

Misuse of the Digital Security Act, 2018 in Bangladesh: A Legal Analysis



LL.M. THESIS

**A DISSERTATION SUBMITTED IN PARTIAL FULFILLMENT OF THE
CREDIT REQUIREMENTS FOR AWARDED THE DEGREE OF MASTER
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Date of Submission: 16 September, 2022

Letter of Transmitter

Date: 16/09/2022

To

Dr. Kudrat-E-Khuda Babu.

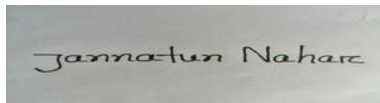
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Subject: Submission of Research Monograph Sir,

With due regard, I mean to cause you kind to notice the way that I am an study of LL.M (1 year) bearing Batch: 36, Roll: 213-38-006. I am presenting the Research Monograph as a piece of the finishing of the LL.M (1 year) program. I am asking your benevolent absolution for certain slip-ups and blunders of which I was not completely concerned.

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Sincerely,

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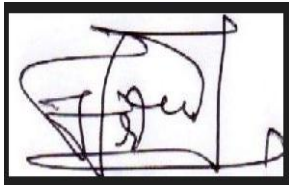
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Certification

This is to affirm that the test paper relies upon the work delivered by the creator and under my watch at the Daffodil Global College's regulation division in Dhaka, Bangladesh. The work introduced here is affirmed to be unique and fitting for the degree of LL.M. that has not yet been completely fulfilled (1 year).

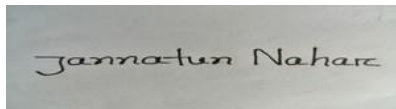
A handwritten signature in black ink, enclosed in a black rectangular border. The signature is stylized and appears to read 'Dr. Kudrat-E-Khuda Babu'.

Sincerely
Dr. Kudrat-E-Khuda Babu.
Professor & Head
Department of law
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Declaration

I, in this way truly declare that the work presented in an endeavor paper "computerized security act " has been finished by me and has not been as of late submitted to another College/School/Association for an educational capacity or a specialist degree. I accordingly ensure that the work that has been presented here breaks no ongoing copyright.

I further hug to repay the College against any disaster or mischief rising up out of enter of the past responsibility.

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Sincerely,
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Dedicated
My Parents

Acknowledgement

I would like to express my deep gratitude to Professor Dr. Kudrat-E-Khuda Babu. Professor & Head, my research supervisors, for their patient guidance, enthusiastic encouragement and useful critiques of this research work.

I would also like to thank. Dr. Kudrat-E-Khuda Babu. Professor & Head, for her advice and assistance in keeping my progress on schedule. My grateful thanks are also extended to Mr. Dr. Kudrat-E-Khuda Babu. Professor & Head for his help in doing the meteorological data analysis, , who helped me calculate the wind pressure coefficient and to Dr. Kudrat-E-Khuda Babu. Professor & Head

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Finally, I wish to thank my parents for their support and encouragement throughout my study.

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

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Chapter One

Introduction

1.1 Introduction:

The Digital Security Act 2016 was enacted only to protect the important data of the state of Bangladesh from various types of cyber attacks. The Digital Security Act 2016 was enacted only to protect the important data of the Government of Bangladesh from various types of cyber attacks. In this legal process, the state did not consider the protection of electronic communications and personal information, as well as the freedom of expression online and the privacy of all other basic human rights of all people in the state. In recent years, the Bangladesh government has been abusing freedom of thought, conscience, and gestures to suppress data.

Things got worse during the Covid 19 epidemic because of the harassment, detention and arrest of teachers, students, garment workers and human rights activists. The main objective of the Digital Security Act is to "ensure digital security". But the Act does not directly address or analyze what the Digital Security Act actually means. Even all the provisions to ensure digital security are not properly enshrined in this act. Digital security basically refers to the control policy that needs to be adopted through information and communication technology in order to ensure the free exchange of information, confidentiality, accuracy, availability, etc. of all information and data. The Digital Security Act is a law enacted by the Bangladesh government in October 2018. The government claims that this law has been enacted to provide security to the citizens. However this law and some of the provisions within the law are too broad and vague, which has provided enormous punitive power to the law enforcement agencies. For example, one of the provisions enables the law enforcement agencies to seize any equipment, arrest anybody or search any premises without any warrant. The digital security Act has become a weapon of choice for the government and its supporters to silence the citizens and muzzle freedom of expression. The law has a provision which allows the law enforcement agencies to file charges against individuals even before the crime is committed merely on the basis of a suspicion. Besides, there is another provision which allows the supporters of the government and for that matter any individual to file charges or file cases against individuals, even if he or she is not aggrieved. So this has been used by the supporters of the government over the last three years. That created a culture of fear among anybody.

1.2 Statement of problem

In addition to criminal charges, detention for a variety of reasons prevents the implementation of many basic rights. Such as - freedom of movement, freedom of expression, freedom of conscience and opinion, freedom of religion and belief, freedom of movement, etc. Therefore, civil and political rights of the people have been violated. We will have a clear idea that the way the law empowers the police and law enforcement is in conflict with the rights of citizens. The law provides for the prosecution of even those who are not aggrieved, which is synonymous with 'vigilante justice'. The government has limited access to reliable information and is reluctant to provide clear and concise information from law enforcement agencies. We will be able to know more and be aware that our research has found evidence of how this law is being used only for the benefit of those in power. About 80 per cent of the complainants whose political identities have been collected are members of the ruling Awami League and its affiliates. Had there been transparency and complete information, there would have been a clearer idea of the misuse of this law and how it has become a tool of one party only to suppress dissent. This law has hung the sword of control over the journalists. of the Problem:

Article 19, an international rights organization working on freedom of expression, reports that in 2020 alone, there were 198 cases under the Digital Security Act in Bangladesh. In addition, at least 4 cases have been filed against 85 writers and journalists. In addition, 32 people were arrested in 2020 under the Digital Security Act. At the beginning of 2021, 6 journalists have been charged in 5 cases under the Digital Security Act. In 2019, 1135 people were arrested in 632 cases under this law. This review can be divided into four parts:

1. A brief background on the implementation of the Digital Security Act 2018.
2. International Human Rights Counting on the pretext of the Digital Security Act 2018.
3. Analysis of different sections of law from the point of view of human problems.
4. What should citizens do now to repeal the law?

There are many sections of the oppressive Digital Security Act 2017. Which is inconsistent with national and international human rights principles, ethics and standards and can easily harass Internet users. All lawsuits filed under this Act violate citizens' right to life, including freedom of thought, conscience, and opinion, including the press and the media. The Digital Security Act 2018 shows signs of a variety of harassing and obstructive realities, which will quickly create opportunities to violate international and national legal principles and policies and infringe on the rights of citizens. From this perspective, the Digital Security Act should be repealed altogether. The state has to repeal it because it is basically out of any reform. At the same time, we can take the initiative to expedite the cancellation process, to expand and realize international and national rules and policies, and to protect the freedom and privacy of citizens to express their views and, above all, to realize the dream of digital Bangladesh.

First, the necessary, participatory, adequate and proper discussions with citizens were not made during the drafting of the law. Citizens have expressed concern over the draft law on their initiative. Before the law was passed, the prime minister, law minister and information technology minister said the law had not been applied against journalists and the media. However, according to human rights groups, at least 100 journalists have been indicted in about 50 cases between 2019 and May 2021. About 40 of the 91 accused journalists have been arrested. It is unknown at this time what he will do after leaving the post. Second, almost every section of this law, from the definition to the handing over to different chapters, is inconsistent with national and international human rights principles, ethics and standards and can be easily used to harm people. Almost every case filed using the law would violate the freedom of thought, conscience and expression of citizens and the media, which has already been noticed in hundreds of cases. Thirdly, the recent failure in health management, widespread corruption in various ministries, especially lack of balanced planning in the Ministry of Health, lack of coordination of good governance, misleading position and the right to public opinion on corruption. Lawsuits have been filed against people from all walks of life, including journalists, for disclosing information on irregularities and corruption in relief distribution, which is a matter of concern. The law is being used to deprive citizens of digital security and protection and is in violation of civil rights and constitutional protections. There are many sections of the oppressive Digital Security Act 2017. Which is inconsistent with national and international human rights principles, ethics and standards and can easily harass Internet users. All lawsuits filed under this Act violate citizens' right to life, including freedom of thought, conscience, and opinion, including the press and the media.

Through the Digital Security Act, media workers, journalists and freedom of speech lawyers have always been subjected to torture, harassment and harassment. The atrocities perpetrated against writers and journalists by abusing this law are completely unreasonable. Also Articles 8, 21, 25, 26, 29, 31, 32 of our constitution are in conflict with the freedom of press. These clauses have also violated the freedom of expression of the citizens of Bangladesh.

1.3 Objectives of the Study

The main objective of the study is to investigate and assess the position and Misuse of the Digital Security Act as provided under various international declarations and conventions as well as national policies and compare them with education facilities. The specific objectives are as follows—

1. To explain misuse of the Digital Security Act condition in Bangladesh relating to existing education facilities;
2. To observe the existing laws relating to misuse of the Digital Security Act;
3. To evaluate the existing legal situation of misuse of the Digital Security Act regarding education facilities;
4. To make conclusive suggestions fruitful and needful to the nation as well as the misuse of the Digital Security Act.

1.4 Research Questions:

The research questions of the study are as follows—

1. What is the socio-economic condition of misuse of the Digital Security Act in Bangladesh regarding education facilities?
2. What is the international and national initiatives regarding misuse of the Digital Security Act?
3. Is misuse of the Digital Security Act for all people are aware about their rights and laws?
4. What are the major features affecting misuse of the Digital Security Act and education facilities provided to them?

We will have a clear idea that the way the law empowers the police and law enforcement is in conflict with the rights of citizens. The law provides for the prosecution of even those who are not aggrieved, which is synonymous with 'vigilante justice'. The government has limited access to reliable information and is reluctant to provide clear and concise information from law enforcement agencies. We will be able to know more and be aware that our research has found evidence of how this law is being used only for the benefit of those in power. About 80 per cent of the complainants whose political identities have been collected are members of the ruling Awami League and its affiliates. Had there been transparency and complete information, there would have been a clearer idea of the misuse of this law and how it has become a tool of one party only to suppress dissent. This law has hung the sword of control over the journalists.

1.5 Methodology

The present study will be a descriptive work based on qualitative data. Different methods and techniques will be applied to conduct the present study. Several data collection tools will be used to collect primary data. To collect primary data observation, Focus Group Discussion (FGD), case study and use of key informant will be used considering the objectives of the present study. Observation method will be applied to find out the real facts. Focus Group Discussion (FGD) methods will be applied to get more information. Key informant will be adopted to gather information from cross section of people who will be able to provide information on child rights and education facilities. Key informant will be human rights workers, lawyers, teachers and other concerned professionals. Case study will be used to collect data and information from different categories of children. Data will be processed and analyses keeping in view with the objectives of the study.

1.6 Types of Data

Mainly, qualitative data will be collected for conducting the present study. There will be very less volume of quantitative data, if required, will be used in the present study. The basic emphasis will be given on the qualitative data in analyzing and writing the report. Since, the present study will be a qualitative as well as descriptive study.

1.7 Sources of Data

Both primary and secondary sources of data will be collected to conduct the present study. Different methods and techniques will be applied to collect primary data. These methods and techniques are observation, Focus Group Discussion (FGD), case study and use of key informant. On the other hand, books, journals, periodicals, dissertations, reports, reports of dailies and different recognized web sites etc. will be used as the sources of secondary data.

1.8 Review of Related Literature

Regarding this, the Samapdak Parishad on 28 September 2018 said, “We are fully committed to the preservation of the dignity and correct history of our Liberation War and given the past experience of attempts at its distortion we understand the need to do something in this regard. However “Spirit of Liberation War” is rather vague term. Without further defining the “crimes” under this section and clearly specifying what constitutes a “crime” we run the risk of serious abuse of this law and harassment of journalists and the punishment is up to life-term or (and) Tk 30 million in fine or both.”

Salam, S A. (2018) in one of his articles mentioned that the Digital Security Act will reduce harassment of the people while using digital devices and their essential data will be secured duly. According to him, it is true that there are some controversies regarding some sections of the law. But there are some protections too for some situations. The law has provisions to ensure appropriate punishment for the offenders involved in propagating negative things about Bangabandhu Sheikh Muzibur Rahman, the founder father of the nation. Moreover, disseminating something using digital devices that hurt anyone's' religious sentiment is a punishable crime under this law. So, the religious practices and events have got legal protection promoting an environment where everyone can practice his/her own religion without any fear (Prothom Alo, 2018).

The Sampadak Parishad said. The Parishad feared such when the act was being formulated. “It would be no exaggeration to say that in some cases the implementation of the Digital Security Act is sterner than what we feared,” said the statement. “Mushtaq Ahmed, a free-spirited writer, had to prove the with his life.” The Parishad thanked the court for granting bail to cartoonist Ahmed Kabir Kishore, who remained behind bars in a pre-trial detention for 10 months. However, the editors’ council said the way journalists and writers are subjected to cruelty after their arrest under the Digital Security Act is unwarranted. Journalist Shafiquel Islam Kajol had been missing and then was in jail for a long time just for sharing an article on social media. Although he was granted bail, cases against him are ongoing. Physically and mentally sick Kishore has been released on bail, but the case remains against him.

Posts and telecommunications minister Mustafa Jabbar said that the Digital Security Act 2018 aimed at ensuring people’s cyber security was being misused in some cases.

‘Digitalization would bring in danger if we cannot ensure security everywhere, such as the security of financial transactions,’ Jabbar said. He said that the Digital Security Act, 2018, was enacted to ensure the security of the people as the use of internet had increased. ‘But the law is being misused in some cases,’ he added. Asked whether the government should give specific instructions to check the misuse of the Digital Security Act as journalists, rights activists and politicians were mostly becoming the victims of such misuse, he said it was ‘unexpected.’

He said steps were taken from his ministry along with other ministries concerned so that the DSA was not misused.

1.9 Rationale of the Study

The Digital Security Act is a very important law in Bangladesh. But by abusing this law, it violates many constitutional rights in Bangladesh, including freedom of expression. In particular, human rights are being violated by using section 57 of this law. There are other provisions in this law which impede the freedom of speech and expression of the people of Bangladesh.

Nur Khan, a human rights activist and former executive director of the Law and Arbitration Center He told the Deutsche Welle: "I am against any barriers to open discussion and free expression. When it comes to discussing religion or an individual, and if the opportunity to discuss that is limited, then the effect can be seen in other discussions as well. In fact, nothing should be left out of the discussion.

Thus, of course, many studies have been conducted on human rights, in particular child rights, and education both in national and international perspective. The present researcher has acceded to review a few relevant research works on these issues which does not cover the objectives of the present study. That is to say, the present study will be a good arrangement and acceptable work in this area. Moreover, the findings and concluding suggestion of the present study will be capable of contributing knowledge of planners, policy makers, practitioners and human rights workers as well as child rights workers of relevant sector.

1.10 Estimated monetary budget and time schedule

The present study will be a self financed work. The present researcher himself contributes to conduct the study. Three years will be required in several phases to conduct the present study. Selection of research problem and topic, writing research proposal and commencement of data collection will be made in the first phase. In the second phase, data will be processed and data will be analyzed and report writing in the final phase.

1.11 Expected Outcome

We will have a clear idea that the way the law empowers the police and law enforcement is in conflict with the rights of citizens. The law provides for the prosecution of even those who are not aggrieved, which is synonymous with 'vigilante justice'. The government has limited access to reliable information and is reluctant to provide clear and concise information from law enforcement agencies. We will be able to know more and be aware that our research has found evidence of how this law is being used only for the benefit of those in power. About 80 per cent of the complainants whose political identities have been collected are members of the ruling Awami League and its affiliates. Had there been transparency and complete information, there would have been a clearer idea of the misuse of this law and how it has become a tool of one party only to suppress dissent. This law has hung the sword of control over the journalists.

Chapter Two

Methodology of the Study

2.1 Introduction

This chapter offers an overview of the methodology used in this study. The chapter attempts to discuss in detail the methods that are used to collect and analyze data for assessing to Bangladesh is a digital country In this digital age we are becoming dependent on technology for everything. Unknowingly, many of our issues are being recorded on digital platforms. And our daily personal and professional life has become dependent on this digital platform. Since we are becoming hundred percent dependent on digital platforms, the Digital Security Act has been created to protect people from all levels of the country from its misuse and irregularities. We should begin from Segment 57 of Data Innovation Act. At the point when this statement was added, it began discussing 'use' and 'misuse'. I attempted to grasp the 'law' by doing a few examinations, however I didn't figure out it. Not to be perceived. Not being an individual of regulation, I think there is compelling reason need to grasp the entire thing. How about we attempt to make sense of the matter based on sound judgment. 'Eggs first, chickens first', 'ponies first, vehicles first' are extremely typical statements in Bengali. In this light, a few survey about Segment 57 and the ongoing Computerized Security Act-2018. I won't trouble the composition by alluding to the law. I will attempt to compose something about the 'utilization' and 'abuse' of the law.

At the point when Segment 57 came up, the public authority said there would be no 'abuse'. Numerous media chiefs were persuaded by the public authority's words. Then, at that point, cases began to be documented for the sake of media laborers under area 57. Many individuals, including media pioneers, began saying that the law was being 'manhandled'. This word signifies 'the law is great, yet it is being abused'.¹

The Advanced Security Act additionally says there will be no 'abuse'. At the point when this regulation is upheld it will be supposed to be 'abusing'. Such and such OC or SI 'BNP-Jamaat'. He or they are 'abusing' the law and hassling columnists. It is inevitable prior to hearing such talk from many including media pioneers. The inquiry is, the reason is it called 'misuse'?

Government makes regulations. The Service of Regulation, with the help of the concerned Service makes a regulation. passed by the Bureau. Whenever passed by the Public Gathering

¹ Mortoza.G. (2018, February,1).Use. Misuse and Digital Security Act.*Bangla Tribune*.
<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>

regardless of conversation, it becomes regulation. At times, the draft regulation goes to the significant parliamentary board prior to being passed. Once in a while there is some exchange, in some cases not. After the law is passed by the parliament, the law gets the obligation of execution, for example the police gets the essential obligation of making a move as per the law.

Following this large number of cycles, Article 57 became regulation. The Computerized Security Act has been passed by the Bureau. Being a 'draft' law is said. No it is more than a 'draft'. It ought to be perceived that every one of the priests including the Top state leader maintain that this regulation should be passed in the Parliament. There is no great explanation to accept that, after the Top state leader asked, these MPs will bring any significant corrections prior to passing them. Still I see, many individuals particularly the media chiefs need to accept. They are the ones who will say the law is being 'manhandled' after it is carried out.

It was in area 57, it is likewise in segment 32 of advanced regulation. It is plainly expressed that 'on the off chance that the police accept that a wrongdoing has been carried out' they can take a case, make a move against the individual concerned for example capture. This power, or right, is given to the police by the Computerized Security Act. As indicated by that power and right assuming that the police accept that it is a wrongdoing and in the event that they make a move for example capture a columnist or manager, it isn't 'misuse' of the law. This is typical 'use'.

Assuming we need to talk, we need to say, against the people who empowered the police to 'trust' and 'capture' by regulation. The public authority made the law, not the police. The public authority makes regulations, requesting that the police act as needs be. There is not a great explanation to fault the police for 'misuse'. Yet, we are doing as such. For what reason would you say you are doing? Due to party faithfulness and making use, I have lost my ethical right to reprimand the public authority. Censuring a SI, OC or SP for showing individuals that he or they are 'manhandling' the law and hassling writers.

Truly, the matter isn't really straightforward. The public authority has stepped up and smother the voice of the media by giving the police the law. In the event that you don't grasp this straightforward thing, assuming you keep your steadfastness while complimenting, on the off chance that you give the reason of 'misuse', there will be no opportunity of media. Allow me to be all the more clear. Most government, semi-government workplaces, with the exception of the secretariat, don't expect authorization to enter. You-I can enter an administration bank on the off chance that you need. Also, a significant debasement occurred in Sonali Bank. A media individual went to the concerned office of Sonali Bank to gather data. Proof of debasement should be gathered covertly. through at least one sources. The principal condition that the source will give the data is that the 'name-character of the source' won't be unveiled.

How might information assortment remain after the Computerized Security Act?

a. Prior to going to the concerned part of Sonali Bank, one ought to ask authorization recorded as a hard copy from the director saying, 'I believe consent should enter the bank'. The application ought to be submitted to the Watchman. On entering the bank to make a request to the chief, assuming that the bank authority keeps the columnist and grumbles to the police that he entered the bank unlawfully, it will be a wrongdoing of 14 years in prison and a fine of Tk 20 lakh.

- b. This time, media laborers entered the bank legitimately with authorization. Data may not be gathered clandestinely. That implies going to the individual blamed for defilement and requesting data. Request evidence. Assuming the blamed gives 'proof' to the mediaperson, could he at any point uncover it? No, neither can, except if the blamed gives 'composed consent'. 'Can reveal my debasement data' - without this consent recorded as a hard copy, the individual blamed for defilement can document a case after the report is distributed (covert assortment).
- c. 'Proof' can be gathered from sources regardless of bank access. Indeed, it can. For this situation, the source who gives the 'data', will be at fault for the wrongdoing of 'help'. A similar measure of discipline will be pertinent to him.

2.2 Methods of Inquiry

In this study, both qualitative and quantitative methods were used. *First*, quantitative data were collected through questionnaire survey. I searched from different places like firstly I searched google and I was able to collect a lot of information from wikipedia² and also I did many books and I also collected a lot of information from there. I have found information about this from the reputed newspapers of our country and searched all the writers and journalists who have written about digital security and from newspaper I have taken the news such as some English news paper Bangla news paper I have collected the news from these newspapers which About Digital Security Act. I have read different kinds of books and from those books have taken ideas related to digital security one and cybercrime.

² Digital Security Act, 2018. (2022, 16 July). In Wikipedia
https://en.wikipedia.org/wiki/Digital_Security_Act,_2018

2.3 Summary

As we live in the digital age, we depend on the digital world. Now we use technology to express our thoughts. We are constantly sharing our thoughts on social media. We exchange ideas from one end of the country to the other end of the country by using various compromises and accounts. We think that the account is my mobile, I can write whatever I want. But we don't try to understand that our words can hurt someone else. A wrong information can cause great harm to others. Crime can be committed in a variety of ways in the digital age. For example, crime can be committed by using common technology, and by using special technology, many big crimes can be committed. It is the responsibility of the state to make people aware through laws and prevent them from committing wrongdoing. Before the digital security law, there is no specific law on digital issues. In order to keep pace with the times, we need some modern laws like digital security to know the digital issues. Moreover, in our modern world, when we use computers, online electronic devices, various types of violence are created, we create irregularities, so we need such laws. By applying we can solve all the problems of digital online and modern platform platform. But the main problem is that there are some ambiguities in this law due to which the law has not been properly interpreted or defined, as a result of which people from common people to media workers and social workers can easily get the benefit of the law. On the other hand, the misuse of this law has informed the government to take various initiatives and various types of media workers and journalists.

The most problematic thing is that section 59 of the Digital Security Act ³ has various difficulties in this section. It is very difficult to do this. That is why the government has been repeatedly informed about this issue. On the other hand, if we relate these laws to the constitution, many mistakes will be seen. Therefore, by making the law related to the constitution, our remedy is in the high court. Moreover, we may be able to implement the instructions given by the High Court by applying them correctly

³Staff Correspondent. (2021, March 7). Concerned over abuse of Digital Security Act, demands review. *Prothom Alo*. <https://en.prothomalo.com/bangladesh/concerned-over-abuse-of-digital-security-act-demands-review>

Chapter Three

A Legal Analysis: Digital Security Act 2018

3.1 History:

The history of Digital Security Act started in 2006[Staff Correspondent. (2021, March 7). Concerned over abuse of Digital Security Act, demands review. Prothom Alo. <https://en.prothomalo.com/bangladesh/concerned-over-abuse-of-digital-security-act-demands-review>]. The first Information and Communication Technology Act was enacted in 2006. Later, in 2013, the punishment was again increased and passed more harshly.

3.2 Laws:

The laws in question are discussed below:

According to section 17, if any person tries to cause any kind of damage or disorder by illegally accessing important information or data infrastructure, he will be jailed for a maximum of 7 years and fined up to 25 lakh rupees. And if any policy is damaged once, then the penalty will be more. The maximum punishment will be 14 years imprisonment and a fine of Tk 1 crore. The biggest problem in this case is that if any journalist or media worker or any social worker enters a government office to prevent corruption or irregularities in a government institution and tries to reveal its information or data, then a case can be filed against him under Section 17 of the Digital Security Act. According to Section 18, illegal entry or assistance in electronic device, computer system is punishable with imprisonment for a maximum of 3 years. Penalty is Tk 10 lakh.

In such a situation, if any investigation committee or journalist enters any government or private institution and searches the electronics device or computer system after hearing the irregularities in any government or private institution, he will face severe punishment. That is why social media workers are silent even after seeing irregularities and corruption in various government or private institutions. As a result, corruption in the country is increasing twice. There is no one to see the irregularities and corruption, there is no one to prevent them. A barbed wire fence has been erected in front of those who would uncover the matter and present it to the public. So that they can't search anywhere directly as they want. Section 19[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>

] states that if the data or data storage or its copy is collected illegally from a computer or computer system, imprisonment for seven years. Fine of 10 lakh taka.

A journalist cannot search a government or private official's computer if there are any documents or copies of irregularities or corruption on his or her device. Because if he checks the computer as soon as he hears it has been hacked then he will be punished according to the current Digital

Security Act. That is why he should first report the matter to the police and then take the police with him or take a permit to search. In this situation, many people get enough time to remove the documents. As a result, no corrupt people can be easily caught now.

According to section 20, if the computer source code is changed or destroyed, the maximum sentence is three years and the fine is 3 lakh rupees. Journalists encounter many situations when broadcasting a computer source of investigative information that may present a variety of problems in obtaining updated information. For this reason, in many cases, media workers change the source of the computer to publish the news. But in such a situation, the journalist will be punished.

Section 21 states that any person who gives false propaganda or support against Bangladesh's liberation war, liberation war spirit, father of the nation, national anthem or national flag shall be punished with imprisonment not exceeding 10 years or fine not exceeding 3 lakh taka or both. So in such a situation, if a person unintentionally or wrongly says something wrong about the Liberation War or hurts the spirit of the Liberation War or makes any comment about the Father of the Nation without knowing it, severe punishment awaits him. The way to criticize people's discussion was also closed. The Advanced Security Act, passed in October 2018 to supplant the frequently abused Data and Correspondence Innovation Act, included more brutal arrangements that have been utilized to punish analysis of the public authority. The law provides the capacity to security organizations to hold people endlessly in pretrial confinement. Furthermore, it has made a chilling impact among activists and columnists. Regardless of rehashed calls to align the law with Bangladesh's worldwide responsibilities to safeguard opportunity of articulation, the public authority has would not update the law.

In the midst of emergency, individuals' wellbeing depends at least on admittance to data both off and on the web. Quieting columnists and activists and impeding sites, is certainly not a powerful general wellbeing system. We ask the specialists to end its utilization of prohibitive regulations to quiet pundits and in the midst of the pandemic guarantee the option to look for, get, and share data applicable to the Coronavirus episode.

We further approach the public authority of Bangladesh to promptly deliver the confined pundits and drop the charges brought against them and seven others under abusive regulation. The Coronavirus pandemic isn't a reason to utilize state powers to smother opportunity of articulation.

3.3 What is the Digital Security Act?

The Digital Security Act is a law enacted by the Bangladesh government in October 2018. The Government claim that this law has been enacted to provide security to the citizens. However this law and some of the provisions within the law are too broad and vague, which has provided enormous punitive power to the law enforcement agencies. For example, one of the provisions enables the law enforcement agencies to the seize any equipment, arrest anybody or search any premises without any warrant.

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

The digital security Act has become a weapon of choice for the government and its supporters to silence the citizens and muzzle freedom of expression. The law has a provision which allow the law enforcement agencies to file charges against individual even before the crime is committed merely on the basis of a suspicion. Besides, there is another provision which allows the supporters of the government and for that matter any individual to file charges or file cases against individuals, even if he or she is not aggrieved. So this has been used by the supporters of the government over the last three years. That created a cultural of fear Among anybody. Who wants to make any comment that's critical to the government?

Once more the Bangladesh government has turned to its famous Advanced Security Act-2018 to gag opportunity of articulation, suing 11 people and capturing four of them following analysis of in the state run administrations' treatment of the Coronavirus pandemic. Four individuals have been confined since 5 May 2020 under the draconian advanced regulation, including visual artist Ahmed Kabir Kishore, author Mushtaq Ahmed , IT expert Md. Didarul Islam Bhuyan , and Dhaka Stock Trade Chief Minhaz Mannan Emon . A further seven individuals have been charged . Each of the four prisoners were effectively vanished for quite a long time after they were gotten by the Fast Activity Contingent (RAB) from various areas in Dhaka on 5 May 2020. Following a web-based entertainment objection, the RAB formally gave them over to the Metropolitan police on 6 May at around 7:45 PM, and a case under the Computerized Security Act documented against them by Abu Bakar Siddique, the Representative Partner Head of RAB. They stay in detainment.

The seven others charged in a similar case are Tasneem Khalil , Proofreader in-Head of Netra News , which the public authority has hindered in Bangladesh since it was sent off last year from Sweden; Saer Zulkarnain; Shahed Alam; Ashik Imran; Shapan Wahed; Philip Schuhmacher; and Asif Mohiuddin , a blogger of Bangladeshi beginning living in Germany.

Every one of the 11 have been charged under different arrangements of the Computerized Security Act including 'misleading publicity or mission against freedom war' and 'distributing, sending of hostile, bogus or dread prompting information data'. Specialists have affirmed that the charges connect with supposedly 'spreading tales' over the Covid pandemic via online entertainment. Whenever sentenced, they could each have to deal with upwards of seven years in prison.

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

Since it's presentation in 2018,hundreds of individuals have been Accused of infringement this regulation, and they have been charged under this Digital Security act. In a Research project, we have investigated 754 cases, where 1800 individuals have been blamed for disregarding this regulation. At the point when we investigated those individuals who have been captured, we observed that this has been broadly Against different sorts of individuals taking a gander at thair callings, we have figured out that 20 % of them were columnists and 22% of them were political

pioneers. Other than that, we have seen that money managers 10%, students 16%, others 32% have been blamed for infringement this regulation. It shows how far reaching it has been utilized and how generally it had been utilized Against the residents.

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

Bangladesh has been experiencing serious erosion of democracy since 2011. Two consecutive elections in 2014, which was boycotted by the opposition, and 2018, which was seriously flawed, has accelerated this process of democratic backsliding. The digital security Act has contributed to and is also a reflection of this democratic backsliding. The law has created a culture of fear and has muzzled the opposition voice and now is being used by the government to create a situation wherein the freedom of expression is seriously curtailed.

The Advanced Security Act 2018 has made a few obstructions for residents' getting to data and opportunity of articulation, especially for the media experts remembering writers for Bangladesh. In this manner, insightful news coverage is presently in a condition of dread for qualification. In this specific situation, the reason for the review is to investigate different impacts of this Demonstration, as well as to zero in on various bearings of security while overcoming fears related with the law. Showing the necessities for insightful news-casting, this article likewise introduced various fields of such a compelling reporting. Systemically, this article has followed the subjective methodology and gathered data from both the essential and optional sources. The discoveries from this study have shown that the apprehension about adverse consequences structure the Advanced Security Act is prevailing albeit the point of the law, as depicted, is to give security to data and correspondence. From the examination of assessments of specialists, it is effectively unsurprising that a few articles of the law have made perilous dangers on the method of insightful news-casting, taking into account its pertinent impacts. The majority of the specialists communicated worries about the adverse consequences the law has, as displayed in the discoveries.

Chapter Four

Misuse of the Digital Security Act, 2018

Pastor of State for Outer Undertakings Shahriar Alam has remarked that there has been some abuse of the Computerized Security Act in the country. He remarked on the visit of the Assembled Countries High Magistrate for Basic liberties Michel Bachel to the columnists at the Service of International concerns yesterday.

The Pastor of State for International concerns said, we have been seeing for two days about Michel Bachel's visit, it is being attempted to be misjudged. Attempting to acquire political benefit. Michelle Bachelet came last to discuss the Advanced Security Act. In any case, that doesn't stand by to be said. The Law Priest has over and over said, we have likewise said. We are chipping away at it. As of late the Law Pastor has made a board of trustees headed by the Law Secretary. The law is totally new. It has been abused in certain spots. In any case, this is in no way, shape or form intended to smother the voices of writers.

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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 certain 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. The fact that these negative consequences would ultimately fall on the shoulders of the state and result in such a dire scenario makes it seem as though the government lacked the foresight to act swiftly when necessary.ⁱ

⁴ 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.

A review by the Middle for Regulation and Discretion observed that 10% of these regulations were because of remark on the conversation. Columnist pioneer Manjurul Ahsan Abul Bull said in a public interview that common maltreatment of the law is the use of the law against the writers, just a single has been applied due to the columnists. Regulations are abused exclusively out of retribution. Noor Khan, who was seen by the heads of the Law and Mediation Center, said that it has been seen in different cases that, during the dynamic time frame, the political control of the front is scrutinizing the law. Indeed, even I give me coherent help with steps. Farooq Faisal, writer of the South Asia Provincial Gathering on Article 19, fears the law has been authorized — particularly for columnists. Its fundamental object is that nobody says anything. As do columnists and basic freedoms pioneers, everybody from writers to legislators, educators, attorneys, advocates are the recipient individuals from this regulation. Not being unreservedly uncovered because of regulation. Accordingly, the law doesn't share a lot of sanity.

As indicated by the articulation of the case, the offended party and her mom (previous MP Feroza Begum Chinu) were socially and politically stigmatized because of the posting on Facebook by the mysterious denounced including six columnists and experienced mental and social harm. Areas 23, 25, 26, 29, 31, 34, 35 and 37 of the Computerized Security Act 2018 have been charged for the situation.

Prior, Nazneen Anwar, girl of previous MP Feroza Begum Chinu, documented a body of evidence against columnist Fazle Elahi for distributing a report on the 'Privateers' eatery situated in DC Cabin Park of Rangamati Locale Organization in Chittagong Slope Plots. For this situation, Fazle Elahi was captured on the night of June 7 by Kotwali police headquarters of Rangamati. Afterward, on June 8, Fazle Elahi got in-between time bail from Rangamati court. Then on June 14, he got long-lasting bail from the Chittagong Digital Council Court.

The casualties expressed that after the capture, Nazneen Anwar recorded a body of evidence against columnist Fazle Elahi on Facebook, referencing the names of six writers including Fazle Elahi and denouncing numerous others.

Rangamati Columnists Solidarity President Sushil Prasad Chakma and General Secretary Hefajat Sabuj unequivocally denounced and fought the badgering of writers by suing under the Computerized Security Act and said that everybody ought to stop this endeavor to drastically restrict the opportunity of the media.

Rangamati Columnists Affiliation President Saikat Babu and General Secretary Mishu Dey in a different explanation called the case badgering and persuaded and declared prompt withdrawal of the case.

Bandarban Press Unit President Alauddin Shahriar, Columnists Solidarity President Mangsanu Marma, Writer Association Convener Al Faisal Bikash have serious areas of strength for communicated and fight over the case in discrete proclamations.

Leader of Khagrachari Press Club Jiten Barua and General Secretary Abu Taher Mohammad in an explanation firmly censured and challenged six writers and requested to quickly shut down all proportions of provocation of columnists.

The Khagrachari Columnists' Association emphatically censured the body of evidence against six writers, including Everyday Chittagong Slope Lots manager Fazle Elahi.

The Khagrachari Columnists Association has emphatically censured the documenting of a case under the Computerized Security Act against seven writers including Everyday Chittagong Slope Lots manager Fazle Elahi.

In a proclamation endorsed by President Pradeep Chowdhury and General Secretary Saikat Dewan communicated concern, the public authority, government gatherings and organization have been utilizing this regulation randomly since the Computerized Security Act happened. In continuation of this, the far reaching maltreatment of the law is hampering free news coverage in the mountains as well as in the fields. In the interim, without settling the body of evidence against writer Fazle Elahi by the group of a previous public delegate of Rangamati, one more case has been documented on Sunday. Apparently Fazal Elahi and different columnists are being given an endless series of cases deliberately.

In the mean time, the heads of Khagrachari Columnists Association are requesting quick withdrawal of the argument against Fazle Elahi and different writers. Simultaneously, he demands to make a move against the offended party by confirming reality and deception of this case.

This paper includes a qualitative study with 72 participants that examines the current mobile phone usage patterns of Bangladeshi families, as well as the conflicts and difficulties that develop when people want to safeguard the privacy of their personal data. We demonstrate how sharing is a social and cultural practice that is strongly ingrained in Bangladeshi society, as well as a response to economic need. We also talk about how common power structures have an impact on sharing behaviors and analyze how gender dynamics affect women's data privacy. Finally, we highlight the methods used by participants to keep their personal information safe from those who use their shared devices. Our findings together have extensive ramifications that enhance the CSCW community's comprehension of digital privacy outside the classroom.⁵

The worldwide basic freedoms association Article Nineteen has revealed phenomenal abuse of advanced security regulations to smother contradiction and government analysis throughout the course of recent years. As per the association, regulations utilized as devices to diminish opportunity of articulation can't exist in any equitable framework. Unpredictable utilization of computerized security regulations has made a culture of dread subverting a vote based system in Bangladesh.

⁵ 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.

Article Nineteen expressed these things in a proclamation shipped off the media yesterday on the event of the four-year commemoration of the death of the Computerized Security Act. The association requested quick execution of the public authority's obligation to change the disputable condition of the Demonstration in light of a legitimate concern for a majority rules system.

Farrukh Faisal, local head of Article Nineteen South Asia, said in an explanation that beginning around 2018, Article Nineteen has been requesting corrections to the prohibitive provisos of the Computerized Security Act distinguished as being against the right to articulation.⁶ Conceding that it has been abused, a few government priests have as of late supposed to be more careful in implementing the law and take drives to change it. Yet, actually cases are being documented and captures are being made at a consistent speed under the Computerized Security Act. As of late, a female understudy of Jagannath College was captured under the Represent directing a web-based program and has been in prison for close to 30 days. He didn't get bail in spite of applying multiple times. He was seventeen when the case was documented a long time back. Like most cases documented under this Demonstration, the body of evidence recorded against the female understudy is unsteady. He has been blamed for inducing the fall of the public authority through an online class, which is extremely sad. We have seen before instances of school-understudies likewise being ensnared in cases recorded under this Demonstration, including a 14-year-old class IX understudy who was captured for criticizing the Top state leader. The assertion looked for the prompt arrival of the Jagannath College lady understudy captured under the Article Nineteen Advanced Security Act and withdrawal of the argument recorded against her. Simultaneously, in light of a legitimate concern for a vote based system, the vow to change the disputable part of the Demonstration requests prompt execution.

⁶ Correspondent (2022, September 20). Unprecedented Abuse of Digital Security Act: Article Nineteen. *The Nayadiganta*.

Chapter Five

Conclusion

Findings

Another name for digital security laws is panic. The 5 sections of this law have constantly created panic and fear among people. If in 2018 those 5 sections 54, 55, 56, 57, 58 and 66 were repealed and the law was passed again, but it is very sad that those five sections were again replaced inside other sections at different times. Those clauses have been changed and those clauses have been merged into all other clauses. So that ultimately did no good. Media workers and social workers are also very upset about the matter. Because the most problematic section 57 has been changed but the offenses of section 57 have been broken down and divided into sections in the new law. In the face of the people's cannon, they removed the clauses but those clauses were again attached to all other clauses in various policies, it did not have any benefit, but rather caught the procop of complex problems. It was never in the minds of media workers or social workers that these clauses would be manipulated so much. There is a great possibility of harassment of journalists under Article 32. In such a situation, a journalist will not be able to express his thoughts clearly. The European Union has expressed concern over the 4 sections of the Digital Security Act and 10 countries feel that the 4 sections will hinder freedom of speech and expression of independent opinion.

Media workers are always concerned about the 3 issues of this law, starting from the journalists' council.

- 1) Penalties of this Act
- 2) Non-bailable clause
- 3) Misuse of this Act

Section 35 states that if any person under this Act Aiding and abetting the commission of an offence, then that would also count as an offence. In the case of the offense of aiding and abetting the commission of the offence, the aiding and abetting person shall be punished with the same penalty prescribed for the original offence. The editorial board said that since the implementation of the Digital Security Act, journalists and lawyers are constantly being harassed and tortured in various ways. We all know famous cartoonist Ahmed Kabir Kishore was detained in jail for 10 months. Journalists and writers are subjected to inhumane torture after arrest under this Act which is very sad. However, Law Minister Anisul Haque said in a BBC interview that the law will be reviewed. He also said that arrangements will be made to ensure that no one is arrested before the investigation of the case is completed as per the law. But it's not enough to just say it, you have to do it. Legal action should be taken accordingly.

Media workers and journalists have identified questionable sections of the law and requested amendments to address these issues. If these recommendations were taken into consideration, we would have been saved from the present situation.

9 sections of the Digital Security Act have been questioned. They are clauses (8, 21, 25, 28, 29, 31, 32, 43, 53)⁷. Questions are repeatedly raised in the application of these clauses.

Especially Article (8, 21, 25, 28, 29, 31, 32) these articles are in conflict with the freedom of the press in the constitution and these above articles kill the freedom of expression of the general public. As stated in Section 4 of this Act, If law enforcement agencies believe that, Law enforcement agencies may request the removal or blocking of such content if it is disseminated on a digital system that may cause disunity in certain countries or economic activities and security defense, hurt religious values or create hatred or create ill feelings. Section 21 states that if any person carries out false propaganda against the liberation war, the spirit of liberation, the Father of the Nation, the National Anthem and the National Flag or if he cooperates in any such work, such act shall be considered as an offense and shall be punishable with imprisonment for a term not exceeding 14 years, a fine of one crore taka or Both will be punished. And if a person commits this offense for the 2nd time or again, he will be punished with imprisonment for life or with a fine of 3 crore rupees or with both.

According to Section 25 if any person intentionally discloses any documents through any electronic device or website or if any person knowingly falsely annoys, insults, defames any other person, or defames the image and reputation of the State or spreads confusion. or knowingly divulges false information or particulars wholly or partially for the same purpose and if any person gives any assistance in such activities, all such activities shall be deemed to be a personal offense and shall be punishable with imprisonment for three years or with fine of three lakh rupees or with both. If this offense is committed for the 2nd time or again, he will be punished with imprisonment for 5 years or with a fine of 10 lakh rupees or with both.

According to Section 28, if any person or group publishes anything offensive to religious values and religious sentiments on any website or electronic system or publishes or broadcasts such sentimental information with the intention of inciting such sentiments, such activities must be considered an offence, and shall be punished with imprisonment for seven years or with a fine of Rs.10 lakh⁸ or with both. If this offense is committed by the same person for the 2nd time or again, he shall be punished with imprisonment for 10 years or with a fine of Rs. 20 lakhs or with both. Section 31 states that if a person intentionally disseminates any information or data through any website or digital platform which creates enmity, hatred or enmity between different communities or creates obstacles in communal relations or deteriorates relations. Then such activity will be considered as a crime.

According to Section 32, if a person commits an offense under the Official Secrets Act, 1923 through a computer or digital device or a computer network or the Internet or any other digital media or assists any person to commit an offence, he shall be liable to imprisonment for a maximum of 14 years or to a fine of Tk. 25 lakh or to both. can be punished.

⁷ 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>

Recommendations:

The Digital Security Act 2016 was sanctioned exclusively to safeguard the significant information of the province of Bangladesh from different kinds of digital assaults. The Digital Security Act 2016 was ordered exclusively to safeguard the significant information of the Government of Bangladesh from different sorts of digital assaults. In this legitimate cycle, the state didn't think about the security of electronic correspondences and individual data, as well as the opportunity of articulation on the web and the protection of any remaining essential basic freedoms surprisingly in the state. As of late, the Bangladesh government has been manhandling opportunity of thought, heart, and motions to stifle information. Things deteriorated during the Covid 19 scourge in view of the badgering, confinement and capture of educators, understudies, piece of clothing laborers and common freedoms activists.

Notwithstanding criminal accusations, confinement for various reasons forestalls the execution of numerous essential freedoms. For example, - opportunity of development, opportunity of articulation, opportunity of heart and assessment, opportunity of religion and conviction, opportunity of development, and so on. Consequently, thoughtful and political freedoms of individuals have been disregarded. Article 19, a worldwide rights association dealing with opportunity of articulation, reports that in 2020 alone, there were 198 cases under the Digital Security Act in Bangladesh. What's more, no less than 4 bodies of evidence have been documented against 85 scholars and columnists. What's more, 32 individuals were captured in 2020 under the Digital Security Act. Toward the start of 2021, 6 columnists have been charged in 5 cases under the Digital Security Act. In 2019, 1135 individuals were captured in 632 cases under this regulation. This survey can be isolated into four sections:

1. A short foundation on the execution of the Control Security Act 2018.
2. Worldwide Human Rights Counting on the guise of the Digital Security Act 2018.
3. Examination of various areas of regulation according to the perspective of human issues.
4. What should residents do now to annul the law?

There are many segments of the abusive Digital Security Act 2017. Which is conflicting with public and worldwide basic freedoms standards, morals and principles and can undoubtedly annoy Internet clients. All claims documented under this Act abuse residents' on the whole correct to life, including opportunity of thought, soul, and assessment, including the press and the media. The Digital Security Act 2018 gives indications of an assortment of hassling and obstructive real factors, which will rapidly set out open doors to disregard global and public lawful standards and strategies and encroach on the privileges of residents. According to this point of view, the Digital Security Act ought to be revoked through and through. The state needs to rescind it since it is essentially out of any change. Simultaneously, we can step up to the plate and facilitate the retraction interaction, to extend and acknowledge global and public principles and arrangements, and to safeguard the opportunity and protection of residents to communicate their perspectives and, most importantly, to understand the fantasy of advanced Bangladesh.

In the first place, the important, participatory, sufficient and legitimate conversations with residents were not made during the drafting of the law. Residents have communicated worry over the draft regulation on their drive. Under the steady gaze of the law was passed, the top state leader, regulation pastor and data innovation serve said the law had not been applied against columnists and the media. Be that as it may, as per common liberties gatherings, something like 100 columnists have been arraigned in around 50 cases among 2019 and May 2021. Around 40 of the 91 charged columnists have been captured. It is obscure right now what he will do subsequent to leaving the post. Second, pretty much every segment of this regulation, from the definition to the giving over to various parts, is conflicting with public and global common freedoms standards, morals and guidelines and can be effortlessly used to hurt individuals. Pretty much every case documented utilizing the law would disregard the opportunity of thought, heart and articulation of residents and the media, which has proactively been seen in many cases. Thirdly, the new disappointment in wellbeing the executives, broad defilement in different services, particularly absence of adjusted arranging in the Ministry of Health, absence of coordination of good administration, deluding position and the right to general assessment on debasement. Claims have been recorded against individuals from varying backgrounds, including columnists, for unveiling data on anomalies and debasement in help dissemination, which involves concern. The law is being utilized to deny residents of advanced security and assurance and is disregarding social equality and sacred insurances.

Then again, is 'some other individual' an administration worker or a confidential representative? On the off chance that he is a confidential worker, will he comply with the general set of principles of the public authority and in the event that he attempts to submit to it, can he carry out it? Simultaneously, we note that Section 59 of the Act expresses that assuming any uncertainty is seen in the execution of the arrangements of this Act, the Government might do whatever it may take to redress the hardships by utilizing a request distributed in the Official Gazette. Practically speaking, the arrangement gives the public authority free rein to make a move that disregards the standards of proportionality and need and the option to free articulation and security without legitimate examination. The principal question is whether the state has the ability to implement the arrangements of outer ward under worldwide regulation. Global regulation permits states to practice this locale and forces limitations on such practices. Since a portion of these legitimate issues have not been settled under worldwide regulation, it likewise brings up issues about the activity of outer ward by states.

In the subsequent inquiry, this locale should be practiced sanely. Indeed, even where ostracize purview applies, a State Committee might decline to apply it based on strategy sanity or other pertinent arrangement. Where various states are keen on similar issue, they can arrange their exercises to determine or look to determine clashes of purview relying upon their separate regulations. Through the Digital Security Act, media laborers, columnists and the right to speak freely of discourse legal counselors have forever been exposed to torment, provocation and badgering. The barbarities executed against essayists and columnists by mishandling this regulation are totally absurd. Likewise Articles 8, 21, 25, 26, 29, 31, 32 of our constitution are in struggle with the opportunity of press. These provisions have additionally disregarded the opportunity of articulation of the residents of Bangladesh.

Implications of Research:

While enacting the Digital Security Act (DSA) 2018, the Government of Bangladesh only contemplated protecting the state's critical information infrastructure from various types of cyber attacks. In the legislative process, the state did not consider privacy of electronic communications and personal information, freedom of expression online and other fundamental human rights of citizens. Governments have been curtailing freedom of thought, conscience and expression to curb the flow of information in recent years, and this has become more widespread now during the Covid 19 pandemic. Instead of protecting the freedom of expression regarding the coronavirus pandemic, the authorities have violated the rights of journalists, doctors and health workers, lawyers to express their thoughts, conscience and opinions. By assaulting and detaining/arresting teachers-students, garment workers and human rights activists.

The repressive DSS is not limited to criminal charges and injunctions but also restricts many rights in the areas of freedom of movement, freedom of thought, freedom of conscience and thought, right to life, belief and influence of religion. So the citizens and rights are violated. Condemned goods people lose their dignity, social standing, place of employment and lives in the vote of complaint. Socially, socially, O and insult The repressive DSS is not limited to criminal charges and injunctions but also restricts many rights in the areas of freedom of movement, freedom of thought, freedom of conscience and thought, right to life, belief and influence of religion. So the citizens and rights are violated. Condemned goods people lose their dignity, social standing, place of employment and lives in the vote of complaint. Socially, socially, O and insult.

Article 19, an international rights organization on freedom of expression, the Constitution and] DSA's group held 197 mass communications from January to 31 December 2020 (06 January 2021, The New Age). 4] comments against you against 75 other writers and journalists and 32 considered members of Security Law in 2020. 2021 First four dates, digital five alliance seven journalists accused. An Assistant Inspector General of Police Headquarters Mr. Sohail Runner Runner, Law Member 2019 732 questions 1135 reasons were identified.

The worst in three years was 2020, when 339 arrests were made in 165 cases in the first two months of this year—at least 13 cases, 24 in April, 31 in May and 21 in June (till 22 June 2020) (as of 22 June 2020). , Dainik Prothom Alo) Most alarming is that of the 20 sections or provisions of the Act that deal with offenses and punishments, 14 are non-bailable. Five are bailable, and one is negotiable. The minimum sentence is one year imprisonment and the maximum is life imprisonment, but mainly between 4 and 7 years. It inevitably creates an atmosphere of fear and intimidation.

Some of the recent cases filed under the DSA show that the accused was first forcibly disappeared for a temporary period and then arrested under the Act.

is shown It's explosion and other vs Bangladesh and other cases (Writ Petition No. 3806 of 1998) and in flagrant violation of the Torture and Custodial Death (Prevention) Act-2013 are in stark contrast to the directions of the Supreme Court of Bangladesh. Moreover, the trend of arresting accused late at night has also increased. This trend reminds many of us of the midnight arrests

during the military regime in the 1990s. Accused women are no exception, which violates women's legal and constitutional rights. Due to the COVID 19 pandemic, everyone is stuck in their homes, so late night arrests send a different message to human rights defenders.

During the COVID-19 pandemic, persons detained under the DSA are primarily accused of making 'insulting', 'rumour-mongering', offensive, and insulting cartoons/satirical/defamatory statements through social media against influential people. On the other hand, those who have recently filed cases against the repressive DSA are mainly local government representatives or leaders of the ruling political party.

The university administration is not only prosecuting cases, but also ensuring arrests in those cases. Even taking advantage of these repressive laws, rights organizations arrested a 14-year-old school student after noticing extreme abuse in the latest defamation case. Paragaon Navdigant High School of Bhaluka Upazila on 21 June 2020. Habirbari Union Jubo League general secretary Hanif Mohammad filed a case under DSA against a 14-year-old schoolboy for posting 'offensive' posts about the Prime Minister on his Facebook. In the ID incident, the 14-year-old boy named Emon was produced in the Mymensingh court and sent to the youth development center in Gazipur. Apart from this, nine cases have been filed against former Health Minister late Mohammad Nasim for allegedly posting 'defamatory' posts on social media.

A DSA case was filed against Mahi, a student of Shahjalal Science and Technology University, and a student of Kushtia Islami University was expelled by the university administration on the same complaint.

In this reality, the aim and objective of this legal review is to present a constructive analysis of the DSA 2018 from a human rights perspective. The study is limited to a few specific cases considering the time and paper space constraints. Considering the limitations of this review, the author believes that citizens of various professions will be compelled to analyze, interpret, constructively review and criticize the law from their respective social, political, economic and cultural perspectives.

This legal review can be divided into four parts:

1. A brief background on the implementation of the Digital Security Act 2018.
2. Concept of International Human Rights in Pretext of Digital Security Act 2018
3. Analysis of various problematic clauses of law from human rights perspective.
4. What do citizens have to do now to repeal the law?

In this context, we focused on a constructive analysis of the Digital Security Act 2018, based primarily on international human rights instruments, policies and reports, including Article 19 of the International Covenant on Civil and Political Rights (ICCPR), General Comment 34 (GC34) on Article 19 of the United Nations Human Rights Committee, the Johannesburg Principles, and the Shawnee Principles and on constitutional and human rights law and principles

Conclusion

Digital Security Act is now a name of fear and dread in Bangladesh. Where the journalism profession has become with binoculars. This law has become a bottleneck for investigative journalism in particular. This law has created fear among computer network or internet users. Especially the media workers can't write anything openly. Cannot express independent opinion. Journalists or media workers cannot write their opinions on social media at will. Cannot criticize the government. It is the constitutional right of people to criticize the government. Opposition parties or general public or media workers or journalists all have the right to criticize the government's mistakes. But since the enactment of the Digital Security Act, people's freedom of expression has been hampered.

Especially those that produce investigative news. Go to various government and private institutions and investigate the irregularities, prepare documents and present them to the people. There is no substitute for investigative news to raise awareness among the general public and to protect people from harm caused by various institutions' irregularities. But investigative journalists are holding back from publishing such news because of digital security laws. Due to which the irregularities and corruption of government and private institutions are being suppressed. Journalists do not dare such investigative activities

Another black section of digital security law that has gone above all the privacy of people. Section 43 gives the police unlimited powers to enter homes and search all documents and offices, body search all persons and seize computers, laptops, digital devices, networks, servers and digital platforms. Even the worst thing is that the police can arrest any person without a warrant because of the power given by the law. In this case there is no need to take any kind of permission from any police authority. A perusal of the Act reveals that various sections of the Act are vague and contain a number of terms that are misused or misinterpreted against the media. Which is easy to use. Easy to misuse.

The most worrying aspect of the Digital Security Act is that out of the nearly 20 sections of the Crime and Punishment Act, 14 are non-bailable, five are bailable and one is negotiable. Due to which fear has been created in people's mind about this law. Various bad thoughts have been woven in people's minds around this law. For which journalists' news practices are at risk. So we must keep in mind that this law is not applied against media workers, journalists, independent writers.

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