



**BANGLADESH TELECOMMUNICATION
REGULATORY COMMISSION
IEB BHABAN, RAMNA, DHAKA-1000**

No.....

Date: -10-2021

**THE BANGLADESH TELECOMMUNICATION REGULATORY COMMISSION
REGULATION FOR DIGITAL, SOCIAL MEDIA AND OTT PLATFORMS**

2021

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Background

Digitalization has paved the way for internet to become an integral part of people's lives in Bangladesh. The extensive spread of mobile phones, electronics, internet etc has enabled many digital and social media platforms to expand their footprints in Bangladesh. As the internet continues to grow and transform our lives, often for the better, we should not ignore the very real harms which people face online every day. Illegal and unacceptable content and activity is widespread online, and the users are concerned about what they see and experience on the internet.

The prevalence of the most serious illegal content and activity, which threatens our national security or the physical safety of children, is unacceptable. The internet is used to spread propaganda designed to radicalize vulnerable people, and distribute material designed to aid or abet terrorist attacks. There are also examples of terrorists broadcasting attacks live on social media. Child sex offenders use the internet to view and share child sexual abuse material, groom children online, and even live stream the sexual abuse of children. There is also a real danger that hostile actors use online disinformation to undermine our democratic values and principles. Other online behaviors or content, even if they may not be illegal in all circumstances, can also cause serious harm. Young adults or children may be exposed to harmful content that relates, for example, to self-harm or suicide. These experiences can have serious psychological and emotional impact. There are also emerging challenges about designed addiction to some digital services and excessive screen time.

Currently there is no robust complaint mechanism wherein the ordinary users of digital platforms can register their complaint and get it redressed within a defined timeline. The ***Bangladesh Telecommunication Regulatory Commission Regulation for DIGITAL, SOCIAL MEDIA AND OTT PLATFORMS, 2021*** aims to tackle content or activity that harms individual users or threatens our way of life in Bangladesh, either by undermining national security, or by undermining our shared rights, responsibilities and opportunities to foster integration.

The Bangladesh Telecommunication Regulatory Commission ("the Commission"/ "BTRC") has the responsibilities under the Bangladesh Telecommunication Regulation Act, 2001 (the Act, 2001) to implement best practices of the online telecommunication platform, address security concerns in terms of customer protection, national security such as online content, including discrimination, depiction of

illegal or harmful substances, imitable behavior, nudity, language, sex, violence, fear, threat, horror and other such concerns described in the Act, 2001, and to implement ITU recommendations.

Considering benefit of both the public interest and the industry, Bangladesh Government has decided to regulate online content in order to protect the consumer, vulnerable group (i.e. women, children) including fraud / cheating, threat to public tranquility / sovereignty, illegal content service providers offering pirated program, obscene content and to ensure fairness for all players in the digital platforms.

Moreover, on 18-01-2021 Hon'ble High Court Division of the Supreme Court of Bangladesh passed an Order in Writ Petition No. 4534 of 2020 to formulate Regulation to regulate ICT industry and to secure Government revenue.

In order to comply with the Order of the Supreme Court of Bangladesh and the vision of our visionary leader Hon'ble Prime Minister Sheikh Hasina, Bangladesh Telecommunication Regulatory Commission formed a committee to formulate Regulations to regulate the digital platforms.

Considering International best practice and suggestions of ITU, Committee proposes mechanisms on such matters as fraud / cheating, threat to public tranquility / sovereignty, illegal content service providers offering pirated program, obscene content, protect the consumer, vulnerable group and so on.

PREAMBLE

The Bangladesh Telecommunication Regulatory Commission ("the Commission"/ "BTRC") is empowered to issue, and from time to time, review bylaws relating to transmission or reception of telecommunication services with the aid of telecommunication system, Value added telecommunication services, usage of telecommunication appliance in collaboration with broadcasting apparatus or for the purpose of broadcasting services and advertisements. Transmission of Telecommunication services, especially local / foreign productions, can exert a significant influence on the community.

The BTRC is also empowered under the Bangladesh Telecommunication Regulation Act, 2001 (as amended in 2010) and Digital Security Act, 2018 or any successor legislation to control any online content, including discrimination, depiction of illegal or harmful substances, imitable behavior, nudity, language, sex, violence, fear, threat, horror and other such concerns.

This Regulation, may be withdrawn, revised, updated or amended from time to time, according to Section 39 of the Bangladesh Telecommunication Regulation Act, 2001, to take into consideration various factors including, but not limited to, any threat to national security and statutory or Court orders.

This Regulation is approved by the Government and shall come into effect from the date of their issuance by the Bangladesh Telecommunication Regulatory Commission (BTRC).



PART I

PRELIMINARY

1. **Short Title and Commencement.**—(1) This Regulation may be called '*Bangladesh Telecommunication Regulatory Commission Regulation for DIGITAL, SOCIAL MEDIA AND OTT PLATFORMS, 2021.*'

(2) It shall come into force on the date of its publication in the Official website of the BTRC.

(3) It shall be applicable to Internet based service provider providing –

- (a) content,
- (b) a service or
- (c) an application that is provided to the end-user over the public internet.

2. Definitions

2.01 In this Regulation, unless the context otherwise requires, the different terms and expressions used in this Regulation shall have the following meaning assigned to them. The headings are given for the sake of convenience only and do not carry any special meaning. Words and expressions used and not defined in this Regulation but defined in the Act and rules made thereunder shall have the same meaning as assigned to them in the Act and the said rules, as the case may be.

- (a) “**Act, 2001**” means the Bangladesh Telecommunication Regulation Act, 2001.
- (b) “**content**” means the electronic record such as data, image or sound stored, received or sent in an electronic form or micro film or computer generated micro fiche;
- (c) “**complaint**” includes any objection, whether regarding any content, any duties of an intermediary or publisher under the Act, or other matters pertaining to the computer resource of an intermediary or publisher, as the case may be;
- (d) “**Complaint Officer**” means an officer appointed by the intermediary or the publisher, as the case may be, for the purposes of these rules;
- (e) “**computer**” means electronic devices capable of collecting, sending and storing information singly or in connection with each other;
- (f) “**data**” means the quantities, characters, or symbols on which operations are performed by a computer, which may be stored and transmitted in the form of electrical signals and recorded on magnetic, or digital device;
- (g) “**digital media**” means digitized content that can be transmitted over the internet or computer networks and includes content received, stored, transmitted, edited or processed by a publisher of online curated content;
- (h) “**intermediary**” means any person who on behalf of another person receives stores or transmits electronic records or provides any service with respect to such records and includes telecom service providers, network service providers, internet service providers, web-hosting service providers, search engines, online payment sites, online auction sites, online-market places and cyber cafes;
- (i) “**on demand**” means a system where a user, subscriber or viewer is enabled to



access, at a time chosen by such user, any content in electronic form, which is transmitted over a computer resource and is selected by the user;

- (j) **'online curated content'** means any curated catalogue of audio-visual content, other than news and current affairs content, which is owned by, licensed to or contracted to be transmitted by a publisher of online curated content, and made available on demand, including but not limited through subscription, over the internet or computer networks, and includes films, audio visual programmes, documentaries, television programmes, serials, podcasts and other such content;
- (k) **'OTT'** means content, a service or an application that is provided to the end-user over the public internet.
- (l) **'publisher'** means a publisher of online curated content;
- (m) **'publisher of online curated content'** means a publisher who, performing a significant role in determining the online curated content being made available, makes available to users a computer resource that enables such users to access online curated content over the internet or computer networks, and such other entity called by whatever name, which is functionally similar to publishers of online curated content but does not include any individual or user who is not transmitting online curated content in the course of systematic business, professional or commercial activity;
- (n) **'person'** means a person as defined in sub-section (24) of section 2 of the Bangladesh Telecommunication Regulation Act, 2001 (Act No. 18 of 2001);
- (o) **'transmission'** means the act or process of sending electrical signals to a radio, television, computer, etc;

3. Objectives of the Regulations

The objectives of these Regulations are as follows:

- (a) To implement best practices and ITU recommendations.
- (b) To maintain the objectives of the relevant regulations, guidelines, licenses, permits, permissions and registration certificates which envisage the inclusion of new technologies to attain Digital Bangladesh vision.
- (c) To ensure the compliance with existing network topology and regulations.
- (d) To address security concerns in terms of customer protection and national security such as online content, including discrimination, depiction of illegal or harmful substances, imitable behavior, nudity, language, sex, violence, fear, threat, horror and other such concerns,
- (e) To encourage transmission of healthy telecommunication services, especially local / foreign productions,
- (f) To exert a positive and significant influence on the community.
- (g) To protect legitimate interest of the consumer, vulnerable group (i.e. women, children) from fraud / cheating, illegal content service providers offering pirated program, obscene content.
- (h) To ensure fairness for all players in the digital and OTT platforms.



4. Eligibility to get registration certificate/ permission

4.01 An applicant shall be eligible to obtaining a registration certificate, if-

- (a) he is a person / company of any nationality.
- (b) he has a trade license, Tax and VAT certificate in Bangladesh.
- (c) he is an applicant of publishers of online news/ current affairs online content/ publishers of online curated content or web based programs/films/series should have No Objection Certificate (NOC) from Ministry of Information.

4.02 An applicant shall be disqualified from obtaining a registration certificate, if-

- (a) in the case of an individual-
 - (i) he is an insane person;
 - (ii) he has been sentenced by a Court under any law, other than this Act, to imprisonment for a term of minimum 2 (two) years or more, and a period of 5 (five) years has not elapsed since his release from such imprisonment;
 - (iii) he has been sentenced by any Court for committing of any offence under the Act and a period of 5 (five) years has not elapsed since his release from such imprisonment;
 - (iv) he has been declared bankrupt by any Court and has not been discharged from the liability of bankruptcy;
 - (v) he has been identified or declared by the Bangladesh Bank or by a Court or by a bank or financial institution as a defaulter loanee of that bank or institution;
 - (vi) his License/Permit/Registration certificate has been cancelled by the Commission at any time during the last 5 (five) years;
 - (vii) he is convicted for any violation of the Act or any License / registration/permit condition;
- (b) The applicant being a partnership firm or company or corporation or society or other organization:-
 - (i) any provision of Sub-Clause (i) to (v) of Clause (a) above is applicable to its owner, or to any of its shareholder directors or partners; or
 - (ii) Sub-Clause (vi) of Clause (a) above is applicable to it.

4.03 No entity shall be eligible to apply if it has any outstanding dues to the Commission and has failed to pay within the time period mentioned in the final notice unless the matter is pending for any judicial adjudication;

5. Procedure to Award Registration Certificate

- (a) An applicant shall apply in his Official Letterhead Pad duly filled in, signed and sealed, together with the following necessary documents and information along with a declaration stating that all the deeds and documents furnish hereby are authentic.



Each page of the application along with all other supporting documents shall be signed by the applicant or its authorized personnel:

- (i) Copy of trade license,
 - (ii) Copy of updated Tax Certificate,
 - (iii) Copy of NOC of Ministry of Information (if necessary),
 - (iv) Business Proposal
 - (v) Documents of experience (if any)
- (b) The applicant(s) shall submit 2 (two) copies of its application. The applicant(s) shall also submit soft copy of all the documents (non scanned / scanned PDF) to the Commission.
- (c) The Commission reserves the right and authority to reject the application if it is found that the information or documents provided for in the application is untrue, inaccurate or incomplete.
- (d) The duration of the Registration Certificate, shall initially be for a term of 05 (five) years. Upon expiry of the initial term, the Registration Certificate may be renewed for subsequent terms, subject to such terms and conditions, as may be specified herein and/or by the Government at the time of each renewal.
- (e) The Commission reserves the right to cancel /suspend/ revoke registration certificate as per section(s) 46/63/64 of the Act, 2001.

PART II

RESPONSIBILITIES OF THE INTERMEDIARIES

6. Responsibility of Intermediaries

6.01 An intermediary, including social media intermediary, shall observe the following activities while discharging its duties, namely:—

- a. the intermediary shall visibly publish on its website, mobile based application or both, as the case may be, the rules and regulations, privacy policy and user agreement for access or usage of its computer resource by any person;
- b. the rules and regulations, privacy policy or user agreement of the intermediary shall inform the user of its computer resource not to host, display, upload, modify, publish, transmit, store, update or share any information that —
 - i. belongs to another person and to which the user does not have any right;
 - ii. is defamatory, obscene, pornographic, invasive of another's privacy, including bodily privacy, insulting or harassing on the basis of



gender, libelous, racially or ethnically objectionable, relating or encouraging money laundering or gambling, or otherwise inconsistent with or contrary to the laws in force;

- iii. is harmful to child;
 - iv. threatens the unity, integrity, defence, security or sovereignty of Bangladesh, friendly relations with foreign States, or public order, or causes incitement to the commission of any cognisable offence or prevents investigation of any offence or is insulting other nation;
 - v. is against the liberation war of Bangladesh, spirit of liberation war, father of the nation, national anthem, or national flag;
 - vi. is offensive, false or threatening and insulting or humiliating to a person;
 - vii. hurts religious values or sentiment;
 - viii. creates enmity, hatred, or hostility among different classes or communities of the society or destroys communal harmony or creates unrest or disorder or deteriorates or advances to deteriorate the law and order situation;
 - ix. contains software virus or any other computer code, file or program infringes any patent, trademark, copyright or other proprietary rights;
 - x. violates any law for the time being in force;
 - xi. deceives or misleads the addressee about the origin of the message or knowingly and intentionally communicates any information which is patently false or misleading in nature but may reasonably be perceived as a fact;
 - xii. impersonates another person;
 - xiii. designed to interrupt, destroy or limit the functionality of any computer resource;
 - xiv. breaches secrecy of the government;
 - xv. is patently false and untrue, and is written or published in any form, with the intent to mislead or harass a person, entity or agency for financial gain or to cause any injury to any person;
- c. an intermediary shall periodically inform its users, at least once every year, that in case of non-compliance with rules and regulations, privacy policy or user agreement for access or usage of the computer resource of such intermediary, it has the right to terminate the access or usage rights of the users to the computer resource immediately or remove non-compliant information or both, as the case may be;
- d. an intermediary, on whose computer resource the information is stored, hosted or published, upon receiving actual knowledge in the form of an order by a court of competent jurisdiction or on being notified by BTRC, shall not host, store or publish any unlawful information, which is prohibited under any law for the time being in force in relation to the interest of the sovereignty and integrity of Bangladesh; security of the State; friendly relations with foreign States; public order; decency or morality; in



relation to contempt of court; defamation; incitement to an offence relating to the above, or any information which is prohibited under any law for the time being in force:

Provided that any notification made by the Government or its agency in relation to any information which is prohibited under any law for the time being in force, shall be issued by an authorised agency, as may be notified by the Government:

Provided further that if any such information is hosted, stored or published, the intermediary shall remove or disable access to that information, as early as possible, but in no case later than seventy two hours from the receipt of the court order or on being notified by the Government or BTRC, as the case may be:

Provided also that the removal or disabling of access to any information, data or communication link within the categories of information specified under this clause, under clause (b) on a voluntary basis, or on the basis of grievances received under section 59 of the Act, 2001 by such intermediary;

- e. the temporary or transient or intermediate storage of information automatically by an intermediary in a computer resource within its control as an intrinsic feature of that computer resource, involving no exercise of any human, automated or algorithmic editorial control for onward transmission or communication to another computer resource shall not amount to hosting, storing or publishing any information referred to under clause (d);
- f. where upon receiving actual knowledge under clause (d), on a voluntary basis on violation of clause (b), or on the basis of complaints received under Clause 6.02, any information has been removed or access to which has been disabled, the intermediary shall, without vitiating the evidence in any manner, preserve such information and associated records for one hundred and eighty days for investigation purposes, or for such longer period as may be required by the court or by Government agencies who are lawfully authorized;
- g. where an intermediary collects information from a user for registration on the computer resource, it shall retain his information for a period of one hundred and eighty days after any cancellation or withdrawal of his registration, as the case may be;
- h. the intermediary shall take all reasonable measures to secure its computer resource and information contained therein following the reasonable security practices and procedures;
- i. the intermediary shall, as soon as possible, but not later than seventy two hours of the receipt of an order, provide information under its control or possession, or assistance to the Government or its agency which is lawfully authorized for investigative or protective or cyber security activities, for the purposes of verification of identity, or for the prevention, detection, investigation, or prosecution, of offences under any law for the time being in force, or for cyber security incidents:

Provided that any such order shall be in writing stating clearly the purpose of seeking information or assistance, as the case may be;

- j. the intermediary shall not knowingly deploy or install or modify technical configuration of computer resource or become party to any act that may change or has the potential to change the normal course of operation of the computer resource than what it is supposed to perform thereby circumventing any law for the time being in force:

Provided that the intermediary may develop, produce, distribute or employ technological means for the purpose of performing the acts of securing the computer resource and information contained therein;

- k. the intermediary shall report cyber security incidents and share related information with the Bangladesh Telecommunication Regulatory Commission Computer System Incident Response Team (BTRC-CSIRT).

6.02 Appointment of Resident Complaint Officer: (a) The intermediary shall visibly publish on its website, mobile based application or both, as the case may be, the name of the Resident Complaint Officer and his contact details as well as mechanism by which a user or a victim may make complaint against violation of the provisions of this rule or any other matters pertaining to the computer resources made available by it, and the Complaint Officer shall-

- (i) acknowledge the complaint within twenty four hours and dispose of such complaint within a period of twenty days from the date of its receipt;
 - (ii) receive and acknowledge any order, notice or direction issued by the Government, any competent authority or a court of competent jurisdiction.
- (b) The intermediary shall, within seventy two hours from the receipt of a complaint made by an individual or any person on his behalf under this sub-rule, in relation to any content which is *prima facie* in the nature of any material which exposes the private area of such individual, shows such individual in full or partial nudity or shows or depicts such individual in any sexual act or conduct, or is in the nature of impersonation in an electronic form, including artificially morphed images of such individual, take all reasonable and practicable measures to remove or disable access immediately to such content which is hosted, stored, published or transmitted by it:
- (c) The intermediary shall implement a mechanism for the receipt of complaints under clause (b) of this sub-rule which may enable the individual or person to provide details, as may be necessary, in relation to such content or communication link.

7. Additional Responsibility of an Intermediary

7.02 In addition to the Clause 6, a social media intermediary shall, within three months from the date of notification of the threshold, perform the following additional activities while discharging its duties, namely:—



- (a) **appoint a Compliance Officer** who shall be responsible for ensuring compliance with this Regulation and shall be liable in any proceedings relating to any relevant third-party information, data or communication link made available or hosted by that intermediary where he fails to ensure due diligence while discharging its duties under the Act and rules made thereunder:

Provided that no liability under the Act or rules made thereunder may be imposed on such social media intermediary without being given an opportunity of being heard.

Explanation.—For the purposes of this clause “*Compliance Officer*” means a key managerial personnel or such other senior employee of a social media intermediary who is resident in Bangladesh;

- (b) **appoint an agent for 24x7** coordination with law enforcement agencies and officers and Bangladesh Telecommunication Regulatory Commission (Digital Security Cell) to ensure compliance to their orders or requisitions made in accordance with the provisions of applicable laws or rules made thereunder.

Explanation.—For the purposes of this clause “*agent*” means the employee of a significant social media intermediary, other than the Compliance Officer, who is resident in Bangladesh;

- 7.03 A social media intermediary providing services primarily in the nature of messaging shall enable the identification of the first originator of the information on its computer resource as may be required by a judicial order passed by a court of competent jurisdiction or an order of Bangladesh Telecommunication Regulatory Commission, which shall be supported with a copy of such information in electronic form:

Provided that an order shall only be passed for the purposes of prevention, detection, investigation, prosecution or punishment of an offence related to the sovereignty and integrity of Bangladesh, the security of the State, friendly relations with foreign States, or public order, or of incitement to an offence relating to the above or in relation with rape, sexually explicit material or child sexual abuse material, punishable with imprisonment for a term of not less than five years:

Provided further that no order shall be passed in cases where other less intrusive means are effective in identifying the originator of the information:

Provided also that in complying with an order for identification of the first originator, no social media intermediary shall be required to disclose the contents of any electronic message, any other information related to the first originator, or any information related to its other users:

Provided also that where the first originator of any information on the computer resource of an intermediary is located outside the territory of Bangladesh, the first originator of that information within the territory of Bangladesh shall be deemed to be the first originator of the information for the purpose of this clause

- 7.04 A social media intermediary shall endeavour to deploy technology-based measures, including automated tools or other mechanisms to proactively identify information that depicts any act or simulation in any form depicting rape, child sexual abuse or conduct, whether explicit or implicit, or any information which is exactly identical in content to information that has previously been removed or access to which has



been disabled on the computer resource of such intermediary and shall display a notice to any user attempting to access such information stating that such information has been identified by the intermediary under the categories referred to in this clause:

Provided that the measures taken by the intermediary under this clause shall be proportionate having regard to the interests of free speech and expression, privacy of users on the computer resource of such intermediary, including interests protected through the appropriate use of technical measures:

Provided further that such intermediary shall implement mechanisms for appropriate human oversight of measures deployed under this clause, including a periodic review of any automated tools deployed by such intermediary:

Provided also that the review of automated tools under this clause shall evaluate the automated tools having regard to the accuracy and fairness of such tools, the propensity of bias and discrimination in such tools and the impact on privacy and security of such tools.

7.05 The social media intermediary shall have a physical contact address in Bangladesh published on its website, mobile based application or both, as the case may be, for the purposes of receiving the communication addressed to it.

7.06 The social media intermediary shall implement an appropriate mechanism for the receipt of complaints under clause 6.02 and complaints in relation to the violation of provisions under this clause, which shall enable the complainant to track the status of such complaint or grievance by providing a unique ticket number for every complaint or grievance received by such intermediary:

Provided that such intermediary shall, to the extent reasonable, provide such complainant with reasons for any action taken or not taken by such intermediary in pursuance of the complaint or grievance received by it.

PART III

CODE OF ETHICS IN RELATION TO DIGITALMEDIA

08. Application of this Part—

8.01 The directives/instructions made under this Part shall apply to the following persons or entities, namely:—

- (a) publishers of news and current affairs content;
- (b) publishers of online curated content;
- (c) Web based programs /films/series; and

shall be administered by the Ministry of Information, Peoples Republic of Bangladesh, which shall be referred to in this Part as the “Ministry”

8.02 the directives/instructions made under this Part shall apply to the publishers, where,—

- (a) such publisher operates in the territory of Bangladesh; or
- (b) such publisher conducts systematic business activity of making its content available in Bangladesh.



Explanation.— For the purposes of this clause,—

- (a) a publisher shall be deemed to operate in the territory of Bangladesh where such publisher has a physical presence in the territory of Bangladesh;
- (b) “*systematic activity*” shall mean any structured or organized activity that involves an element of planning, method, continuity or persistence.

8.03 The directives/instructions made under this Part shall be in addition to and not in derogation of the provisions of any other law for the time being in force and any remedies available under such laws.

09. Performance and loyalty to the Code

- 9.01 Ministry of Information will publish directives / instructions / order / Code of Ethics from time to time and a publisher referred to in Clause 8 shall perform and be loyal to such Code of Ethics.
- 9.02 Notwithstanding anything contained in this Regulation, a publisher referred to in Clause 8 who contravenes any law for the time being in force, shall also be liable for consequential action as provided in such law which has so been contravened.
- 9.03 For ensuring performance and loyalty to such Code of Ethics by publishers operating in the territory of Bangladesh, and for addressing the complaints made in relation to publishers under this Part, the Ministry of Information shall issue a guideline or instruction of Self-Regulation Mechanism and Process of Complaint Addressing Mechanism.
- 9.04 The Ministry shall co-ordinate and facilitate the loyalty to the Code of Ethics by publishers and self regulating bodies, develop an Oversight Mechanism, and perform the following functions, namely:—
 - (a) publish a charter for self regulating bodies, including Codes of Practices for such bodies;
 - (b) establish an Inter-Ministerial Committee for hearing grievances;
 - (c) refer to the Inter- Ministerial Committee grievances arising out of the decision of the self- regulating body, or where no decision has been taken by the self-regulating body within the specified time period, or such other complaints or references relating to violation of Code of Ethics as it may consider necessary;
 - (d) issue appropriate guidance and advisories to publishers;
 - (e) issue orders and directions to the publishers for maintenance and loyalty to the Code of Ethics.
- 9.05 The Ministry shall appoint an officer of the Ministry, as the “*Authorised Officer*”, for the purposes of issuing directions under this Part, as the case may be.

10 Blocking of Information. Under Section 66A of the Bangladesh Telecommunication Regulatory Act 2001 (as amended 2010), Bangladesh Telecommunication Regulatory Commission is empowered to stop/block/remove any content which threatens the sovereignty, integrity, or security of Bangladesh, international relations, public order or causes incitement to the commission of any cognizable offence or prevents investigation of any offence or is insulting other nation or creates enmity, hatred, or hostility among different classes or communities of the society or destroys communal harmony or creates

unrest or disorder or deteriorates or advances to deteriorate the law and order situation:

Provided that the Ministry makes a written request to the Bangladesh Telecommunication Regulatory Commission to stop/block/remove such content.

PART IV MISCELLANEOUS

11. **Blocking of Information in case of Emergency**

11.01 Notwithstanding anything contained in this Regulation, the Authorised Officer of BTRC, in any case of emergency nature, for which no delay is acceptable, shall examine the relevant content and consider whether it is within the grounds referred to in **Article 141A of the Constitution of the Peoples Republic of Bangladesh** and it is necessary or expedient and justifiable to block such information or part thereof and submit a specific recommendation in writing to under section 8 of the Digital Security Act, 2018.

11.02 In case of emergency nature, the Director General of Digital Security Agency may, if he is satisfied that it is necessary and justifiable for blocking public access of any information or part thereof through any computer resource and after recording reasons in writing, as an interim measure issue such directions as he may consider necessary to such identified or identifiable persons, publishers or intermediary in control of such computer resource hosting such information or part thereof without giving him an opportunity of hearing.

12 **Penalty for violations of certain regulations.** If any service provider violates any provision of regulations the Commission may take action following the provisions of section 64 of the Act for such violation.

13 An intermediary or publisher, shall make true and full disclosure of all complaints received by it, the manner in which the complaints are disposed of, the action taken on the complaints, the reply sent to the complainant, the orders or directions received by it under these rules and action taken on such orders or directions.

14 Application based calling service operator shall have to follow the directives issued by BTRC namely- "Directives on Mobile Applications Based Calling Services (OTT) of The IPTSP Operators".

15 An intermediary or publisher shall collect all the revenue from the user or subscriber of paid service and maintain separate audit and accounts. The Commission may inspect or observe audited accounts of the said audit and accounts.

16 **Review of Regulation:**

15.01 The Instruction given in the regulation may be revised by the Commission from time to time.

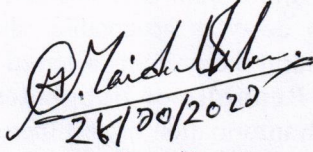
15.02 The Commission, on reference from any affected party, and for good and sufficient reasons, may review and modify these regulations.



17

Interpretation of Regulation:

In case of any doubt regarding interpretation of any of the provisions of these regulations, the clarification of the Commission shall be final and binding.


26/07/2022

মোঃ মাইদুল ইসলাম
উপ-পরিচালক
লীগ্যাল এন্ড লাইসেন্সিং বিভাগ
বাংলাদেশ টেলিযোগাযোগ নিয়ন্ত্রণ কমিশন


26/07/22

আবু সৈয়দ দিলজার হোসেন
কমিশনার
লীগ্যাল এন্ড লাইসেন্সিং বিভাগ
বাংলাদেশ টেলিযোগাযোগ নিয়ন্ত্রণ কমিশন

1ST DRAFT