

Cyber and ICT Law in Bangladesh

Cyber and Information and Communication Technology (ICT) laws in Bangladesh are primarily governed by the Cyber Security Act 2023, which replaced the Digital Security Act 2018 (DSA) and the Information and Communication Technology Act 2006 (ICT Act). These laws aim to regulate cybercrimes, ensure digital security, and promote safe use of information technology, aligning with international standards like the Budapest Convention (though Bangladesh is not a signatory). Supplementary laws include the Penal Code 1860, the Pornography Control Act 2012, and the Bangladesh Telecommunication Act 2001. The Bangladesh Computer Emergency Response Team (bdCERT) and the Bangladesh Telecommunication Regulatory Commission (BTRC) enforce these laws, with Cyber Tribunals handling cases under the Code of Criminal Procedure 1898. The Cyber Security Act 2023 addresses criticisms of the DSA's repressive provisions, making some offenses bailable and reducing penalties, but retains strict measures for serious cybercrimes. Below is an overview of key cyber and ICT laws and their punishments for violations, presented in a clear, copyable format. For official texts, refer to bdlaws.minlaw.gov.bd or cirt.gov.bd.

Key Cyber and ICT Laws and Punishments:

- **Hacking (Section 34, Cyber Security Act 2023):** Unauthorized access to a computer system or network with intent to cause loss carries up to 7-14 years' imprisonment, a fine up to 1 crore taka, or both. Under Section 66 of the ICT Act 2006, tampering with computer source code carries up to 3 years' imprisonment, a fine up to 2 lakh taka, or both.
- **Publishing False or Obscene Content (Section 21, Cyber Security Act 2023):** Deliberately publishing or transmitting fake, obscene, or defamatory content online that may corrupt persons, disrupt law and order, or harm the state's image carries up to 7 years' imprisonment, a fine up to 25 lakh taka, or both. Under the repealed DSA Section 57, this carried 7-14 years and a 1 crore taka fine.
- **Online Defamation (Section 29):** Publishing defamatory content online carries a fine up to 25 lakh taka; non-payment leads to 3-6 months' imprisonment, depending on the fine amount. Previously, under DSA Section 29, it carried up to 3 years' imprisonment.
- **Hurting Religious Sentiments (Section 28):** Intentionally publishing content to provoke religious sentiments carries up to 5 years' imprisonment, a fine up to 20 lakh taka, or both; reduced from 7 years under the DSA.
- **Propaganda Against Liberation War or National Symbols (Section 21):** Publishing content against the Liberation War, its spirit, or national symbols carries up to 7 years' imprisonment, a fine up to 25 lakh taka, or both; reduced from 10 years under the DSA.
- **Unauthorized Access to Protected Systems (Section 35, Cyber Security Act 2023):** Accessing restricted systems without permission carries 7-14 years' imprisonment, a fine up to 1 crore taka, or both, consistent with ICT Act provisions.
- **Data Theft or Disclosure (Section 36):** Unauthorized disclosure of electronic records, documents, or data without consent carries 7-14 years' imprisonment, a fine up to 1 crore taka, or both.
- **Cyber Fraud (Section 33):** Committing fraud using digital means (e.g., phishing, identity theft) carries up to 5 years' imprisonment, a fine up to 10 lakh taka, or both.

- **Distribution of Pornographic Content (Section 8, Pornography Control Act 2012):** Distributing or publishing pornographic material online carries up to 7 years' imprisonment, a fine up to 2 lakh taka, or both. Under the Cyber Security Act, similar offenses carry 5-7 years and a fine up to 20 lakh taka.
- **Cyber Harassment or Stalking (Section 29):** Harassing or stalking individuals online carries up to 3 years' imprisonment, a fine up to 10 lakh taka, or both.
- **Spreading Malware or Viruses (Section 37):** Distributing malicious software to damage systems carries up to 7 years' imprisonment, a fine up to 10 lakh taka, or both.
- **Email Bombing or Spam (Section 34):** Sending bulk unsolicited emails or spam causing disruption carries up to 3 years' imprisonment, a fine up to 5 lakh taka, or both.
- **Identity Theft (Section 33):** Using another's identity for fraudulent purposes carries up to 5 years' imprisonment, a fine up to 10 lakh taka, or both.
- **Denial of Service Attacks (Section 34):** Disrupting services through denial of service attacks carries up to 7 years' imprisonment, a fine up to 10 lakh taka, or both.
- **Aiding Cybercrimes (Section 38):** Knowingly assisting cybercrimes via computer or network carries the same punishment as the principal offense (e.g., 7-14 years for aiding hacking, fine up to 1 crore taka).
- **Violation of Telecom Regulations (Bangladesh Telecommunication Act 2001, Section 67):** Unauthorized interception or disruption of telecom services carries up to 7 years' imprisonment, a fine up to 5 lakh taka, or both.
- **Money Laundering via Cyber Means (Money Laundering Prevention Act 2012, Section 4):** Using digital platforms for money laundering carries 4-20 years' imprisonment, a fine twice the proceeds' value, or both, with property confiscation.

Implementation and Additional Notes:

The Cyber Security Act 2023 made several DSA offenses bailable, reduced jail terms (e.g., defamation now fine-based), and removed provisions like DSA Section 33 to address free speech concerns. However, it retains most technical offenses (e.g., hacking) unchanged, with Cyber Tribunals ensuring trials within 6 months. The ICT Act 2006 (amended 2009, 2013) and DSA were criticized for vague terms like “spirit of Liberation War,” leading to misuse against journalists and activists (1,649 DSA cases by 2022, 8.6% against journalists). The Penal Code 1860 supplements offenses like cheating (Section 420, up to 7 years) or forgery (Section 465, up to 7 years). Enforcement is weak due to low public awareness, inadequate training of police, and limited forensic capabilities (e.g., IT Crime Forensic Lab). Bangladesh ranks 18th globally for spam (7.2% of global volume, 2021), with phishing and ransomware prevalent. The interim government in 2024 pledged to drop speech-related cases under the repealed ICT Act and DSA, but savings clauses keep some cases active. For updates, consult bdlaws.minlaw.gov.bd, cirt.gov.bd, or contact bdCERT.