

MANEUVERING THE IMPACT OF COVID-19 PANDEMIC WITH THE EXISTING SCENARIO OF BANGLADESH: IN A SEARCH FOR DEFICIENCY IN IMPLEMENTING LEGAL POLICY ALONG WITH THE LEGAL & SOCIAL CHALLENGES THAT COME WITHIN

Abstract

By

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Nobody knew that the outbreak of COVID-19 would bring the world to its knees with the unprecedented level of transmission of the novel coronavirus has caused severe consequences globally, affecting more than 67 million and resulting deaths of almost 4million. In a vulnerable country like Bangladesh, the aftermath of Corona has cost us heavily due to being one of the highest densely populated nations in the world along with the fact that no cure has been invented globally. However, the Bangladesh government is facing difficulties to tackle the situation mostly because people are unfamiliar with these new terms relating to Covid-19 and even if knowing about such, people have the tendency to defy regulations of lockdown, quarantine and social distance, which is an another major issue. For the purpose of controlling, preventing and eradicating, the government of Bangladesh has incorporated the life-threatening novel coronavirus (COVID-19) in 'The Communicable Diseases (Prevention, Control and Eradication) Act, 2018', regardless of the objectives to enforce the Act, a dilemma may arise on the applicability and suitability of the overall influence on the ordinary people. Thereby, this research study aims to identify, examine and analyze the applicability and enforceability of the Communicable Diseases Act along with the overall gravity it may have contributed towards the mitigation, if properly enforced, on the current scenario of pandemic crisis in Bangladesh.

Key Words: Novel Coronavirus (COVID-19), Pandemic, Lock down, Quarantine, Social Distance, Communicable Disease, Legal Frameworks, Social Challenges.

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. Introduction:

The outbreak of Coronavirus (COVID-19), a new infectious disease causing severe acute respiratory syndrome has affected more than 20 million people around the globe which is referred as a pandemic crisis. In a vulnerable country like Bangladesh, the aftermath of Corona can cost us heavily due to being one of the highest densely populated nations in the world along with the fact that no cure has been invented globally. To minimize the impact of this newly disease, a nation must take immediate measurements as like Taiwan example, to lockdown the perimeter of infected areas as well as isolate those who have been transmitted with this disease; otherwise the outburst may result in a greater distress. However, the Bangladesh government is facing difficulties to tackle the situation mostly because people are unfamiliar with these terms such as quarantine, isolation, social-distancing, lockdown and what precautions to take or what not, as something new this has never happened before, even if knowing about such, people have the tendency to defy regulations which is an another major issue. For the purpose of controlling, preventing and eradicating, the government of Bangladesh has incorporated the life-threatening novel coronavirus (COVID-19) in 'The Communicable Diseases (Prevention, Control and Eradication) Act, 2018', after repealing and merging with some of the dated laws and ordinances relating to infectious disease control. Regardless the objectives for enforcing this legislation, a dilemma may arise on the applicability and suitability of the overall influence on the ordinary people. Therefore, this research study aims to identify, examine and analyze the applicability and enforceability of the Communicable Diseases Act along with the overall gravity it may have contributed towards the mitigation, if properly enforced, on the current scenario of pandemic crisis in Bangladesh.

2. Objectives:

The main purpose behind the research paper is to exhibit the gravity of impact it might have created on the minimization of current scenario of COVID-19 in Bangladesh, only if the newly Communicable Diseases Act was properly implemented. In addition to, the research will highlight on the following purposes:

- Whether there is any existing challenge while enforcing the newly said Act, if so, what are the following strengths and weaknesses of such?
- What measures were adopted or are taken in this context by the Administrative sectors of Bangladesh?
- Whether the newly Act is practical or impractical in nature, based upon the strategic management carried out by the concerned authorities of Bangladesh?
- To determine and analyze the following causes which persuaded the ordinary people of Bangladesh to defy the newly enacted Act.
- To assist future researchers to understand the following subject and assist them for further research.

3. Methodology:

To improvise and analyze the research study, the following information has been obtained from both primary and secondary sources. In case of primary data, the information was collected through the Google survey among 102 respondents enrolled in different category of professions, consisting of 16 questionnaires, containing both open ended as well as close ended structures in the form of multiple choice questions, written in both Bangla and English, and also their opinions were considered regarding the newly enacted Act and ways to improvise the Act more effectively. Data collected from questionnaires are qualitative data because all questions were designed to get the opinions and experiences of informants to fulfill the following research purposes. For depth critical evaluation of the newly Communicable Act, expert opinions of lawyers, journalists and social activities were also taken into considerations with the help of Zoom platform video conference, organized by the Center for Law and Policy Affairs (CLPA), non-governmental organization. On the other hand, secondary data was adopted from numerous secondary sources such as Books, Journals, Case Laws, Newspapers, and Websites.

4. Pre and Post Situation of Bangladesh in Comparison with Taiwan while Tackling the Impact of COVID-19:

“The success or failure of any government in the final analysis must be measured by the well-being of its citizens. Nothing can be more important to a state than its public health; the state's paramount concern should be the health of its people”

Franklin Delano Roosevelt

Global research studies have analyzed that immediate and strict interventions from the government are major ways to reduce the spread of COVID-19. However, considering the rate of level of awareness, literacy and importantly, being the world's third largest densely populated country, the burden for Bangladesh government has doubled the challenges while dealing with the prevention of infectious disease. But instances from other countries like Taiwan, Singapore, Iceland, and New Zealand have set examples that a country possessing good healthcare system, science, technology and good governance can beat any emerging disease, no matter what size, population or literacy rate of a country possesses.

Perhaps narrowing to the initiatives taken at the initial stages by the government when corona was emerging globally would clear our views on this matter. According to the suggestions of global scientists, COVID-19 the new coronavirus, spread quickly around the world after it emerged in China sometime within October 6, 2019 to December 11, 2019, resulting more than 3.71 million infected people and 258,186 have died globally⁶. Taking it as a warning sign,

⁶ Kelland, K. (2020). A study reveals that coronavirus had spread around the world by late 2019. Reuters. Retrieved 5 June 2020, from <https://www.weforum.org/agenda/2020/05/coronavirus-spread-around-world-2019-study/>.

different countries have taken different precautionary measures to control the spread of Covid-19, where the success rate of Taiwan at controlling the spread of infectious coronavirus has won it global recognition.

The National Health Command Center of Taiwan had taken early measures on 3rd week of December, last year, by first learning then-unidentified severe respiratory disease of COVID-19 with the possibility of human-to-human transmission and then sent two experts to Wuhan to enhance their understanding of the virus. During the month of January, current year, they took steps on disinfecting local transports, monitored all individuals who had travelled to Wuhan within 14 days or had a fever or upper respiratory tract infections and imposed strict border controls as early as January 25, closing access to visitors from mainland China, Hong Kong and Macau, as a mechanism to fast response and detect infected persons. Despite being half a million Taiwanese working on the mainland and a million people from the mainland visiting the island per year, triggered the fact that Taiwan would be the hardest hit locality amid the pandemic situation. However, they introduced the system of ‘Quick Response’ by code scanning and online reporting of travel records and health symptoms to reduce the risk of infecting others, based on the origin of their flights and 14-days travel histories, and failure to maintain 14-days quarantine regulations would suffice to a fine up of NT\$1 million (US \$ 33,000). With the help of technology and governmental recruited companies and organizations including the military and prison authorities, each Taiwanese citizen is allowed to buy three masks per week at a cost of just NT\$15 (US \$ 0.50), using a national health insurance ID card⁷. Following the remarkable precautionary mechanisms have allowed such country to comprehend the spread of infectious disease within the end of March, 2020, causing death of just 7 persons and infecting 449 persons till today⁸. Similar precautionary approaches have been adopted in various countries depending upon their circumstances, but unfortunately, only few countries were successful against the battle of novel coronavirus.

Viewing from the context of Bangladesh, lack of medical facilities, lack of governmental management, lack of maintaining lock down; isolation; social-distancing, considering populated country and lack of awareness have made us vulnerable towards the pandemic outbreak. The term ‘pandemic’ was not mentioned in any legislation of Bangladesh which caused ambiguity in the legal arena until recently on 18th March, 2020, the High Court Division declared and directed the government to issue national gazette that novel coronavirus COVID-19 should also be included along with 23 already enlisted diseases in ‘The Communicable Diseases (Prevention, Control and Eradication) Act, 2018’, giving it a retrospective effectiveness from March 8 this

⁷ Lawrence, C. (2020). Covid-19: Can Taiwan repeat its success in controlling Covid-19, with new infections from US and Europe on the way? - Europe Solidaire Sans Frontières. Europe-solidaire.org. Retrieved 14 May 2020, from <http://www.europe-solidaire.org/spip.php?article52831>.

⁸ Coronavirus Update (Live): 11,386,560 Cases and 533,581 Deaths from COVID-19 Virus Pandemic - Worldometers. Worldometers.info. (2020). Retrieved 1 July 2020, from <https://www.worldometers.info/coronavirus/>.

year, when the first case of coronavirus was detected in Bangladesh⁹. In this regard, the government published gazette notification on 23rd March, 2020, after 5 days to tackle the nationwide health emergency in eradicating the infectious disease. Although the provisions in spreading dangerous epidemic disease were included in the precious Epidemic Diseases Act (1897), but it was abolished for legal ambiguity and later the newly Act was adopted without the inclusion of the word ‘pandemic’, containing loopholes within the legal provisions and exhibiting the high possibility of impractical outcome.

Just like any other country the initial step taken to fight back against COVID-19 is by imposing strict country wide border lockdown through shutting down airports, seaports, rail stations, bus stations and all other public transports so that no foreign infected person could enter into the country and infect others until the entire situation reverts back to normal. Another major initiative is to carry out as much as tests, if possible, in order to isolate those infected persons from others and provide them speedy medical treatments. With the first instances of confirmed corona cases in Bangladesh on 8th March 2020¹⁰, the government failed to prepare initial adequate measurements to contain the spread. Before that, the U.S. embassy in Dhaka included Bangladesh in a list of 25 countries at high risk of Covid-19 on 4th March, 2020¹¹. Knowing all these warning signs, the government declared ‘general holiday’ instead of strict country wide lockdown from 26th March, 2020, and from here on then the number of days of holiday began so does the rate of death and infected persons, whereas different countries have adopted drastic measures such as Taiwan itself. Till today, the total numbers of infected cases are 162,417 total death 2,052, carrying out total 849,062 tests and recovered 72,625 persons, where Dhaka city along has the highest infected rate with 18,671 cases¹².

5. Legal Anatomy of 'The Communicable Diseases (Prevention, Control and Eradication) Act, 2018 in respect to Governmental Initiatives:

Nobody knew that the outbreak of an infectious disease would bring the world to its knees with the unprecedented level of transmission of the novel coronavirus has caused severe consequences globally. As the world struggles to barely survive in this pandemic, Bangladesh has seemed to be napping in spite of getting a head-start of three months since the spread of COVID-19 from China. Although the State has the primary responsibility to ensure the improvement of public health through enacting and adopting various preventive measures and initiatives as set forth

⁹ The Daily Star. (2020). Govt issues gazette enlisting coronavirus as ‘communicable disease’. Retrieved 23 April 2020, from <https://www.thedailystar.net/online/news/govt-issues-gazette-enlisting-coronavirus-communicable-disease-1884808>.

¹⁰ The Daily Star. (2020). First coronavirus cases confirmed. Retrieved 16 April 2020, from <https://www.thedailystar.net/frontpage/news/first-coronavirus-cases-confirmed-1878160>.

¹¹ Dhaka Tribune. (2020). US embassy: Bangladesh among 25 countries at risk of coronavirus,. Retrieved 18 April 2020, from <https://www.dhakatribune.com/bangladesh/2020/03/04/us-embassy-bangladesh-among-25-countries-at-risk-of-coronavirus>.

¹² IEDCR. Iedcr.gov.bd. (2020). Retrieved 20 April 2020, from <https://www.iedcr.gov.bd/>.

under Part II of the Constitution of Bangladesh, for the best interest of the State¹³. However, international and national experts blame the ineffectiveness of the application of legal provisions even in the presence of numerous national laws among which are, the *Penal Code, 1860* and the *Communicable Diseases (Prevention, Control and Eradication) Act, 2018*, inadequate precautionary measurements where example can be taken from Taiwan, as well as poor decision making and management from the government side. But at the same time, huge number of people about 80% (Figure F) from the survey agrees that insufficient knowledge of people regarding COVID-19, have caused them to defy the regulations of lockdown, quarantine and social distance, particularly including poor people who attempted mostly in search of food and medical supplies (Figure G). Perhaps, early planning and productive steps relating to the distribution of food, medicine and essential materials could have controlled the existing scenario before exceeding beyond our control. As the State further vests fundamental responsibility to provide and assure basic necessities of life, including food, clothing, shelter, education and medical care to every citizen¹⁴.

Through evaluation of the newly Communicable Act, it will exhibit the extent of gap existing between legal provisions and practical scenarios in the societal context of Bangladesh. The following Act has been enacted and adopted in consonance with the World Health Organization (WHO) and International Health Regulation enumerated under **Section 9**, where the duties and functions of this Act will be performed *by the Health Ministry during the epidemic emergency* of the country, subjected to general or special powers of the government. The Directorate of Health shall be entrusted to formulate strategic policies to prevent, control and eradicate communicable diseases and safeguard humankind from its national or international escalation acquiring collaboration from public, private, domestic or international organizations, if necessary under **Section 2**¹⁵. Ensuring the interest of public health just not only come within the purview of the fundamentally responsibility of the State under Part II of **the Constitution** but also reflects the significance of the fundamental rights as the Right to Public Health comes within the ambit of *Right to Life*¹⁶ as well as *Right to Protection of Law*¹⁷, being enumerated under Part III of **the Constitution**. However, COVID-19; global pandemic, was *neither within the ambit of the new legislation nor any legal definition* was provided until recently the High Court Division of Bangladesh declared and directed the government to enlist COVID-19 with other 23 diseases under **Section 4** on 18th March of the current year. However, within the enlistment of COVID-19, *no legal definition has been clarified whether it is a contagious, infectious, deadly disease or virus, or whether it is 'epidemic' or 'pandemic', or whether it is sufficient to state COVID-19 as just any other communicable disease and there is no such separate provision on how to tackle and deal with such infectious disease as it is highly contagious*, hence this leaves room for legal

¹³ Article 18 (1), The Constitution of the People's Republic of Bangladesh (1972).

¹⁴ Article 15 (a), The Constitution of the People's Republic of Bangladesh (1972).

¹⁵ Khan, J. (2020). Legal setting for prevention, control and elimination of communicable diseases,. The Daily Observer. Retrieved 4 May 2020, from <https://www.observerbd.com/details.php?id=249142>.

¹⁶ Article 32, The Constitution of the People's Republic of Bangladesh (1972).

¹⁷ Article 31, The Constitution of the People's Republic of Bangladesh (1972).

ambiguity because ‘pandemic’ and ‘communicable’ have two different meanings, referring to different types of diseases. Probably limited time frame might have caused such anarchy but COVID-19 was finally included on 23rd March, 2020 in the National Gazette, whereas WHO has published the first Disease Outbreak news on the new virus on 5th January, 2020, with active investigation for the entire month of January and finally declared the novel coronavirus (COVID-19) outbreak a **global pandemic on March 11, 2020**¹⁸.

A special significance has been prescribed under **Section 3** that no matter what other national laws say, in times of epidemic emergency crisis, the *special law of Communicable Act shall prevail above all*, where the ordinary people including top governmental officials are bound to comply with the rules and regulations provided, *monitored and regulated by the Director General of the Department of Health*¹⁹. In pursuance of **Section 5**, the Directorate of Health is empowered to taking necessary initiatives to address public health emergencies and reduce health risks, increase awareness, prevent and control infectious diseases through by any means, to separate the infected area from the infection-free area, providing necessary instructions to prevent the spread of the disease to the infected area and to prevent recurrence in the affected area, to examine the person infected with the infectious disease and, if necessary, antibiotic, preventive vaccine or drug application and instructing such person to deliver information to the Directorate regarding such disease, to contain the spread of the disease, the Directorate can impose quarantine or isolation measures on any person suspected to be affected, at any hospital, temporary hospital, establishment or their homes, to restrict movements within the country along with as the arrival of flights, sea-vessels, buses, trains or other vehicles from one place to another, both nationally and internationally, to inspect and to take necessary actions in any place or establishment, house, or in any clinic, hospital and diagnostic lab that provides healthcare for contagious diseases, accordingly if it is provided to the person suffering from infectious disease, considering to be the source of transmission of such disease and to perform any other duties if assigned by the government from time to time.

Previous experiences had shown that the outbreaks of epidemic like *Chikungunya back in 2017 and Dengue in 2019*, are a common phenomenon to the people of Bangladesh, who are victimized of the vicious cycle of ineffective public policy, negligence by government officials and an inadequate and unprepared health system²⁰, even in the presence of numerous national health laws entrusting upon the Directorate of Health. Similar patterns are also emerging in dealing with the new pandemic situation because government agencies have chosen once again to ignore early signs, not to understand and acknowledge the gravity of the situation. As already

¹⁸ Archived: WHO Timeline - COVID-19. Who.int. (2020). Retrieved 2 June 2020, from <https://www.who.int/news-room/detail/27-04-2020-who-timeline---covid-19>.

¹⁹ সংক্রামক রোগ (প্রতিরোধ, নিয়ন্ত্রণ ও নির্মূল) আইন, ২০১৮. Bdlaws.minlaw.gov.bd. (2020). Retrieved 2 June 2020, from <http://bdlaws.minlaw.gov.bd/act-details-1274.html?lang=en>.

²⁰ Hassan, F., Hasan, N., & Haque, S. (2020). REVISITING 2019 DENGUE OUTBREAK, A failure of prediction or policy?. *They Daily Star*. Retrieved 3 June 2020, from <https://www.thedailystar.net/opinion/news/failure-prediction-or-policy-1880026>.

stated under **Section 5**, Health Directorate shall be empowered with special jurisdiction to take any necessary measurements to reduce the risk of public health to provide the best outcome for the state, but contrarily reality is showing otherwise. In pursuance of **sub-sec.1 (o)** of the following **Section 5**, specially emphasizes that the Health Directorate can declare any markets, masses, stations, airports, boats and ports temporarily closed to prevent the outbreak but instead the Civil Aviation Authority of Bangladesh (CAAB) has announced temporary partial shutdown on one of the International Airport from 20th March, 2020, keeping other International and National Airports open²¹, whereas the first corona cases was confirmed on 8th March, 2020. On the other hand, public transports like plane, train, ferry and bus services, CNG-run auto rickshaws and improvised motorized vehicles were temporarily shut down after the death of four corona patients, however, exempting trucks, covered vans and vehicles carrying medicine, fuel and perishable items, through issuing a notice by the Ministry of Road Transport and Bridges from 26th March, 2020²². On the same date, Bangladesh Inland Water Transport Authority (BIWTA) has suspended operations of water vessels across the country²³. Corresponding decision was also taken for national supermarkets except for kitchen markets, food shops, pharmacies, hospitals and all emergency services on a limited duration, announced by the Cabinet Secretary²⁴. Thereby, all these instances are indicating towards the mismanagement strategies applied by different ministries and divisions of government without the consultation of Health Directorate in case of decision makings relating to national public health emergence, which has also been agreed by the respondents of the survey **about 61%** (*mentioned in Figure O*), and most importantly practical approaches directly contradict with the provisions of **Section 5(1) (o)**. Further, the Directorate of Health is empowered to declare any area as infected and prohibit entry; if the disease in any particular area cannot be contained or removed and if there are reasons to believe that the disease may be transmitted from an infected individual, the Director or any empowered official may direct for that person to be isolated or transferred to a different location²⁵. Instead of imposing countrywide ‘*Lockdown, a situation in which people are not allowed to enter or leave a building or area freely because of an emergency*’²⁶, the Ministry of Public Administration rather announced the ‘*General Public Holiday, a day when most people*

²¹ Dhaka Tribune. (2020). Coronavirus: All International flights to Chittagong airport suspended. Retrieved 8 June 2020, from <https://www.dhakatribune.com/current-affairs/2020/03/21/coronavirus-all-international-flights-to-chittagong-airport-suspended>.

²² The Economic Times. (2020). Bangladesh shuts all public transports as coronavirus death toll rises to 4. Retrieved 8 June 2020, from <https://auto.economictimes.indiatimes.com/news/policy/bangladesh-shuts-all-public-transports-as-coronavirus-death-toll-rises-to-4/74807256>.

²³ Mithu, A., & Ahmed, M. (2020). Bangladesh prepares for lockdown. *The Business Standard*. Retrieved 12 June 2020, from <https://tbsnews.net/coronavirus-chronicle/coronavirus-bangladesh/bangladesh-prepares-lockdown-60595>.

²⁴ The Business Standard. (2020). Govt and private offices shut down from March 26 to April 4. Retrieved 13 June 2020, from <https://tbsnews.net/bangladesh/govt-offices-remain-closed-march-29-april-2-59998>.

²⁵ Section 11, The Communicable Diseases (Prevention, Control and Eradication) Act, 2018.

²⁶ *LOCKDOWN* | meaning in the Cambridge English Dictionary. Dictionary.cambridge.org. (2020). Retrieved 6 June 2020, from <https://dictionary.cambridge.org/dictionary/english/lockdown>.

*do not go to work or school, especially because of a religious or national celebration*²⁷, from 26th March, 2020 till 30th May, 2020²⁸ after the outcome of four deaths and at least 39 infections²⁹, where ‘Lockdown’ and ‘Public Holiday’ express two different interpretations, which would have carried out by the Health Directorate, imposing the entire country under lockdown, if complying under **Section 11** and hence, indication another contradictory proviso under the following Act.

In addition to, the Act imposes responsibility upon the concerned health practitioners and respective owners and managers of hotels, boarding(s) or residential places to notify the Civil Surgeon, then he shall promptly notify the Director General of such matter, regarding any instances of contamination³⁰. If any authorized officer has reason to believe that the substance used by a contagious person remains infected then he may in the manner prescribed by the rules, purify or destroy those³¹, can direct the owner for purification in the manner prescribed herein if finds infected vehicle³², the authorized officer has also the authority to transfer to other place or isolate any such infected person temporarily, in the manner prescribed by rules, if he has reason to believe that through that patient others might be affected then he can isolate the infected person from infected free persons and transfer to any isolated place³³, but referring to which place, what sort of place he would be going to send or whether we have any such kind of place exists, such contentions are vague. Lots of panic and speculations are surrounded regarding the burial process of those who have died because of corona infections or could have died having similar corona symptoms, with the fear that people might get infected if they touch the dead body during the burial process which is why many family members have abandoned the funeral processions of the deceased persons³⁴, however, the entire burial process is illustrated under **Section 20** which will be buried or disposed off as per the directions of the empowered officials in this regard.

In case of imposing punishment, this Act offers two penal sections one is under **Section 25** where if any person obstructs any Director General, Civil Surgeon or any other empowered official from performing their lawful duties or defies to follow any direction instructed by them

²⁷ *public-holiday noun - Definition, pictures, pronunciation and usage notes | Oxford Advanced Learner's Dictionary at OxfordLearnersDictionaries.com.* Oxfordlearnersdictionaries.com. (2020). Retrieved 7 June 2020, from <https://www.oxfordlearnersdictionaries.com/definition/english/public-holiday>.

²⁸ Prothom Alo. (2020). Bangladesh extends general holiday till 16 May. Retrieved 14 June 2020, from <https://en.prothomalo.com/bangladesh/government/bangladesh-extends-general-holiday-till-16-may-2>.

²⁹ Kamruzzaman, M., & Sakib, S. (2020). Bangladesh imposes total lockdown over COVID-19. *ANADOLU AGENCY HEADQUARTERS*. Retrieved 15 June 2020, from <https://www.aa.com.tr/en/asia-pacific/bangladesh-imposes-total-lockdown-over-covid-19/1778272>.

³⁰ Section 10, The Communicable Diseases (Prevention, Control and Eradication) Act, 2018.

³¹ Section 13, The Communicable Diseases (Prevention, Control and Eradication) Act, 2018.

³² Section 18, The Communicable Diseases (Prevention, Control and Eradication) Act, 2018.

³³ Section 14, The Communicable Diseases (Prevention, Control and Eradication) Act, 2018.

³⁴ Abdullah, M. (2020). Panic continues to obstruct burials of coronavirus patients. *Dhaka Tribune*. Retrieved 16 June 2020, from <https://www.dhakatribune.com/bangladesh/2020/04/02/panic-stricken-people-continue-to-obstruct-burials-of-coronavirus-patients>.

then such act shall be punishable with up three months imprisonment and/or fine up to Tk. 50,000 (US \$590) and another is under **Section 26**, where if any person provides false or misinformation despite knowing the correct information, shall be sentenced to maximum two months of imprisonment and/or a fine of BDT 25,000 (Us \$294). In addition to, the **Penal Code, 1860** also imposes criminal liability where a person commits any act which they know or have reason to believe is 'likely to spread' the infection of a disease dangerous to life, then he shall be punishable under imprisoned for a term up to six months or be liable to fine or both³⁵. As there is no doubt that the fatality rate of the COVID-19 can have deadly consequences and the terms 'likely to spread' and 'have the reason to believe is' can extend to the wide application towards the prevention of the virus. Even if a person disobeys any rule of putting vessels into quarantine or regulating the intercourse between places where an infectious disease prevails and other places then he shall be punishable of imprisonment up to six months and/or fine or both under **Section 270 of the Penal Code, 1860**. Comparing these both laws for imposing punishment the Penal Code, comprises provisions relating to the negligent and malignant spread of infectious diseases, penalizing those who disobey the regulations of quarantine whereas the newly Communicable Act is based upon present context.

Yet people, who breached lockdown, quarantine and social distance, were penalized under various national laws with different ranges of fine, without the complete implementation of the Communicable Act, solely conducted through the jurisdiction of the Mobile Court, carried out by the Executive Magistrate³⁶. This clearly contradicts against the intention of the ***Communicable Diseases (Prevention, Control and Eradication) Act, 2018***, highlighting in pursuance of **Section 3**, where one side illustrates the significance of prevailing this newly Act about all, during any epidemic crisis or national health emergence and other side reflects the failure of the state to acknowledge the purpose of law with inadequate strategic policy, unprepared health system, ineffective enforcement of legal provisions and assurance of the public safety, particularly to those, who are continuously working in the field for our safe and security.

6. Findings, Discussion and Analysis:

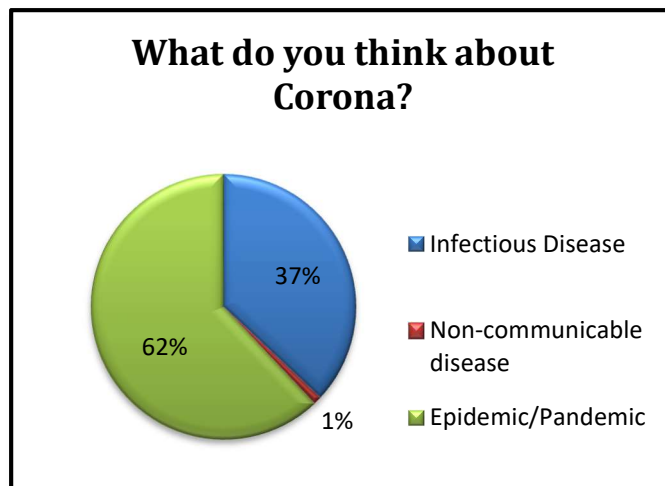
To further emphasize and reflect the social perspectives in order to fulfill the objectives of the research paper, a google survey was conducted among 102 respondents, between 70% men and 30% women around 24 to 60 ages, having enrolled in different genres of profession where among 34.3% are students, 9.8% are advocates, 9.8% are private job holders, 8.8% are involved in teaching, 7.8% are businesspersons, 3.9% are bankers, 3.9% are engaged in researching fields, 2.9% are journalists and the rest 18.8% are from other sectors of professions. The following

³⁵ Section 269, The Penal Code, 1860.

³⁶ New Age Bangladesh. (2020). Lockdown breach continues, Passenger movement on trucks raise alarm, private vehicles to face fines for unnecessary movement: DMP. Retrieved 15 June 2020, from <https://www.newagebd.net/article/104661/lockdown-breach-continues>.

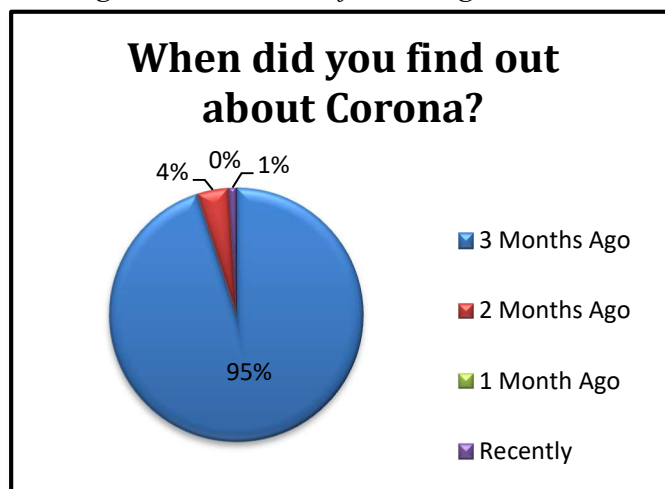
survey shows the views of general people in dealing with the control of infectious disease Covid-19 in Bangladesh from both government and general people's sides, highlighted underneath:-

Figure A: Knowledge about COVID-19



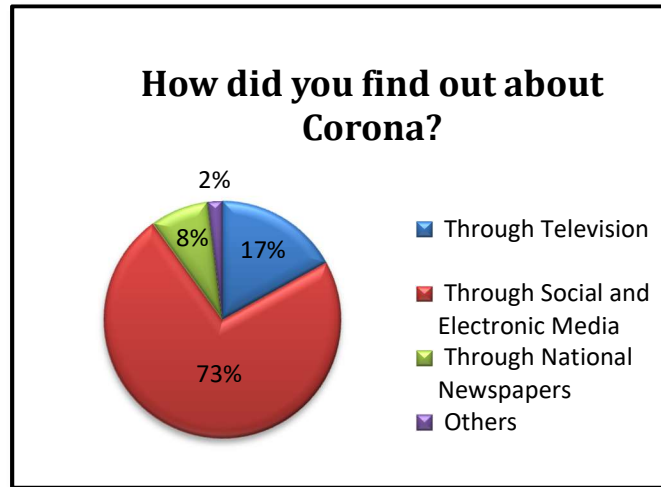
When asked about the concept of COVID-19, 62% of people stated as epidemic or pandemic where 37% as infectious and the rest 1% thought as non-communicable disease. It clearly shows ambiguity among general people on the theory of COVID-19 and even no legal or general definition has been provided anywhere, neither in legal provisions nor in any public health document.

Figure B: Duration of Knowing COVID-19



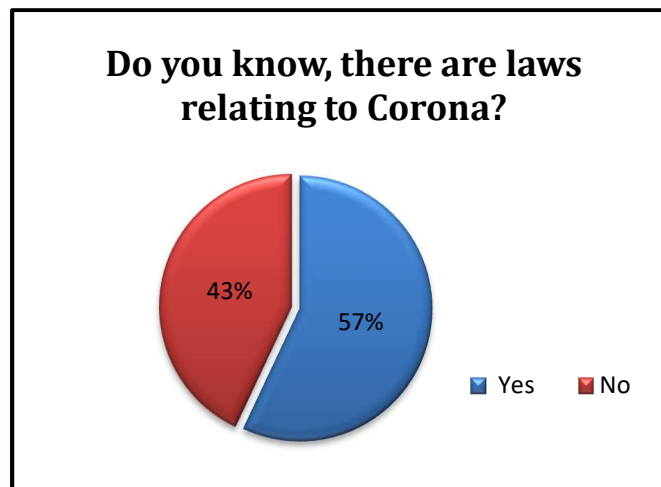
In case of duration when these respondents came to know about the effects of coronavirus 95% agreed, they knew from last year December, whereas 4% came to know from 2 months ago of the current year but 1% just came to know recently. Though most of the general people have the knowledge about Covid-19 from the moment of outbreak but overall population of Bangladesh lacks awareness in this concern.

Figure C: Medium of Knowledge about COVID-19



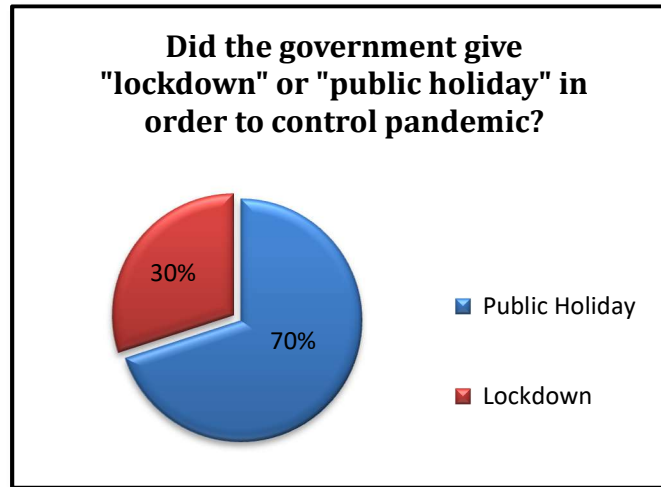
Social and electronic media have a big influence over the minds of the people when it comes to obtain information about this unidentified disease where 73% agree with the fact, 17% know from television and the rest 8%, 2% know from national newspapers and other following sources. At the same time, lots of hoax information has been spread throughout social media relating to corona and thereby, it is important to receive information from authentic sources and properly educate ourselves.

Figure D: Laws related to COVID-19



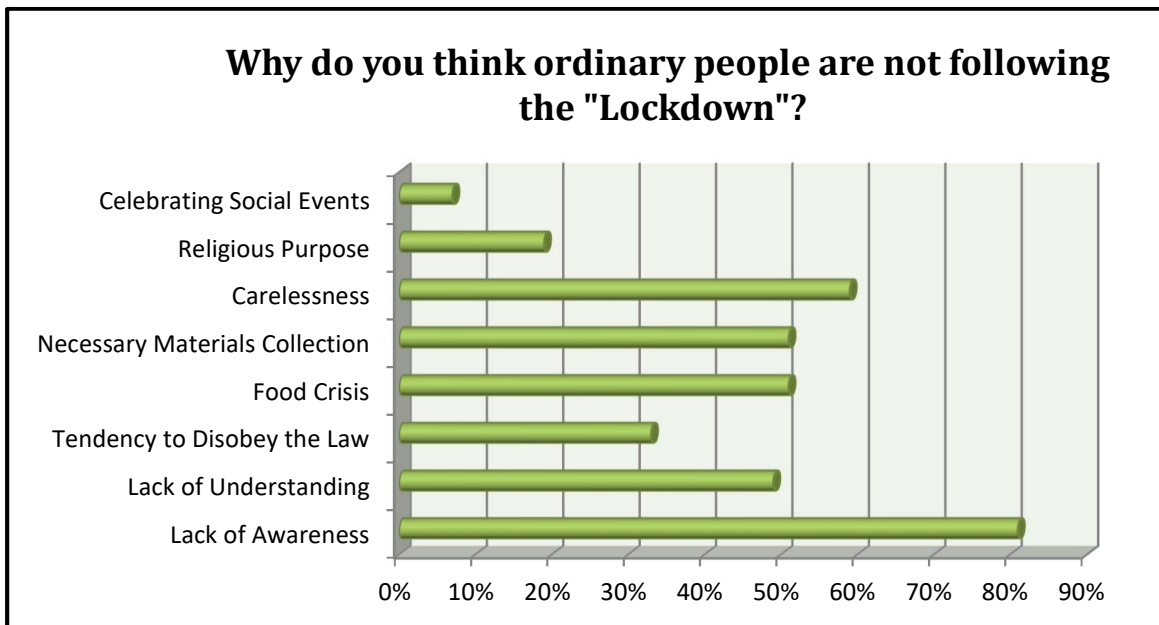
Among the 102 respondents, 57% do know about the existing laws concerning diseases and virus, however, mostly about 43% are not sure whether it relates to corona as just recently this contagious disease was enlisted in the Communicable Diseases (Prevention, Control and Eradication) Act, 2018. Even in the presence of the above Act, legal ambiguity still remains an issue in dealing with the outcome in a vulnerable country like Bangladesh.

Figure E: Initial Step of Government



The Bangladesh government has declared 'public holiday' instead of 'Lockdown' in the emergence of COVID-19, agreeing by 70% people of the survey but 30% thinks it is a lockdown. Due to this negligent decision, has caused people to believe that they can utilize their free time as like any other general public holiday which has immensely contributed on the raise of the number of infected persons in the country.

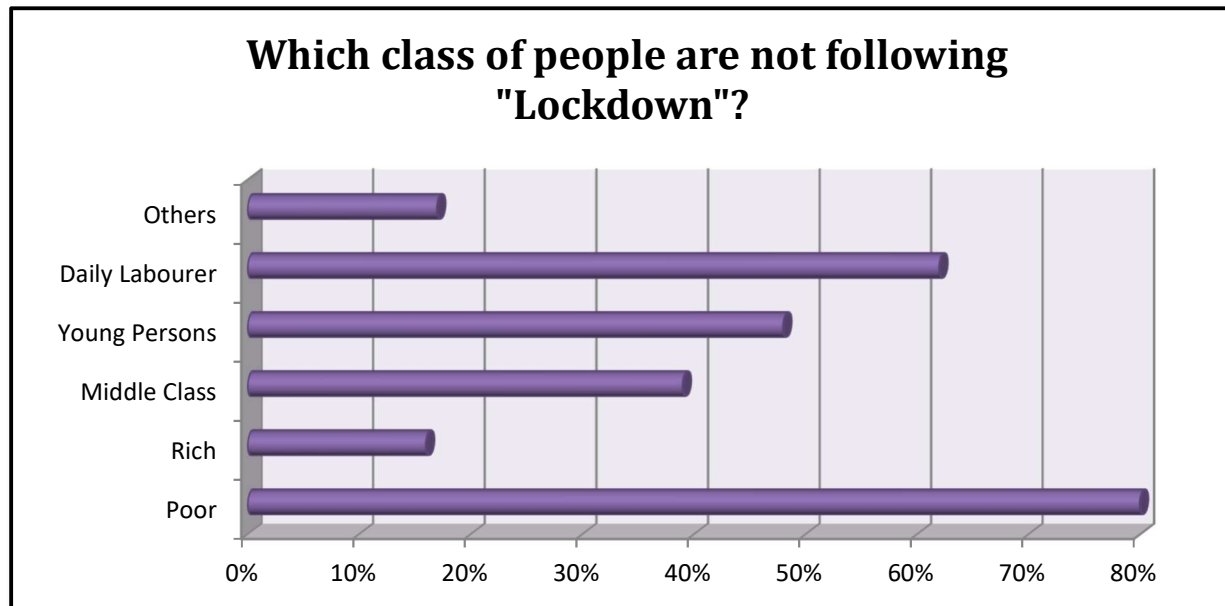
Figure F: Reasons for Defying the Lockdown



In the survey, the highest rate about 80% of people agree with the fact that due to lack of awareness, 59% and 49% respondents think that lack of understanding and negligent people did not maintain and follow the provisions of lockdown, social distancing, personal protective methods and quarantine procedures which further allowed to the number of infected persons and death of many people, crossing over 1000 marks. Moreover, many people even knowing the

consequences have the tendency to disobey legal rules and regulations where 33% of respondents define the same. Considering the country of being over populated and poor, maximum people earn their livings through daily basis methods where the influence of COVID-19 has created huge food shortage, sky-rocket prices of daily, medical or necessary items and no intervention from the government's side to regulate and maintain these irregularities for which the survey exhibited 51% by the respondents agreeing the same situation.

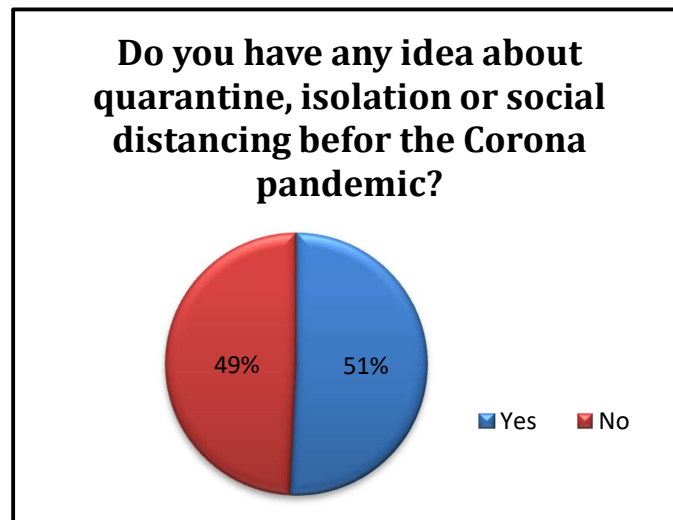
Figure G: Classes of People Defying Lockdown



As mentioned earlier, the maximum people make a source of living based on their daily basis professions where they are more afraid of not earning rather than the impact of corona and as a result, the above image reflects about 80% of people think that poor are mostly defying the regulations of lockdown which also includes daily labourer in this category about 62%. But other classes of people such as young person's 48%, middle class family's 39%, rich family's 16% and others 17% are not concerned about the current situation which is another reason to contribute in the raise of rate of infections. The overall situation could have been managed if the governmental organizations with collaborations from private organizations, made flexible way to convey daily necessary, food and medical essentials to the convenient and secure places for individuals' places, along with proper availabilities of tests, medicines, having affordability. Besides, anyone who defies lockdown, defies quarantine, provides misinformation, assists in spreading the infection or commits any other act which goes against the legal regulations must be brought under strict punishment, either by imposing fine, imprisoning or suspending national documents, within the legal provisions of the newly said Act, if necessary also including other relevant laws. At the same time, people who are directly engaged working from outside such as governmental officers, doctors, nurses, law enforcement officers, pharmacists, parcel delivery persons, cleaners

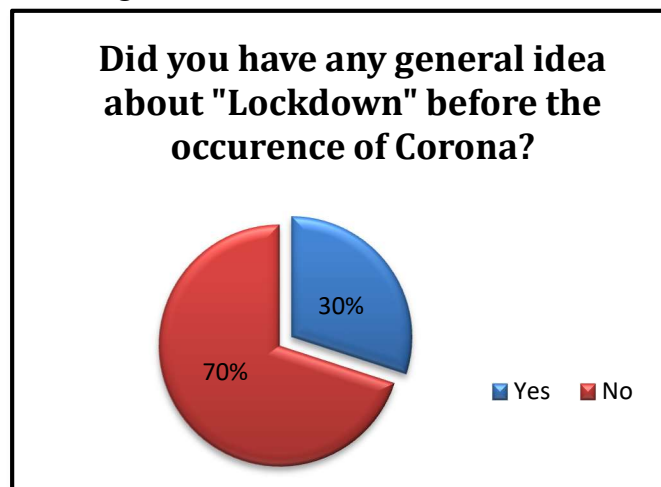
must be provided with adequate protective equipments and measurements from the local government depending upon their areas and locality.

Figure H: Understanding of Quarantine, Isolation or Social Distancing



The survey further illustrates that about 51% do have the idea about the following terms of, 'quarantine', 'isolation' and 'social distance' which they gain knowledge with the help of internet and national mass media before the outbreak of pandemic whereas 49% have not heard about these above terms before.

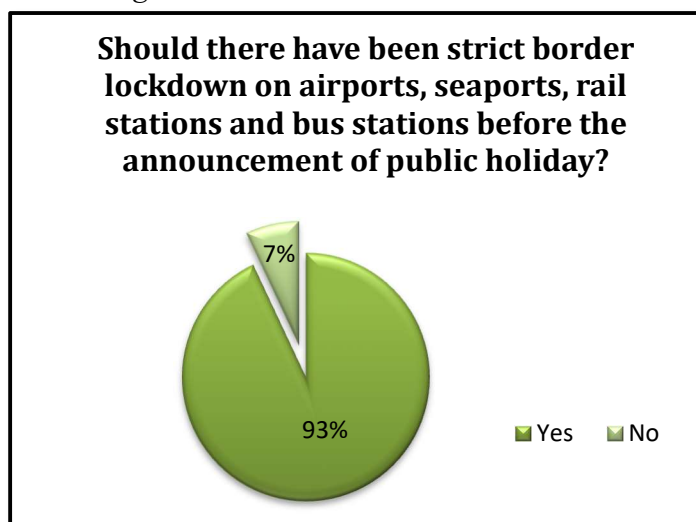
Figure I: General Idea about Lockdown



When asked about do they possess any idea about the term 'lockdown' before the spread of corona and shockingly only 30% people know about this term but having inexplicit meanings within it. Some say restriction on physical movement where people will stay where they were before, or imposition of curfew, if such person requires going outside then must maintain social distance, wear masks, gloves and after returning home must wash their hands for 20 seconds, at that time, every organization and institution will be shut down except for hospitals, grocery

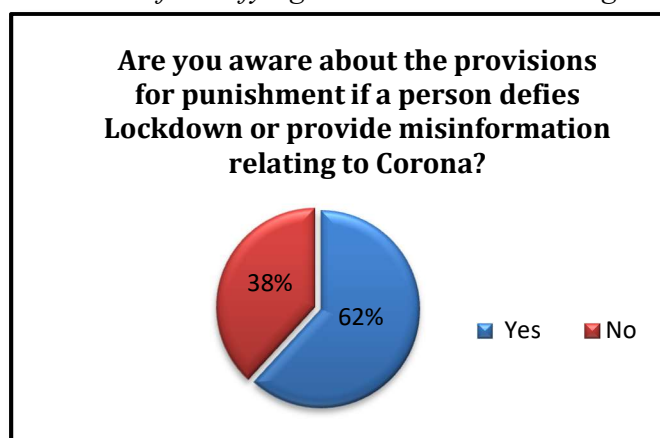
stores, police stations etc., others say making themselves locked out at home with following protective measures which can be of two types either preventive or emergency where the country has taken preventive measure lockdown, or maintaining social distancing meaning lockdown, but no uniform definition of such term about what actually 'lockdown' means. On the other hand, a huge number of percentages about 70% have no knowledge what is 'lockdown' and what measures we have to adopt during lockdown period.

Figure J: About Strict Border Lockdown



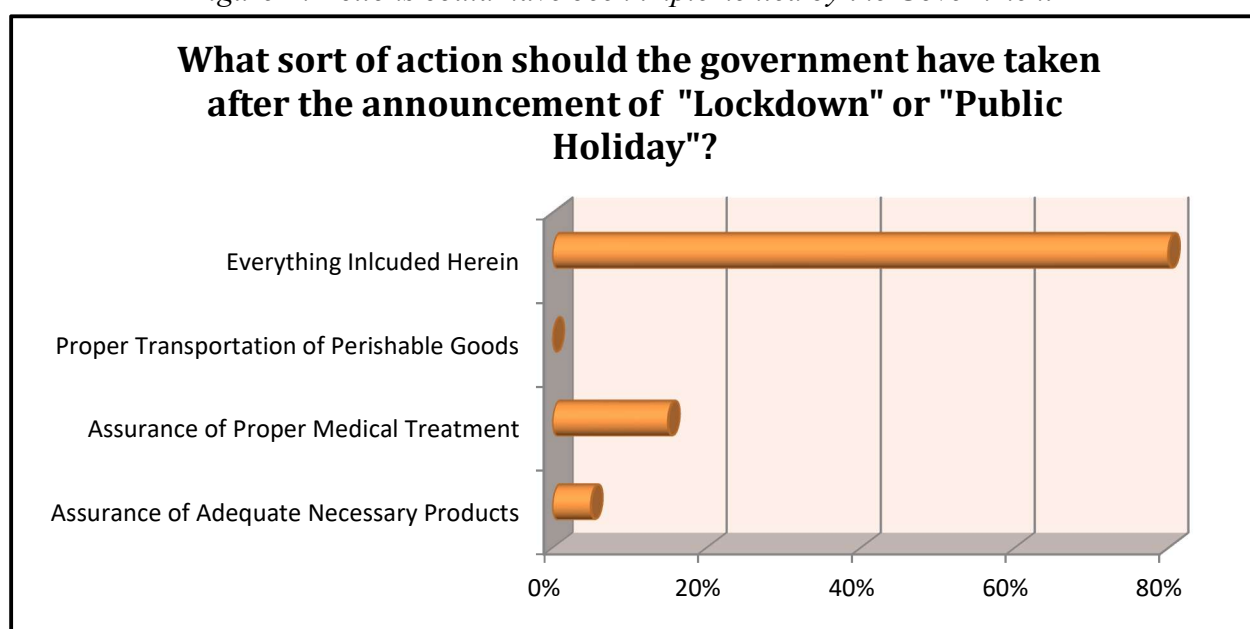
In order to slowdown the spread of infectious disease strict border lockdown on airports, seaports, rail stations, bus stations or any other public transportation should be the first concern of any country both regionally and nationally. But a different turn took place in Bangladesh where there was no strict border lockdown rather a partial lockdown is a suitable way to say this until recently at the beginning of April at the current year, the government enunciated severe measurements. Here the survey demonstrates that 93% of people think that strict lockdown should have been implemented before the outbreak of corona in Bangladesh by the government but the rest 7% differs with the fact.

Figure K: Punishment for Defying Lockdown or Providing Misinformation



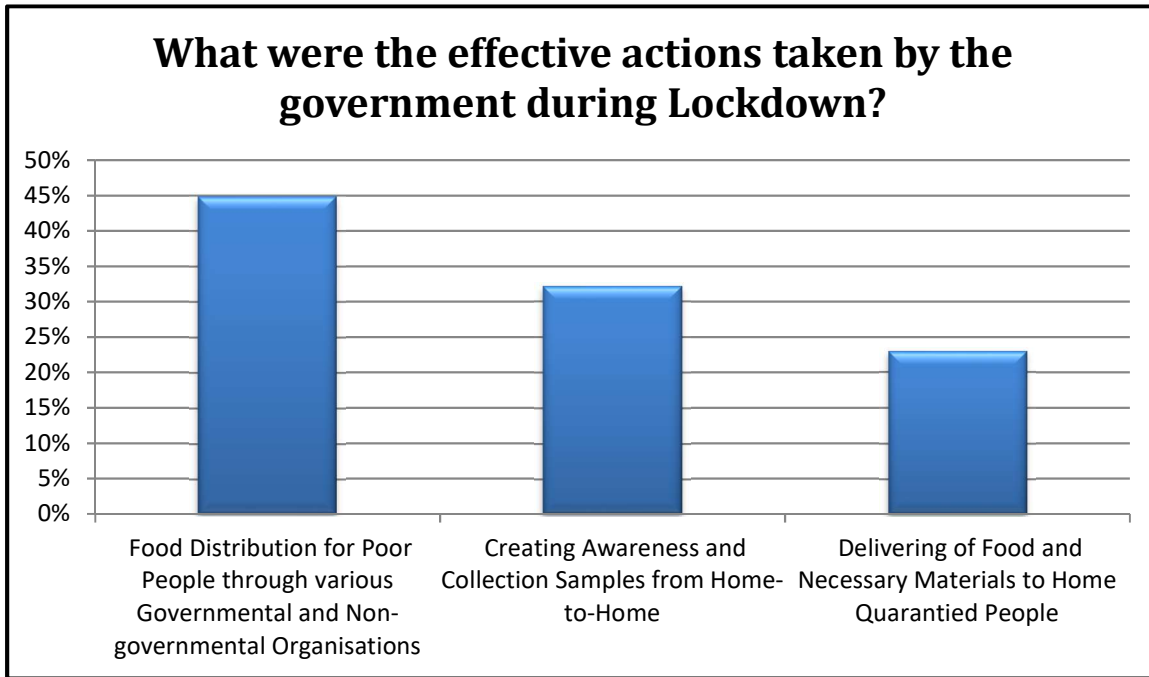
Though the national laws illustrates the consequences of breaching any legal provision, similar for also if anyone defies the regulations of lockdown, social distancing, quarantine, provide false or hides information, commits or assists the spread of infectious disease as regulated and illustrated under the 'The Communicable Diseases (Prevention, Control and Eradication) Act, 2018. However, no such action or imposition of punishment has been carried out which comes within the outline of this newly Act. Even though 62% people know about the presence of all these provisions but ineffective implementation has driven people to defy lockdown and also not carrying out proper personal protective measurements. Unfortunately, 38% people have hardly known about the existence of such provisions.

Figure L: Actions could have been implemented by the Government



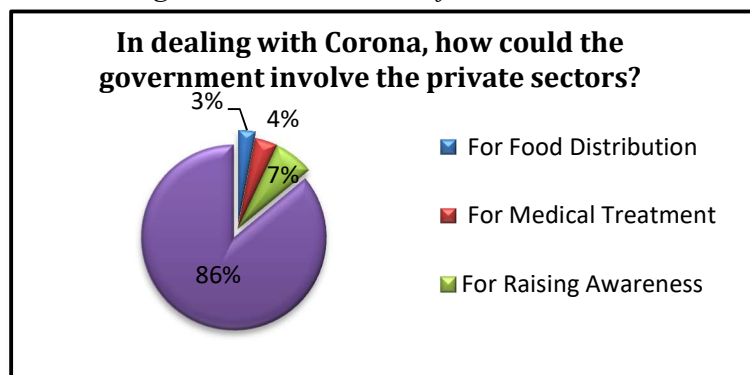
Being an over populated country with high rate literacy and poverty can be extremely burdensome for the government of Bangladesh but maybe, based upon assumptions early drastic preventive mechanisms could have controlled the rate which is now prevalent. As a result, the survey illustrates that 80% of people prefer proper management and assurance of quality adequate food, medical supplies and necessary daily items in the market with pricing affordability, monitored and regulated by the governmental authorities, so that ordinary people could easily access these products to their convenient local places without the need to go outside, maybe if possible involvement of private organizations could help further, allowing such would reduce the risk of possibility of infections as well as decrease in the spread of COVID-19. But at the same time, people who are unable to work from home or suffer from financial meltdown, in such cases government may introduce schemes for public welfare funds to aid them in this pandemic crisis for the time being and later expenditure of relief can be collected from the general public as a surplus of tax for few years, if requires.

Figure M: Initiatives taken by the Government



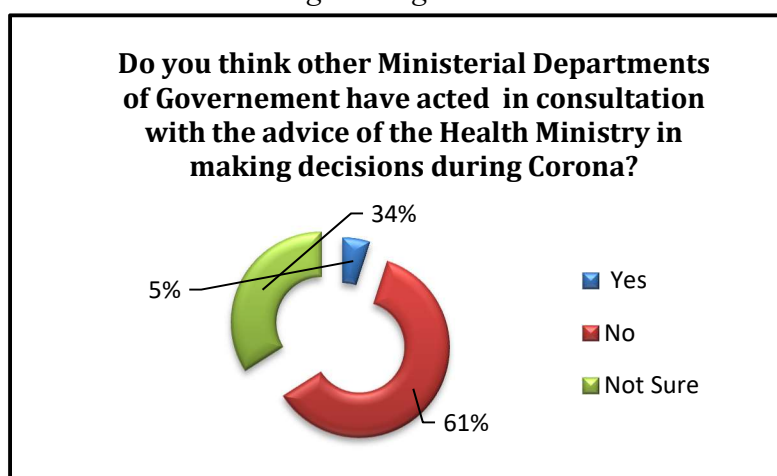
Even having flaws in the governmental system, the government of Bangladesh has done some appreciable initiatives in the sectors of food, necessary materials and money distributions for the poor, quarantined people and unemployed citizens on the priority basis, especially for beggars, vagrants, day laborers, rickshaw pullers, transport workers and tea vendors even with the assistance of non-governmental or private organizations as the survey reveals the same with 45% agreeing. Till the month of April 2020, the Bangladesh Ministry of Disaster Management and Relief have allocated about 40,000 metric tons of rice and Tk 11.5 crore so far. In addition to, the Finance Ministry has recently announced a fund of Tk 1,256 crore for a one-time payment of Tk 2,500 to 5 million poor families. From every Government Ministerial Departments, Members of Parliament, Bangladesh Army, Border Guard Bangladesh, Bangladesh Cricketers, Non-governmental Organizations to each individuals have been contributing funds from their respective positions to battle against the impact of novel coronavirus in Bangladesh.

Figure N: Involvement of Private Sectors



There is no doubt of denying how private and non-governmental organizations have contributed immensely amidst the pandemic situation in Bangladesh. Similar views have been expressed by the survey's respondents by 80% confirm that they want private organizations to be involved with the governmental departments in the segments of distributing and delivering food, medical supplies and daily materials to the convenient places of individuals to minimize the outbreak, even in providing medical treatment for speedy recovery to the infected patients in private hospitals or initial medicinal measures who are in risk of infecting, and maybe also in case of raising social consciousness or disinfecting public places so that the burden over the Bangladesh government can be eased off, keeping in mind with the limited resources the country possesses. Initiative like, 'Mission Save Bangladesh', partnered with The Daily Star and The Daily Samakal; two national leading newspapers, The Shakib Al Hasan Foundation, have provided grocery items to the underprivileged such as the rickshaw pullers of the city, raising a donation of around BDT 60 lakhs (US \$70689). Another well-known initiative taken by the non-profit social welfare organization, Bidyanondo Foundation, has provided food aid to 1,058,000 families across the country with the support of 73 non-government volunteer organizations and the Armed Forces, from April 12 till May 3, 2020, spending Tk 9 crores across the the country. Through the help of crowd funding, Jaago Foundation has distributed staple food, masks, soap, sanitizers and other basic necessities in various districts of the country. Further, Alor Pothe Nobojatray (APON) Foundation, NGO dedicated towards working for the welfare of underprivileged children in Bangladesh, has helped many children and their families, who are among the most vulnerable to the COVID-19 outbreak, and contributed in food support, distributed hand sanitizers, soaps, gloves, masks, conduct basic awareness campaigns, and provide medical supplies when needed. These stories of contributions will continue to go on, due to the level of support these organizations along with others have demonstrated and allowing them to collaborate with governmental institutions will assist to defeat the ongoing battle of COVID-19.

Figure O: Cooperation between other Ministerial Departments and Health Ministry in decision makings during COVID-19



Unfortunately, when it comes to making decisions on the public affairs the governmental ministerial departments have mostly felt short without the need to maintain coherent relationship and cooperation with each ministry. As a consequence, 61% of people affirm that there was no coordination between Ministry of Health and Family Welfare and other Ministries while taking decisions relating to COVID-19 or any other health related advice or preventive measures which certainly goes against the spirit of the newly The Communicable Diseases (Prevention, Control and Eradication) Act, 2018 Act, on the contrary, 34% disagree with the statement and the rest 5% are not sure.

7. Recommendations:

- While enforcing the above said Act, the following social, economic, political, religious, geographical and administrative sectors should be considered with consistency.
- Establishment of National Health Command Sector for speedy disposal of COVID cases.
- Constituting schemes of insurance and medical facilities for health providers.
- The newly Act lacks the legal definition of ‘Pandemic’ whereas it was present in the previous repealed the Epidemic Diseases Act, 1897, thereby, reformation should be made to include legal definition of ‘Pandemic’ in the newly Act.
- Legal punishment must be ensured to those infected persons who defy the regulations of social-distance, isolation and maintenance of quarantine.
- Legal punishment must be ensured to those persons, who are not infected, however, defy to comply with the provisions of this newly Act, thereby, strict provisions should also be included for better implementation.
- Legal punishment must be ensured to those persons who conceal, provide false or misinformation regarding the prevention, control and eradication of infectious disease, through inclusion of stricter provisions.
- People coming from abroad, must go through medical screening and maintain certain medical measures such as self-isolation or under quarantine for a temporary basis before returning to normal routine.
- Legal punishment must be ensured to those persons, coming from abroad, for not maintaining medical measures by means of suspension of passport, National Identity Card (NID) or compensation, depending upon the gravity of offence.
- The government can collaborate with private organizations and non-governmental organizations to prevent, control and eradicate the infectious disease, to achieve productive enforcement of the above said Act.
- The maximum number of people in our country has the earning source of livelihood on daily basis, so before taking any precautions, the government should formulate public funds for their food or any necessary supplies.

- For the purpose of effective enforcement, a panel of experts' opinion in different sectors of profession can be taken into consideration to acquire depth analysis of the overall impact.
- The government must mandate not only to the doctors of public hospitals to provide treatment to infected patients but also to the doctors of private hospitals while dealing with the pandemic situation.
- There must be proper communication and collaboration between the Ministry of Health and Family Welfare with other inter-ministerial departments in regulating the prevention and eradication of infectious/contagious disease.
- Sections 269 & 270 of the Penal Code, 1860, can be applied in this sense for preliminary initiatives to impose punishment.
- People who are affiliated with the prevention, control and eradication of infectious disease, such as nurse, street cleaner, garbage cleaner, etc. should be aware about the provisions of this newly Act along with the precautions come with it.
- Certain imposition of punishment must be ensured by the government as a paradigm, reflecting the consequences of not abiding the law.
- During the pandemic distress, the government should include a list of 'what should be done or what should not be' in this newly Act, at the time of general holiday.
- The Ministry of Health and Family Welfare should constitute a 'Legal cell' to tackle the situation.
- At the time of distributing food, Trading Corporation of Bangladesh (TCB) should maintain certain procedures and well-management.
- The government should also focus on the decentralization to avert the situation quickly.
- Medical service should be given at every district level to tackle the situation quickly.
- There should be introduction of legal process to file complaint against any particular who defy the rules and regulations of this newly Act.
- For further implementation and successful outcomes, 'The Communicable Diseases (Prevention, Control and Eradication) Rules' should be formed immediately.
- Safety measurements should be ascertained to those volunteers who are assisting in delivering and distributing the necessary supplies to the helpless and needy people.
- With the help of mass and social media, social consciousness can be made by familiarizing the following terms of isolation, self-quarantine, lock down etc.

8. Concluding Remark:

Desperate times require desperate measures as the world is going through crucial time and Bangladesh is not a stranger to it. But to prevent the outbreak of COVID-19, the government must come with speedy solutions to save public health before it becomes a disastrous situation. Partially, the government has exhibited some positive initiatives like providing distribution relief, making scheme budgets for unemployed and poor people, circulation of corona awareness in mass media, legalizing the use of masks in public places; however, drawbacks from the governmental side cannot be overlooked especially in the absence of public health schemes for health providers, existence of policy gaps in the 'The Communicable Diseases (Prevention, Control and Eradication) Act, 2018'. Thought should be given whether blaming the government justifies a suitable decision, whereas developed nations like USA, UK, Italy etc., having high quality of healthcare could not withstand the force of COVID-19. As a result, this emphasizes the need for establishing the National Health Command Centre which will deal not only in urban centric areas but also rural centric places. It is expected from the private organizations to come forward in this aid to reduce the burden of the government. Further, proper implementation of this Communicable Diseases Act should not only be done but also seen to be done, even by means of imposing stricter punishments on those who the regulations of lockdown, social distancing, and quarantine or who provide false information or circulate misinformation. Perhaps, applying prompt measures and individuals working mutually may contribute to overcome the existing pandemic crisis in Bangladesh so that this incident never repeats in the history of mankind.