

A LAW TO TACKLE CYBERCRIMES, OR MUFFLE DISSENT?

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Bangladesh readied a new law giving sweeping powers to the police to crack down on cyberoffences and arrest any potential offender without a warrant.

The Digital Security Act, passed in Parliament on September 19, drew criticism from journalists and civil society leaders as they said that the law would muffle the freedom of expression.

Most of the reactions centred on Section 32 of the law, amid concerns that it would deter investigative journalists from doing their job. Any “illegal” entry to government, semi-government or autonomous organisations and the “secret” recording of information and data on any electronic device carry as many as 14 years in jail, or a fine of 2.5 million taka (\$30,000), or both, according to the law.

Another contentious issue is that a digital security agency can ask the Bangladesh Telecommunication Regulatory Commission to block or remove any information in the media, deemed as a “threat to digital security”.

“Our future battle will revolve around digital security. If we fail to provide security to the state and if state security is jeopardised, we will be responsible for that. We cannot let that happen,” Telecoms and ICT minister Mustafa Jabbar told his colleagues in Parliament as he proposed the passage of the Bill.

In the days after the Bangladesh Cabinet approved the draft of the Bill, rights campaigners and journalist associations opposed its “draconian” parts. “Given the notoriety of police in Bangladesh in falsely implicating citizens in cases, people have all the good reasons to feel intimidated. It’s definitely going to gag the free press and the space for expressing any kind of dissent is going to be further narrowed,” Reaz Ahmad, executive editor of the Dhaka-based United News of Bangladesh, said in an interview by email.

The vagueness of the offences, combined with the harshness of the potential penalty, increases the likelihood of self-censorship to avoid possible prosecution, the Human Rights Watch (HRW) said earlier this year, after the Cabinet led by Prime Minister Sheikh Hasina endorsed the law.

Section 31 of the law imposes strict punishment for posting information which “ruins communal harmony or creates instability or disorder or disturbs or is about to disturb the law”. With no clear definition of what speech would be considered to “ruin communal harmony” or “create instability”, the law leaves wide scope for the government to prosecute the speech it does not like, HRW said.

A day after the law was passed in Parliament, Ms. Hasina played down journalists’ concerns. “I don’t know why journalists are becoming so sensitive,” she said. “Their voices were not muffled. They can express their opinions because there are no restrictions.”

Fears run deep

However, fears of the abuse of the law by security forces run deep. “This law imposes dangerous restrictions on freedom of expression. Instead of learning from the lessons of the

past, it seeks to repeat them,” said Saad Hammadi, Amnesty International’s South Asia campaigner. “Given how the authorities have arbitrarily arrested hundreds of people in the past six years under the Information and Communication Technology Act, there are serious concerns that the new Act will be used against people who speak out.”

Now the journalists and rights campaigners look to President Abdul Hamid. The last step in making the law enforceable is still to be exhausted. Mr. Ahmad said: “There’s no harm in taking a hard look at and reviewing the Act for one last time before it gets the presidential approval.”

With no clear definition of what speech would be considered to ‘create instability’, the new law leaves wide scope for the government to use it to prosecute its critics, says HRW

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