL To Md. Safiullah [Assistant Professor Department of Law Daffodil International University](#) Subject: Prayer for [Submission of Dissertation Dear Sir, It is](#) an excellent pressure on behalf of me that I even [have been](#) ready [to make research on](#) "A Legal Analysis on the Digital Security Act ,2018 " In [concluding this research, I](#) even [have given all of my best afford to](#) make [useful research and by collecting all the relevant information from different sources](#) which will [fulfill your expectation. Therefore, I shall remain grateful to you if you](#) undergo [this](#) thesis [paper for your evaluation and I would be like that if any valuable recommendation is](#) made on [your part in](#) this [matter. I am always available for any longer clarification of any part of this paper at your convenience.](#) Sincerely Yours Name: Munna Khan ID No: 221-38-070 LL.M (37th Batch) Department of Law Daffodil International University @Daffodil International University i [Letter of Approval This is to certify that the work is done](#) " A Legal Analysis on the Digital Security Act, 2018 " [is a real work done by](#) Munna Khan , ID: 221-38-070, [Department of Law, Daffodil International University, done under my supervision in the partial fulfillment for the research work for](#) Md. Safiullah [Assistant Professor Department of Law Daffodil International University](#) ii [DECLARATION I hereby solemnly declare that the](#) thesis title " A Legal Analysis on the Digital Security Act, 2018 " submitted [by me in partial fulfillment of the requirement for the award of the degree of](#) master of laws, [Department of Law, Daffodil International University. I further declare that the research work presented in this thesis is original and it has not been submitted earlier either partly or wholly to any other university for any academic qualification /certificate/diploma degree. The work I have presented does not breach any copyright.](#) Name: Munna Khan ID No: 221-38-070 LL.M (37th Batch) Department of Law. [Daffodil International University, Dhaka. iii CERTIFICATION This is to certify that the](#) dissertation report on "A Legal Analysis on the Digital Security Act, 2018 " An Appraisal is done by Munna Khan [in partial fulfillment of the requirements for the degree of](#) Law from the Daffodil International University. The dissertation report [has been carried out our guidance and as a record of the bona fide work carried out successfully.](#) Md. Safiullah [Assistant Professor Department of Law Daffodil International University](#) iv [ACKNOWLEDGEMENT First of all, I wish to acknowledge the immeasurable grace and propound kindness of the Almighty Allah, I express our gratitude to our honorable](#) dissertation supervisor Md. Safiullah, Assistant Professor of Daffodil International University , Department of Law [for giving me the opportunity to complete my](#) dissertation [report under his supervision.](#) He [gave](#) me his [valuable time and important information to complete the](#) dissertation report. [Without his proper guidance, it was quite impossible for me to complete the](#) dissertation. Specially thanks goes to Daffodil International university public Library for kindly allowing me to use its Library resources. Special thanks go to Bangladesh Institute of Law and International Affair (BLIA) for providing me a space for using its studying and office resources. [I also express my gratefulness to my parents and my family members who encourage me all the time. Finally, I express thank to my friends and well-wishers.](#) Munna Khan ID No: 221-38-070 LL.M (37th Batch) Department of Law [Daffodil International University](#) v [Dedication Firstly, I am showing very much respect and gratitude to Allah. I would like to express my gratitude and love to my parents for their encouragement and to provide me with opportunities for higher education. They are still guiding me to be a good human being and motivated me to dedicate myself to the benefit of the country.](#) vi [Table of Contents SL. NO: Contents Page No: CHAPTER: ONE](#) Introductory Chapter 1 – 8 [1.1.](#) Introduction. 1-2 [1.2.](#) Literature Review 2-5 [1.3. Statement of Problem. 5](#) [1.4.](#) Objective of the study. [6](#) [1.5.](#) Research Questions [6](#) [1.6.](#) Methodology [7](#) [1.7.](#) Method of the research [7](#) [1.8.](#) Data collection. [7](#) [1.9.](#) Data processing and Analysis. [7](#) [1.10.](#) Limitation of Research [8](#) CHAPTER: TWO Analysis On Digital Security Act 9– 14 [2.1](#) What is [the Digital Security Act](#) ? [9](#) [2.2](#) [Laws](#) of Digital Security Act [9-12](#) [2.3](#) How has the Digital Security Act ,2018 has been used to muzzle government critics? [12](#) [2.4](#) Who is being accused is

arrested [under the Digital Security Act, 2018](#)? 13 2.5 How has [the Digital Security Act, 2018](#) contributed [to](#) the countries democratic backsliding? 13-14 vii CHAPTER: THREE Drawbacks 15- 19 CHAPTER: FOUR Case Study 20- 23 CHAPTER:FIVE Findings And Recommendation 24 – 27 5.1. Finding. 24-25 5.2. Recommendation of Digital Security Act 2018 25-28 5.3. Conclusion. 29 5.5. Reference 30-31 viii Abbreviations and Glossary DSA : Digital Security Act FGD : Focus Group Discussion [Eu : European Union ICCPR : International covenant on Civil and political Rights](#) GC34 : General comment 34. ix ABSTRACT The Digital Security Act of 2018 has put up several obstacles in the way of citizens' access to information and their freedom of speech, especially for Bangladeshi journalists and other media workers. As a result, there is currently a fear of being distinguished in investigative journalism. In this situation, the study's goals are to investigate the Act's diverse consequences and to concentrate on various avenues of protection from legal phobias. This article discussed several areas of such excellent journalism while demonstrating the need for investigative journalism..The material for this article was gathered using both primary and secondary sources and was analyzed using a qualitative methodology. The study's findings have demonstrated that despite the Digital Security Act's stated goal of ensuring information and communication security, there is a predominate worry of its unfavorable effects. Given the study of expert viewpoints, it is not surprising that some legal provisions have put investigative journalism at risk given their potential consequences.The majority of experts voiced worries about the unfavorable effects the law does have, as evidenced by the data. It is also implied that the state would eventually be responsible for these negative impacts, leading to the unfortunate scenario where it is believed that the government failed to act quickly enough. Keywords: Digital, Security, vigilante equity,ailable x CHAPTER: ONE Introduction 1.1 Introduction The [Digital Security Act 2018](#) was ordered exclusively [to](#) safeguard [the](#) significant [information of the](#) province [of](#) Bangladesh from different sorts of digital assaults. The digital Security Act 2016 was authorized exclusively to safeguard the significant information of the Public authority of Bangladesh from different kinds of digital assaults. In this lawful cycle, the state didn't consider the insurance of electronic interchanges and individual data, as well as the opportunity of articulation on the web and the security of any remaining fundamental basic liberties of all individuals in the state. As of late, the Bangladesh government has been manhandling opportunity of thought, soul, and motions to smother information. 1 When [Bangladesh emerged as an independent](#) state [through a bloody war of independence](#) on December 16, 1971, [the founding fathers](#) sought [to](#) build [a society based on democratic values such as the rule of law](#), respect for basic [human rights and dignity](#). And value [of](#) Bangladeshi [individuals](#). [Freedom of speech and opinion is the lifeblood of a democratic legal society](#), so [the Founding Fathers made this right an integral part of the](#) catalog [of](#) fundamental [rights](#) enshrined in [the](#) Constitution. [However, this article will show that the](#) ideals [of a society based on](#) the [virtues](#) of democracy have [been](#) greatly [weakened](#) by [the](#) passage [of](#) the [Digital Security Act, the Digital Security Act \(DSA\)](#). [The broad scope of the ICTA, particularly](#) Article [57](#), has [been used by](#) [the current](#) administration [to](#) initiate [unprecedented](#) crackdowns [on the](#) basic [human rights of](#) [individuals, particularly freedom of speech and expression](#). As a result, [Section 57](#) was [repealed](#) by [the DSA enactment](#). Despite [the repeal of](#) Article [57](#), some [of its key features have](#) been adopted by the DSA and are already being abused by the administration to quash dissent as well. Things deteriorated during the Coronavirus scourge due to the badgering, confinement also, capture of instructors, understudies, article of clothing labourers and common liberties activists. The primary doesn't straightforwardly address or dissect what the Digital Security Act really implies. Indeed, even all the arrangements to guarantee advanced security are not as expected revered in this demonstration. Digital security fundamentally alludes to the control strategy that should be taken on through data and correspondence innovation to guarantee the free trade of data, privacy, precision, accessibility, and so [1 https://carnegieendowment.org/2021/12/09/how-bangladesh-s-digital-security-act-is-creating-culture-of-fear-pub-85951](https://carnegieendowment.org/2021/12/09/how-bangladesh-s-digital-security-act-is-creating-culture-of-fear-pub-85951)retrieved on 20.01.2023. ©Daffodil International University forth of all data and data. [The Digital Security Act is a](#) regulation sanctioned [by the](#) Bangladesh [government](#) in October 2018. The public authority asserts that this regulation has been authorized to give security to the residents. Anyway this regulation and a portion of the arrangements inside the law are excessively wide and ambiguous, which has given huge correctional capacity to the policing Therefore, this research paper provides recommendations to ensure [the promotion and protection of the democratic virtues](#) in [which Bangladesh](#) is [founded](#). Indisputable ideas productive and needful to the country as well as the abuse of the Digital Security Act. 1.2 Literature Review (YILDIRIM, B,2020), [The Bangladesh government passed a controversial digital security law in 2018 aimed at combating](#) cybercrime. However, [the](#) law may pose an obstacle [to freedom of](#) expression [and media in](#) Bangladesh. [The Constitution of Bangladesh \(Article 39\)](#) recognizes [freedom of speech and](#) freedom of the [media as fundamental rights](#), but this [current](#) law cannot be applied [in this digital age to support the free flow of information](#). Neither suitable nor effective. [There are many](#) accusations [against the government of the country that the law is](#) constantly being abused for its own political gain. We show that it encompasses [a number of](#) broadly [defined crimes with severe penalties that](#) can [have a dangerous deterrent](#) effect [on](#) the rights [of](#) people. [This enacted law restricts freedom of speech and freedom of the press in many ways. This creates the threat of severe punishment, especially](#) since they [only](#) express their beliefs and opinions. This could provide an opportunity to misinterpret the law and abuse citizens without court approval. This study explores how freedom of expression [and free media are](#) complicated [under current digital security](#) laws, [and how citizens and journalists](#) face difficulties due to the abuse of the law. It is intended [to explain and illustrate, through content analysis](#) techniques, [how](#) In addition, it analyzes international instruments on freedom of speech to provide international standards for protecting free [speech and freedom of the press in democratic](#) countries. [The study finds that the Digital Security Act](#) violates Bangladesh's constitution, international standards and democratic values. Because [the law prevents the free](#) exercise [of freedom of](#) expression [and](#)

[independent journalism](#). Laws need [to](#) be amended to [ensure freedom of expression and freedom of the press](#). (Rashid, H. O., 2020), [The Digital Security Act](#) of 2018 [has created](#) several [barriers](#) to citizens' access to [information and freedom of expression](#), especially [for media professionals, including journalists in Bangladesh](#). [Investigative journalism is now in a state of](#) borderline terror. [In this context, the purpose of this study is to](#) examine the different impacts of this law and [focus on different](#) forms of [protection while](#) addressing legal [fears](#). This article outlined [the need for investigative journalism](#) and [also](#) introduced [different](#) areas of [such effective journalism](#). [Methodologically, this article followed a qualitative approach and collected information from both primary and secondary sources](#). The study found [that](#) although [the](#) Electronic Information Security Act is intended [to ensure the](#) security of [information](#) and communications, there are widespread concerns about its impact. From analysis of expert opinion, it is easy to predict that some sections of the law, given their applicable implications, pose a dangerous threat to investigative journalism. Most experts expressed concern about the law's negative impact, the results show. Moreover, it is believed [that these harmful effects](#) will ultimately [fall on the](#) shoulders of [the state](#), and it is feared that the government is lagging behind in making the right decision at the right time. Creating a bad situation. (George, A.H., 2019) After Bangladesh became an independent state after a bloody war of independence [on December 16, 1971, the Founding Fathers](#) established [a society based on democratic values such as the rule of law](#), respect for basic [human rights and dignity](#). I pledged to personal value. [Freedom of speech and opinion is the lifeblood of a democratic legal society](#), so [the Founding Fathers made this right an integral part of the](#) catalog of fundamental [rights](#) enshrined in [the](#) Constitution. The [virtues](#) of democracy have [been](#) dramatically undermined with the passage of two of his digital security laws, [the Information and Communications Technology Act \(ICTA\) and the Digital Security Act \(DSA\)](#). [The broad scope of the ICTA, particularly Article 57, has been used by the current administration to initiate unprecedented crackdowns on the basic human rights of individuals, particularly freedom of speech and expression](#). As a result, [Section 57 was repealed](#) by his DSA enactment. Despite [the repeal of Article 57](#), some of its main [features have been adopted by the DSA and are already being abused by the regime to suppress different views in the same way](#). Therefore, [this article provides recommendations to ensure the promotion and protection of the democratic virtues in which Bangladesh is founded](#). (Bari, M. E., & Dey, P., 2019), [With the advent of information communication and technology, the world has become a digital world, and the advent of this technology has facilitated communication and economic transactions. Bangladesh also presents this digital world, and interestingly, today's Bangladesh is nationally referred to as 'Digital Bangladesh'](#). However, [in this digitized Bangladesh, participation in social media, especially Facebook, has increased dramatically in recent years. The problem arises when social media users commit cybercrime and use it for more than just a means of communication](#). The government enacted the Bangladesh Telecommunications Regulation Act in 2001, [when the people of Bangladesh were not familiar with the internet and communication technology](#). Meanwhile, due to the increased use of the Internet and social media, [the government enacted the Information and Communication Technology Act in 2006 to prevent possible cybercrime](#). However, [this law was not enough to combat the rise of cybercrime by criminals](#). For this reason, the government passed another law in 2018, the Digital Security Act. However, how effective this digital security and ICT law is in combating cybercrime on social media, especially Facebook, [is a major concern](#). Therefore, [this paper attempts to analyze existing laws and institutions regulating cybercrime in Bangladesh. The paper shows that the legal framework regulating cybercrime in Bangladesh is extensive but technically dangerous and complex](#). This paper therefore analyzes existing legal provisions, mainly focusing on his ICT Law [and Digital Security Law](#). Finally, [the paper concludes by proposing legislation on social media safety and curbing abuse](#). (Runa, S. J. 2019), The Bangladesh government has passed the controversial [Digital Security Act \(hereafter referred to simply as DSA 2018\) aimed at tackling digital crime that could act as a barricade for freedom of expression in the country. Article 39 of the Bangladesh Constitution recognizes freedom of expression as a fundamental right, but current law is silent on its scope and function in the digital age. It has been argued that sanctioned laws can be abused by governments. The paper shows that the law contains broadly defined crimes with severe penalties that can have a serious deterrent effect on freedom of expression in Bangladesh. Ratified laws limit freedom of expression in many ways](#). There are [particularly](#) severe penalties for simply [expressing a belief or opinion. This can lead to abuse by](#) misinterpreting the law and giving government agencies the power to arrest citizens without a warrant. [This paper describes and analyzes how freedom of expression is challenged within existing legal frameworks and how](#) it takes into account the careful legislative efforts and judicial activities of various jurisdictions. Doing. (Azad, A. 2021), As [the Internet and other information and communication technologies spread rapidly around the world, cybercrime is becoming a threat to personal data stored on computers and can affect entire data systems. The United States, one of her most technologically advanced nations, is also subject to such crimes. As a developing country, Bangladesh is also at risk of cybercrime that can endanger national security. As the current government aims to ensure internet connectivity in all government departments by 2021 under the slogan of 'Digital Bangladesh', more and more domestic and multinational companies are looking to follow the government agenda. It provides online services to its own services through the Internet. From shopping to banking, everything is just a click away, enabling higher internet penetration. However, criminals also use the same online platforms to carry out different types of criminal activity, including phishing, hacking, and personal data theft. Both government and private organizations can therefore fall victim to cyberattacks that can affect the lives of entire citizens. In addition, 90% of the country's software is unlicensed and compromised, increasing the risk of cybercrime. Moreover, the recent tug-of-war between Bangladeshi and Indian hackers has soured diplomatic relations between the two countries. More importantly, according to numerous media reports, terrorist groups are using online platforms to](#)

raise funds and maintain internal [communications](#). In this context, [existing laws and government measures against](#) cybercrime [are very weak to combat the burgeoning threat](#). 1.3 Statement of Problem The present research proposed to investigate , depict the real scenario of how the Digital Security Act [are used in Bangladesh to administer justice as well as the major challenges the law enforcing agencies, lawyers and](#) victims [are facing in dealing with the](#) Digital Security [and Evidence and the way out to overcome those](#). This research convers with large number of case study and experts opinion. . [Although today we have a lot of studies on the](#) application of Digital Security Act in Bangladesh perspective . But there is no previous research on this title. There may be problem to collect primary data as well as secondary data. So, this proposed research can contribute to find out and the way out to overcome challenges to the implementation Digital Security Act ,2018 in Bangladesh. 1.4 Objective of the study The principal [objective of the](#) review [is to](#) research [and](#) evaluate [the](#) position and Abuse [of the](#) Digital securityGo about as given under different global statements and shows as well as public strategies and contrast them and training offices. The particular targets are as per the following — Main objective to this research is to 1) Find out that what extent Digital Security Act protect our Freedom of speech. 2) Find out what extent Digital Security Act Protect our cyber security and ensure to demolished cyber crime form our society. Other objects are: 3) Find out drawbacks of The Digital Security Act,2018. 4) Case study and finding recommendations. 1.5 Research Questions: The exploration inquiries of the review are as per the following — 1) Who Digital Security Act,2018 protect our cyber security? 2) What extent Digital Security Act protect our Freedom of speech? This two questions are evaluately answered in my research p 1.6 Methodology In the section above, the introduction to the subject is offered followed by the literature review, problem statement, and scope of study. In this section, I am going share the research methods or strategies to discover this subject . 1.7 Methods of the research The study design by using case study, qualitative methods are used and inductive approaches are selected. Research focuses on key interviews taken by the news reports and also online document- based analysis. 1.8 Data collection In proposed research data will be collected from secondary sources. I will mostly depend with the secondary data reason behind it for the time limitations.The Secondary sources will be books, journals, periodicals, articles published, weekly magazines, research reports, web-sites, monographs, government reports and other reports published by Government and NGOs on pertinent topics. [In addition, Online websites and portals related to this research field](#) has [also been included in this Study](#). 1.9 Data Processing and Analysis In this proposed research qualitative analysis method will be used where it fits and possible by maintaining reliability and by direct observed information. In this stage of data processing and analysis it will be tried to put best responsibility and it will be taken care in every level, so that, unexpected errors may be avoided. In case of data processing and analysis in this proposed research, care will be taken from the first. At first when received online data is processed, to reform its error send gapes it will be kept sight to data completeness and legibility and eliminating inconsistency. 1.10 [Limitations of Research](#) The main limitation of the proposed research [is its comprehensive reliance on journals, books and reports throughout the online](#). Further regard to practical scenario, [unavailability of data in relation to the research concern may also be settled as another limitation](#). There have Another problem [of time restriction](#). In fact [it's so much tricky to complete a Research precisely within short time, with inadequate](#) resources. CHAPTER: TWO Analysis On Digital Security Act 2.1What is the [Digital Security Act? The Digital Security Act,2018 is a](#) regulation ordered [by the](#) Bangladesh [government](#) in October 2018. The Public authority guarantee that this regulation has been sanctioned to give security to the residents. Anyway this regulation and a portion of the arrangements inside the law are excessively wide and dubious, which has given huge correctional capacity to the policing. For instance, one of the arrangements empowers the policing to the hold onto any gear, capture anyone or search any premises with no warrant. 2.2 Laws of [Digital Security Act. DSA is divided into nine chapters. According to the](#) DSA-2018 [draft, Sections 54, 55, 56, 57, and 66 of the](#) former [Information and Communications Technology Act \(ICT\) will be](#) repealed once the [law comes into force. Section 57 of the repealed ICT Act states](#): Obscene or related, defamatory, obstructing law and order, damaging the reputation of governments and individuals, attacking [religious sentiments, or inciting any person or](#) entity [Such information](#) is [considered](#) criminal. [The maximum sentence for this crime is 14 years, the minimum](#) sentence [is 7 years and](#) the [maximum](#) sentence for this crime is Tk 10 million. [The government has very cleverly](#) split [this provision into Sections 25, 28, 29 and 31 of the new DSA. Some forms of expression](#) are limited by [international law, while others](#) impose [unusually broad](#) restrictions [on expression](#). In particular, [the most problematic sections are](#) Sections 8, 21, 25, 28, 29, 31, 32, 43, [and 53. For example, Section 28](#) does not provide [a clear and](#) concise [definition of crime, which is](#) the domain [of](#) abuse. Criminalizing the expression of free action. Some sections restrict internationally protected terms, [while others define additional broad restrictions. Chapter 1 Section 4 of the Act](#) deals with “extraterritorial application of the law”¹⁰⁴. [Under this law, if a person commits a crime outside Bangladesh](#), he [will be](#) prosecuted and arrested upon his return. [According to article 19. Section 4 is](#) excessive because [it](#) leads [to extraterritorial application of](#) the regulation. Those who violate international human rights law. Therefore, Article 19Recommendation that “National regulations drawn up shall be applied externally where:”Between the services in question, you can create real, non-trivial links Countries trying to apply their own laws in this way. Section 25 prohibits the transmission or posting of intentionally offensive or threatening [information on a website or in any other electronic](#) form. It [is](#) a crime to transmit distorted information, in whole or in part, in order to damage a nation’s reputation [or reputation](#). However, [there is no](#) precise [definition of crime or image](#) defamation. [State or religious](#) sentiment. [The vague language of](#) this verse [allows for dictatorial](#) use for [criticism and](#) dissent. [This section is extensive and](#) leaves room [for](#) misuse. [The terms](#) “misinformation” [and](#) “offensive” [content](#) are [not clear here. This clause is dangerous in the case of](#) free speech. [In the case of](#) free speech, [this section is dangerous because it is difficult for many](#)

people [to verify what is false and what is true](#). As such, [anyone](#) who posts false information on social media platforms can be arrested. Section 28 states that it is a crime for an individual [or group to electronically attack religious sentiments or values. But there is no mention of what religious values mean](#). Nor [is it mentioned which religions should not be criticized. This is important](#) I ask [because only this section is the most abused. This section is only used to arrest atheists](#), Hindus [and secularists. Muslims have the right to criticize other religions](#), but followers of [other religions do not have the right to criticize Islam](#). Beating your opponent in this section is pretty easy. Criticizing Islamic fundamentalism Possible arrest. The penalties for him are imprisonment for [7 years and/or a fine of up to 10 Lac TK, and](#) for repeat offenses, imprisonment for [up to 10 years and/or a fine of up to 20 Lac TK. Article 19 of the ICCPR guarantees the right to](#) liberty. [General Comment No. 34 on the](#) Prohibition of the [Expression of](#) Opinions and Freedom of [Expression Lack of](#) respect for [religion](#). Article 29 deals with cases where a person has committed [an offense under](#) Article [499 of the Penal Code.\(1860\)](#) for [defamation of website or other electronic](#) form, Fined. The clause carries a penalty of three years in prison and he a five-year fine.Thousands of rupees [for providing defamatory information](#), or both, [but the](#) criminal law [definition of crime](#) is so childish that anyone can be a gripper when criticizing influential people. Yes. This violates [international standards of freedom of expression and](#) is [also criminal defamation, whether online or offline](#). Article [31](#) stipulates that "criminal offenses and penalties for violations of law and order, etc. If any A person intentionally posts on a website or digital layout anything that provokes animosity, hatred, or animosity between different classes or communities of society, subverts communal harmony, or causes unrest. Also, important terms such as "adversity" and "law and order" are vague and undefined.Chapter 6 of the DSA covers a wide range of crimes, including speech crimes and computer crimes. Article 19 said the law replicates existing speech offenses in criminal law. In this chapter, the content of language crimes is ambiguous. The section above describes different types of punishments for crimes. It is a crime to initiate or support any type of campaign against proposed legislation's Bangladesh Liberation War, Spirit of Liberation War or Father of Nation by Digital Means. For this offense, he is subject to up to 14 years' imprisonment or a fine of up to Tk 10 million, or both. In other words, if someone If you go against the ideology that supports the government, you can be arrested. This clause is a strategy to stop criticism of the government. This section violates the Bangladesh Constitution as it violates Article 9 of the ICCPR. Misuse of This Section and Section 28 It has increased so far. In this case, the definition of liberation war is widely used and, of course, people are different, not the same way of thinking and reading history. Apart from that, where there is still much debate about the country's history, people's expressions differ.This is completely incompatible with international law and must be abolished. The most controversial Article 32 states that if a person assists the government/semi-government to transmit or transmit or store sensitive or sensitive data, Unauthorized entry by any autonomous or statutory authority through any computer, digital device, computer network, digital network, or other electronic means; In this case, it counts as computer crime or digital crime. This crime will be tried under the Official Secrets Act 1923.However, this section is too broad to allow journalists, academics,Writer.The provisions contained in the DSA are broad and vaguely defined, highly problematic and fragile. The law gives investigators the power to intervene, Physically search the suspect, seize the suspect's equipment and materials, and arrest the suspect without a warrant. The Human Rights Commission has stated that "pretrial detention should be the exception, and bail is permitted except in circumstances in which the defendant may flee or destroy evidence, influence witnesses, or escape the jurisdiction of a State party." Should. 2.3 How has the Digital Security Act, 2018 been used to muzzle government Critics? The Digital securityAct has turned into a weapon of decision for the public authority and its allies to quietness the residents and gag opportunity of articulation. The law has a arrangement which permit the policing to document charges against person indeed, even before the wrongdoing is perpetrated simply based on a doubt. Plus, there is one more arrangement which permits the allies of the public authority and so far as that is concerned any person to record charges or document cases against people, regardless of whether the individual in question isn't distressed. So this has been utilized by the allies of the public authority over the last three years. That made a social of dread Among anyone. Who needs to make any remark that is basic to the public authority.2 Yet again the Bangladesh government has gone to its well known Progressed Security Act -2018 to choke chance of explanation, suing 11 individuals and catching four of them following examination of in the state run organizations' treatment of the Covid pandemic. Four people have been restricted since 5 May 2020 under the draconian high level guideline, including visual craftsman Ahmed Kabir Kishore, creator Mushtaq Ahmed , IT master Md. Didarul Islam Bhuyan , and Dhaka Stock Exchange Boss Minhaz MannanEmon . A further seven people have been charged . Every one of the four detainees were successfully evaporated for a seriously lengthy timespan after they were gotten by the Quick Movement Contingent (RAB) from different regions in Dhaka on 5 May 2020. Following a electronic amusement complaint, the RAB officially surrendered them to the Metropolitan police on 6 May at around 7:45 PM, and a case under the Modernized Security Act archived against them by Abu Bakar Siddique, the Delegate Accomplish Head of RAB. They stay in confinement.3 2 <https://www.thedailystar.net/frontpage/news/digital-security-act-misused-muzzle-dissent-2048837> retrieved on 20.01.2023 3 <https://www.thedailystar.net/backpage/news/digital-security-act-sahr-calls-review-1646281> retrieved on 20.01.2023 ©Daffodil International University 2.4 Who is being accused is arrested under the Digital Security Act 2018? Since it's show in 2018,hundreds of people have been Blamed for encroachment this guideline, and they have been charged under this digital Security act. In an Exploration project, we have examined 754 cases, where 1800 people have been faulted for dismissing this guideline. Right when we explored those people who have been caught, we saw that this has been comprehensively Against various kinds of people looking at their purposes for living, we have sorted out that 20 % of them were feature writers and 22% of them were political trailblazers.

Other than that, we have seen that cash directors 10%, students 16%, others 32% have been accused for encroachment this guideline. It shows how sweeping it has been used and how for the most part it had been used Against the inhabitants. 2.5 How has the Digital Security Act, 2018 contributed to the Countries democratic backsliding? Bangladesh has been encountering serious disintegration of a majority rules system since 2011. Two back to back races in 2014, which was boycotted by the resistance, and 2018, which was genuinely imperfect, has sped up this course of majority rule apostatizing. The Digital security Act has added to and is likewise an impression of this vote based falling away from the faith. The law has made a culture of dread and has gagged the resistance voice furthermore, presently is being utilized by the public authority to cause what is going on wherein the opportunity of articulation is genuinely reduced.⁴ The High level Security Act 2018 has made a couple of hindrances for occupants' getting to information and chance of enunciation, particularly for the media specialists recollecting scholars for Bangladesh. Thusly, quick news inclusion is as of now in a state of fear for capability. In this particular circumstance, the justification for the audit is to research various effects of this Exhibition, as well as to focus in on different orientation of safety while defeating fears related with the law. Showing the necessities for keen news-projecting, this article moreover presented different fields of such a convincing detailing. Fundamentally, this article has followed the abstract philosophy and accumulated information from both the fundamental and discretionary sources. The revelations from this study have shown that the dread about antagonistic results structure the High level Security Act is ⁴ <https://en.prothomalo.com/bangladesh/lg4knqaoav> retrieved on 20.01.2023 ©Daffodil International University winning yet the place of the regulation, as portrayed, is to give security to information and correspondence. From the assessment of evaluations of trained professionals, it is really obvious that a couple of articles of the law have made dangerous risks on the technique for sagacious news- projecting, taking into account its appropriate effects. Most of the experts conveyed stresses about the unfavorable outcomes the law has, as shown in the disclosures

CHAPTER: THREE Drawbacks of Digital Security Act 2018 The Digital Security Act 2018 was enacted to ensure national data protection and enact laws related to data crime detection, prevention, suppression, justice, and other issues. For example, stopping fake news by journalists, inciting violence against individuals and groups that publish or transmit material on websites and electronic media, and curbing digital crime through social media such as Facebook and WhatsApp. Congress has passed legislation to prevent violence from spreading within communities through Facebook posts, but there are many ambiguities in the definition of the Digital Security Act. The purpose of the Digital Security Act was about crime and criminal proceedings in the virtual world. However, the outline of the Digital Security Act 2018 shows a different picture in the two and a half years since its existence. According to a statistical analysis, 197 lawsuits were filed under the law last year, most of them for "rude language," "defamatory language," "sharing distorted images," "conspiracy against the government," etc. was involved in the allegations of As a result, Bangladesh's Digital Security Law has been widely criticized in the past. In criticizing the Digital Security Act of 2018, many said Section 57 was transformed into the Digital Security Act. In 2015, India's Supreme Court declared a nearly similar section of the country's IT law unconstitutional. In addition, the Digital Security Act 2018 and Freedom of Expression are separate topics. Therefore, the Drafting Committee rejected the bill and expressed concern about nine sections of the law (8, 21, 25, 28, 29, 31, 32, 43, and 53). Media now chooses self-censorship for their own safety. Therefore, it does not convey the image of a high-ranking bureaucrat embroiled in corruption as it once did. It is expected that foreign media will tend to report corruption and fraudulent activities in Bangladesh in the future.

1. Attempts to enact laws to prevent crime by digital devices and to ensure security in the digital realm, laws to crack down on media manipulation, censor content, and promote freedom of media, freedom of speech, and freedom of expression. Liberty will be controlled as guaranteed by our Constitution.
2. The law gives the police full authority to enter premises, search offices, search persons, and seize computers and networks, servers, and anything related to digital platforms. By law, police can arrest suspects without a warrant and without the approval of any authority.
2. The law is ambiguous and uses many terms that can be misunderstood or used against the media.
3. DSA creates an atmosphere of fear and intimidation that makes journalism, especially investigative journalism, nearly impossible.
4. Media professionals aside, this law causes panic among all users of computers, computer networks, etc. Article 39 of the Constitution of the People's Republic of Bangladesh recognizes freedom of expression as a fundamental right. However, we present a long list of reasons for limitation with the above warranty. This plethora of restrictions on free speech has created many disproportionate exceptions to the general rule and has often been criticized for not complying with international standards. No, but its declaration of application by the Constituent Assembly serves to avoid arbitrary restrictions on liberty. Any restrictions imposed on freedom of expression must be reasonable and subject to judicial review. Moreover, Bangladesh is committed to protecting individual freedom of expression under international law, so the criteria for application of grounds of restriction can be derived from international law. In addition, comparing constitutional standards of freedom of opinion can help assess legislative adequacy.⁵ Ultimately, the law aims to ensure digital security, but it only provides a tautological definition called "security of digital devices or digital systems." This vague and over-broad definition is implied that if Section 8 gives the Director of the Digital Security Agency and members of law enforcement authority to delete or block information published in digital media when it threatens "digital security," ⁵ Art,39 The constitution of the People's Republic of Bangladesh. ©Daffodil International University It leads to arbitrariness. In addition to the extent of arbitrary censorship, the law also suffers from the vice of over- criminalization. The law repeats (rather harshly) the old mistakes of criminalizing defamation, hate speech, and offending religious sentiments, as it did in the 1860 penal code. Again, Section 25 of the DSA criminalizes "the dissemination of information intended to damage the image or reputation of a country or cause confusion." It has no reasonable relation to

national security reasons or other constitutionally permissible restrictive reasons. A relevant standard test established in *Brandenburg v. Ohio* is the criminalization of speech that causes imminent illegal conduct. Punishment statements that merely damage a country's reputation or cause confusion are too broad to be justified by national or international standards. In addition, vague and overly broad language in clauses can have a chilling effect on the expression of public interest. Restrictions should be imposed in a content-neutral manner to avoid distorting the rules on freedom of expression. In other words, speech can only be restricted if it ignites imminent violence or social unrest, and not otherwise. Section 31 of the Act covers a wide range of statements that incite hostility or disturb the harmony of the community. However, Section 28 of the law again penalizes speech offensive to religious sentiments. The existence of Section 31 means that Section 28 only contains restrictions based on ideological content. Moreover, it contradicts the notion of secularism, which is a fundamental principle and a "guideline for constitutional interpretation." Similarly, Section 21 imposes restrictions based on "propaganda or campaigns against liberation wars, spirit of liberation wars, fathers of nations, national anthems, or national flags." Again, this is not only ambiguous and overly broad, it's also a content limitation. Worse, these content restrictions come with disproportionate penalties and are classified as recognizable and unjustifiable. Section 28 of the law again penalizes speech offensive to religious sentiments. The existence of Section 31 means that Section 28 only contains restrictions based on ideological content. Moreover, it contradicts the notion of secularism, which is a fundamental principle and a "guideline for constitutional interpretation." Similarly, Section 21 imposes restrictions based on "propaganda or campaigns against liberation wars, spirit of liberation wars, fathers of nations, national anthems, or national flags." Again, this is not only ambiguous and overly broad, it's also a content limitation. Worse, these content restrictions come with disproportionate penalties and are classified as recognizable and unacceptable. ©Daffodil International University Freedom of expression is fundamental to the institutionalization of democratic culture. It protects offensive language from undue government scrutiny and creates a free market for ideas. The DSA randomly combines important cybersecurity provisions, such as digital fraud and hacking, with provisions that do not justify unduly restricting freedom of expression. A major overhaul is needed to bring the law into line with current standards. Section 57 of the law makes it a crime to "publish false, obscene or defamatory information in electronic form". Violations under the provisions of this law are punishable by imprisonment for a minimum of 7 years and a maximum of 14 years. The maximum fine is Tk 10 million. It has been criticized for effectively silencing freedom of speech and expression. Arguably, one of the most dangerous provisions of the DSA is Section 32, which prescribes a maximum jail term of fourteen years or a fine not exceeding Tk. Twenty-five lakhs or both for the commission or assisting the commission of an offense under the Official Secrets Act. The Official Secrets Act—which is based on the colonial-era legislation of the same name—is aimed at protecting state secrets, using a computer, digital device, computer network or digital network. The broad scope of Section 32 has deliberately been preferred for strangling investigative journalism. Investigative journalism often involves secretly recording evidence via digital devices for exposing irregularities and corruption within the government, thereby ensuring accountability and transparency in the conduct of state affairs. Section 32 would be a sword hanging over the heads of investigative journalists by instilling in their minds the constant fear of arrest, a hefty fine, or both. Thus, under the guise of protecting state secrets, the government of BAL has sought to insulate itself from the scrutiny of the press and citizens. Finally, in Section 43, the DSA, like the ICTA, gives law enforcement powers to search, seize and arrest without a court order. Thus, the DSA goes further than repealed Article 57 of the ICTA, criminalizing the dissemination of information on the Internet using obscene and obscure language, and protecting the constitutionally guaranteed freedoms of speech, expression, and press. It is clear that the right to As a result, the DSA is likely to be used indiscriminately and indiscriminately by the executive branch, "abandoning too many protected and innocent people." ©Daffodil International University Freedom of expression is fundamental to the institutionalization of democratic culture. It protects offensive language from undue government scrutiny and creates a free market for ideas. The DSA randomly combines important cybersecurity provisions, such as digital fraud and hacking, with provisions that do not justify unduly restricting freedom of expression. A major overhaul is needed to bring the law into line with current standards. CHAPTER:FOUR Cases Studies From February 2022, an average of 147 people were sued under the Digital Security Act and 67 were arrested, according to a Center for Governance Studies report. From January 2020 to March 2021, 18 people were arrested and 61 were prosecuted each month. The report listed the occupations of 315 people arrested, including 80 politicians, 59 journalists and 47 students. Reports show he has been charged with 2,244 people in 890 cases over the past two years. The report identified 508 plaintiffs. The ruling party was 33% and the police 22%. According to various media reports, from January 2020 to March 2021 he had more than 1,500 lawsuits filed under his DSA. There were 925 lawsuits filed in 2018, 1,189 for him in 2019, and 1,128 for him in 2020. In the 26 months to February 2022, 207 journalists have been indicted under the Digital Security Act, according to a Governance Research Center report. According to a report titled *The Unending Nightmare*, 70 of them were affiliated with national-level news outlets, and 117 were local journalists. Implications of Bangladesh Digital Security Law-2018, published in April this year. Article 19, a London-based NGO, has documented a total of 10 cases against 23 journalists under the DSA between January and May of this year, making three arrests. Most of the victims in these cases are still in custody as their trials are still ongoing. 4.1 Case one: The lawsuit was filed against Helena Jahangir, who was dismissed as a member of the Awami League subcommittee in July this year, for defaming key figures and causing panic and confusion among the public. It was accused of "spreading propaganda and misleading information" on digital platforms. Spirit. Judge Md Rezaul Haque and his HC Bank of Judge Md Badiuzzaman today denied bail requests after they were not properly presented. Deputy Attorney General Dr. Md Bashir Ullah told *The Daily Star* that HC denied bail because of certain allegations

against her Helena Jahangir. Helena's attorney ZI Khan Panna said a new request for bail will be made before the HC on behalf of his client after resuming after an ongoing annual leave. HC will resume after his vacation on October 20th. ZI Khan Panna said Helena Jahangir requested bail in the case on the grounds of being physically ill with no specific allegations against her. Former Additional Attorney General Momtaz uddin Fakir also appeared in court for Helena Jahangir, while Additional Attorney General Sukh Mud Moshed, Deputy Attorney General Mudd Bashir Ullah and AKM Amin uddin Manik were released on virtual bail. Denied bail request at request hearing. After Helena Jahangir's arrest on July 30 2021, law enforcement agencies filed a Digital Security Act lawsuit against Helena Jahangir at Banani Police Station. The Bangladeshi government has used a vaguely worded law on digital security to crack down on its critics and dispel online dissent Politics of Opposition in South Asia Author and social activist Mushtaq Ahmed died in a Bangladeshi jail on February 25, 2021, after being detained and allegedly tortured for social media posts critical of the government. On November 8, 2021, a tribunal framed charges against journalist Shafiqul Islam Kajol for circulating "objectionable" information about ruling party leaders. And farmer Abu Zaman is on the run following accusations that he influenced the posting of false information on Facebook, even though he does not own a smartphone. Several minors in the country also have been arrested for social media activity and have been sent to juvenile corrections centers.⁶ These cases have one thing in common: all were filed under Bangladesh's 2018 Digital Security Act (DSA). The law, which came into force on October 1, 2018, has become the government's and ruling party activists' preferred weapon to muzzle critics and stymie their freedom of expression, especially in cyberspace. Even before the law was passed by parliament, human rights activists and organizations criticized it as a threat to freedom of expression. The Editors' Council, the apex body comprising Bangladesh's leading newspaper editors, protested and demanded that the government scrap nine sections of the law. While cabinet ministers met the editors and assured them that it would not be [6 https://en.prothomalo.com/bangladesh/crime-and-law/helena-jahangir-seeks-bail-from-hc-in-dsa-case](https://en.prothomalo.com/bangladesh/crime-and-law/helena-jahangir-seeks-bail-from-hc-in-dsa-case) retrieved on 01.02.2023. ©Daffodil International University abused, such promises proved to be empty gestures. The law became so repressive that, in May 2020, the Editors' Council remarked, "our fear is now a nightmare-reality for the mass media."^{4.2} Case Two. Jhumon Das case Police have arrested Jhumon Das, 26, from Noagaon village in Shalla upazila, Sunamganj, on charges of writing "controversial" statements on his Facebook wall. Law enforcement officers arrested Jumon Das at his home. Aminul Islam, the head of the Shara police station, said Jumondas had published a post about the mosque and temple from his Facebook ID a few days ago. This has increased tensions among local residents. In connection with this, a lawsuit was launched against him. Sumanur Rahman, Deputy Inspector of Shalla Police Station, filed a lawsuit under the Digital Security Act. On March 22 last year, at the same police station, he filed another lawsuit against Jhumon Das under the Digital Security Act. The house and temple of the Hindu community in Noagaon village, where Jumondas was accused of making an offensive post on his Facebook on March 16 last year, were attacked the next day. Jhumon Das was previously arrested at midnight on March 16 and charged under the Digital Security Act. He was behind bars. Jumon Das' wife, Sweetie Rani Das, told Protom Aro that the police had been at the primary school in her village for the past four days. On Tuesday afternoon, several police officers went to his home and told Jumon Das that a senior police officer would speak to him at Noagaon Bazaar. Jumon and Sweetie then boarded the boat. However, the police took her to the Shara Police Station. She stayed with Jumon all day. When she called this morning, police said Jumong had been arrested. Regarding her Facebook post, Sweetie Das said she asked Jhumon about her Facebook post. Jumon told her that he didn't write anything to make anyone sad. But lately he's written one or two posts about women's clothing. Jumon wrote something on Facebook. So he was taken to the police station. I spoke to the police seve. Police said this morning the case against Jhumon has been reopened." He will go on trial .His Junaid Babunagari, then-Hefajat-e-Islamic leaders, and his Mamunul Haque, centered around [Indian Prime Minister Narendra Modi's visit to Bangladesh](#), at his Derai Upazila, Sunamganj, March 15, 2021. Made a speech. His Jhumon Das, from Noagaon village of Shalla Upazila Union Municipality in Habibpur, allegedly posted his offensive [Facebook status about Mamunul Haque. The villagers turned Jumon over to the police on March 16 and he was taken to court the next day. The court sent him to prison. Meanwhile](#), on March 17, [over 100 people attacked a Hindu community in Noagaon village. They destroyed about 90 houses and temples in the village and looted the houses. A lawsuit was filed against the Shara police station for the attack on Noagaon village, and a digital security law case was filed against Jumon Das in the same police station.](#)⁷ 4.3 Case Three. Mushtaq Ahmed, a writer [and social activist, died in a Bangladesh prison on February 25, 2021.](#) He was arrested [and allegedly tortured for his social posts critical of the government. On November 8, 2021, a court indicted journalist Shafiqul Islam Kajol for disseminating "obscene" information about ruling party leaders. And farmer Abu Zaman is on the run after being accused of influencing people to post false information on Facebook despite not having a smartphone. Several minors in the country were also arrested for their social media activities and taken to juvenile detention. These cases have one thing in common. All were filed under the Digital Security Act \(DSA\) of Bangladesh, 2018. The law, which went into effect on October 1, 2018, has become the weapon of choice for government and ruling party activists to silence critics and undermine their freedom of expression, especially in cyberspace. Even before the law passed Congress, human rights activists and organizations criticized the law as a threat to freedom of expression. The Editorial Council, the supreme body of Bangladesh's major newspaper editors, protested and called on the government to repeal nine sections of the law. The minister met with the editor to assure him that it would not be abused, but such promises proved to be an empty gesture. The law has become so repressive that in May 2020 the drafting committee said, "Our fears are now a nightmare reality for the mainstream media."⁷ \[7 https://en.prothomalo.com/bangladesh/local-news/ucgcvenwpj\]\(https://en.prothomalo.com/bangladesh/local-news/ucgcvenwpj\) retrieved on 01.02.2023. ©Daffodil International University CHAPTER: FIVE Findings](#)

And Recommendations 5.1 Finding One more name for advanced security regulations is alarm. The 5 areas of this regulation have continually made frenzy and dread among individuals. On the off chance that in 2018 those 5 segments 54, 55, 56, 57, 58 and 66 were cancelled and the law was passed once more, yet it is exceptionally miserable that those five segments were again supplanted inside different areas at various times. Those statements have been changed and those provisos have been converged into any remaining conditions. So that at last did no decent. Media labourers and social specialists are likewise exceptionally disturbed about the matter. Since the most risky area 57 has been changed however the offenses of area 57 have been separated and partitioned into segments in the new regulation. Notwithstanding individuals' cannon, they eliminated the provisions however those conditions were again appended to any remaining provisions in different approaches, it had no advantage, however rather got the procop of mind boggling issues. It was never in the personalities of media laborers or social specialists that these provisions would be controlled to such an extent. There is a incredible chance of badgering of writers under Article 32. In such a circumstance, a writer can not offer his viewpoints plainly. The European Association has communicated worry over the 4 areas of the Advanced Security Act and 10 nations feel that the 4 areas will ruin the right to speak freely of discourse and articulation of autonomous assessment. Media laborers are constantly worried about the 3 issues of this regulation, beginning from the writers' committee. 1) Punishments of this Demonstration 2) Non-bailable statement 3) Abuse of this Demonstration Area 35 states that assuming any individual under this Act Supporting and abetting the commission of an offense, then that would likewise consider an offense. On account of the offense of supporting and abetting the commission of the offense, the helping and abetting individual will be rebuffed with a similar punishment endorsed for the first offense. The article board expressed that since the execution of the Advanced Security Act, writers and attorneys are continually being irritated and tormented in different ways. We as a whole know well known illustrator Ahmed Kabir Kishore was confined in prison for a very long time. Columnists and journalists are exposed to unfeeling torment after capture under this Act which is very miserable. Nonetheless, Regulation Priest AnisulHaque said in a BBC interview that the law will be inspected. He additionally said that plans will be made to guarantee that nobody is captured before the examination of the case is finished according to the law. In any case, it's sufficiently not to simply say it, you need to make it happen. Legitimate activity ought to be taken as needs be. Media laborers and writers have distinguished sketchy segments of the law and mentioned alterations to resolve these issues. Assuming these proposals were taken into thought, we would have been saved from the current circumstance. 9 areas of the Digital securityAct have been addressed. They are conditions (8, 21, 25, 28, 29, 31, 32, 43, 53)7. Questions are more than once brought up in the use of these conditions 5.2 Recommendations for Digital Security Act,2018. Analysis [of the Digital Security Act 2018](#) (Act of [2018](#)) passed [in October 2018](#). The 2018 law was enacted after [the Bangladesh government](#) pledged [to repeal the Information](#) Technology Law. Information [technology](#) laws have often [been used to restrict the right to freedom of expression in](#) Bangladesh. Unfortunately, an analysis of Article 19 shows that the 2018 Act [not only expands existing restrictive provisions, but also contains several provisions that violate international human rights law. In particular, some definitions contained in the 2018 law are too vague and broad. The law gives government agencies broad powers of interdiction. It also contains several speech offences, including criminal defamation, defamation of religions, or the sending of 'offensive' information that would criminalise a wide range of legitimate expression.](#) Finally, the Act [grants carte blanche to the government to make rules in areas such as the collection, preservation or decryption of evidence or data, rules that ought to be decided by the Bangladesh Parliament with a view to protect the rights to freedom of expression, privacy and due process. ARTICLE 19 concludes that the 2018 Act is deeply flawed and that it should be reviewed and its most problematic provisions repealed as a matter of urgent.](#) The entire Digital Security Act 2018 must be reviewed and brought into full compliance with international human rights standards.

- The following sections of the Digital Security Act must be repealed, in particular: Section 8, Chapter 3 which grants sweeping powers to DSA, an executive body, to block information online and restrict freedom of expression beyond what is permissible.Undernational freedom of expression standards; Sections 21, 25, 28, 29, 31 of Chapter 6 which include speech offences, defined in vague and overbroad terms. Section 38 which deals with service providers' liability. At the very least, it should be amended to require "actual" knowledge of illegality and taking "reasonable" action. Before liability is imposed.Sections 56, 59, and 60 of Chapter 9, each specifying different rights Delegate, 'solve difficulties' and establish rules. Or at least these sections The scope should be strictly limited. • Some definitions in Chapter 2 need to be clarified, including data storage, critical information infrastructure, digital security, illegal access, liberation war awareness, and service providers. • Amending section 4 of Chapter 1 to state that national regulations only apply if a real and substantive link can be established between the service in question [and the country](#) wishing [to apply its law in this way.](#) , should be made clear that it should apply outside the country. • Articles 17-20, 33 and 34 computer-related offenses need to be reviewed and aligned more closely with relevant international standards in this area. 2001 Cybercrime Convention. • If Articles 21, 25, 28, 29, and 31 are repealed, Article 35 needs to be considered only for the intent requirement. [The Digital Security Act 2018](#) was endorsed only [to shield the huge data of](#) the territory of Bangladesh from various types of advanced attacks. [The Digital Security Act 2018](#) was requested only [to defend the critical data of](#) the Public authority of Bangladesh from various kinds of Digital attacks. In this real cycle, the state didn't ponder the security of electronic correspondences and individual information, as well as the chance of explanation on the web and the assurance of any excess fundamental essential opportunities shockingly in the state. Lately, the Bangladesh government has been mauling chance of thought, heart, and movements to smother data. Things disintegrated during the Coronavirus 19 scourge considering the baiting, control and catch of teachers, students, garment workers and normal opportunities activists. Despite criminal

allegations, imprisonment because of multiple factors thwarts the execution of various fundamental opportunities. For instance, - chance of improvement, chance of explanation, chance of heart and evaluation, chance of religion furthermore, conviction, chance of improvement, etc. Therefore, smart and political opportunities of people have been dismissed. Article 19, an overall rights affiliation managing chance of explanation, reports that in 2020 alone, there were 198 cases under the Digital securityAct in Bangladesh. In addition, something like 4 assortments of proof have been archived against 85 researchers and editorialists. In addition, 32 people were caught in 2020 under the Digital securityAct. Close to the beginning of 2021, 6 writers have been charged in 5 cases under the Advanced Security Act. In 2019, 1135 people were caught in 632 cases under this guideline. This overview can be confined into four segments: 1. A short establishment on the execution of the Control Security Act 2018. 2. Overall Basic freedoms Depending on the appearance of the Digital securityAct 2018. 3. Assessment of different areas of guideline as indicated by the viewpoint of human Suggestions: For instance, - chance of improvement, chance of explanation, chance of heart and evaluation, chance of religion furthermore, conviction, chance of improvement, etc. Therefore, smart and political opportunities of people have been dismissed. Article 19, an overall rights affiliation managing chance of explanation, reports that in 2020 alone, there were 198 cases under the Digital securityAct in Bangladesh. In addition, something like 4 assortments of proof have been archived against 85 researchers and editorialists. There are many sections of the harmful Advanced Security Act 2017. Which is clashing with public and overall essential opportunities guidelines, ethics and standards and can without a doubt irritate Web clients. All cases recorded under this Act misuse occupants' in general right to life, including chance of thought, soul, and appraisal, including the press and the media. The Digital Security Act 2018 gives signs of a variety of bothering and obstructive genuine variables, which will quickly set out open ways to dismiss worldwide and public legitimate norms and procedures and infringe on the honors of occupants. As indicated by this perspective, the Advanced Security Act should be disavowed completely. The state needs to cancel it since it is basically out of any change. All the while, we can get down to business and work with the withdrawal collaboration, to expand and recognize worldwide and public standards and courses of action, and to shield the open door and security of inhabitants to convey their viewpoints and, in particular, to comprehend the dream of cutting edge Bangladesh. In any case, the significant, participatory, adequate and authentic discussions with occupants were not made during the drafting of the law. Occupants have imparted stress over the draft guideline on their drive. Under the watchful eye of the law was passed, the top state pioneer, guideline minister and information advancement serve said the law had not been applied against feature writers and the media. In any case, according to normal freedoms social affairs, something like 100 journalists have been charged in around 50 cases among 2019 and May 2021. Around 40 of the 91 charged reporters have been caught. It is dark right now what he will do resulting to leaving the post. Second, basically every section of this guideline, from the definition to the surrendering to different parts, is clashing with public and worldwide normal opportunities principles, ethics and rules and can be easily used to hurt people. Basically every case archived using the law would dismiss the chance of thought, heart and verbalization of inhabitants and the media, which has proactively been seen generally speaking. Thirdly, the new disillusionment in prosperity the chiefs, expansive contamination in various administrations, especially nonattendance of changed orchestrating in the Service of Wellbeing, nonattendance of coordination of good organization, beguiling position and the option to general appraisal on corruption. Claims have been recorded against people from fluctuating foundations, including writers, for revealing information on peculiarities and degradation in help spread, which includes concern. The law is being used to prevent inhabitants from getting progressed security and affirmation furthermore, is ignoring social correspondence and consecrated protection. 5.3 Conclusion In Bangladesh, the Digital Security Act has become a source of concern. Where the journalistic profession has gone binoculars. This law, in particular, has proven a stumbling block for investigative journalism. This law has instilled terror in computer network and internet users. Media professionals, in particular, are unable to write openly. Cannot articulate an autonomous viewpoint. Journalists and media professionals cannot freely express themselves on social media. It is not permissible to criticize the government. People have the constitutional right to criticize the government. Opposition parties, the general people, media workers, and journalists are all free to criticize the government's errors. However, after the passage of the Digital Security Act, people's freedom of expression has been restricted. Especially those that create investigative journalism. Investigate irregularities at various government and commercial entities, produce records, and report them to the public. There is no replacement for investigative journalism in raising public awareness and protecting citizens from harm caused by various institutions' irregularities. However, investigative journalists are hesitant to disclose such information. Due of digital security rules. As a result, government and private sector irregularities and corruption are being repressed. Such investigative operations are not undertaken by journalists. Another gray area of digital security regulation that has gone above and beyond people's privacy. Section 43 empowers the police to enter houses and inspect all papers and offices, to conduct body searches on all people, and to confiscate computers, laptops, digital devices, networks, servers, and digital platforms. Worse, because of the authority granted by the legislation, the police can arrest anyone without a warrant. There is no need to seek approval from any police authority in this circumstance. A review of the Act finds that certain parts are unclear and contain a lot of phrases that are misused or misconstrued against the media. Which is simple to use. Misuse is simple. The most concerning feature of the Digital Security Act is that 14 parts of the Crime and Punishment Act are non-bailable, five are bailable, and one is negotiable. As a result, dread has been instilled in people's minds concerning this law. Various negative concepts have been woven into people's heads as a result of this law. Which journalists' news practices are jeopardized? So we must remember that this regulation does not apply to media professionals,

