

IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(SPECIAL ORIGINAL JURISDICTION)

WRIT PETITION NO.....of 2015

IN THE MATTER OF:

An application under Article 102 of the Constitution of the People's Republic of Bangladesh.

AND

IN THE MATTER OF:

Inaction/Failure of the respondents to implement the provisions of section 4 and 8 of the ১৯৮৬ ১৯৮৬ ১৯৮৬, 2012 and Section 57 of the Information Communication Technology Act. 2006 and for a direction upon the respondents to take immediate legal action against internet service Provider under the provisions of law and direction to take steps to prevent/stop uploading/sent pornography video clips, animation and dialogue via mobile Phone, face book, twitter etc.

AND

IN THE MATTER OF:

Public Interest Litigation (PIL).

AND

IN THE MATTER OF:

Human Rights and Peace for Bangladesh (HRPB), represented by it's Secretary Advocate Asaduzzaman Siddiqui, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.

.....Petitioner.

-V E R S U S-

1. Bangladesh, represented by the Secretary, Ministry of Telecommunication, Bangladesh Secretariat, Dhaka-1000, Bangladesh.
2. The Chairman, Bangladesh Telecommunication Regulatory Commission (BTRC), IEB bhaban, Ramna, Dhaka, Bangladesh.
3. The secretary, Ministry of Information, Bangladesh Secretariat, Dhaka-1000, Bangladesh.
4. The Secretary, Ministry of Information Communication Technology, Bangladesh Secretariat, Dhaka-1000.

-----Respondents

GR OUNDS

I. For that the most people of this country recently connected with the internet access in this country and it is not restricted by a national level filtering regime. The respondent has intervened to block such web site for having anti religious content and those are subversive to state. Due to such access the internet providers of multimedia offers immense opportunity for children and young adults which also expose to above harmful contents. This is harassment and damaging of all classes of People is the Society and the respondent No. 2 is responsible to prevent or block such harmful offers by applying the section 4 and 8 of the *Computer Misuse and Cybercrimes Act, 2012* and Section 57 of the Information Communication Technology Act, 2006 and as such the above respondents may be directed to take steps.

II. For that Information and communication technology (ICT) as a key driver of socioeconomic development which reflected in the governments digital Bangladesh Plan as well as its policy. Most of the people first experience with the internet is likely to be via mobile phone services and are teenager family members always accesses of that and as such the existing laws must be apply. We can not be stop using mobile internet of our children's for the studies but the above pornography illegal contents which are harmful should be blocked and as such Your Lordships may kindly be directed the respondents to stop pornography video.

III. For that the duty and responsibility vested upon the respondents to protect the citizen of the country from any natural and unnatural incidents/causes. The respondents have failed to perform the duties and responsibilities as per the Constitution. Because of the inaction of the respondents to stop upload/send pornography video/image the young generations of our country are affecting.

IV. For that in section 4 of the *Computer Misuse and Cybercrimes Act, 2012* pornography is prohibited to marketing and hording, carry and supply. As per section 8 of the said law if any one send any pornography through mobile, internet or by any other device is an offence and punishable up to 5 years imprisonment with fine. Moreover in section 57 of the Information Communication Technology Act, 2006 provide punishment for any vulgar information broad cast via electronics device. Both the provisions of law has been passed in order to protect the social harmony but due to inaction of the respondents violators are continuing offence, which is seriously hampering our society specially our young people.

V. For that as a result of advance technology the sexual content can be often watch on the mobile phone which is sent by the internet providers and even it sends via email, face book, twitter for all class of public to view with the contents of video clip. The technology allows sending and upload the above services in fact, young adult and teenager of this country and they can be easily attracted those others which are nude or half nude or porn or half porn in sexual nature and which does not contents any name and address that any one can know that only carries domain such as [http: 11 mobile masala.com](http://11mobilemasala.com) etc. But as a license issuing authority the respondent No. 2 has a duty to

look after the matter and to take steps so that no one can upload/send pornography video clips or image via internet or phone.

Wherefore it is most humbly prayed that your Lordships would graciously be pleased to issue: -

a) A Rule Nisi calling upon the Respondents to show cause as to why the inaction/failure of the respondents to implement the provisions of section 4 and 8 of the *Computer Misuse and Cybercrimes Act, 2012* and Section 57 of the Information Communication Technology Act. 2006, should not be declared illegal and without lawful authority;

AND

Why a direction should not be given upon the respondents to take immediate legal action against internet service Provider for violation of the provisions of *Computer Misuse and Cybercrimes Act, 2012* and the Information Communication Technology Act. 2006.

b) Pending hearing of the rule directs the respondents to take necessary immediate steps within seven days to stop uploading/send pornography video clips, vulgar image, animation and dialogue via mobile Phone, face book, twitter etc by service provider and submit a compliance report before this Hon'ble court within three weeks. .

c) Make the Rule absolute upon hearing the cause if any shown by the Respondents.

Present Status

The case was filled and moved by Advocate Manzill Murshid, President, HRPB. After hearing the parties the Hon'ble Court issued Rule Nisi upon the respondents and granted ad-interim order. The matter is pending before the Hon'ble High Court Division.
