

THE FUTURE IS CENSORED

Ignoring the concerns of journalists and rights defenders, the Digital Security Act was passed in the parliament on September 19, 2019. It is known both at home and abroad to be draconian, antithetical to freedom of speech and democracy.

Why?
Because the digital platform is touted today to be The Future of journalism and mass communication—the universal stage upon which individuals, communities, and countries can engage in critical dialogue about the world we inhabit. This platform reigns because of its unique feature of mass, instantaneous outreach and its ability to make currency out of content. But of what good is the form if the content is compromised? Why would we want news faster and [insert word] if it isn't authentic and courageous and reflective of what is truly going on? Why would we want to hear or read at all, if we cannot speak? Guided by these arguments, the Sampadak Parishad (Editors' Council) and media practitioners expressed serious concern over sections 8, 21, 25, 28, 29, 31, 32, and 43 of the bill; but the law was enacted keeping the provisions intact. The Editors' Council reproduced provisions of the DSA that they found most dangerous. They listed the sections and provided their opinions on each of them. Below is a condensed and heavily summarised, but not compromised, version of their comments.

DESCRIPTION

8) Power to remove or block information and data: (1) If the Director General is satisfied that something that is published or disseminated in the digital platform falling within his domain may pose threat to digital security, he may request Bangladesh Telecommunication Regulatory Commission (BTRC) to remove such information or data or, in specific cases block the platform.

(2) If it is evident to law enforcing agencies that something published and disseminated through any digital device or digital medium can create disunity in the country, disrupt economic activities, security, defence, hurt religious values, create communal hatred or bad feelings, create law and order situation then the law enforcing agencies can request the BTRC to remove such content or block it.

(3) On receipt of such requests, BTRC while informing the government will take immediate actions to remove or block the content.

SECTION 8

COMMENT

The concern here is that it will give the Director General and law enforcement agencies the power to block any content published both in print and online. Any report or photograph may be blocked or confiscated, obstructing the work of media outlets.

The Editor's Council has further said the justification to remove or block any content is too vague and open to personal interpretation which leaves scope for abusing the law.

DESCRIPTION

21) Punishment for any propaganda against Liberation War, Spirit of Liberation War, Father of the Nation, National Anthem and National Flag: (1) If an individual makes propaganda against Liberation War, Spirit of Liberation War, Father of the Nation, National Anthem and National Flag or assist in such a process then such an action will be considered as a crime.

SECTION 21

COMMENT

What is a "crime"? There is no clear definition. This puts journalists under the risk of serious abuse and harassment, and a hefty punishment of (up to) lifeterm or (and) Tk 3 cr in fine or both.

The term "Spirit of Liberation War" is also vague and can allow for cases to be lodged against journalists based on multiple interpretations.

DESCRIPTION

25) Publishing or distributing attacking, false or intimidating information or data: (1) If any person using a website or any digital device—(a) deliberately or knowingly distributes any information or data that is attacking or intimidating in nature; or if a person publishes or distributes any information despite knowing that it is false to irritate, humiliate, defame or embarrass or to discredit a person

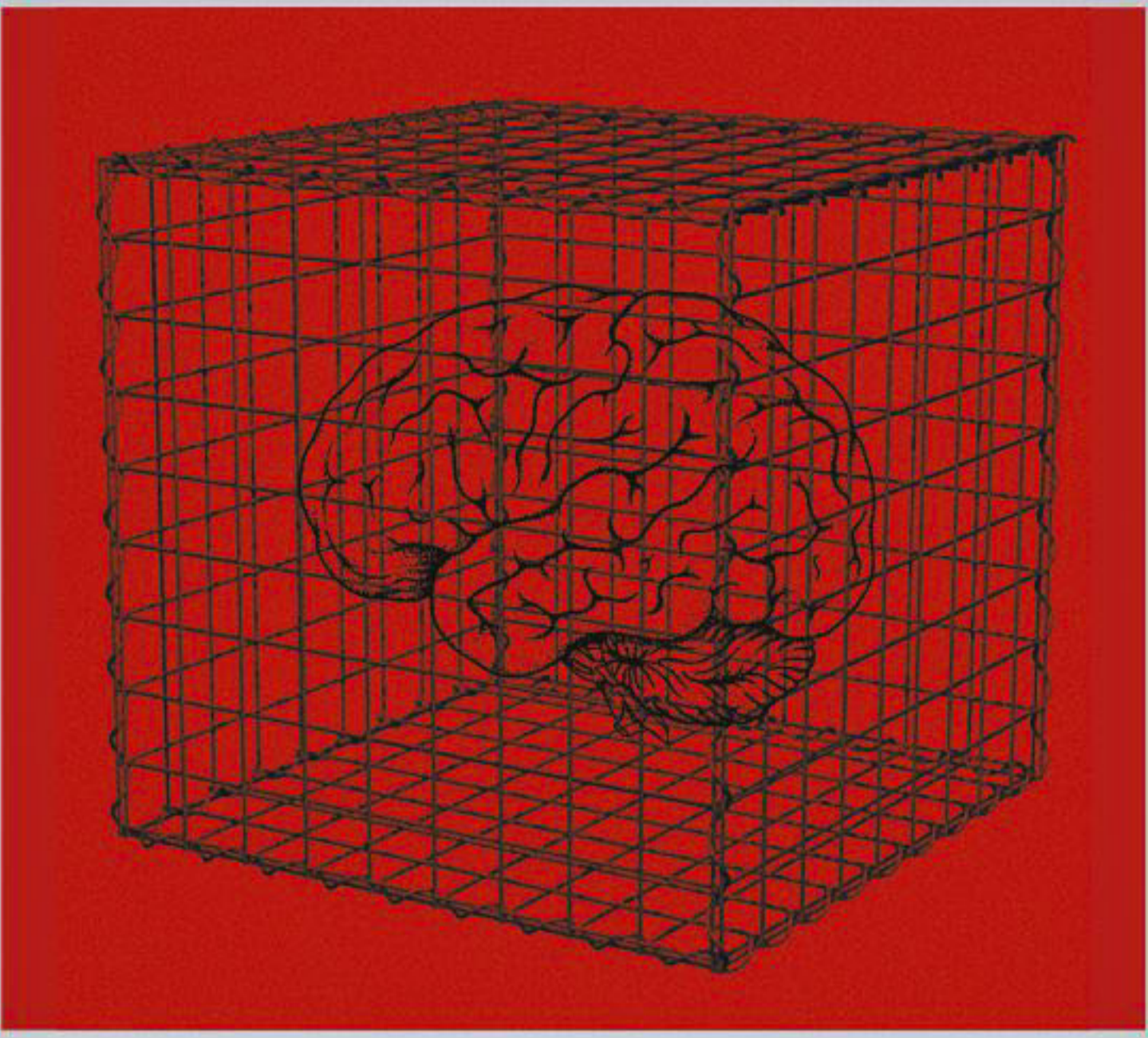
Or

(b) Damages the image and reputation of the State or spreads confusion or with the same purpose publishes or distributes fully or partially distorted information or data despite knowing that it is false, and if any one assists in such actions then all such actions of the individual will be considered a crime.

SECTION 25

COMMENT

Investigative reporting will be directly hampered by this. The Editor's Council said this law can impede journalism of even the most rudimentary investigative nature as any story that reveals corrupt details of any person or institution can "irritate" or "embarrass" them. What exactly does "spreading confusion" and "damaging the image/reputation" of the state mean? These phrases can easily be used to harass media personnel trying to do their work.



DESCRIPTION

28) If in any website or electronic system publishes or broadcasts anything that hurts religious values and religious sentiments etc: (1) if any person or group deliberately and knowingly and with the intention of hurting religious values or sentiments or with the intention to provoke such sentiment publishes or broadcasts information then such actions will be considered a crime.

SECTION 28

COMMENT

"Religious values and sentiments" is an ambiguous phrase. It can be interpreted and used to prevent persons—including and especially journalists—from questioning any range of issues, such as unlawful fatwas or unfair controls over women's property rights.



DESCRIPTION

Publishing and distributing defamatory information, etc.—1) If a person publishes or distributes any defamatory information mentioned in section 499 of the Penal Code (Act XLV of 1860) via a website or any other electronic format, they will get a maximum penalty of 3 years in jail or Tk 5 lakh in fine, or both.

SECTION 29

COMMENT

There is already an existing defamation law that can include clauses regarding digital media under its wing. Secondly, why is defamation on digital media more punishable than for defamation on print media?

DESCRIPTION

31) Crimes and penalty for deterioration of law and order, etc. 1) If a person deliberately publishes or broadcasts via a website or any digital platform anything that creates enmity, hatred or acrimony among different classes or communities, or upsets communal harmony, or creates unrest or chaos, or causes or begins to cause deterioration in law and order, then that activity of the said person will be considered a crime.

SECTION 31

COMMENT

Criticising or pointing out any number of untoward activities by any group of people might be construed as punishable under this law—reporting on discrimination against any ethnic or disadvantaged group (such as Dalits, Chittagong Hill Tracts residents, exploited labour groups, etc). Moreover, reports containing forecasts or tentative details about a breaking news can also be considered punishable—casualty figures, news of possible death, privately collected data that varies from state figures, etc. How can the media do its job with these vital elements cast under threat?

SECTION 32

32) Offence and penalty for breach of Official Secrets—1) If a person commits a crime or assists someone in committing a crime under the Official Secrets Act, 1923 (Act No. XIX of 1923) via a computer, digital device, computer network, digital network or any other digital media, they will get a maximum penalty of 14 years in jail or Tk 25 lakh in fines, or both.

2) If a person commits a crime mentioned in the sub-clause (1) for a second time or repeatedly, they will be sentenced to life in prison or a maximum fine of Tk 1 crore, or both.



SECTION 32

COMMENT

An archaic remnant of British colonial laws, this lends an exhaustive relief from accountability to state powers. Anything not publicly shared by the government can count as "official secrets"—bank default reports prepared by the Bangladesh Bank, government reports on pollution and child nutrition, and other similar documents that are in fact funded by the public. This same public possesses the "right to know" under the RTI Act. How can journalism—informed, credible—even operate without the right to access and use these data?