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“Restriction on the Freedom of Expression and its effect on Democracy: An evaluation in light of different International Laws and National Laws of Bangladesh”

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“Research on Restriction on the Freedom of Expression and its effect on Democracy: An evaluation in light of different International Laws and National Laws of Bangladesh”

LETTER OF APPROVAL

Date: 26 December, 2019

To

Ferdousi Begum

Senior lecturer

Department of Law

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Subject: Letter of Transmittal

Sir,

It is a gratification for me to submit the research on “**Research on Restriction on the Freedom of Expression and its effect on Democracy: An evaluation in light of different International Laws and National Laws of Bangladesh**”

Has been successful. While doing this monograph, I tried my level best to prepare this project accordance with the required standard. I hope that this paper will fulfill your expectation and make you contented.

I, therefore, hope that you will be kind enough to go through this paper for evaluation.

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

Ferdousi

Ferdousi Begum

Senior lecturer

Department of Law

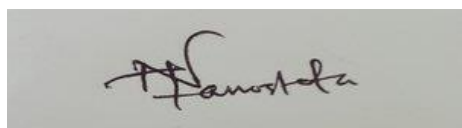
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ACKNOWLEDGMENT

The concept of research monograph is a new concept for me, but I got the nerve to complete it with the help of my supervisor, Ferdousi Begum, Senior lecturer, Department of Law, Daffodil International University. His encouragement and aid helped to complete this research monograph. He supervised and guided this monograph thoroughly. The main hurdle he faced, in my belief, is to make me understand how to prepare it, as this subject is quite a new thing for me. He advised me to search many materials and books to prepare this monograph. The library of Daffodil International University, Dhaka, also came into lots of help for this research, by providing many books and journals and researches.

Researching the matter on protection of the rights of refugees in Bangladesh, I found it very interesting and challenging and I am sure this research knowledge will help me in my legal profession. As the refugee matters are now a going concern not only for a third world country like Bangladesh, but also for the whole world, especially after the armed conflict between East and West Countries. If I will ever get any opportunity to work for the rights of refugee, I will be pleased to do it, as this research helped me to think more deeply about these people during the completion of this monograph.



Nurul Adnan Mostafa

CERTIFICATE OF SUPERVISOR

Research paper ‘on **“Restriction on the Freedom of Expression and its effect on Democracy: An evaluation in light of different International Laws and National Laws of Bangladesh”**

Is prepared by Nurul Adnan Mostafa Id: 191-38-326 Masters of law (LL.M), Department of law, Daffodil International University, is accepted in terms of Quality.

Ferdousi

Ferdousi Begum

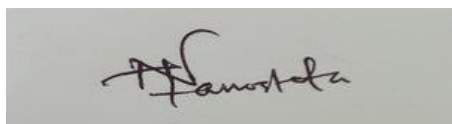
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DEDICATION

This is **Nurul Adnan Mostafa, ID NO: 191-38-326**, a regular student of Masters of Laws Program under the Department of Law, Daffodil International University, hereby declaring that this Research Monograph on “**Restriction on the Freedom of Expression and its effect on Democracy: An evaluation in light of different International Laws and National Laws of Bangladesh**” Is prepared only for the requirements of the Department and for the partial fulfillment of Masters of law (LL.M).

A rectangular box containing a handwritten signature in black ink. The signature is stylized and appears to read 'Nurul Adnan Mostafa'.

.....
Nurul Adnan Mostafa

Abstract

The right to speak freely of discourse and articulation is an essential right in current social orders, and it has specific essentialness in connection to the well working of the sacred equitable procedure. This right to speak freely and articulation is basic to the improvement of human character and each individual ought to be free in his idea and soul. Then again, it is likewise fundamental for the improvement and working of majority rules system. Bangladesh is a popularity based nation and its constitution contains the privilege to free discourse and articulation. In this paper, first I have talked about the idea and point of view of the right to speak freely of discourse and articulation and of majority rule government and their place in the Constitution. At that point I have attempted to sift through the grounds on which confinement can be endless supply of discourse and articulation and furthermore talked about their avocation. At long last, I have examined the impact of endless supply of discourse and articulation over Democracy and contemporary state of Bangladesh. The principle point of this paper is to recognize the sensible grounds of endless supply of discourse and articulation and their belongings over vote based system.

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CHAPTER: ONE

INTRODUCTORY PART

1.1. Introduction

One of the natural impulses of person is the longing of being free. The feeling of opportunity makes them unmistakable from different creatures. The battle for opportunity of articulation is an old matured battle of gatherings and individual against their worlds of politics. The term opportunity Of articulation might be synonymously utilized as 'the right to speak freely of discourse opportunity of thought and Inner voice, opportunity of press', 'right to data', access to data' and so on. Opportunity of articulation is a major right in present day social orders, and it has specific criticalness in connection to the well-working of the sacred vote based procedure. The right to speak freely of discourse is a common freedom. The term opportunity implies the privilege to do or say what anybody needs with no individual halting him. Furthermore, articulation implies things that individuals state, compose or do so as to show their sentiments, conclusions and thoughts. By thinking about the previous implications, it very well may be said that opportunity of articulation implies that the privilege to state, Compose or do so as to show emotions without anybody's confinement on it. Once more Articulation can incorporate having perspectives or sentiments, talking so anyone might hear, distributing articles or books or handouts, TV or radio telecom, delivering gems, correspondence through the web, a few types of business data and numerous different exercises. Ideas of the right to speak freely of discourse and articulation can be found in early human rights reports Like Magna Carta of 1215, England's Bill of Rights 1689, the Declaration of the Rights of Man and of the Citizen, embraced during the French Revolution in 1789. Today the possibility of opportunity of articulation has been perceived in numerous universal, provincial and national laws of various States. Global laws like Universal Declaration of Human Rights (UDHR) embraced in 1948 referenced about opportunity of conclusion and articulation. In its article 19 it states that¹, everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.” Again the right is enshrined in the second passage of article 19 of the International Covenant on Civil and Political Rights (ICCPR). It is expressed in it that²,

1.2 Research Methodology

This Research Monograph has been intended to complete an underlying audit that will set out some fundamental issues dependent on starter discoveries gathered from auxiliary sources. As a feature of necessity of the main stage, a report on starter appraisal of this subject was arranged and submitted. At long last, reports are given in intriguing measures on this Research Monograph. The procedure pursued all through the exploration has been call attention to underneath a) Planning for the entire research paper. b) Taking exhortation from Honorable Research Supervisor with respect to the assortment of vital data. c) Collection of study materials with the assistance of the concerning educators, looks into, and law reports, course readings, articles, diaries, Newspaper, sites. d) Study and talk with the worry boss. This Research Monograph is systematic and intriguing in nature and the data and assessment on the exploration are subjective in nature. This investigation depends on both essential and auxiliary information assortments. They have been gathered from libraries, classes and web and so on. Gathered information have been handled and arranged in the present structure so as to make the investigation increasingly instructive, diagnostic and helpful for the employments. This examination is set up by utilizing the expository methodology of research which is the most significant one and broadly utilized in lawful research. Other than these, all other piece of this examination is kept up by the systematic methodology of the exploration strategies. The methodology received to accomplish the particular targets on the present investigation has included the distinctive research philosophies.

1.3 Objectives of the Study

Each exploration has some particular items and objectives. The point of the examination is to recognize the limitation on the opportunity of articulation in Bangladesh and its impact on majority rules system. Some different items have been recognized based on this issue. For example, a) To discover the genuine situation of the opportunity of articulation in Bangladesh. b) To discover the genuine causes behind non materialness of opportunity of articulation in

Bangladesh. c) To raise the mindfulness among individuals about their entitlement to opportunity of articulation. d) To legitimize the current state of opportunity of articulation. e) To discover the application method of opportunity of articulation in Bangladesh. f) To give some suggestion for the use of opportunity of articulation in Bangladesh.

1.4 Scope and Limitation of the Study

The extent of this examination incorporates the territory of data with respect to the opportunity of articulation in Bangladesh. There are a few impediments which I looked in setting up my examination. The principle actuality is that the said constraints have decreased the extent of the investigation. I have discovered restricted data in books, diaries and articles. The fundamental restriction is the time restricting work. In any case, there are some essential confinements which I needed to experience at the hour of setting up this examination Monograph. A portion of those impediments are: a) Limited access to assets in the library b) Rare access to important data. c) Time the executives. d) A little access to specialists for altering and dissecting.

CHAPTER TWO

DEFINITION AND BACKGROUND OF FREEDOM OF EXPRESSION

2.1 Meaning

The term '**freedom**' means the right to do or say what anyone wants without any person stopping him. And '**expression**' means things that people say write or do in order to show their feelings, opinions and ideas.

2.2 Definition

By thinking about the first implications, it tends to be said that opportunity of articulation implies that

The privilege to state, compose or do so as to show emotions without anybody's confinement on it.

Once more Articulation can incorporate having perspectives or sentiments, talking so anyone might hear, distributing articles or books or pamphlets, TV or radio telecom, delivering masterpieces, correspondence through the web, a few types of business data and numerous different exercises. Opportunity of articulation is the opportunity to impart thoughts without restriction, regardless of whether orally or in print or by some other methods for correspondence. As indicated by Oxford Dictionary, opportunity of articulation is the power or right to express one's sentiments without restriction, limitation, or lawful punishment. As indicated by Legal Dictionary, Freedom of articulation is the privilege stood to an individual to have the option to talk their brain unafraid that the legislature will edit or confine what they need to state, or will fight back against them for conveying everything that needs to be conveyed. Individuals are frequently befuddled by this idea, in any case, feeling that they can say whatever flies into their heads without repercussion. Because you are permitted to state anything you desire doesn't imply that you won't endure outcomes thus – it just implies that the legislature can't damage your entitlement to do as such. Opportunity of expression. Right

to have conclusion ii. Right to express them uninhibitedly iii. In spite of the fact that any medium, composing, print, TV, radio, web and so forth iv. Confined to the degree of not antagonistically influencing opportunity of others to live with harmony and concordance.

CHAPTER: THREE

INTERNATIONAL LAWS IN SUPPORT OF FREEDOM OF EXPRESSION

3.1 The Convention on the Rights of the Child, 1989

The UN General Assembly embraced the Convention and opened it for signature on 20 November 1989 (the 30th commemoration of its Declaration of the Rights of the Child). It came into power on 2 September 1990, after it was endorsed by the necessary number of countries. As of now, 196 nations are involved with it, including each individual from the United Nations aside from the United States.¹³ Freedom of articulation is contained in Articles 12 and 13 in the Convention on the Rights of the Child¹⁴: Article 12¹⁵ 1. States Parties will guarantee to the kid who is equipped for shaping their own perspectives the privilege to express those perspectives uninhibitedly in all issues influencing the kid, the perspectives on the kid being given due weight as per the age and development of the kid. 2. For this reason, the kid will specifically be given the chance to be heard in any legal and authoritative procedures influencing the youngster, either straightforwardly, or through an agent or a fitting body, in a way predictable with the procedural standards of national law. Article 13¹⁶ 1. The youngster will reserve the privilege to opportunity of articulation; this privilege will incorporate opportunity to look for, get and give data and thoughts of various sorts, paying little respect to boondocks, either orally, recorded as a hard copy or in print, as workmanship, or through some other media of the kid's decision.

CHAPTER: FOUR

CONCLUDING PART

4.1 Findings

Since getting its self-rule in 1971, Bangladesh has not increased a great deal of ground towards an all the more liberated society with respect to free talk, press and enunciation. In all honesty, current authorization shows that they have all the earmarks of being moving towards a continuously restrictive society. Various people caught for applying their chance of explanation, thought, and talk. Various bloggers kicked the pail on the clarification that they express their thought, internal voice. Various feature writers caught and kicked the basin for their declaration and news report. Various TV channel and paper are denied for appropriating news or report on the clarification of supposed security of the state, open solicitation, etc. In Bangladesh there is no fitting utilization of chance of enunciation since two or three laws said about chance of verbalization subject to reasonable restriction anyway on the other hand pile of laws bind this chance.

4.2 Recommendation

The Government of Bangladesh should:

- It is the commitment of the political pioneers similarly as all of the inhabitants to try to keep up a concordance between chance of verbalization and mishandling or abusing that open door as in light of the fact that the chance of explanation isn't a boundless one.
- Every individual ought to understand that the severe and social traditions of others should be respected
- Article 39 (2) of the Constitution must not be accused in order to affront the organization interests and as a gadget of confinement concealment.

- For the progression of fitting parliamentary dominant part rule government, Parliament must lose its image of being the choice social occasion's porch.
- The parliament should be a spot for increasingly broad fair dialog; we believe that parliament will after a short time consider changing article 70 of the constitution.
- My proposition is article 70 constitution should be adjusted at this point not totally annulled. Article 70 can relevant by virtue of Non-Certainty Motion and Money Bill.

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