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The Challenges of Covid 19 in Bangladesh: Need an Emergency Law

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ABSTRACT

In contemporary times, a number of challenges are noticed in Bangladesh regarding Covid 19 pandemic when most of the countries are facing the same problem worldwide. There are countless intricate in Bangladesh vis-à-vis massive incidences like distancing problems with other issues. Likewise, there is still no strong evidence on the success of the treatments as well as a lacuna of available vaccine, job solution of the jobless people, testing services problem on hand while it is practicing social distance and other strong precaution measures stay the best combat to protect the most serious impact of the Covid 19 outbreak other countries of the world. However, If Bangladesh does not tackle this problem within the possible time, it will be overwhelming challengeable for Bangladesh for implementing the Covid 19 issues in this tremendous crisis. Nevertheless, this paper shows the issues of Covid 19 matters and then provides logical recommendations including new laws like England. Also, this paper illustrates how government can mitigate this problem though enacting a new law and strategic plan as well.

Keywords: Covid 19, Laws, Acts, Enforcement Agency, Criminal Matters, Distancing and Other Issues, etc.

I. INTRODUCTION

Most The recent outbreak of Covid 19 has been made a problem for the people in their daily life all over the world. This Covid 19 pandemic hits Bangladesh hugely when the plethora of people have already died across many countries as said the World Health Organization (WHO).³ No vaccine is discovered still for Covid 19 for removing virus, although some countries demand regarding discovering that vaccine.⁴ However, despite the remaining surfeit of Bangladesh, it is attracted to Dhaka city highly. There are inadequate, medical facilities

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³ Islam, M. S., Potenza, M. N., & van Os, J. (2020). Posttraumatic stress disorder during the COVID-19 pandemic: upcoming challenges in Bangladesh and preventive strategies, *International Journal of Social Psychiatry*, 0020764020954469.

⁴ Wang, L. S., Wang, Y. R., Ye, D. W., & Liu, Q. Q. (2020). A review of the 2019 Novel Coronavirus (COVID-19) based on current evidence, *International journal of antimicrobial agents*, 105948.

problems, social distancing issues, the problem of vaccine, jobless and other issues of Bangladesh.⁵ Nonetheless, no voluntary performs of social distancing which is mostly noticed among the general public even when they do not wear the mask in this Covid 19.⁶ It is also mentioned that people who come from abroad countries or virus affected area are overwhelming unconscious regarding these issues. According to that, because of skyrocket the infection of corona worldwide, the World Health Organization (WHO) recommends giving a lockdown for Bangladesh. Therefore, the Bangladesh government takes stick decision from March 26 to April 4 to give lockdown and provides some guidelines to minimize the spread of Covid 19 and followed by all citizens. However, this paper aims to provide the solution of the Bangladesh government during Covid 19 pandemic by presenting the modern-day problems. Thus, this paper will discuss the government's rules and the accountabilities of the administrative enforcements concerning the problem and then provide a recommendation with the new law for Bangladesh.

II. THE GOVERNMENT'S ORDER

First of all, all private and government offices are closed for 10 days except hospitals, restaurants, shops of essential commodity grocery shops, pharmacies, such as fresh produce markets and industries, retail banks in a limited capacity, and other emergency services. The aim of this lockdown is social distancing and protect themselves from the spreading of the virus. According to those guidelines of the government, no one will go outside including foreigners specially public places except emergency cases like hospitals, restaurants, shops of essential commodity grocery shops, pharmacies, such as fresh produce markets and industries, retail banks in a limited capacity. Nevertheless, if anyone goes outside, they should wear a mask and gloves as well.

And the rule of foreign residents who stay outside of Bangladesh, the rule is made for quarantine at least 14 days. At that time, Public transport was continued infrequently, and that transport should be avoided as ordered by the government as possible as even all social related programs like religious assemblies, political and gathering are imposed on banning.

It should be maintained the order of government for not going out of the home, but after three days, hundreds of videos are telecasted on social media like Facebook, Instagram that no one follows the government rules. People are visiting their village or hometown during lockdown

⁵ Rafeed, M.M. (2020). *What does the law say about Covid-19 crisis?* Retrieved 12 21, 2020, from Dhaka Tribune: <https://www.dhakatribune.com/bangladesh/2020/03/30/an-overview-of-the-laws-that-regulate-the-current-crisis-situation>

⁶ Islam, M. T., Talukder, A. K., Siddiqui, M. N., & Islam, T. (2020). Tackling the COVID-19 pandemic: The Bangladesh perspective, *Journal of public health research*, 9(4).

which makes confusion and complexity concerning the interpretation of government rules and order as well.

III. ENFORCEMENT BY CIVIL ADMINISTRATION, POLICE, ARMY, AND OTHER LAW ENFORCEMENT AGENCIES

The violation of lockdown from the government and non-government, it is operated in filed by an executive magistrate under Mobile Courts Act, 2009⁷ and then imposes fines under section-269 of the penal code, 1860 too. Section 269⁸ of the penal code mentions that it is an offense if people act neglect in a manner for spreading infection along with dangerous problem for life. According to that section, punishment can be held for 6 months, although there is no specific amount. However, it can be any amount concerning section 63 of the penal code 1860 but it is not extreme.⁹

Nevertheless, mobile courts can fix punishment 6 months and make fine including one thousand taka under section 188 of that penal code for disobedience of government's order which may make a dangerous life for people and human health too.¹⁰ Against that mobile court order, people may appeal going to district judge court who gets penalty by the executive magistrate.

If a person infringes any order of government or succor or spread an infectious virus or provides false information regarding contagious virus he or they will be prosecuted under various provisions of Shonkramok Roge (Protirodh, Niontron O Nirmul) Ain, 2018.¹¹ In this way, the government can choose a procedure under the penal code to maintain the mobile court for violating the criminal justice system. However, the law enforces agencies and the police are liable for ensuring the public abide by the law and government order.

IV. THE CHALLENGES OF COVID 19 IN BANGLADESH:

(A) The Problem of Social Distancing

Primarily, Bangladesh does not impose any harsh procedure.¹² That's why millions of people are rushing outside specially in Dhaka city. In Bangladesh, 46 thousand people are living per square kilometer. Consequently, people fall in catch 22 while they walk on the road and other areas. However, for the social distancing problem, it is recommended by the WHO

⁷ The Mobile Court Act 2009

⁸ The Section 269 of the Bangladesh Penal Code 1860

⁹ Ibid.

¹⁰ Ibid.

¹¹ Rafeed loc, cit, 3.

¹² Anwar, S., Nasrullah, M., & Hosen, M. J. (2020). COVID-19 and Bangladesh: Challenges and how to address them, *Frontiers in Public Health*, 8.

organization for stooping or spreading virus and order to stay at home as well. It is said that social distancing has become an overwhelming difficulty to control in Bangladesh. Nevertheless, this social distancing is still alluring important for filibustering the Covid 19 transmission as well as¹³ the challenges of bordering communities in maintaining social distances too.¹⁴ During the Covid 19 pandemic, the social distancing problem is enlarged due to the lacuna of public awareness and appropriate information as well.¹⁵

In general, social distance or physical distance refers to control infection measure which needs to keep a safe distance at a minimum 1 meter from others. It includes the number of measures involving education institutions closing, office closures, cancellation of large scale events (like sporting activities, shows, and political events), movement restrictions, protecting (avoiding people to people communication, carrying out commercial activities online, limiting to go public places as well as minimizing needless tour), quarantine, preparation (separating burial and area of treatment from the population in general), and preventive isolation (blocking highway roads and arriving train passengers in quarantine). Therefore, keeping a social or physical distance may minimize the risk of infection. In certain instances, differentiation simulates between ‘physical’ and ‘social’ distancing for the reasons that people may stay connected with other people via high technology.¹⁶ There are several organizations and researchers such as health, government, private agencies that define social distancing. For instance, according to World Health Organization,¹⁷ implies that social distance supports reducing the spread of Covid 19 meaning keeping a distance from others at least 1 meter and evade time spending in public places or crowds. On the other hand, particularly, one of the most important strategies to control the increase of Covid 19 is social distancing including canceling the mass gatherings and to keep at least 6 feet of distance among people mentioned by the Australian Government Department of Health, Public Health England, Public Health Agency of Canada, White House of USA. WHO motivates the nation’s set up and prepare hospitals as well as health care facilities, save their medical staffs,

¹³ Haque, S. E., & Rahman, M. (2020). Association between temperature, humidity, and COVID-19 outbreaks in Bangladesh, *Environmental science & policy*, 114, 253-255.

¹⁴ Ahmed, N., Rony, R. J., & Zaman, K. T. (2020). Social Distancing Challenges for Marginal Communities during COVID-19 Pandemic in Bangladesh, *Journal of Biomedical Analytics*, 3(2), 5-14.

¹⁵ Islam, S., Islam, R., Mannan, F., Rahman, S., & Islam, T. (2020). COVID-19 pandemic: An analysis of the healthcare, social and economic challenges in Bangladesh, *Progress in Disaster Science*, 8, 100135.

¹⁶ Tangermann, V. (2020). It’s Officially Time to Stop Using the Phrase ‘Social Distancing’, Retrieved from www.sciencealert.com/who-is-no-longer-using-the-phrase-social-distancing. Accessed 3-1-2020.

¹⁷ World Health Organization, (2020). *Coronavirus disease 2019 (COVID-19), Situation Report – 72*. Retrieved from <https://www.who.int/docs/default-source/coronaviruse/situation-reports/20200401-sitrep-72-covid-19.pdf>. Accessed 3-1-2020.

and make a decision on how social distancing will be implemented.¹⁸ However, there is still no strong evidence on the effectiveness of the treatments, and without an available vaccine on hand, practicing social distance and other strong precaution measures stay the best combat to protect against the most serious impact of the Covid 19 outbreak in other countries than Bangladesh.¹⁹

By nature, there are two reasons that new cases will remain to arise during the period of social distancing. The first one is when people need to go to the shopping mall as they need food and other fundamental household items, in the meantime employers also need to go to the office for important jobs. The second reason is that the advantage of social distancing will not be favored until the effective policies have been taken for a certain period that is equal to the time between exposure and symptoms. A large number of individuals, who deal with Covid-19 in the weeks before the start of social distancing will not be diagnosed until they begin to show symptoms, and that can pick up in 14 days.

Nevertheless, social distancing effectively relies on how first the standard regulations are implemented. For example, in Italy, Moosa et al²⁰ dispute social distancing measures were implemented too late to prevent the importance of Covid-19, and as a consequence mass death was seen. They mention “emerging evidence from early acting states and localities”. In the case of the US, they contend that “because some states adopted social distancing in mid-March (well before the federal government acted) early signs have emerged indicating that the virus is potentially flattening or spreading more slowly in Kentucky, the San Francisco Bay Area, and in Washington state.” Moreover, they also dispute that when the Trump government spent valuable time to delay the increase of Covid-19 all over the places in the United States, there are some federations and districts made the complicated and difficult decision to apply social distancing. Subsequently, Begley²¹ recommended that people stay at home, closing schools, and other measures to reduce the spread of Covid-19. Thus, Bangladesh can take proper steps for maintaining social distancing and other issues as recommended by the world health organization as well as others.

(B) COVID-19 Testing Services Problem

In Bangladesh, Covid 19 is tested solely for 7,812 samples per million people when Russia

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Moosa, I. A. (2020). The effectiveness of social distancing in containing Covid-19 *Applied Economics*, 52(58).

²¹ Begley, S. (2020). Social distancing is controlling COVID-19; now scientists need to figure out which measures are most effective, *STAT (Health) (Assessed on April 11, 2020)*.

tests 212,414 samples.²² In this way, it is believed that most of the individuals having COVID-19 were cleared out undetected due to the lower number of tests. Nonetheless, positive cases of Covid 19 is on the increase when the number of testing facilities is booming in some areas.²³ In other words, there were only 30 district facilities out of 64 districts which are noticed in various regions.²⁴ However, in most of the districts, there are no testing services like Khargrachi, Bagnaldorbon, Rangamati but Covid 19 escalated in those areas from June up to June 2020- 312, 256, and 237 respectively.²⁵ And, notably, there are 3 testing amenities in Khulna, Barisal, and Kustia, where cases of Covid 19 increased enormously including 6831 people cases.²⁶

However, Bangladesh becomes a dangerous zone for Covid 19. That's why most of the health doctor works remotely from their hospitals when they do not test to the general public.²⁷ On the other hand, some private clinics make the report of Covid 19 of general people, but they do not inform the positive issue of an attracted person regarding Covid 19 positive.

In this way, Doctors will be liable for negligence of testing services. Nonetheless, that testing services should be increased in Bangladesh so that the number of positive cases can be known easily. If it is not crammed in the whole country, it will be the red zone for the corona virus and halt massive suffering as well.

(C) The Problem of Mental Stress

The problem and fear including mental health are increased in Bangladesh even all over the world for causing Covid 19.²⁸ When people receive new news from social media like Facebook and also listen to newsflash from real facts, television, print media, social workers, religious, and political leaders they feel the tension. However, social media specially Facebook spreads this problem by chatting. Because of that, social media and the imam of the mosque can provide consciousness and basic knowledge for Covid 19 so that they can control their fairness problem easily.

²² Islam, M. T., Talukder, A. K., Siddiqui, M. N., & Islam, T. (2020). Tackling the COVID-19 pandemic: The Bangladesh perspective, *Journal of public health research*, 9(4).

²³ Ibid

²⁴ Rahaman, K. R., Mahmud, M., & Mallick, B. (2020). Challenges of Testing COVID-19 Cases in Bangladesh, *International Journal of Environmental Research and Public Health*, 17(18).

²⁵ Ibid.

²⁶ Ibid.

²⁷ Andrade, R. M. D. (2020). A company doctor's role during the COVID-19 pandemic. *Clinics*. <Available at http://www.scielo.br/scielo.php?script=sci_arttext&pid=S1807-59322020000100105> Accessed on 04.01.2021

²⁸ Torales, J., O'Higgins, M., Castaldelli-Maia, J. M., & Ventriglio, A. (2020). The outbreak of COVID-19 coronavirus and its impact on global mental health, *International Journal of Social Psychiatry*, 0020764020915212.

(D) Vaccine's Problem

In the world, many countries specially Russia, England demand that they discover the vaccine to tackle the Covid 19 issues. However, this vaccine carries along with several countries to apply reality and fit from enduring Covid 19 pandemic.²⁹ But it is sorrowful that there is no step in Bangladesh to bring that vaccine, although it does not work 100% for applying to the people. The updated population all over the world is approximately 7.8 billion, but need more than 15 billion vaccines to overcome this Covid 19 problem.³⁰ The US expert mentions that seven percent can cover their Covid 19 difficulties by wilding the vaccine successfully. Nonetheless, it becomes an overwhelming challengeable in Bangladesh to get a vaccine as a developing country.

Dr. Faisel said that the government of Bangladesh is not able to provide the vaccine to the people in this 'a chicken and eggs'.³¹ For solving this problem, the government should increase diplomatic relations with foreign countries to get that vaccine. It is seen that China and Russia apply their vaccine domestically, but our media do not highlight these two countries' vaccines. Nevertheless, we think that by taking the vaccine from those two countries, Bangladesh will be benefited if the government thinks regarding this crisis as well. On the contrary, some people believe that if this vaccine comes in Bangladesh, powerful people will try to have that vaccine when they took PPE in previous time as referred to the president.

(E) Jobless People

It is a horrible situation in Bangladesh that about 68 percent of people lose their job due to the Covid 19 pandemic according to a world bank report. That's why a plethora of people fail to carry their livelihoods. A report is said that at least 76 percent of people lose their job in Dhaka city compared to 59% in the local or port area.³² It is supposed that losing the job people are not able to join again in the preceding job which has been even higher.³³ People are enduring nowadays during Covid 19 related lower income than usual due to trailing the

²⁹ Shin, M. D., Shukla, S., Chung, Y. H., Beiss, V., Chan, S. K., Ortega-Rivera, O. A., ... & Steinmetz, N. F. (2020). COVID-19 vaccine development and a potential nanomaterial path forward, *Nature nanotechnology*, 15(8), 646-655.

³⁰ Friedman, D. (2020, 12 4). Vaccine still a challenge for Bangladesh, many others, Retrieved 12 22, 2020, from The Financial Express: <https://thefinancialexpress.com.bd/health/vaccine-still-a-challenge-for-bangladesh-many-others-says-dr-friedman-1607078183>

³¹ UNB. (2020, 12 9). *Is Bangladesh ready to distribute a Covid-19 vaccine?* Retrieved from The Daily Star: <https://www.thedailystar.net/coronavirus-deadly-new-threat/news/bangladesh-ready-distribute-covid-19-vaccine-2008605>

³² Habib, R. K. (2020, 28 9) *Covid-19 fallout: 68% lost jobs in Dhaka and Ctg*, Retrieved from The Daily Stra: <https://www.thedailystar.net/frontpage/news/68pc-lost-jobs-dhaka-and-ctg-1968641>

³³ Ibid.

job in Bangladesh.

V. RECOMMENDATIONS

- People will follow the government's order for eliminating the covid 19 cases.
- Civil Administration, Police, Army, and Other Law Enforcement Agencies will apply the law unless the public follows that direction.
- Social distancing by the people should be maintained consciously and wear the mask.
- Particularly, government health authorities have suggested numerous handwashing, wearing a mask in public places compulsory, and practicing social distance, canceling the mass gatherings, and to keep at least 6 feet of distance between persons and others
- Policies need to set up for public awareness, including encouragement and application of social distancing by putting it out in public locations, like education institutions closing, canceling mass public events, and taken appropriate prevention in place orders. Therefore, these strategies have been the matter of rising literature that has found substantial growths in distancing behavior substantial reduces in disease infection increase rates, following the enactment of shelter-in-place orders, recommending that the policies of social distancing have been greatly successful at minimizing the increase of the infection.
- The individual will stay at least 1 meter far away from other people or crowds.
- The government will take proper measures to handle this social distancing. Therefore, the new law can be passed through the parliament for mitigating this contemporary problem.
- In the matter of testing service, hospital or testing services should be increased by the government for reducing the covid 19 cases like Russia and the USA. Doctors will be liable for their work unless provided services to Covid 19's patients.
- The Law will be applied that doctors can not make negligence to the affected people when they visit in the hospital or covid 19 test centers.
- The test report will be provided within a short time. It may be within one day in order to no virus spreads from an affected person of Covid 19's positive to another person.
- In every district, testing systems should be increased than in the present position.

- The mental stress can be removed by encouraging people that no covid 19 is affected on their bodies if they pave the way consciousness.
- For getting the vaccine, the government should make diplomatic relation with the foreign countries.
- The Government should return the job when people lose their job because of Covid 19. It can be by making new law.
- Generally speaking, the government will control all kinds of problems by passing the new law or responsibilities, and boom the consciousness in the society;
- Furthermore, Abouk and Heydari³⁴ recommend that “the effectiveness of different policies and their relative impact (vis-a-vis that of mechanisms driven by public awareness and voluntary actions) is crucial because significant reductions in social interaction can be observed before the implementation of any policy”.

VI. NEED AN EMERGENCY LAW

There is a need for an emergency law in Bangladesh in order to health problems plus economic crises including other problems can be alleviated easily. Consequently, for tackling the Covid 19’ issue, the UK government has passed a new law as ‘The Coronavirus Act 2020’, which discusses the government's widespread powers for executing some emergency as well as radical measures. It is necessary to execute some of the urgent and drastic measures required to deal with the pandemic. Therefore, the Bangladesh government rises the legislature like the UK for enacting a new law and provide proper guidelines regarding Covid 19 issues.

In the UK, this arrangement doubtlessly impacts UK citizen's rights regarding freedom which is ensured by Article 5 of the Tradition of Human Rights. Be that as it may, this can be a qualified right that open specialists can take proportionate steps to meddle with to ensure open wellbeing. However, Bangladesh will make a law like the UK because the act of the UK permits the UK’s government to disallow open occasions and get-together to restrain the spread of the infection. Unquestionably, there would be a political challenge for such a degree since it confines opportunity of expression and flexibility of getting together, particularly in light of the financial aftermath counting far-reaching work cuts within the UK which have brought about from this widespread. But once more, the rights to the flexibility of

³⁴ Abouk, R., & Heydari, B. (2020). The immediate effect of covid-19 policies on social distancing behavior in the united states, *Available at SSRN*.

gathering and expression are too qualified. The Bangladesh government can take proportionate steps to diminish them to secure open wellbeing.

- a. The government can allow retired health care workers coming back to the NHS to tackle this problem
- b. The Bangladeshi government can return the new job to the jobless people by enacting a new law.
- c. The government will take necessary protection and apply new law for social distancing. The act may be solely for two years and can be reviewed every six months.
- d. In the matter of food supply, the government will be conscious that no one will increase the price of regular raw materials.
- e. The Act will avoid relinquishment of leases for non-payment of a lease for a three-month period (with control to amplify on the off chance that required) for all sorts of commercial inhabitants. This alternative gives a three months' elegance period to battling businesses.
- f. The Act permits workers and specialists by giving 03 working days' composed take note to their manager to require "Crisis Volunteers Takeoff" to act as volunteers for making a difference in the NHS and guarantees that their work status in their companies is not hampered.
- g. All schools, colleges, universities, private organizations, public divisions, including others will be operated virtually without a physical presence, although the Bangladesh government has already taken steps in every institution as possible. Thus, the Bangladesh government can make a new law for alleviating the above predicaments.

VII. CONCLUSIONS

To conclude, there are several limitations in Bangladesh regarding health crisis and other problems due to Covid 19 as a lower-middle-income country. However, for mitigating these issues, the government can make lockdown at this moment specially for social distancing while Malaysia and the USA are following this direction nowadays. Secondly, Covid 19 testing service will be increased including the solving problem of vaccines, jobless issues, etc. Nevertheless, it is difficult for the government to tackle this problem. Consequently, help is needed to pause these issues from international and individual efforts because the government cannot solve this problem alone as said by the national public health experts.

According to that, the world is noticing how Bangladesh will mitigate this catastrophe. In other words, the government has to take a long-term strategic plan which puts into effect because this Covid 19 taught Bangladeshi people regarding the significance of real healthcare planning to deal with a forthcoming pandemic.³⁵ Therefore, the government can make a policy by enacting new law 2021 act like England in order to solve all kinds of questions as well as the current situation as we think.

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