

Digital Security Act of Bangladesh

The Digital Security Act (DSA) 2018, enacted on October 8, 2018, aimed to regulate cybercrimes in Bangladesh, such as unauthorized access, data breaches, cyber-terrorism, and misinformation. It replaced the ICT Act 2006 but was criticized for vague provisions that curbed free speech. The DSA was repealed in 2023 and replaced by the Cyber Security Act (CSA) 2023, which retains similar provisions with some changes like reduced penalties and bailable offenses. Below are the key DSA provisions and punishments, followed by notes on the CSA. For the official text, check bdlaws.minlaw.gov.bd.

Key Provisions and Punishments:

1. Section 21: Propaganda Against Liberation War, Father of the Nation, etc.
Offense: Making or spreading propaganda via digital media against the 1971 Liberation War, its spirit, Father of the Nation, national anthem, or flag.
Punishment: Up to 10 years imprisonment, fine up to 1 crore taka, or both. Repeat offenses: life imprisonment or fine up to 3 crore taka.
Note: Vague terms led to misuse against critics.
2. Section 25: Offensive, False, or Fear-Inducing Information
Offense: Publishing or transmitting offensive, false, or fear-inducing content that disrupts public order or harms reputations.
Punishment: Up to 3 years imprisonment, fine up to 3 lakh taka, or both. Repeat offenses: up to 5 years or fine up to 10 lakh taka.
Note: Used against journalists (124 cases in 26 months).
3. Section 27: Cyber-Terrorism
Offense: Breaching national security or sovereignty, or causing terror via unauthorized system access.
Punishment: Up to 14 years imprisonment, fine up to 1 crore taka, or both. Repeat offenses: life imprisonment or fine up to 5 crore taka.
4. Section 28: Hurting Religious Sentiments
Offense: Publishing content that hurts religious values or sentiments.
Punishment: Up to 5 years imprisonment, fine up to 10 lakh taka, or both. Repeat offenses: up to 7 years or fine up to 20 lakh taka.
5. Section 29: Defamatory Information
Offense: Publishing defamatory content (per Penal Code 1860, Section 499) in electronic format.
Punishment: Up to 3 years imprisonment, fine up to 5 lakh taka, or both. Repeat

offenses: up to 5 years or fine up to 10 lakh taka.

Note: Targeted journalists (118 cases in 26 months).

6. Section 31: Deteriorating Law and Order

Offense: Publishing content to disrupt law and order or harm state/person's image.

Punishment: Up to 7 years imprisonment, fine up to 10 lakh taka, or both. Repeat offenses: up to 10 years or fine up to 20 lakh taka.

7. Section 33: Illegal Data Transfer or Storage

Offense: Unauthorized access to government/organizational data for transfer or storage.

Punishment: Up to 5 years imprisonment, fine up to 10 lakh taka, or both. Repeat offenses: up to 7 years or fine up to 15 lakh taka.

8. Section 34: Malware or Virus Insertion

Offense: Inserting viruses/malware or damaging data in systems.

Punishment: Up to 7 years imprisonment, fine up to 10 lakh taka, or both. Repeat offenses: up to 10 years or fine up to 25 lakh taka.

Other Provisions:

Sections like 17, 19, 22, 23, 24, 26, and 30 covered unauthorized access, identity theft, and cyberbullying, with penalties ranging from 3-14 years imprisonment and fines up to 10 lakh taka. Many offenses were non-bailable, allowing arrests without warrants and indefinite detention.

Issues with Implementation:

The DSA's 14 non-bailable provisions led to over 7,000 cases, targeting journalists, activists, and minors. Notable cases include Mushtaq Ahmed's death in prison (2021) and torture of cartoonist Ahmed Kabir Kishore. Vague terms enabled misuse, violating free speech rights under international law (e.g., Article 19 of ICCPR).

Transition to Cyber Security Act 2023:

The DSA was repealed in 2023, replaced by the CSA 2023. Key changes include:

- Section 21: Reduced to 7 years imprisonment or fine; life imprisonment removed.
- Section 28: Reduced to 2 years imprisonment.
- Section 29: Defamation now carries a fine up to 25 lakh taka (3-6 months imprisonment if unpaid).
- Some offenses made bailable; new hacking offense added (up to 14 years or 1 crore taka fine).

- Existing DSA cases continue under CSA, but concerns remain about unresolved cases and freedom of expression.

Conclusion:

The DSA 2018 aimed to secure digital spaces but was misused to suppress dissent with harsh punishments (3 years to life imprisonment, fines up to 5 crore taka). The CSA 2023 reduces some penalties but retains repressive provisions. For updates, refer to bdlaws.minlaw.gov.bd or legal resources like lawfirm.com.bd.