

Seg:3

UNCITRAL Model Law

The UNCITRAL Model Law, established by the United Nations Commission on International Trade Law in 1985, serves as a global framework for international commercial arbitration. It consists of 36 Articles across 9 chapters, addressing various stages of arbitration and balancing party autonomy with default rules. The Model Law aims to harmonize arbitration laws across different countries, enabling smoother international trade by providing uniformity and modernization.

The UNCITRAL Model Law is crucial for international trade law, facilitating dispute resolution. It helps nations align their domestic arbitration laws and reduce disparities. The UNCITRAL Expedited Arbitration Rules, introduced in 2021, offer flexible options for parties.

Distinction between UNCITRAL Law and Rules:

ICT Act 2006

The Act provides for the legal recognition of electronic records and digital signatures and establishes a Controller of Certifying Authorities to regulate the issuance of digital signature certificates.

The Act sets out the duties and responsibilities of subscribers and Certifying Authorities, including the requirement for subscribers to apply required security procedures to ensure the purity of Digital Signature Certificates issued by a Certifying Authority, and for Certifying Authorities to disclose certain information and follow certain procedures.

The Act provides for the recognition of foreign Certifying Authorities, subject to certain conditions and restrictions. Digital Signature Certificates issued by recognized foreign Certifying Authorities are valid for this Act.

The Act sets out penalties for various offenses such as tampering with computer source code, hacking with computer systems, publishing fake, obscene, or defaming information in electronic form, failure to

Pornography Law 2012

The Pornography Control Act of 2012 is a law in Bangladesh that criminalizes pornography. The Act is essential to safeguard the moral and social values that hold society together. Unrestricted pornography can lead to a range of harmful outcomes, including the

- UNCITRAL Rules provide comprehensive procedural guidelines for arbitral proceedings with party consent.
- UNCITRAL Model Law offers a framework that nations can incorporate into their domestic laws.

Key Principles of the Model Law:

- Party Autonomy: Allows parties control over dispute resolution methods.
- Separability: Arbitration clauses remain valid even if the main contract is not.
- Competence: The arbitral tribunal's jurisdiction is crucial and recognized internationally.
- Territorial Principle: The tribunal can regulate events within its jurisdiction.
- Enforceability: Decisions must be executed globally for effective resolution

surrender licenses, failure to comply with orders made by the Controller, and failure to comply with orders made by the Controller in emergencies. Penalties may include imprisonment and/or fines.

The Act also provides for offenses committed by companies. If any offense is committed by a company under this Act, then each director, manager, secretary, partner, officer, and staff of the company who is directly involved in committing the said offense shall be guilty of the offense or the contraventions unless they can prove that the offense or contravention was committed without their knowledge or that they exercised due diligence to prevent the commission of such offense or contravention.

The Controller has various powers under the Act, including the power to give directions to a Certifying Authority or any employee of such a Certifying Authority to take such measures or cease carrying on such activities as specified in the order if those are necessary to ensure compliance with the provisions of this Act, or rules and regulations made thereunder; and the power to give directions in emergencies.

erosion of morality, disturbance of social harmony, psychological impact, objectification, and links to crime.

Why Regulation Matters: Controlling pornography is essential to safeguard the moral and social values that hold our society together. Unrestricted

pornography can lead to a range of harmful outcomes:

1. **Erosion of Morality:** Explicit content can erode the moral fabric of our society by undermining traditional values and ethical standards.
2. **Disturbance of Social Harmony:** The widespread availability of pornography can fuel conflicts and unrest by promoting inappropriate behaviors.
3. **Psychological Impact:** Exposure to explicit material can harm vulnerable individuals, causing psychological distress and negative mental health effects.
4. **Objectification:** Pornography often objectifies individuals, particularly women, perpetuating harmful gender stereotypes and demeaning human dignity.
5. **Links to Crime:** Unregulated pornography can be linked to criminal activities such as exploitation, human trafficking, and abusive behavior.

Punishments for Violations: The Pornography Control Act, of 2012, lays out strict penalties to discourage the creation, distribution, and possession of explicit content:

1. **Producers and Participants:** Those involved in creating or participating in explicit content can face up to 7 years in prison and a fine of up to Taka 200,000.
2. **Harmful Use of Pornography:** Using pornography to harm others can result in up to 5 years in prison and a fine of up to Taka 200,000.

3. **Online Distribution:** Providing pornography online can lead to up to 5 years in prison and a fine of up to taka 200,000.
4. **Public Display:** Publicly showcasing explicit content can result in up to 2 years in prison and a fine of up to Taka 100,000.
5. **Distribution and Advertising:** Distributing, advertising, or initiating pornographic content may lead to up to 2 years in prison and a fine of up to Taka 100,000.
6. **Involvement of Children:** Involving children in pornography can result in up to 10 years in prison and a fine of up to Taka 500,000.

Enforcement Strategies: To effectively control the harmful effects of pornography, specific measures are put in place:

1. **Prohibition:** The law prohibits the creation, storage, promotion, distribution, and display of explicit content.
2. **Legal Action:** Offenses are considered serious, and authorities can take immediate legal action against those violating the regulations.
3. **Judicial Process:** Cases are tried according to established legal procedures, with specialized courts designated if needed.
4. **Rule Establishment:** The government is empowered to create regulations that facilitate the proper implementation of the law.
5. **Text Clarity:** To avoid confusion, both the Bangla and Authentic English Texts of the Act are published, with the Bangla Text prevailing in case of conflicts.

Spam:

Spam refers to irrelevant or unsolicited messages sent over the internet, typically to a large number of users, for advertising, phishing, spreading malware, etc. Spam can also refer to unwanted or intrusive advertising on the internet. Spam is not limited to email, it can also be distributed via text messages, phone calls, or social media. Spamming is the use of messaging systems to send multiple unsolicited messages (spam) to large numbers of recipients for various purposes. The term “spam” is derived from a sketch by the British ‘Monty-Python’ comedy group, set in a cafe in which every item on the menu includes spam.

Offensive Speech:

Offensive speech is speech that is intended to offend, insult, intimidate, or threaten an individual or group based on a trait or attribute, such as sexual orientation, religion, color, gender, or disability¹. It can be defined as speech that causes someone to feel resentful, upset, or annoyed. Offensive speech can also be rude in a way that causes somebody to feel upset or annoyed because it shows a lack of respect. It is important to note that the definition of offensive speech may vary depending on the context and the audience. What may be considered offensive to one person may not be considered offensive to another. It is important to be mindful of the potential impact of our words on others and to strive for respectful communication.