



RIGHTS WATCH

Will the draft Drug Act establish discipline in the drug sector?

Common people will be benefited from the law only when there is proper implementation of the law. After making the law, the biggest challenge is its implementation. For that, the responsible authorities should be given freedom in discharging their responsibilities, and an adequate number of special courts or tribunals should be set up to try these sector-related offences.

MD. HARISUR ROHOMAN

Bangladesh is almost self-sufficient in drug production. Although several drugs are imported from abroad, the country exports more than that. Drugs from Bangladesh are being exported to developed countries like Europe and the USA. Just as it is a bright side, the dark side is that in Bangladesh, counterfeit drugs are also manufactured by eluding eyes of the administration.

The government provides billions of Taka's worth of drugs to the country's hospitals and clinics for free. Government hospitals and health centers are supposed to provide the drug free of cost to the patients. But due to the manipulation by a class of corrupted officials of hospitals and clinics, some of the drugs are smuggled out. Patients undergoing treatment in government hospitals are forced to buy drugs from outside instead of getting free drugs.

To end this anarchy, the cabinet approved the Drugs Act 2022 (draft) to prevent the theft of government

medicines, adulteration of drugs, and production of drugs without a license. Till now, the Drug Ordinance 1982 and the Drug Act 1940, as well as the Drug Policy of 1984, have been followed. This draft law has consolidated and updated the old laws.

According to this law, stealing and selling government drugs is punishable with 10 years imprisonment and a fine of Tk 10 lakh or both. This provision will ensure the right to free access to allocated drugs in government hospitals. Apart from that, the wastage of government money and mismanagement related to medicines in government hospitals will be stopped.

On the other hand, due to the lack of an appropriate legal framework, it was challenging to bring unauthorized drug importers under accountability, but under this law, it will be a punishable offence. As per this law, without proper authority, registration, manufacturing, importing, distributing, stockpiling, displaying, or selling drugs will be an offence. It will be punishable with

rigorous imprisonment for 10 years, fine not exceeding Tk 10 lakh, or both. This provision is expected to bring discipline to the pharmaceutical sector and stop using adulterated and harmful drugs.

In our country, in the name of selling drugs, various illegal practices are carried out in different public places. Those who do not have any approval or even the slightest idea about the drugs mislead people and sell unlicensed drugs. As a result, people suffer physically and financially. Provisions have been made in this Act to prevent these; according to the draft law, ferrying allopathic, Unani, Ayurvedic, Homeopathic, Biochemical, Herbal, or any other medicines on footpaths, highways, and public transport and distributing them free of charge will be punished with rigorous imprisonment for a term not exceeding two years, with fine up to Tk 2 lakh Taka or with both.

The Act provides severe penalties for selling expired drugs. According to this law, unscrupulous persons who sell drugs after the expiry date will be punished with a penalty and fine

or both. A maximum of 14 years of rigorous imprisonment or a fine of Tk 20 lakh or both will be imposed.

It is a common occurrence in various medicine shops across the country to sell antibiotic drugs without a prescription from a registered doctor. Like this, taking antibiotics without a doctor's prescription harms the human body. According to this law, it is prohibited to sell antibiotics without a prescription from a registered doctor. Violation of this section is punishable by a fine of Tk 20,000.

Consumers have always demanded that the government set the prices of all drugs regularly, and the draft law has mentioned the formation of price-setting committees.

According to the law, the price of drugs will be fixed by the Drug Price Fixing Committee. The matter of sorrow is that, based on which criteria the prices of drugs will be set and the functions of the said committee are not specified and detailed out. As a result, there is a kind of apprehension about drug price control.

The law also clearly describes the trial of drug-related offences. No court other than a drug court or a special magistrate's court can try these crimes. The Drug Court or the Special Magistrate Court will not conduct any trial without the written report of the Director General of Medicine or the Officer-in-Charge, and the government will establish Drug Courts through gazette notification.

Common people will be benefited from the law only when there is proper implementation of the law. After making the law, the biggest challenge is its implementation. For that, the responsible authorities should be given freedom in discharging their responsibilities, and an adequate number of special courts or tribunals should be set up to try these sector-related offences. It is hoped that the proper implementation of law will establish discipline in the drug sector.

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RIGHTS ADVOCACY

On the rights of persons with disabilities

Both men and women with disabilities face additional barriers in seeking legal protections and services. It is now a demand of time that the police officers, prison, and court officials undergo additional training on disability rights.

SAKIB MAHBUB

Preamble of the Constitution of Bangladesh declares that fundamental human rights, rule of law, social security, political, social, and economic rights will be secured for all the citizens of the country. Under article 15 of the Constitution, the right to social security, or to public help in times of legitimate need brought on by unemployment, illness, or disability, or experienced by widows, orphans, people in their late adulthood, or other similar circumstances, is particularly mentioned. By the turn of the 20th century, the United Nations has adopted the "Convention on the Rights of Persons with Disabilities (UNCRPD)" in response to the growing issue that disability was posing on a global scale as well as nationally. The government of Bangladesh ratified this convention in 2007 and pledged to implement its provisions by undertaking relevant state measures following the convention. With the enactment of the Rights and Protection of Persons with Disabilities Act 2013 (RPPDA), the government of Bangladesh took a step in the right direction toward protecting the

interests of its citizens. The promptness of the government of Bangladesh has been shown while within two years the Rights and Protection of Persons with Disabilities Rules 2015 was published along with the official gazette. However, a decade later, a significant implementation gap is still apparent.

Under section 32 of the Rights and Protection of Persons with Disabilities Act 2013 accessibility of persons with disabilities (PWD) in public transport has been mentioned broadly. Article 9 of the UNCRPD emphasised on ensuring the rights of the PWD to participate independently in all aspect of life and enjoy access to all public infrastructure, transport, information, and communications. However, public transportations in Bangladesh barely put any effort into ensuring accessibility for all groups of people including those who need extra support. Public administrative buildings, police stations, courts, hospitals even educational infrastructures are rarely seen to have or built with wheelchair access with adequate ramps, and doorways. Section 34 of the RPPDA Act of 2013 makes it a priority to ensure accessibility of people with disabilities



to public infrastructure; however, the ambiguity and linguistic vagueness of the terminology is a hindrance to its implementation. In addition to that, Bangladesh's National Building Code of 2008 demands more essential provisions regarding the standard of building accessibility.

In terms of sexual and reproductive healthcare (SRH), people with disabilities face barriers in many ways including the social stigma. The lack of trained professionals in the health sector with adequate knowledge to treat persons with disabilities has proved to be a major issue in Bangladesh. Without adequate number of trained interpreters and professionals to treat persons with disabilities, the health care system cannot provide adequate

service and often the persons with disabilities have to rely entirely on the family members. Under Article 25 of the UNCRPD, it was stated that the state parties of this convention shall recognise and respond appropriately to uphold the rights of persons with disabilities to the best possible standard of health without discrimination because of their condition.

Article 28(4) of the Constitution of Bangladesh empowers the government in making special provisions for people with disability. The UNCRPD also recognises that persons with disability should be accommodated equal protection and equal benefit of the law. Article 5 of the UNCRPD emphasises promoting equality and eliminating discrimination, it was also

recommended that the government should take necessary measures to protect the interests of persons with disabilities. To prevent discrimination based on a disability, the RPPDA Act 2013 emphasises on the protection and benefits of the law by enforcing criminal convictions. Section 36 of the Act states that a party who has been mistreated may bring a claim before the District Committee for damages; however, the provisions are ambiguous and did not specify the scope of discrimination.

Both men and women with disabilities face additional barriers in seeking legal protections and services. It is now a demand of time that the police officers, prison, and court officials undergo additional training on disability rights.

The only way to create a system that guarantees all individuals with disabilities have a flourishing livelihood in the community is through the enactment of clear and concise provisions with its proper implementation.

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