

# SONARGAON UNIVERSITY



## Research Monograph On

*“Digital Security Act, 2018 of Bangladesh: A study on the situation of Press Freedom and Journalistic Investigation”*

A thesis submitted to the Department of Law and Sonargaon University (SU) in partial fulfilment of requirements for the award of the degree of Department of Law LLB (Hon’s)

### **Supervised By**

**Sharmin Jahan Runa**  
Head of the Department  
Department of Law  
Sonargaon University

### **Submitted by:**

**Sanjida Akter Shimu**  
ID No: LLB2001019013  
Program: LLB (Hon’s)  
Department of Law  
Sonargaon University

**Submission Date: 10<sup>th</sup> January, 2024**

## LETTER OF TRANSMITTAL

---

**Date: 10<sup>th</sup> January, 2024**

**Sharmin Jahan Runa**  
Head of the Department  
Department of Law  
Sonargaon University

**Subject: Submission of Research Paper.**

Dear Sir,

It is a great pleasure to submit our research on “**Digital Security Act, 2018 of Bangladesh: A study on the situation of Press Freedom and Journalistic Investigation**”. We have tried our level best to complete this research meaningfully and correctly, as much as possible. Though we are in the learning curve, this thesis has enabled us to gain insight into the core fact of the law and also helped us to find out the resemblance between section 57 of the ICT act and the digital security act. So it becomes an extremely challenging and interesting experience.

We will be highly grateful and oblige if you kindly accept our research paper and evaluate it with your judgment. Please feel free for any query or clarification that you would like us to explain. Hope you will appreciate our hard work and excuse the minor errors.

I hope you find this report satisfactory.

Sincerely yours

---

**Sanjida Akter Shimu**  
ID No: LLB2001019013  
Program: LLB (Hon’s)  
Department of Law  
Sonargaon University

## DECLARATION

---

I hereby do solemnly declare that the work presented in this thesis entitled “**Digital Security Act, 2018 of Bangladesh: A study on the situation of Press Freedom and Journalistic Investigation**” has been carried out by me under Sharmin Jahan Runa, Head of the Department, Faculty of Law, Sonargaon University and has not been previously submitted to any other institution. The work presented here does not breach any copyright.

I further undertake to indemnify the university and my supervisor against any loss or damage arising from breach of the forgoing obligations.

---

**Sanjida Akter Shimu**  
ID No: LLB2001019013  
Program: LLB (Hon’s)  
Department of Law  
Sonargaon University

## CERTIFICATION

---

This is to certify that, the research on “**Digital Security Act, 2018 of Bangladesh: A study on the situation of Press Freedom and Journalistic Investigation**” Is done Sanjida Akter Shimu partial fulfilment of the requirements for Bachelor of Laws (LLB) degree from Sonargaon University. The research has been carried out under my guidance and record of the bona fide work carried out successfully.

The results embodied in this thesis have not been submitted to any other university or institute for the award of any degree or diploma.

---

**Sharmin Jahan Runa**  
Head of the Department  
Department of Law  
Sonargaon University

## ACKNOWLEDGMENTS

---

At first, I would like to thank Almighty Allah for his blessings on me in accomplishing this research monograph. This research paper is prepared and submitted as a partial fulfilment of the requirement for LL.B (Hon's). The Study has been made under direct supervision of **Sharmin Jahan Runa**, Head of the Department, Faculty of Law, Sonargaon University.

I express my deep gratitude to him, because without his help and guidance this study could not be accomplished. I shall be ever grateful to my honourable and designated supervisor for his individual suggestion, valuable time, important information and guidance during the study period that has greatly inspired me in preparing this report successfully.

I am grateful to all the faculty member of the Department of Law, Sonargaon University for their kind and valuable suggestion as well as for their co-operation. This research is really indebted to them.

Finally, my thanks and appreciation is for my class mates who always rendered their co-operation and support to me during the period of my course and also in completing this research.

## Abstract

---

As a human being it is our right to being free and think independently. As a citizen of Bangladesh our constitution has given us the opportunity of freedom of expression, freedom of speech and freedom of privacy. Now this is a time of modern technology and science. Today we express ourselves through internet. This an opportunity to become free and share our view, opinion, comment through cyberspace. But some acts restrict us using this opportunity like section 57 of the ICT act and some section of the Digital Security Act 2022. Section 57 is the most criticized and questionable section and that is why this section was repealed but in 2022 section 57 was again reflected in a new act which is “The Digital Security Act 2022”. In this thesis we will show that weather section 57 of ICT Act is reborn in The Digital Security Act? And weather the digital security act is contradictory to the constitutional right? Taking into account the provisions of the Worst Forms of Child Labour Convention, 1999 (No. 182), and Recommendation (No. 190), Members should identify types of domestic work that, by their nature or the circumstances in which they are carried out, are likely to harm the health, safety or morals of children, and should also prohibit and eliminate such child labour. Human Rights Watch has collected the testimonies of domestic workers in numerous countries; in most cases, the victims endured sexual violence because they were unable to escape, felt acute financial pressure to remain in their jobs, or were under threat of greater harm if they did report. Workers who did denounce their victimizers were often fired and, in the case of migrant domestic workers, immediately repatriated. The continuum of sexual violence ranges from propositions, threats of rape, and groping, to repeated rape.

## Table of content

Content	Page No
<b>Chapter- 1: Introduction</b>	1-3
1.1. Background of the proposed research	1
1.2. Aim of the objective	2
1.3. Research questions	2
1.4. Significance	2
1.5. Methodology of Research	3
<b>Chapter- 2: Background of the Information and Communication Technology Act 2006 and The Digital Security Act 2020</b>	4-5
2.1 Origin and the concept of Technological law and Cyber law in international level	4
2.2 Development of Information and Technological law in Bangladesh	5
<b>Chapter- 3: Comparative analysis between section 57 of the ICT Act and Digital Security Act 2021</b>	7-11
3.1. Section 57 of the ICT Act and The ambiguity of this section	7
3.2. Resemblance of section 57 of the ICT Act into the Digital Security Act	11
<b>Chapter- 4: Digital Security Act violates the Constitutional Fundamental Rights</b>	15-20
4.1. Fundamental Rights under the constitution	15
4.2. Violation of Constitutional Fundamental Rights through the Digital Security Act	17
<b>Chapter- 5: Contravention of Independent Journalism by the Digital Security Act 2018</b>	21-26
5.1. Ethical norms and values of the independent journalism in relation of freedom of expression	21
5.2. Digital Security Act obstruct the norms and values of the laws relating independent Journalism	22
<b>Concluding Chapter-6</b>	27
6.1 Findings	
6.2 Recommendation	
6.3 Conclusion	
<b>Bibliography</b>	28-31

