

## Speech on Trial: Repressive Trends in South Asia’s Online Space

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### Abstract

The internet was once hailed as a space of empowerment and open discourse, where marginalized voices could be raised, debate could thrive, and power could be challenged. Today, the internet in South Asia is increasingly constrained by repressive cyber laws, state overreach, and digital censorship, threatening the fundamental right to freedom of expression. This article critically examines the growing disjunction between constitutional safeguards and their enforcement in Nepal, India, and Bangladesh, where vague and draconian legal frameworks, such as Nepal’s Electronic Transactions Act and proposed Social Media Bill, India’s Information Technology Act and Unlawful Activities (Prevention) Act, and Bangladesh’s Digital Security Act and Cyber Security Ordinance, are weaponized to silence journalists, activists, and citizens. Grounded in the theories of shrinking civic space, John Stuart Mill’s harm principle, and Jürgen Habermas’ public sphere, the article uses doctrinal legal research and case analysis to explore how these laws violate international human rights standards, particularly Article 19 of the ICCPR. Key cases, involving journalist Dil Bhusan Pathak (Nepal), comedian Kunal Kamra (India), and activist Mushtaq Ahmed (Bangladesh), reflect a regional pattern of digital authoritarianism. Tactics such as internet shutdown, surveillance, platform censorship, and criminal defamation suppress dissenting voices. Often justified in the name of national security or public order, these measures normalize self-censorship and erode digital civic space. By mapping legal developments and converging authoritarian practices, including the criminalization of satire and suppression of dissent, the article underscores the erosion of press freedom and democratic accountability. It advocates for legal reforms, platform transparency, and sustained advocacy to protect online expression in South Asia.

**Keywords:** censorship, civic space, cyberlaws, freedom of expression, South Asia

### Introduction

On June 10, 2025, an arrest warrant was issued against senior journalist, Dil Bhusan Pathak, under the controversial Electronic Transactions Act (2008) (hereinafter ETA). His alleged offense - hosting a YouTube episode of his investigative

journalism show *Tough Talk*, which spotlighted financial irregularities linked to the family of a prominent political figure. The complaint, registered under the pseudonym “Cyber Bureau 59 (2081/082),” alleged Pathak of defamation and incitement of hate, citing threats to public

morality and misuse of electronic media. The public reaction was immediate and intense—civil society organizations, media representatives, and legal experts widely condemned the arrest as an assault on press freedom. For many, it symbolized a worrying pattern of state overreach in digital spaces (Digital Rights Nepal [DRN], 2025).

This incident is emblematic of broader trends in South Asia, where governments are increasingly using outdated cyber laws, with vague provisions on national security. In Nepal, Section 47 of the ETA is frequently invoked for politically motivated interpretations of defamation, serving as a tool to stifle critical speech. In India, journalists and activists are frequently targeted under anti-terror and sedition laws for social media posts for which CIVICUS Monitor rated India's civic space as repressed (CIVICUS, 2025) while in Bangladesh, the draconian Digital Security Act (DSA) (2018) has been widely used as a tool for online surveillance, arrests, and intimidation (Amnesty International, 2021). Between October 2018 to August 2022, over 1,109 cases were filed under the DSA, 2,889 individuals implicated and 1,119 arrests made (Riaz, 2023). The death of writer and activist Mushtaq Ahmed in custody in February 2021 – following 10 months of detention – underscores the severity of this repression. Together, these trends reveal an alarming trajectory where the internet, once hailed as a space of empowerment and open discourse, is being reshaped into an arena of control and suppression.

These regional trends point to a broader phenomenon: the transformation of the internet from a space of empowerment and open discourse into a domain of control, suppression, and surveillance. Central to this transformation is the growing practice of digital authoritarianism (Shahbaz, 2018) - the strategic use of digital technologies by state and non-state actors to undermine civil liberties, particularly freedom of expression. While terms such as “techno-authoritarianism”, “networked authoritarianism”, and “digital repression” are used across disciplines to describe related phenomena, they often lack conceptual clarity. Nevertheless, they collectively capture how digital tools, initially celebrated for enabling transparency and civic participation

and empowerment, are now being weaponized to entrench state power and silence dissent (Roberts & Oosterom, 2024).

The normative foundations of free expression help shed light on the gravity of this democratic erosion. John Stuart Mill's harm principle posits that the only justification for restricting individual liberty- including freedom of expression, is to prevent harm to others (Mill, 1859). Mill's framework discourages censorship based on offense or disapproval alone and insists that restrictions be rooted in demonstrable harm. In the context of digital communication, this principle necessitates distinguishing between mere controversial and genuinely harmful content, such as incitement to violence or hate speech.

Furthermore, Jürgen Habermas' theory of the public sphere highlights the significance of open discourse in democratic societies. Social media—though commercially owned—serves as a contemporary public forum where individuals engage in debate, dissent, and democratic participation (Habermas, 1989). Curtailing speech on these platforms without due safeguards risks eroding the democratic function of digital communication and reconfiguring the public sphere as one of surveillance and control.

At the heart of this discourse lies the fundamental right to freedom of expression, enshrined in Article 19 of both the Universal Declaration of Human Rights (UDHR, 1948) and the International Covenant on Civil and Political Rights (ICCPR, 1966). This right enables individuals to speak freely, share ideas, challenge power and participate actively in civic space which encompasses three core tenets: the right to hold opinions without interference (freedom of opinion); the right to seek and receive information (access to information); and the right to impart information (freedom of expression).

The UN Human Rights Committee's General Comment No. 34 affirms the broad range of Article 19, which includes political discourse, commentary on personal and public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse (Human Rights Committee, 2011). Article 19(2) of the ICCPR stipulates that the

right to freedom of expression applies regardless of frontiers and through any media of one's choice. General Comment No. 34 further clarifies that this provision extends to internet-based forms of communication (OHCHR, General Comment No. 34 at n 4 at para 12).

In its 2016 resolution, the UN Human Rights Council affirmed (UNHRC, 2016) that *"the same rights that people have offline must also be protected online, in particular freedom of expression ..."*, reinforcing Article 19's applicability in digital contexts.

Former UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye has said the internet is "one of the most powerful instruments of the 21st century for increasing transparency, access to information, and facilitating active citizen participation in building democratic societies" (Kaye et al., 2016). Freedom of expression not only enables individuals to participate meaningfully in democratic processes but also supports the development of informed and inclusive societies (The Global Expression Report, 2022).

However, this right is under siege. In the name of protecting national security, public order, or religious harmony, governments across South Asia are weaponizing legislation to silence dissent. These restrictions often fail to meet the strict criteria set under Article 19(3) of the ICCPR, which mandates that any limitations on free expression must be clearly defined by law, pursue a legitimate objective, and be necessary and proportionate in a democratic society.

In Nepal, the Constitution (The Constitution of Nepal, 2015) guarantees freedom of expression under Article 17, yet broad interpretations laws like the ETA allow authorities to initiate criminal proceedings for online speech deemed offensive or critical (Chhetri, 2019). Similar contradictions exist in India, where constitutional guarantees are undermined by frequent misuse of laws such as the Information Technology Act (2000) (IT Act), Unlawful Activities (Prevention) Act (1967) hereinafter UAPA, and sedition provisions. In Bangladesh, the Digital Security Act (2018) hereinafter DSA, has facilitated the arrest of

writers, cartoonists, and students for expressing opinions deemed anti-government or "anti-state" (Reporters Without Borders [RSF], 2020).

Digitization has significantly transformed the public sphere. Social media platforms like Facebook, X(formerly Twitter), YouTube, and TikTok, and other digital tools now play a pivotal role in shaping public opinion, facilitating political participation, and enabling civic activism (Groth, 2022). Social movements - from feminist campaigns (#MeToo) to anti-corruption initiatives (Enough is Enough), and civic advocacy - have used digital tools to catalyze grassroots activism across the globe, including South Asia. For instance, the global #MeToo movement, which gained traction in South Asia through viral disclosures by survivors in India, Nepal, and Bangladesh, mobilized public discourse on sexual harassment (Pain, 2020). This shift from traditional "one-to-many" communication models to dynamic "many-to-many" interactions has fostered new forms of collective action and expression, and dramatically expanded civic space. Where once protest was limited to physical spaces, dissent now travels through tweets, hashtags, reels, blogs, and viral videos.

Yet, this very empowerment has provoked state anxiety. As digital dissent becomes more visible and organized, authoritarian tendencies increasingly adopt digital authoritarian practices to reassert control (Greene & Pisani, 2023). These include mass surveillance, censorship, internet shutdown, legal intimidation, state trials and targeted online harassment. The normalization of these tools of repression marks a dangerous departure from democratic principles, risks turning the internet into a digital prison rather than a forum for participation.

This article adopts a comparative case-study methodology, employing doctrinal legal research, media reports, and right-based frameworks to examine state responses to online dissent in Nepal, India, and Bangladesh. It examines how cyber laws are deployed to suppress freedom of expression, the institutional actors that facilitate repression, and the civil society resistance against this erosion of fundamental rights. The analysis is grounded

in the concept of shrinking civic space and legal standards on freedom of expression under Article 19 of the ICCPR.

At a time when digital platforms shape our democracies, economies, and communities, defending freedom of expression online is more critical than ever.

### **Digital Freedoms: Constitutional and Legal Frameworks in Nepal, India, and Bangladesh** *Nepal: Constitutional and Legal Framework*

The Constitution of Nepal (2015) embodies a firm commitment to democratic values, social justice, and human rights. The Preamble explicitly affirms the people's resolve to uphold civil liberties and press freedom, emphasizing Nepal's aspiration to establish a democratic nation founded on 'socialism based on democratic norms and values', while guaranteeing 'civil liberties, fundamental rights, human rights, adult franchise, periodic elections, full freedom of the press, and independent, impartial and competent judiciary and concept of the rule of law.

Article 17(2) (a) of the Constitution guarantees the right to opinion and expression, with restrictions pertaining to national integrity, social harmony, non-discrimination, defamation, public morality, and incitement to criminal acts. Article 19 further protects press freedom and communication rights and safeguards digital and electronic equipment against closure, seizure and deregistration due to the content published and broadcast.

Aligned with these constitutional safeguards, Nepal's has enacted various national legal and policy instruments to reinforce freedom of expression. For instance, the establishment of the Press Council Nepal aims to promote media ethics and resolve journalistic disputes. The National Mass Communication Policy (2016) encourages responsible media practices while the Right to Information Act (2007) reinforces the public access to information- an essential component for democratic participation. Nepal's ratification of international instruments, including International Covenant on Civil and Political

Rights (ICCPR), reflects its formal commitment to uphold expressive freedoms.

However, a pronounced gap persists between constitutional guarantees and their practical enforcement in Nepal's digital landscape. The Electronic Transactions Act (ETA) (2007) – the primary law regulating online activity – has been morphed into a blunt instrument for silencing dissent and policing digital speech. Section 47 of the ETA criminalizes the publication of content deemed 'illegal', 'offensive', or 'contrary to public morality', yet fails to define these terms with legal precision. This ambiguity has enabled arbitrary enforcement, including against satirical content and social media commentary. In August 2024, for example, two youths were detained in Kailali for Facebook posts criticizing Nepali Congress President Sher Bahadur Deuba, accusing them of disturbing "social harmony" (CIVICUS Monitor, 2024)

The *U.S. Department of State's Nepal 2023 Human Rights Report* similarly identifies significant challenges to freedom of expression. The report highlights that although the government did not restrict internet access, it reportedly censored online content and relied on the ETA to penalize material deemed contrary to public morality or offensive (U.S. Department of State, 2024). The Act's failing to define these terms precisely has often resulted in punitive action against individuals exercising their expressive rights, exemplified by the case of journalist Dil Bhusan Pathak, who faced legal consequences for exposing financial irregularities associated with a political family.

In another instance, stand-up comedian Apoorwa Kshitiz Singh was arrested in August 2022 for allegedly offending by making culturally insensitive remarks about the Newa community during a comedy performance. Despite issuing a public apology and removing the video, he was held in custody for twelve days (Ojha, 2022). His arrest under Section 65 of the National Criminal Code (2017)—which prohibits acts prejudicial to public tranquillity—triggered national debate on the permissible limits of satire and artistic freedom.

Defamation provisions under Nepal's National Criminal Code (2017), particularly Sections 293–308, contain vague and subjective language—prohibiting expressions that “diminish personal or moral character” or provoke “contempt, disrespect, hatred, or ridicule.” Such broad definitions provide avenues for discretionary enforcement and may be used to suppress journalistic investigations into corruption or public misconduct.

Recent developments further reveal a troubling pattern in which legal provisions are weaponized to curtail media autonomy and online dissent. In June 2025, two prominent news portals, *Nepal Khabar* and *Bizmandu*, were compelled to remove content deemed defamatory toward a government official (International Federation of Journalists, 2025). Additionally, politically affiliated individuals—such as the spouse of a former Home Minister—have filed defamation complaints against journalists reporting on alleged financial misdeeds (Nepal Khabar, 2024). These cases underscore the misuse of legal provisions to deter scrutiny of powerful figures.

Regulatory overreach has likewise intensified. In 2023, the government imposed a nationwide ban on TikTok, citing threats to ‘social harmony’ (Post report, 2023) — a decision reversed in 2024 following platform compliance with moderation protocols (Giri, 2024). During the 2022 general elections, the youth-led campaign “No, Not Again” was issued legal warnings under multiple laws, including the ETA, for allegedly disseminating “negative propaganda” (Pardhan, 2022). These actions exemplify a growing inclination to criminalize dissent and conflate opposition with unlawful behavior.

Government bodies such as the *Press Council Nepal* and *Nepal Police Cyber Bureau* have expanded digital surveillance and content regulation under the guise of combating misinformation and hate speech (Rastriya Samachar Samiti, 2024). However, in the absence of clear standards and independent oversight, such efforts risk functioning as instruments of censorship.

Moreover, proposed legislative measures — including the IT and Cyber Security Bill, the Social

Media (Use, Operation, and Regulation) Bill (2025), and the Mass Communication Council Bill (2023) — have generated serious concerns regarding the future of digital rights in Nepal. These bills contain provisions granting wide discretionary powers to state authorities to license, censor, or penalize online platforms, often without adequate procedural safeguards or judicial review. The use of vague and expansive language heightens the risks of arbitrary enforcement and the suppression of dissenting viewpoints.

Taken together, these developments suggest not merely temporary regulatory tightening but a systematic erosion of online freedoms, executed through imprecise laws, unchecked discretion, and politically motivated enforcement.

### ***India: Constitutional Protections and the Legal Landscape for Online Expression***

Freedom of speech in India is constitutionally guaranteed under Article 19(1) (a) of the Constitution of India, which affirms every citizen's right to free expression. This encompasses the use of digital platforms—including social media, websites, and blogs—for expressing opinions, critiquing government policy, and disseminating information (Khatri, 2023). This constitutional protection serves as the cornerstone for journalists, civil society actors, and citizens to participate in democratic discourse, advocacy, and dissent.

Despite the robustness of these constitutional guarantees, a series of legislative instruments—often ambiguously worded or expansively interpreted—have increasingly been used to suppress online expression, particularly targeting civic spaces, journalism, and activism. These laws are frequently invoked under the guise of protecting public order, national security, or cultural harmony but are regularly employed to stifle legitimate criticism and shrink civic space (Howie, 2017).

The Unlawful Activities (Prevention) Act (1967) (UAPA) permits arrests and detention without trial for up to six months for engaging in “unlawful activities,” a term criticized for its broad and ambiguous definition. The Act has



been used to target activists, journalists, human rights defenders, and critics. Human rights activist Gautam Navlakha, detained under UAPA in the Bhima Koregaon case for over three years, was granted bail in 2023, with the court citing lack of substantive evidence. In 2024, the Supreme Court denied an extension of his stay citing trial delays and unframed charges (NewsClick Staff, 2024). Similarly, in 2024, the Delhi government sanctioned prosecution of author Arundhati Roy, fourteen years after a public speech, under UAPA provisions (Biswas, 2024).

The vague definition of “unlawful activities” facilitates arrests based on online posts or advocacy deemed critical of the government. For instance, Kashmiri academic Sheikh Showkat Hussain faced prosecution for online advocacy that challenged dominant narratives (Kashmir Action, 2024).

Section 124A of the Indian Penal Code (1860) criminalizes speech that incites “disaffection” against the government – colonial-era provision frequently criticized for curtailing democratic expression. Although the *Supreme Court* in *Kedar Nath Singh v. State of Bihar* (1962) clarified that sedition requires incitement to violence, the provision continues to be invoked against online critics, including JNU students for social media posts. This practice undermines civic participation and deters public discourse on governance and rights.

Section 69A of the Information Technology Act (2000) enables the government to block online content in the interest of national security or public order. The platform TikTok was banned under this provision in 2020 (Kabeer, 2025). The *IT Rules* (2021) further compel platforms to swiftly remove flagged content, often without transparent review, thus opening avenues for arbitrary censorship (IndusLaw, 2021; Drishti IAS, 2022). In 2025, comedian Kunal Kamra faced multiple takedowns after mocking Deputy CM Eknath Shinde. His content was removed under copyright claims—a tactic increasingly used to suppress satire—and accompanied by a show-cause notice and political backlash (The Hindu Bureau, 2025).

Similarly, media outlets like *Mint* were

reportedly pressured to take down content critical of alleged corporate-government linkages, following informal directives from government authorities and subsequent compliance by platforms under the IT Rules (Sombatpoonsiri & Mahapatra, 2024). Journalists such as Barkha Dutt have also faced account suspensions for publishing critical reports (Saberin, 2018). These developments—driven by ambiguous legal provisions and excessive platform compliance—contribute to a shrinking civic space and curtail political and journalistic expression in the digital sphere.

The PSA allows preventive detention without trial and has been extensively used to detain journalists and activists in the region (Verma & Kumar, 2020). In 2021 alone, Jammu & Kashmir experienced 106 internet shutdowns, disrupting access to information and inhibiting online mobilization (Access Now, 2022). Journalists like Fahad Shah were detained under the PSA for their reporting, and internet blackouts have substantially curtailed civic activism (Front Line Defenders, 2023).

India’s criminal defamation laws under Sections 499 and 500 of the Indian Penal Code are frequently weaponized to suppress critical voices (Upmanya, 2020). These provisions allow individuals—including political and corporate figures—to initiate legal action against journalists under the pretext of reputation protection. Investigative journalist Paranjy Guha Thakurta faced litigation for reporting on corporate misconduct (The New Indian Express, 2023). Similarly, comedian Kunal Kamra faced harassment from Shiv Sena supporters due to satirical performances (Upmanya, 2020). Such legal intimidation contributes to a chilling effect, deterring transparency and critical inquiry.

Beyond statutory mechanisms, the state increasingly utilizes informal methods of control, including surveillance through spyware (e.g., Pegasus), intimidation of RTI activists, and politically motivated First Information Reports (FIRs) (Shekar & Mehta, 2022). Enforcement asymmetry is notable: critics are aggressively targeted, while pro-government narratives remain largely unregulated—reflecting politicized

governance of the digital domain.

Between 2012 and April 2024, India executed 812 internet shutdowns, the highest globally (Access Now, 2024). In 2024 alone, 84 shutdowns were recorded, with Manipur accounting for 21 amid ethnic protests and civil unrest – a five-day ban in five valley districts in September 2024 and extensions in nine districts until December 9, 2024 (Smith, 2025). These shutdowns obstruct access to information and compromise democratic accountability, especially during periods of political mobilization.

One notable factor in India's civic space is the role of mainstream media—often described as “Godi media”—play a central role in legitimizing censorship and discrediting dissenting voices (Policy Circle Bureau, 2025). Their alignment with governmental interests contributes to narrative control and the erosion of independent journalism and pluralistic dialogue.

While Indian courts have occasionally asserted checks—such as the landmark *Shreya Singhal v. Union of India* (2015) ruling and the 2024 Madras High Court judgment against arbitrary takedowns—implementation of judicial safeguards remains inconsistent (Columbia Global Freedom of Expression, 2023). The persistent tension between constitutional guarantees and statutory repression continues to endanger India's digital civic space.

### ***Bangladesh: Constitutional Protections and Contemporary Challenges to Online Expression***

The Constitution of the People's Republic of Bangladesh guarantees the right to freedom of expression. Article 39 affirms every citizen's entitlement to freedom of thought, conscience, and speech, while permitting restrictions in cases where such expression threatens state security, international relations, public order, decency or morality, judicial integrity, personal reputation, or incites criminal activity.

Bangladesh is a State Party to the ICCPR and has enacted several policies promoting digital advancement and open governance. Yet, the central challenge lies not in the absence of normative frameworks, but in their implementation. Provisions designed to protect civil liberties are

increasingly repurposed for surveillance and repression.

Enacted to combat cybercrime and misinformation, the DSA was repeatedly deployed to silence journalists, university students, and social media users. Vague and expansive language—such as “hurting religious sentiments” (§ 8(2)) and “damaging the image or reputation of the country” (§ 25(1)(b))—enabled arbitrary arrests and legal intimidation. Although the Cyber Security Act (CSA), 2023 replaced the DSA with the aim of enhancing cybersecurity and regulatory transparency, critics highlighted ongoing concerns. Despite relaxing certain non-bailable provisions, the CSA retained vaguely defined speech offences and allowed continued pre-trial detention without adequate procedural safeguards (The Daily Star, 2023).

Between January 2009 and August 2024—during the premiership of Sheikh Hasina—Bangladesh experienced a sustained erosion of press freedom and civic space (Human Rights Research, 2024). This period was marked by the passage of restrictive laws, intensified censorship, targeted harassment of dissenters, and the frequent use of police force against critics. As a result, pervasive self-censorship took hold across the media sector.

A significant political shift occurred on August 5, 2024, when the authoritarian government was ousted following nationwide, student-led protests. An Interim Government assumed power with a mandate to restore democratic governance and institutional accountability. Nevertheless, legal responses to online dissent remained repressive. On June 26, 2024, during quota-reform demonstrations, the police arrested an individual for criticizing the quota system via Facebook (The Daily Star, 2025). In another case, five individuals were charged for sharing satirical content and critical commentary directed at high-ranking officials, including the former Prime Minister (Islam, 2024). These incidents underscore the continuity of state-sanctioned retaliation against dissent.

As of July 2025, Bangladesh is governed under the Cyber Security Ordinance (CSO), 2025,

which repealed the CSA and introduced measures aimed at due process and the decriminalization of select speech offences. Sections 21, 24, 25, 26, 27, 28, 29, 31, and 34 of the CSA were formally omitted. The Ordinance stipulates that all ongoing investigations and prosecutions under these provisions are to be nullified, with no further legal action permissible (BSS Dhaka, 2025). Despite these reforms, rights organizations continue to voice concern over residual legal ambiguities that could be leveraged against journalists (Committee to Protect Journalists, 2025).

An illustrative case occurred in November 2024, when a corporate executive filed criminal defamation complaints against four journalists for publishing reports on labor rights violations (International Federation of Journalists, 2025). Though initiated under a transitional regime, the case reflects enduring structural vulnerabilities: the continued weaponization of defamation and imprecise digital laws to suppress media scrutiny and stifle accountability.

Taken together, these developments suggest that political transition alone is insufficient to secure online freedoms. Comprehensive legal reform, independent judicial oversight, and robust institutional safeguards are essential to ensure the meaningful protection of freedom of expression in Bangladesh.

### **Impact on Freedom of Expression in South Asia**

Despite robust constitutional guarantees and binding international obligations, the right to freedom of expression in Nepal, India, and Bangladesh faces increasing constraints. Vaguely worded laws, regressive legislation, and discretionary enforcement have contributed to the steady erosion of online and offline speech. The *UN Human Rights Committee*, in its *General Comment No. 34 (CCPR/C/GC/34)*, has emphasized that any restrictions on expression must be precisely defined by law and meet the cumulative criteria of legality, necessity, and proportionality in a democratic society. Many of the laws examined herein fall short of these standards due to ambiguous terminology, excessive executive powers, and a lack of independent oversight mechanisms.

The effects of this deterioration are visible not merely in abstract legal theory, but in tangible patterns of arrest, content takedown, internet shutdowns, and the narrowing of civic discourse across digital platforms. These developments reveal several key impacts on freedom of speech in the region:

#### ***Chilling Effect on Expression***

The most immediate consequence of a repressive legal framework is the chilling effect it produces. Vague and sweeping terms such as “offensive,” “anti-national,” “contrary to public morality,” or “hurting religious sentiments” create uncertainty over what constitutes lawful speech. The absence of clear legal thresholds, combined with harsh penalties, discourages individuals from expressing dissenting or critical opinions online.

In Nepal, social media users often self-censor their posts due to fear of legal repercussions under the ETA or proposed Social Media Regulation Bill. In India, students, comedians, and activists have faced arrests or criminal proceedings for tweets, memes, or online campaigns. In Bangladesh, even after legal reforms, speech critical of the government officials has triggered surveillance, prosecution, and detention—particularly during politically sensitive periods.

#### ***Suppression of Political Dissent and Civic Activism***

Digital platforms have become essential spaces for civic organizing, political mobilization, and youth-led activism. Hashtag campaigns, petitions, and viral content have allowed marginalized groups to challenge dominant narratives, advocate for transparency, and demand justice. However, rather than embracing these tools of participatory democracy, state authorities increasingly perceive online activism as a threat to public order or regime stability.

Governments have responded with securitized and punitive measures that delegitimize dissent, discourage political engagement—especially among young and first-time voters—and foster an environment in which digital activism carries substantial personal risk.



### ***Expansion of Surveillance and Platform Censorship***

Regressive laws have conferred sweeping powers upon state actors to monitor, censor, and penalize digital expression, often in coordination with private platforms. What was once a space for open dialogue is now increasingly subject to heavy regulation and covert surveillance.

Authorities in Nepal, India, and Bangladesh routinely demand content removals and access to user data using poorly defined concepts like “immoral,” “anti-national,” or “objectionable.” Such requests are frequently issued without judicial authorization or public transparency, and intermediaries are compelled to comply under regulatory pressure.

In India, the Information Technology Rules (2021) mandate content removal within 36 hours of government notification and require traceability, compromising encrypted communications and user privacy. Platforms such as X (formerly Twitter), YouTube, and Facebook have faced raids and sanctions for non-compliance.

In Nepal, directives such as the Guideline on Managing Social Media Networks require platforms to open local offices, respond to government requests, and register formally—effectively enabling preemptive censorship. The *Nepal Police Cyber Bureau* has intensified monitoring using surveillance technologies to track speech deemed politically sensitive.

This environment fosters a model of privatized censorship, wherein platforms function as proxies for state regulation. Content removal processes lack transparency, grievance redress mechanisms are either absent or inadequate, and affected users are frequently left uninformed and unprotected.

Surveillance has also intensified across the region, disproportionately targeting journalists, civil society actors, human rights defenders, and ethnic or religious minorities. Tools such as *Pegasus spyware* in India and metadata collection programs in Nepal undermine individual privacy, freedom of association, and freedom of thought.

This surveillance culture contributes to widespread self-censorship and reduced digital participation.

### ***Erosion of Press Freedom and Artistic Satire***

Freedom of expression encompasses not only the right to speak, but also the ability to report, critique, and satirize. Across South Asia, press freedom and creative expression are under duress.

Journalists face defamation suits, criminal investigations, and arbitrary detention for exposing governmental or corporate malfeasance. Satirists and comedians—particularly in India and Bangladesh—have experienced harassment, takedowns, and coordinated intimidation campaigns. In Nepal, proposals to extend *Press Council Nepal* oversight to independent YouTube channels have raised concerns over political bias and regulatory overreach.

Such practices restrict the plurality of voices in the media, suppress critical humor, and reinforce sanitized public narratives that align with state interests.

### ***Normalization of Censorship and Shrinking Civic Space***

Legal, technical, and economic tools are increasingly employed to shape digital discourse. The normalization of censorship has long-term implications: it undermines democratic values, erodes public trust in institutions, and limits the range of permissible speech.

Platform bans, internet shutdowns, content removals, and punitive defamation laws collectively contribute to a constricted civic space. Citizens begin to self-censor—not because they accept the validity of restrictions, but because the risks associated with open expression are intolerably high.

In Bangladesh, such dynamics were prominent during the rule of Prime Minister Sheikh Hasina. In Nepal, the proposed social media Bill requires platforms to remove content deemed unlawful by the *Department of Information Technology*, raising concerns over centralized control and lack of accountability.

These mechanisms institutionalize censorship by coercing platform compliance with state interests, thereby suffocating the digital space.

In sum, the erosion of free speech in Nepal, India, and Bangladesh is facilitated by legal vagueness, technological control, and institutional complicity. Without substantive legal reform, independent oversight, and public accountability, digital spaces that once empowered civic participation risk becoming arenas of regulation, surveillance, and suppression.

## Conclusion

The erosion of online freedom of expression in Nepal, India, and Bangladesh represents a profound threat to democratic values and civic engagement across South Asia. Through vague and repressive legal instruments – including Nepal’s Electronic Transactions Act, India’s Information Technology Act and Unlawful Activities (Prevention) Act, and Bangladesh’s former Digital Security Act and evolving Cyber Security Ordinance – governments are systematically curbing dissent, silencing journalists, and stifling digital activism. These legal frameworks, often justified under the guise of national security, public order, or morality, fail short of international standards concerning necessity and proportionality, thereby undermining constitutional guarantees and international human rights obligations, such as those enshrined in Article 19 of the ICCPR.

Illustrative cases, including those involving Dil Bhusan Pathak in Nepal and Kunal Kamra in India, reflect broader patterns of censorship, surveillance, internet shutdowns, and legal intimidation. The cumulative effect is a chilling environment that discourages satire, contracts civic space, and reinforces self-censorship.

Nevertheless, resistance persists. Civil society actors, independent media institutions, and grassroots movements across the region continue to challenge repressive legislation and advocate for substantive reform. To safeguard the right to freedom of expression, it is imperative for governments to harmonize domestic laws with international human rights standards, incorporating precise legal definitions, proportionate limitations,

and robust judicial oversight. Simultaneously, digital platforms must adopt transparent content moderation policies and resist undue state influence, while citizens and advocates must utilize digital technologies to amplify marginalized voices and demand accountability.

The internet remains a vital frontier for democratic participation, but its potential hinges on preservation of expressive freedoms. Without urgent and comprehensive reforms to counter the rise of digital authoritarianism, South Asia risks losing the vibrant civic space essential for sustaining its democratic aspirations. Defending freedom of expression online is not merely a legal obligation—it is a moral and political imperative for the region’s democratic future.

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