

Pornography Control Act, 2012

(Act No. 9 of 2012)

[March 7, 2012]

Legislation aimed at controlling pornography to prevent the erosion of moral and social values

As pornography exposes moral and social values and leads to crime and social unrest; And
Whereas it is expedient and necessary to prevent the erosion of moral and social values;
Therefore, the following laws were enacted by:

Short title and introduction

1. (1) This Act may be called the Pornography Control Act, 2012 .
- (2) It shall come into force immediately.

Definition

2. Unless there is anything contrary to the subject or context in this Act:
 - (A) "offense" means any offense committed under this Act;
 - (B) "appropriate person" or "appropriate authority" means any person or authority authorized by the Government from time to time;
 - (C) "Pornography" means:
 - (1) any obscene dialogues, performances, gestures, nude or half-naked dances that cause sexual arousal that are captured and displayed in movies, video images, audio-visual images, still images, graphics or any other means and which have no artistic or educational value;
 - (2) pornographic books, periodicals, sculptures, figurines, statues, cartoons or leaflets that cause sexual arousal;
 - (3) the negative and soft versions of the matters described in sub-clauses (1) or (2);

(D) "Pornography equipment" means cameras, computers or computer parts, CDs, VCDs, DVDs, optical devices, magnetic devices, mobile phones or their parts and any electronic, digital device used for the purpose of producing, storing, capturing or displaying pornography. Or any other technology-based device;

(E) "Children" means a child as defined in 2 (f) of the Children Act, 1974 (Act No. XXXIX of 1974).

The rule of law

3. Notwithstanding anything contained in other laws in force for the time being, the provisions of this Act shall prevail.

Prohibition of preservation and marketing of pornography

4. Pornography may not be produced, stored, marketed, carried, supplied, purchased, sold, retained or displayed.

Investigation

5. (1) In the case of investigation of any offense committed under this Act, the police sub-inspector or any officer not below his rank shall, as an investigating officer, investigate in accordance with the provisions of the Criminal Procedure Code.

(2) The time limit for investigation of any offense under this Act shall be 30 (thirty) working days and if for reasonable reasons it is not possible to complete the investigation within that time, Additional 15 (fifteen) working days, with the approval of Superintendent of Police or officer of higher rank Time can be extended.

(3) If it is not possible to complete any investigation within the time limit mentioned in sub-section (2) for reasonable reasons, with the approval of the court, an additional 30 (thirty) working days may be extended.

Search, seizure etc.

. (1) An officer not below the rank of Sub-Inspector of Police or any other competent person or authority authorized by the Government may conduct a

search in case of immediate arrest or seizure or seizure of any pornographic equipment by following the procedure laid down in the Criminal Procedure Code. .

(2) Soft copy seized during search, converted hard copy, CD, VCD, DVD, computer or any other device or accessories, mobile phone or its parts, any other device or parts or equipment used in crime, any information or memory contained electronically. , Etc. may be used as evidence in court.

(3) As part of the normal course of action to the Bangladesh Telecommunication Regulatory Commission or any other appropriate government authority, mobile operator, internet service provider, legitimate VoIP service provider, licensed or approved by the government or any other appropriate authority to investigate any offense committed under this Act. The stored information or any special information collected by the investigating officer during the investigation may be used as evidence in court.

Evidence of expert opinion

. In the investigation of any offense under this Act, a technical expert certified by the appropriate authority or a person in charge of the technical department of a government, autonomous, semi-autonomous organization or a private person or organization licensed or approved by the government. Opinions obtained from certified persons from the appropriate institution in charge shall be treated as expert opinions and may be used as evidence in court.

Penalty

. (1) If a person produces or contracts for the production of pornography by collecting participants or forcing a woman, man or child to participate, or by making a woman, man or child participate in a temptation by knowingly or unknowingly taking still images, videos or films If found, he will be deemed to have committed an offense and for such offense he will be punished with rigorous imprisonment up to a maximum of 7 (seven) years and a fine of up

(2) A person shall be deemed to have committed a crime if he harms another person's social or personal status through pornography, or extorts money through intimidation or any other benefit, or mentally abuses a person through pornography, knowingly or unknowingly, and commits such an offense. He will be sentenced to a maximum of 5 (five) years rigorous imprisonment and a fine of up to Rs. 200,000 (two lakh).

(3) A person who provides pornography through the Internet or website or mobile phone or any other electronic device shall be deemed to have committed a crime and shall be liable to a maximum of 5 (five) years rigorous imprisonment and 200,000 (two lakh) for such offense. Will be fined up to the money.

(4) A person who causes public nuisance by displaying pornography shall be deemed to have committed a crime and shall be liable to a maximum of 2 (two) years rigorous imprisonment and a fine of up to Rs. 1,00,000 (one lakh) for such offense.

(5) Any person:

(A) sell, rent, distribute, supply, display or otherwise promote pornography in any form or for any or all of those purposes, or manufacture, transport, or preserve it; Or

(B) advertising any type of pornographic site; Or

(C) has taken the initiative to commit any offense identified as an offense under this sub-section;

He shall be deemed to have committed an offense and for such offense he shall be punished with a maximum of 2 (two) years rigorous imprisonment and a fine up to Rs. 1,00,000 (one lakh).

(6) Any person using a child to produce, distribute, print and publish pornography, or to sell, supply or display child pornography, or to advertise any child pornography shall be deemed to have committed a crime and shall be liable to such offense for a term not exceeding 10 (ten) years. Will be

sentenced to rigorous imprisonment and a fine of up to Rs. 500,000 (five lakhs).

(6) Everyone who is directly involved or aiding and abetting any crime under this Act shall be punished with the same punishment.

In some cases, the law is not applicable

9. In the case of any book, writing, drawing or image preserved or used for religious purposes, or in any religious place of worship or in its interior or used for changing idols, or in the form of carvings, enamels, paintings or figurative images or natural works of art preserved for any religious purpose. The provisions of this Act shall not apply.

The feasibility of the crime

10. Offenses committed under this Act shall be cognizable and non-bailable.

Judicial system

11. The offenses committed under this Act shall be tried in accordance with the procedure laid down in the Criminal Procedure Code

Provided, however, that the Government may, by notification in the Official Gazette, authorize any special court or tribunal to try offenses committed under this Act.

Appeal

12. Any person aggrieved by a judgment or order passed by a tribunal in any court or case under this Act may appeal to a court of competent jurisdiction within 30 (thirty) days from the date of such judgment or order.

মিথ্যা মামলা, অভিযোগ দায়ের ইত্যাদির দণ্ড

১৩। (১) এই আইনের অধীন ক্ষমতাপ্রাপ্ত কোন ব্যক্তি, কর্মকর্তা বা কর্তৃপক্ষ কোন ব্যক্তির ক্ষতিসাধনের অভিপ্রায়ে এই আইনের কোন ধারার অধীন মামলা বা অভিযোগ দায়েরের কোন ন্যায্য বা আইনানুগ কারণ নাই জানিয়াও মিথ্যা বা হয়রানিমূলক মামলা বা অভিযোগ দায়ের করিলে তিনি অপরাধ করিয়াছেন বলিয়া গণ্য হইবেন এবং উক্তরূপ অপরাধের জন্য তিনি সর্বোচ্চ ২(দুই) বৎসর সশ্রম কারাদণ্ড এবং ১,০০,০০০ (এক লক্ষ) টাকা পর্যন্ত অর্থদণ্ডে দণ্ডিত হইবেন।

(২) এই আইনের অধীন দায়েরকৃত কোন মামলায় আদালত বা ক্ষেত্রমত, ট্রাইব্যুনাল শুনানি ও বিচারান্তে যদি কোন অভিযুক্ত ব্যক্তিকে খালাস প্রদান করে এবং আদালত যদি এই মর্মে অভিমত ব্যক্ত করে যে উক্ত অভিযুক্ত ব্যক্তির

বিরুদ্ধে আনীত অভিযোগ মিথ্যা, ভিত্তিহীন ও হয়রানিমূলক, তাহা হইলে মামলা দায়েরকারী ব্যক্তি অপরাধ করিয়াছেন বলিয়া গণ্য হইবেন এবং উক্তরূপ অপরাধের জন্য তিনি সর্বোচ্চ ২(দুই) বৎসর সশ্রম কারাদণ্ড এবং ১,০০,০০০ (এক লক্ষ) টাকা পর্যন্ত অর্থদণ্ডে দণ্ডিত হইবেন।

**Ability to
make rules**

14. The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

**English
translation
of the law**

15. (1) After the enactment of this Act, the Government shall, as soon as possible, by notification in the Official Gazette, publish an authentic English text of the Bengali text of this Act translated into English.

(2) In case of conflict between Bangla text and English text, Bangla text shall prevail.

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