

**HUMAN RIGHTS RIGHTS ADVOCACY**

# Accessibility for the people with physical disabilities

**KHANDAKAR KOHINUR AKTER**

THE definition of accessibility refers to the abilities and opportunities to reach desired goods, services, activities and destinations. To add, accessibility must comply with barrier-free environment which means environment designed to be free of obstacles. It is friendly towards people who are physically disabled requiring the use of wheelchairs and prosthetics.

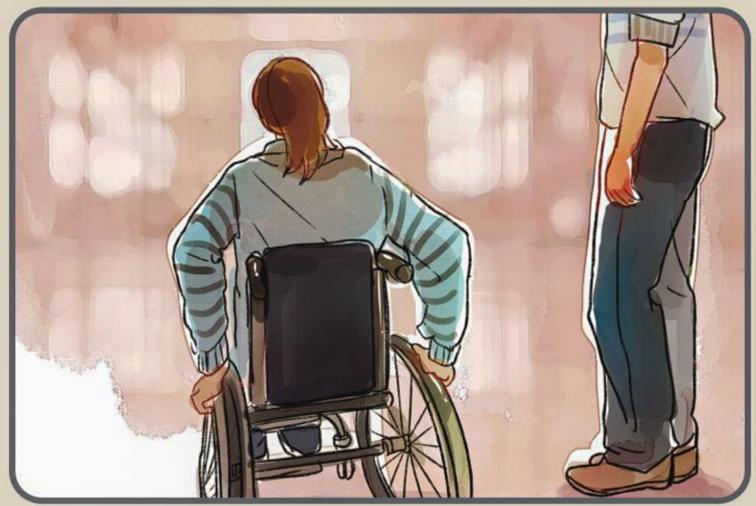
In addition to that, the UN accepts the concise and pragmatic definition of accessibility that refers to provision of 'flexibility' to accommodate each user's needs and preferences. Moreover, Article 2 of the Convention of the Rights of the People with Disabilities (CPRD) provides the definition of universal design of accessibility which includes the design of products, environments, programs and ser-

vice, reach, manipulation and use should be appropriate regardless of the body size, posture or mobility of the user.

In Bangladesh, the accessibility situation of physically challenged people is not satisfactory. Being the capital of Bangladesh, even in Dhaka only a few building have pavements and ramps for disabled person. For example, the National Museum, the Parliament Building, Mirpur National Stadium, Bisswa-Shahitto Kendra, University of Dhaka and The Daily Star Building can be mentioned in this regard. When interviewed Salma Mahbub, General Secretary of Protibondhi Nagorik Shangathaner Parishad (PNSP) alleged that even in some ministry buildings there are no ramps or lifts so that a person with disability can go there. Moreover, it is frustrating that even all the hospitals do not have ramps.

ings of the campus area.

The scenario is not satisfactory also in case of public transport. Though it is found that under section 32 of the 2013 Act, the persons with disabilities have special privilege of having 5% of seats in any public transport but the reality shows otherwise. There is no way that a persons with disabilities can get a seat in any public bus because the buses are full of people and a disabled person even cannot get a ride to a bus. Bus terminals and railway stations are examples of the public places where the accessibility of disabled people should be ensured. Unfortunately there are no visible facilities are found for wheel-chair users in the said public places. Nevertheless, the Minister of Road Transport and Bridges assures that a new Act is coming where reserved seat will be provided to women and disabled person and it must be maintained



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- ices to be usable by of persons with disabilities where needed. UN has identified a set of universal design principles appropriate to countries:
- (a) Equitable use: the design is useful and relevant to a wide group of users;
  - (b) Flexibility in use: the design accommodates a wide range of individual preferences and abilities;
  - (c) Simple and intuitive use: the design is easy to understand regardless of the knowledge;
  - (d) Perceptive information: the design communicates information effectively to the user regardless of the ambient condition or the sensory abilities of the user;
  - (e) Tolerance for error: the design minimises the hazards and adverse consequences;
  - (f) Low physical effort: the design can be used easily, efficiently and comfortably with a minimum of fatigue;
  - (g) Size and space: the size and space for

The Protection of the Rights of the Persons with Disabilities Act 2013 ensures that public establishments must be accessible to people with disabilities. Moreover, in the Building Construction Act 1952 and National Building Code 2008, it has been stated that every establishment should be designed and accessible to disabled person so that he or she can enter and exit from the building and use of toilet should be ensured. But research shows that in two major cities, in Dhaka and Chittagong, 90% public buildings are not designed for disable people.

However, few social movement conducted by some leading NGOs and negotiations with authorities' situations are changing. While interviewed the vice-chancellor of Dhaka University, Professor Dr. A A M S Arefin Siddique stated that they have incorporated some disabled student friendly privileges in their plan. Already the authority started modifying all academic build-

by all transport owners and employees.

Moreover people with wheelchair do not have easy access to move around by using the pedestrian walkway. The reason for the absence of proper walkway are the illegal and nuisance parking on the footpath, uneven surfaces, signboards, merchandise and garbage on sidewalks, presence of unwanted obstructions, disordered movement of pedestrians and inappropriately installed ramps are the major deficiencies.

So, disability related laws should be enforced and implemented to include them within mainstream development efforts by ensuring their needs. Strategies must emphasise on the importance of simultaneously removing environmental barriers to ensure their inclusion and participation in the society.

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**FACT FILE**

## Concerns for online purchases



**TANJIN TAMANNA**

DU E to our busy daily life, we are now-a-days relying on growing online business. Products and services like dress, shoes, food, cosmetics, medicine, electronics, home appliances, car, house etc. can be found on internet to purchase. Availability and multiple options to choose the desired product out of hundreds of required product and having the facility of home delivery service have made people like to shop online rather to go shop physically.

Nonetheless, apart from these facilities, there are some hindrances of online shopping. Specifically, there is no guarantee of the product quality. Anyone can set up e-commerce website and there are many fake websites which can expropriate customers' money. Sometimes, it delays to deliver the goods. Moreover, as it is a common criterion of online shopping that, one must have to give his or her phone number and address which is ones very personal information thus there are more possibilities of abusing of one's personal information and privacy.

In the context of Bangladesh, there are no specific rules or code which will explain how the e-commerce will pursue the contract with the customer. At the same time, how the information and data given to the seller will be protected? In other words, which law will they follow respecting data protection or privacy policy of their valuable customers? We have the Sale of Goods Act 1930, the Consumers' Rights Protection Act 2009 and the Information and Communication Technology Act 2006 which seem to be relevant with the topic on its face. Therefore, in reality, the Sale of Goods Act is designed to ensure that a purchaser receives a certain quality of product and sets out their rights if the product is believed to be sub-standard. In like manner, the Consumers' Rights Protection Act 2009 deals with the offences and punishment if the product is not up to the quality or if the buyer is cheated by the seller.

However, these two laws do not declare it clearly whether its provisions will be applicable to the

virtual buyer and seller.

Correspondingly, the Information and Communication Technology Act 2006 talks about the offences, investigation, adjudication, and penalties from section 54-67 of under chapter 7 among of which only section 63 deals with the privacy policy that could be used as a protection regarding online shopping.

Altogether, the fact is that, there is no precise code or laws that can be exercised directly by the consumer who faces trouble regarding product quality, service reliability and their personal information security while doing online shopping. Whereas in UK there are four important Acts, directives and laws that one must comply with if he or she is selling goods or services online. They are the Electronic Commerce (EC Directive) Regulations 2002, the Data Protection Act 1998, the Distance Selling Act 2000, and ICO Cookie Law. Likewise, in Australia, they have Privacy Act 1988 which cover this area.

However, Bangladesh needs to act promptly to protect its citizen from diverse kind of bedevilment through online shopping and in order to facilitate e-commerce and encourage the growth of information technology. In this respect, the government can enact a new law or make provision under existing relevant Acts which will specifically deal with the issues or dispute arise out of e-commerce business.

Moreover, government can make a competitive authority which will be responsible to monitor, investigate and dispose the issues in this respect. Similarly, the local people also have to aware about their rights and remedies. They have to encourage seeking legal remedy. The last but not the least, for the protection of customer's private information and data the e-commerce site owners can provide a privacy policy and post it on the e-commerce website which will clearly identify what kinds of personal information it will collect from consumer and how it will use and store that information.

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**REVIEWING THE VIEWS**

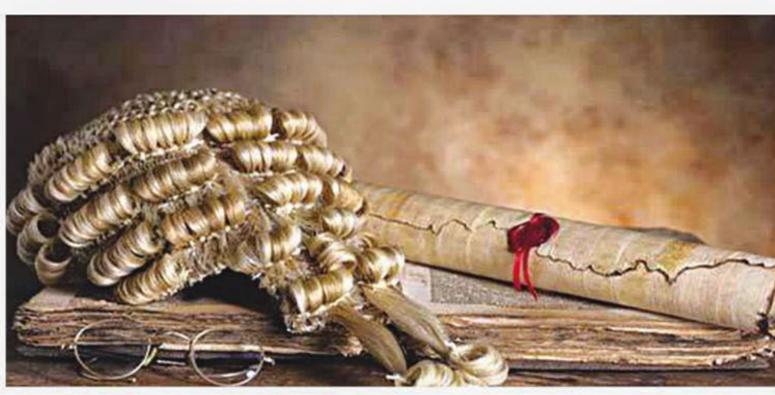
## THE PRINCIPLE OF FINALITY Yes or No!

**MUNTASIR MAHMUD RAHMAN**

I had the privilege of perusing an article titled 'To introduce the principle of finality: An urge of a judge' written by Mr. Sekander Zulker Nayeem, a learned Joint District Judge of Bangladesh Judicial Service which was published in the Law & Our Rights of The Daily Star on 24 January 2017.

The article was well-written, and thought-provoking. But the underlying legal issue that has been thrust upon invites some impartial and objective review.

The backlog of cases in Bangladesh has become a buzzword in the legal regime of Bangladesh. The Hon'ble Chief Justice of Bangladesh, Mr. Justice Surendra Kumar



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rightly stated that the present justice system allows appeal, revision and review of a single dispute in different forums which multiply the number of cases. If we dug deeper, we may see that review is hardly used by the litigants. Other two, revision and appeal are the indispensable parts of the civil litigation. Revision is meant to examine the propriety of a particular order of the trial court by the higher court and appeal is meant to examine the propriety of the decree of the trial court by the higher court (with many exceptions which are not mentioned here). If these inalienable rights of litigants are taken away just for the sake of reducing the backlog of cases, then the proverb 'justice hurried, justice buried' will have its play.

Practically, a District Judge, being the chief judicial officer of a district is over burdened with not only manifold legal duties, but also with many administrative functions. This phenomenon, in most of the occasions leads the District Judge sending the appeals or revisions to the courts of Additional District Judges and in many cases to the Joint District Judges as well (in case of the decrees of Assistant Judge or Senior Assistant Judge). Now, if the principle of finality is introduced, it

means that one's fate of life or property may be stuck within the purview of court of Joint District Judge, whereas the verdicts of the District Judge in the original matters (arbitration, trademark, summary suit etc.) shall be subject to evaluation by the High Court Division.

We must not forget that the appeals or revisions are not, as a matter of procedure, automatically admitted in the High Court Division or even in the District Judge Court. There are 'motion hearing' and 'admission hearing' respectively to see the prima facie merit of the appeal and revision. So there is a filter in this process and it has passed the test of time.

The good intention of the aforesaid writer is beyond question. But in the name of lessening the backlog, if the doors of higher jurisdiction are closed then in reality it may cause injustice rather than serving justice.

Let me remind Late Mr. Mahmudul Islam, who in the preface of his celebrated commentary of CPC aptly urged to excel and upgrade the efficiencies of administration of justice, rather than introducing any drastic change overnight.

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## Think Legal presents its 6th lecture

**LAW EVENT**

THE 6th Lecture in the Think Legal Bangladesh Lecture Series was delivered by Hon'ble Justice Naima Haider, Hon'ble Judge of the High Court Division of the Supreme Court of Bangladesh on 28th January 2017 at the EMK Center, Dhanmondi, Dhaka on the topic: "Legal Identity, Civil Registration and Vital Statistics". In the lecture, Madam Justice Naima Haider highlighted the paramount importance of Legal Identity and Civil Registration stating that "Legal

Identity. We do not suffer from such issues of identification, but there are millions of people around the world who even do not know that they are supposed to be registered. Lack of awareness and general apathy is a major issue."

The event was attended by judges of the Supreme Court, eminent legal practitioners, and law students.

"Think Legal" is a free crowd-sourced platform to make legal information more accessible & to generate new legal content in Bangladesh. It is a collaborated effort of numerous lawyers and legal scholars who



Identity refers to a human's BEING." She further stated that its intrinsic value lay in that "It provides a gateway to other rights". Reiterating the importance of legal identification, Justice Haider stated, "The basic document that one must have is

have contributed their time, effort and work product to be show-cased & shared on the platform & who share a common purpose of making legal knowledge more accessible.

**PHOTO: UMER AIMAN KHAN**

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