

Assignment Title: Building a Resilient Digital Future: Proposing Legal Reforms for Cyber Law in Bangladesh Based on Leading Global Examples

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Introduction

Bangladesh's rapid digital transformation necessitates a robust legal framework to address cyber threats, data privacy, and digital governance. While the Digital Security Act (DSA) 2018 and the Information and Communication Technology (ICT) Act 2006 exist, they face criticism for being overly broad, prone to misuse, and inadequate against modern cyber risks. This proposal suggests reforms inspired by global best practices (EU's GDPR, Singapore's Cybersecurity Act, and India's IT Act Amendments) to strengthen Bangladesh's cyber legal infrastructure.

Cyber laws in Bangladesh

1. ICT Act, 2006

The first major cyber law in Bangladesh.

Contains provisions (Section 54–66) to address : Hacking, Cyber fraud, Identity theft, Publishing offensive or false content online.

Some sections (especially Section 57) were widely criticized for vague language and used to suppress freedom of expression.

2. Digital Security Act (DSA), 2018

Replaced problematic parts of the ICT Act.

Aims to enhance cybersecurity and prevent digital crimes.

3. Cyber Security Act, 2023

Replace the much-criticized Digital Security Act, 2018.

Aim of the new law is to ensure cyber safety, prevent digital crimes, and regulate online activities.

4. Cyber Protection Ordinance- 2025

The recognition of internet access as a civil right.

Plans to repeal 9 controversial sections of the Cyber Security Act 2023 to ensure human rights and digital freedom.

Comparative analysis of the top 5 countries

Country	Law/Policy	Key Strengths
EU	GDPR	Strong data privacy & user consent
USA	Computer Fraud and Abuse Act (CFAA)	Focus on unauthorized access & federal oversight
UK	Online Safety Bill (2023)	Focus on platform responsibility
India	IT Act (Amended) & Digital Personal Data Protection Act (2023)	More citizen-centric updates
Singapore	Cybersecurity Act	Strong critical

		infrastructure protection
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Proposed Reforms & Global Benchmarks

1. Data Protection & Privacy

Model: EU's GDPR

- Key Provisions for Bangladesh:
 - Right to Erasure: Citizens may request data deletion (e.g., expired mobile banking records).
 - Data Localization: Critical infrastructure data (e.g., banking, health) must be stored locally.
 - Penalties: Fines up to 4% of annual turnover for violations (like GDPR's enforcement against Meta).

2. Precision in Cybercrime Definitions

Model: Singapore's Cybersecurity Act

- Key Adjustments:
 - Tiered Offenses: Distinguish hacktivism (e.g., pro-democracy leaks) from malicious hacking.
 - Whistleblower Shield: Legal immunity for ethical hackers reporting vulnerabilities (as in Singapore's CSA Section 8).

3. Institutional Capacity Building

Model: India's Cyber Appellate Tribunal

- Actions:
 - Cyber Courts: Establish dedicated benches in Dhaka, Chittagong, and Sylhet.
 - Forensic Labs: Equip police with Cellebrite-like tools for digital evidence.

4. Platform Accountability & Free Speech

Model: EU's Digital Services Act (DSA)

- Balanced Approach:
 - Transparency Reports: Require Facebook/YouTube to disclose content removal justifications.
 - Safe Harbor: Protect ISPs unless they knowingly host illegal content (cf. India's IT Act Section 79).

Implementation Strategy

Phase 1: Legislative Overhaul (0–12 Months)

- Drafting Committee: Include ICT Division, Bangladesh Bank, and civil society (e.g., Ain o Salish Kendra).
- Stakeholder Consultation: Public hearings with tech firms (e.g., bKash, Pathao).

Phase 2: Enforcement (12–24 Months)

- Cyber Police Units: Train 500 officers annually via partnerships with Interpol's Cybercrime Directorate.

- CERT-BD Expansion: Mandate incident reporting for all financial institutions.

Phase 3: Monitoring (24+ Months)

- Annual Reviews: Parliament to assess law's impact on FDI and press freedom.

Conclusion & Recommendations

To achieve a secure yet open digital economy, Bangladesh must:

- Replace the DSA with a rights-respecting cyber law.
- Pass a GDPR-style Data Protection Act by 2025.
- Invest in Cyber Courts to clear case backlogs.