Bangladesh Law in Cyber Crime

In recent times, Bangladesh law-enforcement agencies are facing many cases regarding direct or indirect cyber threats to Bangladesh online banking sector or other online financial transactions. Bangladesh Police described one particular case where a single individual person held 125 credit cards in his name from 5-7 different banks. At the time of his capture, there had already been millions taka dealing through these credit cards. In these cases, internal employees of banks are also involved and they are promoting these activities for getting profit sharing. In the name of fake companies, millions of taka has been vanished from banks and online banking, credit cards are now the safest and preferable ways to do that. Banks are taking many security initiatives to restrict illegal transactions but internal sabotage and security dependency on others are making it more challenging. In the context of cyber security, the only legal structure in Bangladesh is ‘The Information & Communication Technology Act, 2006’ or shortly known as ICT Act 2006 which was initiated on 08 October 2006 (ICT Act, 2006). Bangladesh Parliament amended this ICT Act on 06 October 2013 (ICJ, 2013). The law enforcement agencies are suggesting this is a good law to combat cyber crimes in Bangladesh as a victim of cyber crime can file a case against the criminals under this law no matter where the criminals are in the world. The victims can use this ICT Act at least to move as an starter though after that they definitely need good cooperation to progress from first, specific Bangladesh law enforcers who have expertise regarding cyber security such as CID (Criminal Investigation Department) and secondly, from international law enforcers. The amendments of ICT Act 2006 that have been initiated in 2013 created many ruckuses under the Act non-bailable and cognizable. ‘The amendments also imposed a minimum prison sentence of seven years for offences under the Act and increased the maximum penalty for offences under the law from ten to 14 years’ imprisonment.’ The mentioned objective of the ICT Act is ‘the legal recognition and security of information and communication technology’ . After the amendments with few significant changes, the main Act of 2006 remains unchanged with all its discrepancies and imposed unnecessary harsh punishments . However, after being amended, the ICT Act 2006 has become a tool of Bangladesh government to violate basic human rights such as freedom of opinion and expression. If we analyze the original ICT Act, it contains a number of vague imprecise and overboard provisions (ICJ, 2013) that may help to instigate cyber criminal acts further rather than containing. Section 57 (1) of the original Act stated as such, “If any person deliberately publishes or transmits or causes to be published or transmitted in the website or in electronic form any material which is fake and obscene or its effect is such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it, or causes to deteriorate or creates possibility to deteriorate law and order, prejudice the image of the State or person or causes to hurt or may hurt religious belief or instigate against any person or organization, then this activity of his will be regarded as an offence” (ICT Act, 2006). According to ICJ, section 57 of original ICT Act is ‘incompatible with Bangladesh’s obligations under article 19 of the ICCPR: the offences prescribed are vague and overbroad; the restrictions imposed on freedom of opinion and expression go beyond what is permissible under Article 19(3) of the ICCPR’ (ICJ, 2013). “Section 57 is not specific and covers a wide area of offences, there will be little chance to get acquittal from any charge” . After analyzing the ICT Act 2006 with its amendments, we can say that there should be law to contain crimes related to cyber space but the existing act is vague and need to be designed as modernistic legal framework in a permanent basis not just rely on ad-hoc framework .