

WORLD CONSUMER RIGHTS DAY

Why must consumers always get the short end of the stick?



Azmin Azran is a journalist at The Daily Star.

AZMIN AZRAN

When the director-general of the Directorate of National Consumer Rights Protection (DNCRP) sat down at a meeting with green coconut traders in August 2023, a heated volley of words ensued. Videos of this exchange made rounds on the internet as consumers witnessed a rare instance of a government official standing up for their rights.

At that time, in the middle of the worst dengue outbreak in Bangladesh's history, a despicable level of price gouging of green coconuts had taken effect in Dhaka's markets. Coconut water is high on the list of every prescription doctors write for dengue patients. Looking at the rising number of such patients every day, traders took the opportunity to artificially elevate the price of green coconuts. The meeting between traders and the DNCRP DG brought into focus the dishonesty and bad faith with which many traders operate in Bangladesh, and the fragile state of consumer rights in this country.

It doesn't take a lot of searching to find more instances of consumers being trampled underfoot by what traders might call "market realities." It's a striking coincidence that this year, World Consumer Rights Day falls in the beginning of Ramadan, when prices of essentials, especially food, have shot up once more—just when the demand has gone up during this month of fasting. On the first day of Ramadan, this daily reported that the price of lemons had doubled compared to a week ago, while essentials like cucumber and eggplant saw significant rises too. This is on the back of periodically rising prices months ahead of Ramadan, putting lower- and middle-income people in a situation where they are unable to afford the same food this year that they were eating last year.

Stepping away from the sorry situation with food, utilities like gas and electricity have seen shortages for some time now, while prices keep rising at the same time. The economic situation and the IMF's insistence of rolling back fuel subsidies is shown as the cause of these woes. But the long-term mismanagement—namely in the inability to secure sustainable fuel sources while precious foreign currency is spent on building capacity that is now left unused—is not the consumers' fault. Yet, they are the ones footing the bill now that time has caught up.

With water, the struggle has been to secure a supply of clean water to millions of households, but it's a struggle that still persists. In Bangladesh, no one—not even Wasa's top bosses—will feel safe drinking the water that comes out of a tap. The additional cost of power and gas that goes behind boiling or purifying tap water is



VISUAL: ANWAR SOHEL

once again borne by the consumer.

It seems as though in every sector, the consumer is the last person whose cause is championed. From e-commerce scams to malpractices by food sellers and restaurant owners, the cat and mouse game played between regulators and businesses always hurts consumers. If regulators win, it often leads to a lack of service or reduced availability until businesses can find a way to get back their edge. Eventually, when businesses win, consumers suffer.

Then what is the role of bodies like the DNCRP, or the Consumers Rights Protection Act, 2009, through which the directorate was established? These are instruments that are meant to protect consumer rights, but the effectiveness of a shield depends on its construction and the material it's made of.

For instance, the 2009 legislation has provisions for specific violations such as not having a price list, selling goods at a higher price than stipulated, adulteration of food or medicine, weight deception, deception through advertisement or non-delivery of promised services, selling counterfeit items, etc. The punishments range from fines to imprisonment, and the directorate has the power to suspend commercial activities of an establishment if it deems such an action necessary.

But the directorate has to do all of this on a case-by-case basis, and is unable to address systemic underlying causes that lead to anti-consumer behaviour.

On top of this, the law in question does not allow complaints to be filed more than 30 days after an incident. Consumers can't file cases themselves either; complaints have to be sent to the DG's office, and from there a case will be filed if the office deems it necessary. This entire process has to be completed in 90 days.

All of this points to tremendous pressure for the directorate—one that they

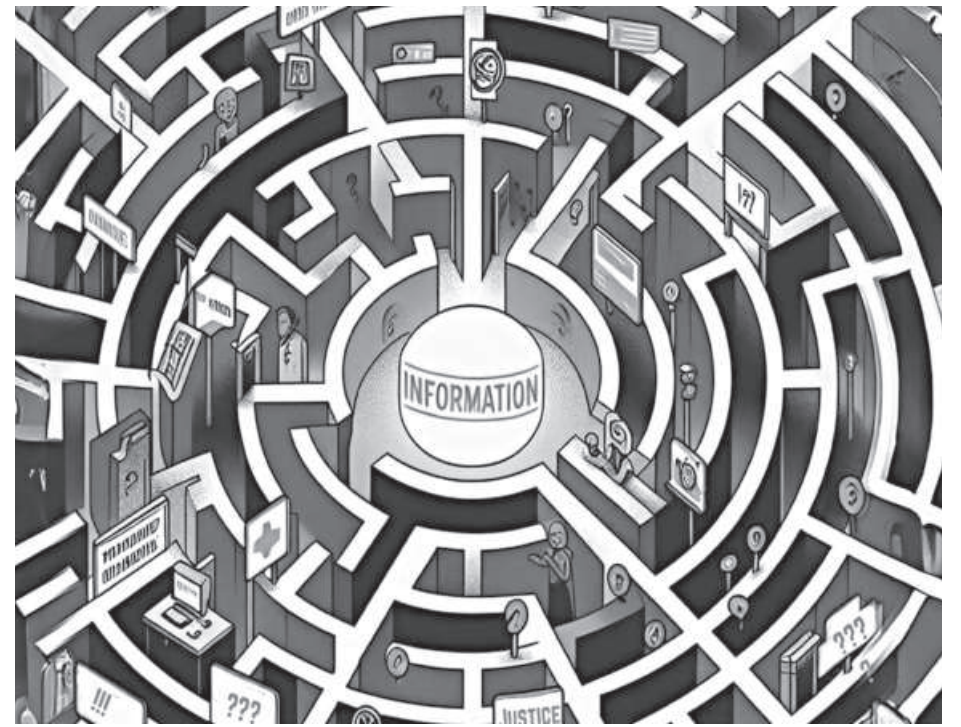
need massive manpower and resources to be able to handle. In the past, experts and even DNCRP officials have mentioned these legal and administrative limitations. Withstanding these difficulties, the directorate has managed to settle 71 percent of the complaints they received in 2021-22 and 73 percent in 2022-23, according to data published in their annual reports. While these numbers

aren't perfect, it hints that more can be done if better resources are allocated. Since its inception, the directorate has been receiving a growing number of complaints every year, indicating the vital need for more manpower.

However, consumer rights is still a nascent idea in Bangladesh, and the difficulties faced by the DNCRP are largely caused by the fact that many consumers are unaware of their rights. As a result, consumer rights remain low on the list of priorities. In a country where controlling the price of essentials and ensuring safety standards for food and medicine is a daily battle that hogs headlines and government attention, the consumer rights body was supposed to be a key cog in the machine. But consumers themselves are not fully aware of the fact that if they think they have been scammed or duped, there is some recourse.

A lot must change if consumers in Bangladesh hope to see better, safer days. Foremost among these changes have to be a shift in mindset, where economic forces can't be used as an acceptable excuse to infringe upon a consumer's right to be protected from price-gouging, to be able to avoid defective and adulterated goods, to be informed about the products that they are spending their hard-earned money on. Consumer rights, from its apparent lowly position on the list of priorities for decision-makers, has to scale the pyramid and become more prioritised.

The need to protect consumer rights must shape economic policy more than anything, because if consumers are getting the short end of the stick while the country still develops, that is an uneven development. Consumers themselves need to be more aware of the injustices they face, because while the story of the past has been that of injustice, the future can be different.



REPRESENTATIONAL IMAGE GENERATED BY AI

There is so much more to the RTI Act

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SHAMSUL BARI AND RUHI NAZ

Office-goers in Dhaka's Agargaon area were frustrated by a makeshift mini market that had sprung up on the sidewalks outside their buildings, and annoyed by the stench, trash, and blood from the slaughtering of chickens right in front. After several attempts to end the ordeal, an employee of the University Grants Commission (UGC), one of the offices in the neighbourhood, resorted to the Right to Information (RTI) Act. He sent an information request to the Designated Officer (DO) of the Dhaka North City Corporation (DNCC) seeking a copy of the authorisation provided to run the market—and if none was obtained, to know what measures were taken for its eviction.

The next day, the market was gone. A very polite Designated Officer of DNCC called the applicant to reassure him that the closure was permanent. It would have been better, though, if the applicant had insisted on a written reply as that would most likely have led to in-depth discussions on the subject within the DNCC hierarchy, which perhaps doesn't happen very often. Nevertheless, this was a shining example of the power of RTI to make public authorities more attentive to their duties.

Such decisive actions are rare. We have witnessed some positive outcomes over the years, arising from the law's usage by a few committed adherents, but larger gains are still few and far between. Clearly, most citizens are unaware of the tremendous bounties the RTI Act has to offer, not only to deal with such mundane matters of life but also much larger issues of the state. The latter can happen only when more knowledgeable members of society engage in the law.

Two most recent examples from Sri Lanka may help to illustrate the point. Since the adoption of the RTI Act there in 2016, alert citizens and a supportive information commission, assisted by a helpful judiciary, have made strategic use of the law. So much so that it led the International Monetary Fund (IMF) to recommend promotion of greater use of the law by citizens to accelerate the country's recovery from the severe economic crisis it suffered recently.

In the first case, a February 2024 ruling by the Court of Appeal (CA) upheld a 2021 directive by the Right to Information Commission (RTIC) of Sri Lanka which ordered a state bank to release the marksheets of candidates who sat for the island-wide competitive recruitment examination. The directive was related to an appeal filed at the RTIC by an unsuccessful candidate wanting to know why she was not recruited despite passing the examination.

In upholding the commission's directive, the CA dismissed the bank's revision application. And Justice DN Samarakoon, who authored the judgment, further underlined that, though the marks obtained by other candidates could indeed qualify as "personal information," it was "in the interests of the public that public examinations on the basis of which citizens are recruited to occupations on merit, must be honest, upright and transparent." He emphasised that since the information concerned was related to a public activity or interest, a concerned citizen had the constitutional "right to know" it. There was, therefore, no unjustified invasion of privacy in releasing the merit list prepared on individual marks.

A more incisive observation by the judge was that the RTI Act brings the state to the "receiving end of asymmetrical

surveillance." Citizens now have the power to question the state while "the State has to police itself for fear of adverse public opinion." This is the "opposite of the surveillance State ... the roles have been changed; the observer has now become the observed." A profound observation with deep implication for all concerned!

In the second case, the RTIC directed Litro Gas Lanka Ltd of Sri Lanka to release the salary and loan details of some top officials of the company to an appellant who claimed that he was unfairly terminated by the company, which, despite its claim otherwise, was indeed a Public Authority as 99.7 percent of its shares were owned by the state. A key aspect of the CA judgment was that while information on salaries is indeed personal information, it is overridden where public funds are involved.

The court went on to add that grounds such as commercial interests, trade secrets, and competitive position of a third party are not relevant when salary information is sought, and that Litro Gas, in challenging the directive of the RTIC, had "failed to

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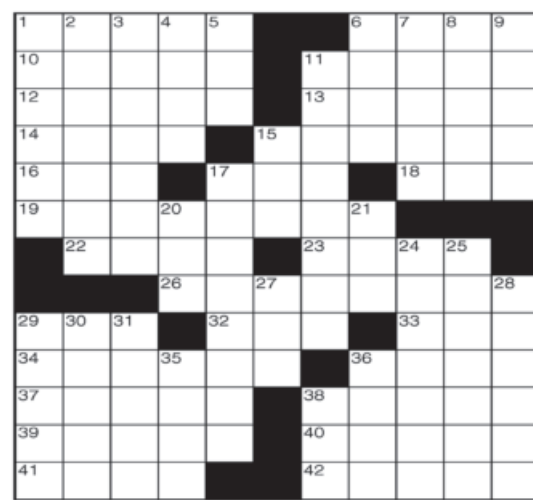
understand the true nature ... of the Sri Lankan RTI Act." The court further added that reputation, rights of others and privacy were overridden by public interest according to the Sri Lankan Constitution itself.

Unfortunately, RTI use in Bangladesh so far has given rise to very few cases involving such in-depth interpretation of key provisions of the law by the Information Commission. And even in the few cases where such possibilities exist, it is rare for our citizens to challenge them in the High Court. It's time our civil society leaders, social and political elites, and ardent change-makers discovered the tremendous scope and promise of the RTI Act.

Postscript
While concluding, we learnt about the directive of the Indian Supreme Court asking the State Bank of India and the Election Commission of India to make public, by March 12, 2024, the list of all buyers of electoral bonds (EBs) and the political parties that redeemed them. The court also threatened penal action if the deadline was disregarded. It may be recalled that since the introduction of EBs six years ago, there has been a continuous public outcry about its negative impact on electoral politics and a constant demand for information on the buyers of EBs and the political parties benefiting from them. Investigative journalism and RTI played a key role. Such a decision ahead of the general elections of India is considered by most political observers to be extremely significant. Another good example of the importance of access to information by the people on key public issues.

CROSSWORD BY THOMAS JOSEPH

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| ACROSS | 32 Pool need | 8 Successor of 3 |
| 1 Depicted | 33 Sandy color | -Down |
| 6 Fruit Tree | 34 Step down | 9 Perch |
| 10 Bean-bearing tree | 36 Solemn act | 11 Baltimore lunch |
| 11 Viola's cousin | 37 Indistinct | 15 By way of |
| 12 Steer clear of | 38 Ship of 1492 | 17 Pins |
| 13 Ham's need | 39 Puts out | 20 Model buy |
| 14 Tenant's fee | 40 Took steps | 21 Longtime CIA rival |
| 15 Parking attendants | 41 Reactor parts | 24 Corrode |
| 16 Curry on TV | 42 Car parts | 25 Strew |
| 17 Feeding-time need | DOWN | 27 UMP's call |
| 18 Nonsense | 1 Egyptian amulet | 28 Massages |
| 19 Library fixture | 2 Poor person | 29 Show uncertainty |
| 22 Half of a sextet | 3 First woman on the Supreme Court | 30 Texas landmark |
| 23 Gets older | 4 Be patient | 31 Unbending |
| 26 Retracted | 5 Silent assent | 35 Courage |
| 29 Fighting | 6 Ring out | 36 Puerto |
| | 7 Tribal leader | 38 Spot to jot |



WEDNESDAY'S ANSWERS



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