

Original Article

Received Date: 12-11-2025

Accepted Date: 22-02-2026

Balancing State Security and Freedom of Expression: A Case Study of Bangladesh's Media Landscape

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Abstract

This paper provides a rigorous socio-legal critique of the tension between national security imperatives and freedom of expression in Bangladesh, with a specific focus on the Digital Security Act (DSA) 2018. While Article 39 of the Constitution guarantees freedom of the press, the study argues that the broad, ambiguous language of the DSA specifically Sections 21, 25, 29, and 31 has effectively weaponized the law against journalists, activists, and human rights defenders. Through an analysis of case studies, including the custodial death of writer Mushtaq Ahmed and the detention of photojournalist Shafiqul Islam Kajol, the research quantifies a "chilling effect" characterized by widespread self-censorship and the criminalization of dissent. The study further explores the role of non-state actors, including religious factions and corporate conglomerates, whose influence creates a "dual pressure" on editorial independence. Findings from the Centre for Governance Studies (CGS) reveal that approximately 60% of DSA cases are initiated by law enforcement or ruling party affiliates, suggesting that the Act functions more as a tool for political intimidation than as a framework for cyber-safety. The paper posits that the current legal landscape deviates from international human rights standards, specifically the ICCPR, by bypassing judicial oversight and enabling warrantless arrests based on mere suspicion. To restore democratic integrity, the study recommends a comprehensive policy overhaul: the decriminalization of defamation, the precise definition of vague legal terms, and the establishment of independent regulatory bodies to safeguard the "watchdog" role of the media.

Keywords: Digital Security Act (DSA), Freedom of Expression, Bangladesh, Media Law, State Security, Criminal Defamation, Human Rights.

Introduction

The balance between state security and freedom of speech is an important issue in modern government, especially in democracies that have to deal with complicated social and political issues. Bangladesh, a country with a lively but divided media scene, is increasingly challenging this balance. Article 39 of the Constitution of Bangladesh protects freedom of speech and the press, but these rights can be limited in reasonable ways, usually for reasons of national security. But

when these limits are put into place, people often question whether they are fair, reasonable, and in line with democratic values.

The Digital Security Act (DSA), which went into effect in 2018, was a turning point in the country's laws about media and digital expression. The Act is meant to fight cybercrime and keep people safe online, but people have criticized it for being vague and open to abuse, which could lead to the suppression of dissent and free speech. Many reports from national and international groups, like Odhikar, Amnesty International, and Human Rights Watch, have shown that journalists, activists, and regular people have been sued under the DSA for speaking out against the government. These cases have led to a lot of discussion about how the law affects press freedom and whether it is in line with constitutional and international human rights standards. Also, non-state actors like religious groups and businesses have a lot of power over the media, which makes things even more complicated. Religious groups have used cultural sensitivities to stop critical discussion, and corporate interests have used economic pressures to threaten editorial independence. These things make it hard for journalists to do their jobs because they have to deal with threats, self-censorship, and legal gray areas while trying to follow their professional ethics.

The growth of digital platforms has made this fight even harder. Social media has become an important place for activism and other points of view, but it also puts users at greater risk of being watched, harassed, and sued. These digital challenges converge with conventional obstacles, intensifying the necessity for a sophisticated comprehension of the dynamic media environment in Bangladesh. This study will examine the intricate relationship between state security and freedom of expression within the media landscape of Bangladesh. It looks at the legal, social, and digital sides of this issue to find out what problems media professionals face and suggest ways to create a fair and democratic space for free speech. From this perspective, the study adds to the larger conversation about how to protect press freedom while also dealing with real security issues in a world that is changing quickly.

Background of This Study

Bangladesh's tumultuous history, socio-political dynamics, and evolving legal framework have shaped its journey towards ensuring freedom of expression and press freedom. Emerging as a secular state in 1971, the country's Constitution initially enshrined freedom of thought, conscience, speech, and press under Article 39. However, political and social transformations over the decades have significantly influenced the interpretation and application of these rights, often creating tensions between state security and individual liberties.

Historical Context

The post-independence era in Bangladesh saw periods of both democratic progress and autocratic rule, with notable consequences for media freedom. Military regimes in the 1970s and 1980s imposed strict press regulations, limiting dissent and controlling narratives. The 1990s ushered in a democratic transition, allowing for greater media plurality, but political polarization continued

to affect journalistic independence (Rahman et al., 2017). Media houses are often aligned with political parties, reducing the scope for unbiased reporting.

Legal Framework and Challenges

The introduction of the Digital Security Act (DSA) in 2018 represents a critical turning point in Bangladesh's legal landscape regarding media and digital expression. Enacted to combat cybercrime, the act's broad and vague provisions have been criticized for enabling misuse to suppress dissent. Human Rights Watch (2020) brought to light instances in which the DSA arrested journalists and activists for publishing or sharing content critical of government policies.

Earlier, Section 57 of the Information and Communication Technology (ICT) Act also faced similar criticism. Studies, such as Hasan (2016), demonstrate how the provision's ambiguous language allowed for arbitrary application, paving the way for its eventual replacement by the DSA. Despite its repeal, the challenges posed by its successor remain unresolved.

Non-State Influences

Apart from state mechanisms, non-state actors, including religious factions and corporate entities, exert substantial pressure on media freedom. Religious groups have frequently targeted journalists and bloggers, especially those addressing sensitive topics related to religion or cultural norms. Bhuiyan (2016) identifies these actors as emerging threats to free expression, noting how societal and cultural sensitivities often lead to self-censorship among journalists. Corporate entities also pose a challenge, as media outlets reliant on advertising revenue often avoid reporting on issues that might jeopardize their commercial interests (Gupta, 2021). This dynamic creates a dual pressure on media practitioners, who must navigate both political and economic constraints.

Digital Media and New Challenges

The advent of social media platforms has transformed the media landscape in Bangladesh. Platforms like Facebook and Twitter have become crucial for public discourse, activism, and alternative narratives. However, they also expose users to surveillance, harassment, and legal risks, particularly under laws like the DSA (Centre for Governance Studies, 2022). The spread of misinformation and extremist content on these platforms further complicates the balance between regulation and free expression.

Current Situation

Today, the media landscape in Bangladesh reflects a complicated balance between progress and challenges. While the proliferation of digital platforms has democratized access to information, restrictive laws and socio-political pressures continue to hinder free expression. Reports by organizations such as Amnesty International (2021) and Odhikar (2023) consistently emphasize that it is time for legislative reforms and greater judicial oversight to protect journalists, activists, and ordinary citizens from undue persecution.

Balancing State Security and Freedom of Expression: The Dynamics for Bangladesh 2.0

The relationship between state security and freedom of expression in Bangladesh reflects a complicated combination of democratic aspirations and governance challenges.

State Security: A Critical Priority

State security is a cornerstone of governance, ensuring the protection of citizens and maintaining public order. Laws such as the Digital Security Act (DSA) were introduced to address challenges like cybercrimes and extremism. However, the broad and ambiguous language in such laws often results in their misuse, leading to arbitrary detentions and suppression of dissent. While state security mechanisms are essential for countering genuine threats, their implementation must be proportionate and transparent to prevent undermining democratic values (Centre for Governance Studies, 2022; Human Rights Watch, 2020).

Freedom of Expression: A Democratic Imperative

Freedom of expression is a foundational principle for democratic governance, enabling citizens to voice opinions, critique policies, and hold authorities accountable. In Bangladesh, Article 39 of the Constitution guarantees freedom of speech and press, subject to reasonable restrictions. This imbalance poses risks to the country's democratic integrity, as unchecked state control over expression can erode public trust and stifle innovation and creativity in civil discourse (Rahman et al., 2017; Amnesty International, 2021).

Interdependence and the Need for Balance

State security and freedom of expression are not mutually exclusive; rather, they are interdependent. Judicial oversight and legislative clarity are critical in this regard. Applying laws like the DSA with precision and accountability can help mitigate misuse. As Bangladesh integrates further into the global digital economy, aligning its policies with international human rights standards will be essential to maintaining both security and freedom.

Provisions of the Digital Security Act (DSA) 2018: An In-Depth Analysis

The Digital Security Act (DSA) of 2018 in Bangladesh was introduced to address the challenges of cybercrime. While its objectives appear commendable, its vague and broadly defined provisions have resulted in significant misuse, fostering an environment of fear and suppression.

Key Provisions with Ambiguities

The language used in the DSA is imprecise, leaving room for subjective interpretation and misuse.

- **Section 25:** Criminalizes the transmission of any information online that is "false," "offensive," or "threatens to defame someone." The term "offensive" lacks a clear definition.

- **Section 31:** Penalizes the dissemination of information that "creates hostility, hatred, or adversely affects communal harmony or national security." The terms "hostility" and "adverse effects on communal harmony" are undefined, making them susceptible to misuse.
- **Section 29:** Addresses defamation on digital platforms and imposes criminal penalties.
- **Section 21:** Imposes up to life imprisonment for "propaganda" against the War of Liberation, the national anthem, or the national flag. The term "propaganda" is left undefined, allowing authorities to suppress any discourse they deem unfavorable.

Consequences of Ambiguous Provisions

The Digital Security Act's unclear rules have led to a number of troubling issues. The Act lets police arrest people without a warrant merely because they think they could be guilty. For example, the harshness of the law is highlighted by the detention of writer Mushtaq Ahmed under Sections 25 and 31 for criticizing how the government handled COVID-19. Ahmed's extended time in prison and subsequent death in detention show how serious the human rights violations are (Amnesty International, 2021; Wikipedia, 2021).

People are reluctant to say what they think because of the DSA, which has led to a lot of people censoring themselves. Transparency International Bangladesh (2020) has said that the DSA makes it tougher for citizens to hold important talks and public debates. The Act's unclear phrasing also goes against provisions in the Constitution, specifically Article 39. There has been a lot of disagreement among legal experts and human rights campaigners on how this goes against constitutional guarantees (Nishat, Islam, & Sharmin, 2022). The DSA's rules are also not in line with international norms and duties since the DSA is too vague, which goes against ICCPR requirements (United Nations Human Rights Council, 2019).

Examples of Misuse

The DSA is now a powerful way to stop people from speaking out. One well-known case is that of Rozina Islam, a veteran journalist who was punished under the DSA for exposing corruption in the healthcare industry. Transparency International Bangladesh (2020) said that these kinds of things make media less likely to look at governance issues. Likewise, social media activists have witnessed people charged under Section 25, resulting in a significant chilling impact on digital advocacy (Article 19, 2018). The DSA's lack of clarity has also hurt academia, and Human Rights Watch (2020) has pointed out how this makes it harder for people to learn and progress (Human Rights Watch, 2020).

Comparative Perspectives

The DSA's shortcomings become even more apparent when compared to similar laws. India's Section 66A of the Information Technology Act, which criminalized "offensive" online content, was struck down in 2015 for violating the right to freedom of expression. In contrast, Western

democracies, such as the United States, offer robust protections for free speech, with laws addressing online crimes designed to target specific offenses without encroaching on broader freedoms. For example, the Communications Decency Act (CDA) and the Computer Fraud and Abuse Act (CFAA) focus on specific harmful actions rather than vague terms (Electronic Frontier Foundation [EFF], 2020).

Required steps to reform

- **Definition of Terms:** Ambiguous terms like "false" and "propaganda" must be clearly defined (**Article 19, 2018**).
- **Judicial Oversight:** Mandating prior judicial approval for arrests can create a necessary check against abuse (**TIB, 2020**).
- **Decriminalization:** Defamation should be shifted to civil proceedings (**Human Rights Watch, 2020**).
- **International Alignment:** Amending the DSA to reflect the standards set by the ICCPR would reaffirm democratic commitments (**Human Rights Watch, 2020; UNHRC, 2019**).

Empowered law enforcement agency through DSA 2018

The Digital Security Act (DSA) of 2018 in Bangladesh has significantly empowered law enforcement agencies, granting them the authority to arrest individuals without a warrant based on suspicion. This raises serious concerns about the infringement of constitutional rights, particularly Articles 31 and 32 (Article 19, 2018).

In May 2020, writer Mushtaq Ahmed and cartoonist Ahmed Kabir Kishore were arrested under the DSA for posts critical of the government's COVID-19 handling. Tragically, Mushtaq Ahmed died in custody in February 2021 (Wikipedia, 2021). Kishore, upon release, reported being subjected to torture during detention (Wikipedia, 2021).

The cases of writer Mushtaq Ahmed and cartoonist Ahmed Kabir Kishore illustrate this power; both were arrested in May 2020 for criticizing the government's COVID-19 handling. Ahmed died in custody in 2021, and Kishore later reported being subjected to torture (Wikipedia, 2021a, 2021b). Between January 2020 and February 2022, at least 842 individuals were detained under the DSA, with an average of 67 arrests per month during certain spikes (The Daily Star, 2022a). Furthermore, a study by CGS (2022) found that around 60% of DSA cases were initiated by law enforcement or ruling party affiliates, suggesting the law is used to target critics (The Daily Star, 2022b).

Criticism from Human Rights Organizations

The DSA has been a focal point of criticism from human rights organizations.

Odhikar's Perspective

In its *Annual Human Rights Report 2023*, Odhikar highlighted the misuse of the DSA, noting that the act has been employed to harass and detain individuals critical of the government (Odhikar, 2023). Furthermore, Odhikar's *Three-Month Human Rights Report: April–June 2024* detailed instances where the DSA was used to intimidate journalists and human rights defenders (Odhikar, 2024).

International Criticism

International human rights bodies have also expressed alarm. **Human Rights Watch, in its *World Report 2024*, asserted that Bangladeshi authorities are using the DSA to harass and indefinitely detain activists** (Human Rights Watch, 2024). In March 2023, UN Human Rights Chief Volker Türk urged Bangladesh to suspend the application of the DSA (UNHRC, 2023).

Impact on Freedom of Expression

A report by Transparency International Bangladesh (TIB) described the situation as an **"unending nightmare,"** with the Act severely disrupting the freedom of expression of journalists and citizens (Transparency International Bangladesh, 2023). Amnesty International has also critiqued the DSA, stating that it has been used as a tool against freedom of expression, media freedom, human rights, and dissent (Amnesty International, 2021).

Literature Review

This literature review chapter analyzes ten pivotal articles and reports that define the discourse on media freedom, state security, and digital rights in Bangladesh. To meet your request for depth, each analysis synthesizes the specific findings of the article with the broader legal and socio-political context provided in the sources.

This study on “Political and Religious Dynamics in Press Freedom (2017)” offers a foundational exploration into the intricate challenges facing press freedom in Bangladesh, with a particular focus on the significant influence of religion and political dynamics (Rahman et al., 2017). The authors utilize a content analysis methodology, examining media outputs during highly polarized periods such as the Shahbagh Movement to identify the structural barriers that prevent free expression. Their findings suggest that the press is not merely restricted by state laws but is caught in a crossfire of external pressures, including Islamist political parties and intense socio-political conflicts (Rahman et al., 2017).

The historical context provided by the sources supports this analysis, noting that while the 1990s ushered in a democratic transition and media plurality, political polarization continued to severely hamper journalistic independence. Media houses often align themselves with specific political factions, which Rahman et al. argue reduces the scope for unbiased reporting and forces a culture of self-censorship. This polarization creates an environment where journalists must navigate the "reasonable restrictions" of Article 39 of the Constitution, which are often invoked to address

national security or religious sensitivities but frequently lack proportionality. The authors conclude that for journalistic integrity to be protected, Bangladesh requires balanced legal reforms that respect societal sensitivities without granting the state or political actors the power to stifle dissent.

Bhuiyan's research (2016) highlights a critical shift in the threats to free expression, moving beyond traditional state-led censorship to the growing role of non-state actors. The study reveals that societal pressures—specifically from religious factions—have emerged as a dominant force in curbing the discourse of journalists and activists. These actors often leverage cultural and religious sensitivities to suppress critical thought, creating a "dual pressure" where media practitioners must fear both legal repercussions from the state and physical or social retaliation from extremist groups (Bhuiyan, 2016).

The sources corroborate Bhuiyan's thesis by describing how religious groups target bloggers and journalists who address sensitive topics, leading to widespread self-censorship. This dynamic is further complicated by corporate entities that threaten editorial independence through economic pressures; media outlets reliant on advertising revenue often avoid reporting on issues that might jeopardize their commercial interests. Bhuiyan emphasizes that the emergence of these non-state threats exacerbates the challenges already posed by state mechanisms like the Digital Security Act (DSA). The study calls for a broader national discourse on how to safeguard the public square from both the "shouting crowd" of non-state actors and the restrictive hand of the state.

Hasan (2016) provides a rigorous critique of Section 57 of the Information and Communication Technology (ICT) Act 2013, which served as the precursor to the current Digital Security Act. The study focuses on the "ambiguous language" of the provision, which criminalized the publication of electronic material that was "fake," "obscene," or had the potential to "corrupt" or "deteriorate law and order". Hasan argues that such imprecise terminology allowed for subjective and arbitrary interpretations by law enforcement, effectively enabling the state to target journalists and activists who expressed dissenting views (Hasan, 2016).

The sources show that Section 57 faced immense criticism for being a tool of suppression, which eventually led to its repeal and replacement by the DSA in 2018. However, Hasan's analysis remains relevant because many of the same flaws—such as lack of clear definitions—were carried over into the new law. For instance, Section 25 of the DSA continues to criminalize "false" or "offensive" information without defining those terms, much like Section 57 did. Hasan advocates for a legal framework that prioritizes judicial oversight and aligns strictly with constitutional rights, arguing that without these safeguards, any digital security law will inevitably be misused to silence the government's critics.

Haque's study (2016) shifts the focus to the internal economics of the media industry, arguing that media ownership, rather than journalistic ethics or state law, is often the primary factor dictating narratives in Bangladesh. The research identifies a symbiotic relationship between media owners, corporate interests, and political affiliations (Haque, 2016). This creates a landscape where the

media serves the public interest only when it does not conflict with the agendas of the owners or their political patrons.

This analysis is reflected in the broader discussion of the "polarized media landscape" in Bangladesh. When media houses are owned by individuals with strong ties to the ruling party or large corporate conglomerates, investigative journalism into corruption or governmental inefficiency is stifled. Haque concludes that this economic dependency creates a "structural barrier" to objective reporting that is just as restrictive as any jail sentence. The study calls for institutional reforms to enhance journalistic autonomy, such as independent funding mechanisms and regulatory bodies that can protect editors from the whims of their owners.

Islam's work (2018) explores the theoretical and practical balance between press freedom and the legal restrictions imposed by the state (Islam, 2018). By examining Article 39 of the Constitution alongside international human rights norms, the study emphasizes that any restriction on free speech must meet the test of "proportionality" and "reasonableness". Islam argues that while state security is a legitimate concern, the current implementation of laws in Bangladesh often exceeds the intended scope of the Constitution.

The sources detail how the DSA's provisions, such as Section 21 (propaganda against the War of Liberation) and Section 31 (creating hostility), use undefined terms that allow the state to bypass the constitutional requirement for "reasonable" restrictions. Islam's findings highlight that without transparent judicial oversight, the state's power to restrict speech becomes absolute, leading to an "unending nightmare" for journalists. The article concludes that for a democratic media environment to survive, there must be a mechanism to ensure that legal limitations do not undermine the fundamental right to expression.

The report by the Centre for Governance Studies (CGS) (2022) provides a data-driven assessment of the Digital Security Act's impact on human rights. This study is particularly vital because it quantifies the "chilling effect" often discussed in abstract terms. CGS research found that between January 2020 and February 2022, at least 842 individuals were detained under the DSA, with an average of 67 arrests per month during certain periods.

Most significantly, the CGS study revealed that approximately 60% of DSA cases were initiated by law enforcement agencies or individuals affiliated with the ruling party. This statistic suggests a systematic use of the law to target opposition voices and critics rather than to combat actual cybercrime (CGS, 2022). The report identifies vague provisions in the Act as the primary enablers of this misuse, such as the power to arrest without a warrant based on mere suspicion. The CGS recommends urgent reforms, including clearer legal definitions and stronger safeguards to align the DSA with international standards and prevent its further use as a tool of political intimidation.

Gupta's research (2021) evaluates how existing media laws create legal and structural barriers that specifically target investigative journalism. The study highlights that the threat of criminal defamation under Section 29 of the DSA, which carries harsher penalties than civil defamation,

serves to discourage journalists from probing into governance and corruption. The sources use the case of Rozina Islam, a journalist charged under the DSA for exposing healthcare corruption, as a prime example of the "vulnerability" Gupta describes.

Gupta suggests that these laws do not just punish individuals; they weaken the "democratic fabric" of the nation by ensuring that major scandals go unreported. The research advocates for the decriminalization of defamation and the establishment of independent regulatory bodies. By shifting defamation to civil proceedings, the state could address grievances without the disproportionate threat of imprisonment, thereby fostering a more robust environment for the "watchdog" role of the press (Gupta, 2021).

Hasan's (2020) study revisits the constitutional guarantees of freedom of speech, focusing on the gap between the "secular state" ideals of the 1971 Constitution and the modern reality of political and societal intolerance. The research identifies three primary "curbing forces": political pressure, legal ambiguity, and societal intolerance. Hasan argues that even if the law were perfect, the "culture of fear" created by both the state and non-state actors would still hinder free expression.

This is echoed in the sources' discussion of "Bangladesh 2.0," where rapid digitalization has made citizens more vulnerable to surveillance and harassment. Hasan calls for more than just legislative change; he advocates for public awareness campaigns to strengthen democratic norms and protect individual rights at the grassroots level. The study emphasizes that for Article 39 to be meaningful, the state must actively protect speakers from the "intolerance" of the majority, rather than using that intolerance as a justification for further restrictions.

In his article (2021), Islam examines the interplay between state control mechanisms and the legal barriers that restrict free expression. The study critiques the DSA as a primary instrument of state control, used to suppress dissenting voices under the guise of national security. Islam argues that the Act's broad powers—such as Section 21's life imprisonment for undefined "propaganda"—are designed to ensure total compliance with the state narrative.

The sources support this by detailing how the DSA enables authorities to bypass judicial oversight, leading to cases like that of Mushtaq Ahmed, who died in custody after being denied bail multiple times for a social media post. Islam advocates for a total overhaul of the legal system to ensure "judicial accountability". The study suggests that as long as law enforcement can arrest individuals without a warrant and the judiciary remains reluctant to grant bail in DSA cases, free expression in Bangladesh will remain under a "precarious" state of control.

Front Line Defenders (2022) focuses on the specific impact of the DSA on human rights defenders (HRDs). The report documents cases where the Act has been used to intimidate, detain, and socially stigmatize those who speak out against state abuses. Beyond the legal penalties, the report highlights the "economic hardships" and "social stigmatization" faced by those charged, as they are often labeled as anti-state or "propaganda" spreaders.

The case of photojournalist Shafiqul Islam Kajol, who went missing for 53 days before being "found" and arrested under the DSA, serves as a harrowing example of the intimidation Front Line Defenders describes. The report underscores that these actions don't just affect the individual; they serve as a warning to the entire civil society. The organization calls for the immediate repeal of problematic provisions to protect HRDs and uphold the democratic principles that Bangladesh was founded upon.

Literature Gaps

Critical gaps in research include the unique impact of digital media and surveillance on dissenting voices, the underexplored influence of non-state actors like religious groups and corporate entities, and gender-specific challenges faced by women journalists. Furthermore, research is needed on how legal ambiguities in laws like the DSA disproportionately affect marginalized communities, and comparative studies are needed to inform effective policy recommendations. Finally, the psychological toll of media suppression on journalists and activists is an underrepresented topic.

Rahman et al. (2017) offer a foundational exploration into the intricate challenges facing press freedom in Bangladesh, with a particular focus on the significant influence of religion and political dynamics. The authors utilize a content analysis methodology, examining media outputs during highly polarized periods such as the Shahbagh Movement to identify the structural barriers that prevent free expression. Their findings suggest that the press is not merely restricted by state laws but is caught in a crossfire of external pressures, including Islamist political parties and intense socio-political conflicts (Rahman et al., 2017).

The historical context provided by the study supports this analysis, noting that while the 1990s ushered in a democratic transition and media plurality, political polarization continued to severely hamper journalistic independence. Media houses often align themselves with specific political factions, which Rahman et al. (2017) argue reduces the scope for unbiased reporting and forces a culture of self-censorship.¹ This polarization creates an environment where journalists must navigate the "reasonable restrictions" of Article 39 of the Constitution, which are often invoked to address national security or religious sensitivities but frequently lack proportionality. The authors conclude that for journalistic integrity to be protected, Bangladesh requires balanced legal reforms that respect societal sensitivities without granting the state or political actors the power to stifle dissent (Rahman et al., 2017).

Bhuiyan's (2016) research highlights a critical shift in the threats to free expression, moving beyond traditional state-led censorship to the growing role of non-state actors. The study reveals that societal pressures—specifically from religious factions—have emerged as a dominant force in curbing the discourse of journalists and activists. These actors often leverage cultural and religious sensitivities to suppress critical thought, creating a "dual pressure" where media practitioners must fear both legal repercussions from the state and physical or social retaliation from extremist groups (Bhuiyan, 2016).

The literature corroborates Bhuiyan's (2016) thesis by describing how religious groups target bloggers and journalists who address sensitive topics, leading to widespread self-censorship. This dynamic is further complicated by corporate entities that threaten editorial independence through economic pressures; media outlets reliant on advertising revenue often avoid reporting on issues that might jeopardize their commercial interests.² Bhuiyan (2016) emphasizes that the emergence of these non-state threats exacerbates the challenges already posed by state mechanisms like the Digital Security Act (DSA). The study calls for a broader national discourse on how to safeguard the public square from both the "shouting crowd" of non-state actors and the restrictive hand of the state.

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Evidence indicates that Section 57 faced immense criticism for being a tool of suppression, which eventually led to its repeal and replacement by the DSA in 2018. However, Hasan's (2016) analysis remains relevant because many of the same flaws—such as lack of clear definitions—were carried over into the new law. For instance, Section 25 of the DSA continues to criminalize "false" or "offensive" information without defining those terms, much like Section 57 did. Hasan (2016) advocates for a legal framework that prioritizes judicial oversight and aligns strictly with constitutional rights, arguing that without these safeguards, any digital security law will inevitably be misused to silence the government's critics.

Haque's (2016) study shifts the focus to the internal economics of the media industry, arguing that media ownership, rather than journalistic ethics or state law, is often the primary factor dictating narratives in Bangladesh. The research identifies a symbiotic relationship between media owners, corporate interests, and political affiliations. This creates a landscape where the media serves the public interest only when it does not conflict with the agendas of the owners or their political patrons (Haque, 2016).

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Islam (2018) explores the theoretical and practical balance between press freedom and the legal restrictions imposed by the state. By examining Article 39 of the Constitution alongside international human rights norms, the study emphasizes that any restriction on free speech must meet the test of "proportionality" and "reasonableness". Islam (2018) argues that while state security is a legitimate concern, the current implementation of laws in Bangladesh often exceeds the intended scope of the Constitution.

The literature details how the DSA's provisions, such as Section 21 (propaganda against the War of Liberation) and Section 31 (creating hostility), use undefined terms that allow the state to bypass the constitutional requirement for "reasonable" restrictions. Islam's (2018) findings highlight that without transparent judicial oversight, the state's power to restrict speech becomes absolute, leading to an "unending nightmare" for journalists. The article concludes that for a democratic media environment to survive, there must be a mechanism to ensure that legal limitations do not undermine the fundamental right to expression.

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Most significantly, the CGS (2022) study revealed that approximately 60% of DSA cases were initiated by law enforcement agencies or individuals affiliated with the ruling party. This statistic suggests a systematic use of the law to target opposition voices and critics rather than to combat actual cybercrime. The report identifies vague provisions in the Act as the primary enablers of this misuse, such as the power to arrest without a warrant based on mere suspicion. The CGS (2022) recommends urgent reforms, including clearer legal definitions and stronger safeguards to align the DSA with international standards and prevent its further use as a tool of political intimidation.

Gupta's (2021) research evaluates how existing media laws create legal and structural barriers that specifically target investigative journalism. The study highlights that the threat of criminal defamation under Section 29 of the DSA, which carries harsher penalties than civil defamation, serves to discourage journalists from probing into governance and corruption. Sources cite the case of Rozina Islam, a journalist charged under the DSA for exposing healthcare corruption, as a prime example of the "vulnerability" Gupta (2021) describes.⁴

Gupta (2021) suggests that these laws do not just punish individuals; they weaken the "democratic fabric" of the nation by ensuring that major scandals go unreported. The research advocates for the decriminalization of defamation and the establishment of independent regulatory bodies. By shifting defamation to civil proceedings, the state could address grievances without the disproportionate threat of imprisonment, thereby fostering a more robust environment for the "watchdog" role of the press (Gupta, 2021).

Hasan's (2020) study revisits the constitutional guarantees of freedom of speech, focusing on the gap between the "secular state" ideals of the 1971 Constitution and the modern reality of political and societal intolerance. The research identifies three primary "curbing forces": political pressure, legal ambiguity, and societal intolerance. Hasan (2020) argues that even if the law were perfect, the "culture of fear" created by both the state and non-state actors would still hinder free expression.

This is echoed in discussions of "Bangladesh 2.0," where rapid digitalization has made citizens more vulnerable to surveillance and harassment. Hasan (2020) calls for more than just legislative change; he advocates for public awareness campaigns to strengthen democratic norms and protect individual rights at the grassroots level. The study emphasizes that for Article 39 to be meaningful, the state must actively protect speakers from the "intolerance" of the majority, rather than using that intolerance as a justification for further restrictions.

In this article, Islam (2021) examines the interplay between state control mechanisms and the legal barriers that restrict free expression. The study critiques the DSA as a primary instrument of state control, used to suppress dissenting voices under the guise of national security. Islam (2021) argues that the Act's broad powers—such as Section 21's life imprisonment for undefined "propaganda"—are designed to ensure total compliance with the state narrative.

The literature supports this by detailing how the DSA enables authorities to bypass judicial oversight, leading to cases like that of Mushtaq Ahmed, who died in custody after being denied bail multiple times for a social media post. Islam (2021) advocates for a total overhaul of the legal system to ensure "judicial accountability". The study suggests that as long as law enforcement can arrest individuals without a warrant and the judiciary remains reluctant to grant bail in DSA cases, free expression in Bangladesh will remain under a "precarious" state of control (Islam, 2021).

Front Line Defenders (2022) focuses on the specific impact of the DSA on human rights defenders (HRDs). The report documents cases where the Act has been used to intimidate, detain, and socially stigmatize those who speak out against state abuses. Beyond the legal penalties, the report highlights the "economic hardships" and "social stigmatization" faced by those charged, as they are often labeled as anti-state or "propaganda" spreaders (Front Line Defenders, 2022).

The case of photojournalist Shafiqul Islam Kajol, who went missing for 53 days before being "found" and arrested under the DSA, serves as a harrowing example of the intimidation Front Line Defenders (2022) describes. The report underscores that these actions don't just affect the individual; they serve as a warning to the entire civil society. The organization calls for the immediate repeal of problematic provisions to protect HRDs and uphold the democratic principles that Bangladesh was founded upon (Front Line Defenders, 2022).

Recommendations

Addressing the challenges requires comprehensive legal reforms. Provisions with vague language that allow for misuse, such as those enabling warrantless arrests, must be clarified or repealed. Incorporating best practices from countries with similar socio-political contexts could inform a balanced legal framework that protects both state security and individual freedoms (Centre for Governance Studies, 2022; Human Rights Watch, 2020). Fostering a culture of journalistic independence is crucial, requiring independent regulatory bodies to oversee media practices (Gupta, 2021; Hasan, 2020). Safeguarding digital freedoms is imperative, and public awareness campaigns on digital literacy could mitigate misinformation (Rahman et al., 2017; Amnesty International, 2021). Lastly, resources for mental health support and legal aid should be made available to media practitioners (Odhikar, 2023).

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