Research Monograph
On
Digital Security Act, 2018: A Study On The Situation Of Press Freedom

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Letter of Transmittal

To

Sharmin Jahan

Assistant Professor

Department of Law

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Subject: Submission of Research Monograph on "**Digital Security Act, 2018: A Study On The Situation Of Press Freedom "**

Dear Sir,

This is a great pleasure to submit the Research Monograph on **"Digital Security Act, 2018: A Study On The Situation Of Press Freedom "** as a partial requirement for the fulfillment of my LL.B. course under the Department of Law of the Sonargaon University (SU).

I have given due efforts to make this Research Monograph as fruitful one and to make it as informative as possible. I hope that this paper will not be the formality of academic course completion rather, it will be a source of information for other purpose on this topic.

Yours sincerely

.....

Shakil Al Mahmud

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Declaration

I do hereby declare that the Research Monograph Title **"Digital Security Act, 2018: A Study On The Situation Of Press Freedom"** prepared solely by me and which has been submitted to the department of Law, Sonargaon University (SU) for achieving the LL.B. (Hon's) Degree. This is an original work of nine. No part of this research, in any way of or in from, has been submitted to any University or Institution for any Degree, Diploma or for other similar purposes.

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Supervisor Certificate

This is to certify that the work presented in this dissertation is based on the work, carried out by the author herself under my supervision in Department of Law, Sonargaon University (SU).

It is also certifying that the work presented here is original and suitable for submission as the style and contents, for fulfillment of LL.B. program.

.....

Sharmin Jahan
Assistant Professor
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Acknowledgement

***In the name of Allah, the Beneficent, the Merciful".** Praise by Allah & thanks to Allah for patronizing me to finish this Research Monograph. I am very happy to finish it. It is a great Research of my life. It is a long cherished hope of my life to become a great lawyer. That's why I have admitted in the Department of Law in Sonargaon University (SU) to fulfill my dream. But through my whole study life in this field, I did not get much more opportunities to examine and show my knowledge and skill in this wide field. Lastly I have got a great chance to make my study meaningful when I got the chance to prepare a Research Monograph on **Digital Security Act, 2018: A Study On The Situation Of Press Freedom**

I acknowledge my grateful to respected course teacher **Sharmin Jahan** for instructing me how to prepare a Research Monograph and on this subjects he helped me to complete my task sincerely.

I am also thankful to my classmate as they help me to complete the Research Monograph. I am extremely paying my solitude to all the authors and writers whose works help me to draft this original Research Monograh.

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.....

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Abstract

The Constitution of Bangladesh guarantees the right to freedom of speech and expression; freedom of the press is also mentioned but this freedom is not an absolute one, rather subject to reasonable restrictions imposed by the law on several grounds. Media freedom in Bangladesh is endangered because the country has both colonial and modern-day laws often being applied to curtail media freedom and intimidate journalists. These laws and some regulations are misused to allow the law enforcers and influential individuals to act against the media when their interests are affected by journalism. Ministers and lawmakers often criticise the media whenever any news goes against the government or damages the image of the ruling party. The tendency to sue journalists under so-called defamation cases filed by pro-government people is alarming. Journalists nowadays face more direct and indirect threats than ever. Although the government would deny the fact and say those laws and regulations are intended for streamlining the media, it seems to be pushing for new legislation to have further grip on the free flow of information through overt and covert interventions. Old laws that exert influence upon the working of the media in one way or the other are Special Powers Act of 1974, Official Secrets Act of 1923, Contempt of Court Act 1926, Copyright Act 2000 and the Code of Criminal Procedure (CrPC). There is a history of misusing these acts. Enacted during the British colonial era in 1898, CrPC has a provision for issuing direct arrest warrants against anybody including journalists, writers and publishers of any books or newspapers if they wrote or said anything considered defamatory. Journalists have long been demanding the scrapping of the provision, only to be ignored by the successive governments. However, in 2011 the Bangladesh Parliament passed a bill, scrapping the provision of issuing direct arrest warrants against journalists, writers and others for writing or saying anything defamatory. But it did not bring any relief to the media as more stringent laws were promulgated later. This article explores the balancing of freedom of the press and reasonable restrictions in Bangladesh under existing national laws and relevant international policy instruments. Across the globe, there is unending debate as to indoctrination of free press and reasonable restrictions. Bangladesh is not an exception to the tussle between these two notions. The free but fair press enables public debates and creates essential checks on government powers. The question of reasonable restrictions on press appears at the forefront of discussion as the press is also engaging in serving self-

interest or value loaded vested interests vilifying its objectivity, impartiality, and accuracy. Though, the press and other media outlets of the country are partly free, the ongoing restrictions imposed by statutory laws and self-censorship have plunged the media into a stagnated ditch. However, journalists and media activists are gradually striving to overcome the hurdles of restrictions foreseeing a silver lining. On one hand, the country is globally lauded for its exponential progress in terms of economic, social and international goals and has emerged as an Asian tiger. On the other hand, the country is struggling to uphold the spirit of the free press in nourishing a healthy democracy amid good governance that tolerates diverse, dissent, pluralist views and constructive criticism.
Keywords: press freedom, reasonable restrictions, legal instruments, implications, balancing, Bangladesh.

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