

CONSUMER ACTIVISM IN BANGLADESH: A REVIEW OF JUDICIAL, SOCIAL AND INSTITUTIONAL INITIATIVES

Dr. Zahangir Alam Khan*

ABSTRACT

This article highlights a burning problem— consumer rights violation in Bangladesh and the state of remedial measures against it. The consumers are revolving in a vicious circle of adulteration, misbranding of medicine and food, cheating, deception in the quality and quantity of goods and services against which the executive driven legal system cannot help the consumers. Due to the system default, the consumers' right of access to justice is largely viced with denial and defiance against which the consumers have no scope of redress, legal or administrative. Moreover, the indifference, reluctance, abstinence of civil society, legal actors (lawyers and judges), public representatives, and socio-legal organizations have made the situation worse. They have failed to grasp that the matter of consumer rights violation is not an ordinary issue of criminal offence; it has other faces of human concern— life and liberty, safety and security of person which may turn into gross violation of human rights as well. The degree of agility or concern that was found in the 1980s and 1990s among the civil society members, lawyers and judges is quite absent now. As the existing legal system of Bangladesh is not sufficient to cater to the needs of justice to consumers, so, they need an alternative way of getting justice and in this respect; consumer activism may help achieving this goal. From this point of view, a review is undertaken below. As this issue concerns various aspects of the society, this study has been undertaken from legal, social and institutional point of view.

* **Zahangir Alam Khan**, LL.B (Hons.), LL.M, and Ph.D (University of Dhaka), is a Member of 1st Court of Settlement, Ministry of Housing and Public Works, Government of Bangladesh.

I. INTRODUCTION

The innovation of jurisprudential term that has revolutionized the 21st century idea of justice is ‘Activism’. It is a process aimed at achieving the greater goal of justice beyond traditional means. The matter of ‘activism’ is neither a judicial fashion, nor a part of our judicial life, rather, an important part of our daily life. A very keen observation into this shall reveal that a great majority of socio-economic and political issues have been resolved through this. ‘Consumer Activism’ is one of such aspects that may come under this umbrella. The very reason for advocating the idea of ‘activism’ for consumer protection is its increased influence on society.

The 21st century ‘economic development’ has widened the consumption basket of people, while at the same time, the prevalence of *laissez faire*¹ in the market has taken away many of their rights. An overall review of this problem with reference to *laissez faire reveals* that there exist two classes of consumers in the market – advantaged and disadvantaged classes of consumers, and there persists an invisible but sharp difference between the two. A review of the condition of consumers in Bangladesh shall reveal that ‘the majority of people in Bangladesh live in a vicious circle of cheating and deception. They face the greater challenges of commodity adulteration, cheating in weights and measures, hoarding, artificial price-hike, and so on. The unlimited desire for profiteering having no control brings unbearable sufferings for the consumers; particularly on people having limited income who cannot adjust themselves with the great and sudden change in the price level.’²

Several studies reveal that there prevails a sharp division among the consumers – the advantaged or poor and the advantaged groups and

¹ The term ‘*Laissez faire*’ is a French economic term and ordinarily it signifies “allowing someone to do a thing at his discretion”. In this study, this term has been used to mean the unregulated state of affairs in the consumer market upon which the government does not interfere. The view that functions behind this policy is that if a product is poorly made, people won't buy it, no need for government to step in. Available at: <[https://www.vocabulary.com/dictionary/laissez%20 faire](https://www.vocabulary.com/dictionary/laissez%20faire)> (Last visited on May 25, 2022).

² Khan, Z. A., “*Consumer Justice in Bangladesh: A Critical Study of Laws and Rules*” (June 2017), available at: <<https://www.semanticscholar.org/paper/Consumer-justice-in-Bangladesh%3A-a-critical-study-of-Khan/352fb6637bae07d998da1e5a0ba8d9045de134f2>> (Last visited on May 25, 2022).

there exists a universality of similarities among these consumers. The consumers of Bangladesh, India face the same challenges that consumers in USA face. In the above, we have already shown that the 'large section of poor, weak, and illiterate masses who are pitched against a well-organized and equipped class of men— the traders.'³While conducting the similar study conducted in USA also reveals that 'the poor pay more.'⁴ In sociology study titling 'poverty penalty'⁵ with reference to prices of homogeneous basic commodities (rice, carrots, beans) it was found that the poor have to pay more. A similar study conducted by Harvard University also finds that the poor pay more. 'The poor often spend more on all kinds of things. Households that have less money to spare in any given week are forced to buy goods in small packages, increasing the prices they pay. In addition, poor families must rely on a whole range of alternative financial services, which might charge exorbitant fees and expose customers to serious risks.'⁶ These studies reveal that 'it's expensive to be poor. When you're poor things cost more.'⁷In this respect, the tool that is largely being used is the media. 'The traders, every now and then, innovates new techniques to lure the consumers with the aid of modern-day organized advertising agencies.'⁸ A matter of protection may remain unrecognized as a matter of violation for millions of years, but it does not cease to exist as a matter of justice for want of formal recognition.

³ Shah, S. H., "Consumer Interest Litigation under the Consumer Protection Act, 1986 in India: A critical Analysis" 3 (2) (2014) *Nirma University Law Journal*, pp.1-2, available at : <<http://docs.manupatra.in/newslines/articles/Upload/7A4764B7-D549-4D9C-9052-F0245971B91F.pdf>> (Last visited on December 21, 2021).

⁴ Caplovitz, D., *The Poor Pay More: Consumer Practices of Low-Income Families*, New York, 1967.

⁵ Attansio, O. P., Fryne, C., "Do the Poor Pay more" UCL working paper series, 2006.

⁶ Ehrenfreund, M., "Harvard University Study Finds Poor Pay More for Everyday Purchases—and It's Getting Worse", *The Independent*, May 20, 2016, available at: <<https://www.independent.co.uk/news/world/americas/the-poor-pay-more-for-everyday-purchases-and-it-s-getting-worse-a-new-study-warns-a7039961.html>> (Last visited on December 21, 2021).

⁷ White, C., "Five Ways the Poor Pay More Every day", *The Global Citizen*, January 31, 2015, available at: <<https://www.globalcitizen.org/en/content/five-ways-the-poor-pay-more-everyday>> (Last visited on May 26, 2022).

⁸ *supra* note 2, at p.3.