

ICT Act 2006 & Digital Security Act 2018

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❑ 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.

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