

# ICT Act 2006 & Digital Security Act 2018 & National ICT Policy 2015

Adapted By Manik Hosen

❑ Question: How many sections are there in our ICT Act 2006?

❑ Ans: 90 sections there are in our ICT Act 2006.

# ICT Act 2006

- ❑ Question: What is the superiority of this act according to section 3?
- ❑ Ans: The superiority of this act according to section 3 is: Where any law provides whatever anything it contained, the rules of this Act shall be in force.

# ICT Act 2006/Section-3

❑ Question: Discuss the extra regional effect of ICT Act 2006.

❑ Ans:

- i. If any person commits offence or contravention under this Act outside of Bangladesh which is punishable under this Act if he commits it in Bangladesh, then this Act shall apply as such he commits offence or contravention in Bangladesh.
- ii. If any person commits offence or contravention in Bangladesh under this Act from outside Bangladesh using a computer, computer system or computer network located in Bangladesh, then this Act shall apply as such the entire process of the offence or contravention took place in Bangladesh.
- iii. If any person from within Bangladesh commits offence or contravention outside of Bangladesh under this Act, then this Act shall apply against him as such the entire process of the offence or contravention took place in Bangladesh.

# ICT Act 2006/Section-4

❑ Question: Is there any scope to file a case against the persons who hacked Bangladesh Bank's computer system to grab money under ICT Act 2006?

❑ Ans: Yes.

# ICT Act 2006/Section-56

- ❑ Question: If some persons are found guilty, then what will be punishment and penalties for hacking Bangladesh Bank's computer system to grab money under ICT Act 2006?
- ❑ Ans: They will be punishable with imprisonment for a term which may extend to ten years, or with fine which may extend to Taka one crore, or with both.

# ICT Act 2006/Section-56

- ❑ Question: Who is the main authority for all sorts of action regarding digital signature?
- ❑ Ans: Controller is the main authority for all sorts of action regarding digital signature.

# ICT Act 2006/Section-19

- ❑ Question: Discuss functions of the controller in short.
- ❑ Ans: Functions of the Controller:
- ❑ The Controller may perform all or any of the following functions, namely:–
  - a) Exercising supervision over the activities of the Certifying Authorities;
  - b) Laying down the standards to be maintained by the Certifying Authorities;
  - c) Specifying the qualifications and experience which employees of the Certifying Authorities should possess;
  - d) Specifying the conditions subject to which the Certifying Authorities shall conduct their business;
  - e) Specifying the contents of written, printed or visual materials and advertisements that may be used in respect of a Digital Signature Certifying;
  - f) Specifying the form and content of a Digital Signature Certificate;
  - g) Specifying the form and manner in which accounts shall be maintained by the Certifying Authorities;

# ICT Act 2006/Section-19



- h) Specifying the terms and conditions subject to which auditors may be appointed and the remuneration to be paid to them for auditing the Certifying Authorities;
- i) Facilitating the establishment of any electronic system by a Certifying Authority either solely or jointly with other Certifying Authorities and regulation of such systems;
- j) Specifying the manner in which the Certifying Authorities shall conduct their dealings with the subscribers;
- k) Resolving any conflict of interests between the Certifying Authorities and the subscribers;
- l) Laying down the duties and responsibilities of the Certifying Authorities;
- m) Maintaining computer based databases, which–
  - i. contain the disclosure record of every Certifying Authority containing such particulars as may be specified by regulations; and
  - ii. shall be accessible to the member of the public;
- n) Perform any other function under this Act or Codes prepared under this Act.

# ICT Act 2006/Section-19

- ❑ Question: What are the civil offences stipulated by the ICT Act 2006 in Bangladesh?
- ❑ Ans: Section-57. That is,
- ❑ Punishment for publishing fake, obscene or defaming information in electronic form:-
  - 1) 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.
  - 2) Whoever commits offence under sub-section (1) of this section he shall be punishable with imprisonment for a term which may extend to ten years and with fine which may extend to Taka one crore.

# ICT Act 2006/Section-57

- ❑ Question: Mention the section 57 and its punishment according to the amendment of 2013?
- ❑ Ans: Section-57: Punishment for publishing fake, obscene or defaming information in electronic form:-
  - 1) 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.
  - 2) Whoever commits offence under sub-section (1) of this section he shall be punishable with imprisonment for a term which may extend to ten years and with fine which may extend to Taka one crore.
- ❑ Punishment according to the amendment of 2013: Whoever commits offence under sub-section (1) of this section he shall be punishable with imprisonment for a term which may extend to not more than fourteen years and not less than seven years and with fine which may extend to Taka one crore.

# ICT Act 2006/Section-57

- ❑ Question: What are the rules regarding bail under section 71 in ICT Act 2006?
- ❑ Ans: Section-71: (Rules regarding to bail): The Judge of Cyber Tribunal shall not bail any person accused in crime under this Act, which is punishable, unless–
  - a) Hearing opportunity is given to the Government side on similar bail orders;
  - b) The Judge is satisfied that,–
    - i. There is reasonable cause to believe that the accused person may not be proved guilty in the trial;
    - ii. The offence is not severe in relative term and the punishment shall not be tough enough even the guilt is proved.
  - c) He writes down the reasons of similar satisfactions.

# ICT Act 2006/Section-71

❑ Question: Discuss formation of cyber tribunal according to ICT Act 2006.

❑ Ans: Establishment/Formation of Cyber Tribunal:

- 1) The Government shall, by notification in the Official Gazette, establish one or more Cyber Tribunals to be known as Tribunal at times for the purposes of speedy and effective trials of offences committed under this Act.
- 2) Cyber Tribunal established under sub-section (1) of this section in consultation with the Supreme Court shall be constituted by a Session Judge or an Additional Session Judge appointed by the Government; and similarly appointed a Judge to be known as "Judge, Cyber Tribunal."
- 3) Local jurisdiction of entire Bangladesh or jurisdiction of one or more Session Divisions can be given to the Cyber Tribunal established under this Act; and the Tribunal only prosecutes the offences committed under this Act.

# ICT Act 2006/Section-68

- 4) The on-going prosecution of any case of any Session Court shall not be suspended or transferred automatically to the Tribunal of local jurisdiction concerned due to tendering of local jurisdiction of entire Bangladesh or parts of jurisdiction constituted by one or more Session Divisions to the Tribunal established by the Government later on, however, the Government by notification in the Official Gazette, transfer the case to the Tribunal having special local jurisdiction.
- 5) Any Tribunal, taken decision otherwise, shall not be bound to retaking statement of witness who has already given statement, or taking rehearing or begin again any other activities already undertaken under sub-section (1) of this section, however, the Tribunal shall continue the prosecution from where it stood on the basis of already taken or presented statement from the witness.
- 6) The Government, by order, shall define the place and time; accordingly the special Tribunal shall conduct its activities from that place and time.

# ICT Act 2006/Section-68

❑ Question: What is the function of cyber appeal tribunal?

❑ Ans: Function of Cyber Appeal Tribunal:

- 1) Cyber Appellate Tribunal shall have the power to hear appeal and dissolving the verdict and order given by Cyber Tribunal and Session Court, as the case may be.
- 2) In case of hearing and dissolving the appeal, Cyber Appellate Tribunal shall follow the procedure defined by rules and if the rules do not exist in that case Appellate Tribunal shall maintain the procedure in relation to hearing and dissolving of criminal appeal followed by the High Court Division of the Supreme Court.
- 3) Cyber Appellate Tribunal shall have the power to retain, revoke, alter, or rectify the verdict or order made by the Cyber Tribunal.
- 4) The decision made by the Appellate Tribunal shall be final.

# ICT Act 2006/Section-83



❑ Question: What are the clauses of section 82 in ICT Act 2006 to establish a cyber-appellate tribunal?

❑ Ans: The clauses of section 82:

- 1) The Government shall, by notification in the Official Gazette, establish one or more Cyber Appellate Tribunals to be known as Appellate Tribunal.
- 2) Cyber tribunal established under sub-section (1) of this section shall consist of one Chairman and two members to be appointed by the Government.
- 3) A person shall not be qualified as the Chairman of a Cyber Appellate Tribunal unless he is, or has been, or is qualified to be, a Judge of the Supreme Court and one of the members shall be serving in judicial department or retired District Judge and the other member shall be a person having adequate knowledge and experience in information and communication technology.
- 4) Chairman and members shall be retained in the positions since the date of joining between no less than three years and no more than five years and their terms of reference shall be determined by the Government.

# ICT Act 2006/Section-82



❑ Question: Discuss the crimes and punishments in the ICT Act 2006 for publishing false digital signature certificate.

❑ Ans:

- 1) No person shall publish a Digital Signature Certificate or otherwise make it available to any other person knowing that—
  - a) the Certifying Authority listed in the certificate has not issued it; or
  - b) the subscriber listed in the certificate has not accepted it; or
  - c) (c) the certificate has been revoked or suspended;unless such publication is for the purpose of verifying a digital signature created prior to such suspension or revocation and by breaching the rules such Digital Signature Certificate is published or otherwise make it available to others shall be regarded as an offence.
- 2) Whoever commits any offence under sub-section ( 1) of this section he shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to Taka two lakhs, or with both.

# ICT Act 2006/Section-64

❑ Question: Discuss the crimes and punishments in the ICT Act 2006 for disclosure of confidentiality and privacy.

❑ Ans:

- 1) Save as otherwise provided by this Act or any other law for the time being in force, no person who, in pursuance of any of the powers conferred under this Act, or rules and regulations made thereunder, has secured access to any electronic record, book, register, correspondence, information, document or other material shall, without the consent of the person concerned, disclose such electronic record, book, register, correspondence, information, document or other material to any other person shall be regarded as an offence.
- 2) Whoever commits any offence under sub-section (1) of this section he shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to Taka two lakhs, or with both.

# ICT Act 2006/Section-63

❑ Question: Discuss the crimes and punishments in the ICT Act 2006 for unauthorized access to protected system.

❑ Ans:

- 1) Any person who secures access or attempts to secure access to protected system in contraventions of section 47 of this Act, then this activity of his will be regarded as an offence.
- 2) Whoever commits offence under sub-section (1) of this section he shall be punishable with imprisonment for a term which may extend to ten years, or with fine which may extend to Taka ten lakhs, or with both.

# ICT Act 2006/Section-6 1

❑ Question: What is the extra judicial effect of ICT Act 2006 and Digital Security 2018?

❑ Ans:

- i. If any person commits offence or contravention under this Act outside of Bangladesh which is punishable under this Act if he commits it in Bangladesh, then this Act shall apply as such he commits offence or contravention in Bangladesh.
- ii. If any person commits offence or contravention in Bangladesh under this Act from outside Bangladesh using a computer, computer system or computer network **located in Bangladesh**, then this Act shall apply as such the entire process of the offence or contravention took place in Bangladesh.
- iii. If any person from within Bangladesh commits offence or contravention outside of Bangladesh under this Act, then this Act shall apply against him as such the entire process of the offence or contravention took place in Bangladesh.

# ICT Act 2006/Section-4

## Digital Security Act 2018/Section-4

■ Red keywords are only in ICT Act 2006

❑ Question: Discuss the roles of the controller according to ICT Act 2006.

❑ Ans:

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ICT Act 2006/Section-19

- ❑ Question: Which sections are cognisable non-bailable in Digital Security Act 2018. Discuss at least one of them?
- ❑ Ans: According to section 53(a) section 17, 19, 21, 22, 23, 24, 26, 27, 28, 30, 31, 32, 33, 34 are cognisable non-bailable.
- ❑ Section-34: Hacking Related Offence and Punishment:-
  - 1) If a person commits hacking then it will be considered an offence. and for this, he will be sentenced to a term of imprisonment not exceeding 14(Fourteen) years or with fine not exceeding Tk.1 (One) Crore or with both.
  - 2) If any person commits the offence mentioned in sub-section (1) second time or repeatedly then, he will be penalized with life imprisonment or with fine not exceeding Tk.5 (Five) Crore or both.

# Digital Security Act 2018

## Section-53

❑ Question: Give the formation of Digital Security Agency according to Digital Security Act 2018.

❑ Ans: Formation of agency, office, etc:-

- 1) To fulfill the objective of this Act, government, by notification in the official Gazette shall create an agency entitled as Digital Security agency consisting of 1 (one) Managing Director and 2 (two) Directors
- 2) The headquarter of the agency will be in Dhaka, but if needed government, can establish branch office of the agency in any place in the country outside Dhaka.
- 3) The responsibility, powers and functions of the Agency will be determined in accordance with rules.

# Digital Security Act 2018

## Section-5



❑ Question: What is digital signature?

❑ Ans: According to subsection 2(a) of ICT Act 2006, "digital signature" means data in an electronic form, which–

- 1) is related with any other electronic data directly or logically; and
- 2) is able to satisfy the following conditions for validating the digital signature–
  - i. affixing with the signatory uniquely;
  - ii. capable to identify the signatory;
  - iii. created in safe manner or using a means under the sole control of the signatory; and
  - iv. related with the attached data in such a manner that is capable to identify any alteration made in the data thereafter.

# ICT Act 2006/Section-2



❑ Question: What are the purposes to use digital signature and digital certificate?

❑ Ans:

❑ Purposes to use digital signature:

1. Authentication: Digital signatures can be used to authenticate the source of messages.
2. Integrity: If a message is digitally signed, any change in the message after signature invalidates the signature.
3. Non-repudiation: An entity that has signed some information cannot at a later time deny having signed it. Similarly, access to the public key only does not enable a fraudulent party to fake a valid signature.

❑ Purposes to use digital certificate:

1. It contains personal information to help identify and trace the owner.
2. It contains the information that is required to identify and contact the issuing authority.
3. It is designed to be tamper-resistant and difficult to counterfeit.
4. It is issued by an authority that can revoke the identification card at any time.
5. It can be checked for revocation by contacting the issuing authority.

# Digital Signature & Digital Certificate

❑ Question: Explain the extends of punishments ensured by Digital Security Act 2018 for 'Digital or Electronic Forgery'.

❑ Ans: According to section-22 of Digital Security Act 2018,

1. If any person commits forgery by means of any digital or electronic medium then that activity of that particular person will be an offense under the Act.
2. If any person commits any offense mentioned within sub section (1), the person will be penalized with imprisonment for a term not exceeding 5 (five) years or with a fine not exceeding 5 (five) lacs taka or with both.
3. If any person commits the offense mentioned in sub-section (1) for the second time or recurrently commits it then, he will be punished with imprisonment for a term not exceeding 7 (seven) years or with fine not exceeding 10 (ten) lacs taka or with both.

# Digital Security Act 2018

## Section-22

❑ Question: Explain the extends of punishments ensured by Digital Security Act 2018 for 'Hacking with Computer System'.

❑ Ans: According to section-34 of Digital Security Act 2018,

1. If a person commits hacking then it will be considered an offence. and for this, he will be sentenced to a term of imprisonment not exceeding 14(Fourteen) years or with fine not exceeding Tk.1 (One) Crore or with both.
2. (2) If any person commits the offence mentioned in sub-section (1) second time or repeatedly then, he will be penalized with life imprisonment or with fine not exceeding Tk.5 (Five) Crore or both.

# Digital Security Act 2018

## Section-34

- ❑ Question: What sections of ICT Act 2006 have been abolished according to the section 61 in Digital Security Act 2018?
- ❑ Ans: 54 55 56 57 66.
- ❑ Question: What will happen for the cases already filed before the commencement of Digital Security Act 2018?
- ❑ Ans: If a case is pending at any stage of the trial process in relation to the abolished sections they will continue as if the sections were not abolished.

# Digital Security Act 2018

## Section- 61

❑ Question: What are objectives of ICT policy 2015?

❑ Ans: Objectives of ICT policy 2015:

1. Social Equity: Appropriate apply and use of ICT to ensure social uprightness, gender equity, equal opportunities and equal participation of disable people or who needs special help.
2. Integrity: To ensure Clarity, Responsibilities, Explanation to deliver public service and acquire more efficiency.
3. Universal Access: As public obligation to ensure telecommunication technology and internet for everybody.
4. Education and Research: To expand are and develop value of education by using ICT. Ensure computer literacy in each sector of education and govt. Offices. Encourage in Creativeness by appropriate research and development. Create intellectual property and make ICT self-esteemed in every steps of life.
5. Employment Generation: To create world standard ICT Employer to get chance to job in local and international sectors.

# National ICT Policy 2015 Objectives

6. Strengthening Exports: To ensure development in software firm, IT sector, e-commerce/e-business and IT firm to fulfill internal demand, increase income from export business, invest in external business and reduce dependency on imports.
7. Supports to ICTs: To develop legal framework, power and other framework to ensure expand, use and self-esteemation of ICT over the country.
8. Health Care: To ensure highest use of innovative application of ICT to ensure quality and available health care.
9. Environment, Climate and Disaster Management: To take effective steps to invent and self-esteemate environment friendly green technology in ICT sector, safe management of electrical wastage, manage disaster and climate change to reduce risk in climate change.
10. Productivity: To acquire high productivity by using ICT in agriculture and little, medium, small economic sector including firm.

# National ICT Policy 2015

## Objectives

- ❑ Question: Describe strategic action plans to eliminate 'digital divide and economical discrimination' using e-services and e-citizen charters for the people in different disadvantaged categories.
- ❑ Ans: Strategic actions to eliminate 'digital divide and economical discrimination' using e-services and e-citizen charters for the people of (a) Remote population, (b) Women, (c) Disabled and (d) People who need special help:
  - Establishment and management of community e-center (telecenter) on non-government initiative to ensure their entrance in computer, internet and e-citizen services.
  - To provide information about necessary things, product price by saving bandwidth for less developed area and marginal population.
  - To provide govt and local services at less price.

# National ICT Policy 2015

## Developments



- ❑ Question: According to the ICT Policy in Bangladesh, explain how telemedicine can improve our health services for remote people.
- ❑ Ans: By starting telemedicine and telediagnosis for possible cases at the stage community clinic, union health center, upazilla hospital we can improve our health services for remote people.

# National ICT Policy 2015

## Health Care



❑ Question: What initiatives have been suggested to take by the government of Bangladesh for research and developments in ICT sectors according to the national ICT policy 2015.

❑ Ans: Suggested initiatives for research and developments in ICT sectors:

- To analyze domestic & international market following the international standard, determining demand & establishing institution to develop the skill of domestic ICT manpower.
- Providing Fellowships to encourage Masters & Ph.D programme for Higher Study & research in Information & Communication Technology and providing donations to encourage in creative work.

# National ICT Policy 2015

## Research

❑ Question: “The national ICT policy of Bangladesh focuses on the uses of ICT in healthcare to deliver new capabilities for hospitals and healthcare providers”- how?

❑ Ans: It increase the capabilities of health care by-

- Creating network among specialized hospital for communicating information and others medical institutes.
- Encouraging to creative use of ICT for balance saving disease definition, treatment, increase of health awareness, explanation and clarity in hospitals.

# National ICT Policy 2015

## Health Care

☐ Question: What is vision 2021?

☐ Ans: Government of Bangladesh targeted to make Bangladesh a Medium Earning Country within 2021. This is called vision 2021.

☐ Question: What is vision 2041?

☐ Ans: Government of Bangladesh targeted to make Bangladesh a Developed Country within 2041. This is called vision 2041.

# National ICT Policy 2015

## Visions

❑ Question: What are the strategic themes to ensure 'universal access'?

❑ Ans:

- To create opportunities for every citizen to enter digital world as obligations of public service.
- To provide internet connection at same cost of capital by expanding backbone of internet over the country.
- To expand internet and IP telephone service by providing opportunities according to National Telecommunication Policy.
- To expand IP dependent telecommunication everywhere and make saving for everybody.

# National ICT Policy 2015

## Objectives

❑ Question: What are the strategic themes to ensure 'social equity'?

❑ Ans:

- To give basic opportunities to lower class people, remote population, women, disable, people who needs special help to eliminate economical discrimination and digital divide.
- To creat opportunities to public to participate to define activities and policies of local and central government.
- To encourage non-government sectors and NGO/CSO/CBO to develop and provide local necessary digital things, online service in local language.
- To develop and protect culture, tradition, and cultural events for religious improvement and to create favorable condition to save and exhibit folklore of rural areas, folk liturature, collection of musics.
- To represent things about child including protecting childs from harmfull digital things.

# National ICT Policy 2015

## Objectives

❑ Question: What are the strategic themes to ensure 'employment generation'?

❑ Ans:

- To Encourage Investment in domestic ICT industry.
- To Develop Institutional ability in order to produce maximum numbers of ICT professionals keeping pace with domestics & international demands.
- To Ease Employment of efficient personnel in global Market.
- To provide financial help to develop the skill of ICT personnels

# National ICT Policy 2015

## Objectives

❑ Question: What is the vision of National ICT Policy 2015?

❑ Ans:

- To establish a clear, responsible and accountable government by expanding ICT and multiway uses. To ensure development of expert human resource. To increase social uprightness. To ensure public service with govt/non-govt partnership. To make Bangladesh a Medium Earning Country within 2021. To make Bangladesh a Developed Country within 2041.

# National ICT Policy 2015 Visions