



# Beyond Human Rights: Assessing the Economic and Social Consequences of the Special Powers Act 1974 on Hoarding, Black Market, and Smuggling Activities in Bangladesh

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## Research Article

### Abstract

*The Special Powers Act of 1974 (hereinafter, the SPA) (ACT NO. XIV OF 1974) was enacted with several objectives, including implementing special measures to prevent certain harmful activities, facilitating speedy trials, and ensuring effective punishment for serious offenses. This study evaluates the effectiveness of this legal framework as a preventive measure against economic crimes in Bangladesh. While there are many economic crimes globally, such as money laundering, hoarding, black markets, and smuggling. This study specifically focuses on the effectiveness of the SPA, 1974, in curbing smuggling, hoarding, and black-market activities in Bangladesh. Additionally, the study highlights various shortcomings of the legal framework, identified through a critical review of the Act and interviews with various stakeholders. This study implements a legal doctrinal research technique that combines case studies and semi-structured interviews to evaluate the economic and social consequences of the SPA, 1974, in Bangladesh. The findings indicate that the SPA, 1974, fails to deter financial fraud, mainly due to inadequate enforcement, legal ambiguity, and institutional limitations, resulting in a considerable economic and social impact. This study proposes legal amendments that comply with human rights standards and recommends that law enforcement agencies prevent such conduct to foster sustainable economic development in Bangladesh.*

**Keywords:** Economic and Social Consequences, Fair Market Price, Special Powers Act 1974, Smuggling, Black Market, Hoarding, Bangladesh.

### 1. Introduction

Human rights are living with human dignity; they are guaranteed by upholding the right to life, liberty and security of a person (The Universal Declaration of Human Rights (UDHR), 1948, art. 3). The UDHR, (1948) art. 22 also stated that the right to economic, social and cultural rights, and the right to fair market prices, etc. The consumer's right to buy goods at a reasonable price is part of fair market practice (Peash, 2025). If those economic crimes are left unabated, a country's financial position suffers, as tax revenue is lost and inflation increases. This study analyzes the economic and socio-political consequences of smuggling, hoarding, and black-market activities, which are prevalent across all states. One drawback is that there are many laws, policies, and guidelines governing these activities; however, this inquiry is concerned only with the SPA 1974. No comparisons are made with other countries in the study. This study aims to support

policymakers in the development of new laws, such as those on the black market and black trafficking, so that economic conditions can be improved.

The SPA of 1974 was an important watershed in Bangladesh's use of emergency legislation to address economic crises (Quddus & Becker, 2000, p. 159). Enacted on February 9, 1974, to control food shortages, hoarding, black-market trade, and smuggling during the post-independence period were found to have mixed results economically and socially (Akther, 2024).

The 1974 famine was not caused by an absolute absence of food but rather by a complex interplay of hoarding, smuggling, speculation, and market expectations. Rice prices more than doubled between January and October 1974 (Quddus & Becker, 2000, p. 159). Paradoxically, per capita availability of food grains (15.9 oz./day) was higher than that in 1973, a paradox that illustrates how crucial distribution and speculation over production absolutely inadequate understanding of which is revealed by (Sen, 1983). Between 1973 and 1974, the cost of rice actually doubled, with Smuggling and hoarding blamed for this rise, involving syndicates that remain active today (Bonik Barta, 2025).

Hoarding intensified as consumers and traders, afraid of inflation and lacking confidence in the government's price controls, withheld supplies from markets. The central puzzle is that the SPA imposes among the world's harshest economic offenses death penalties, life imprisonment, or 14 years of rigorous imprisonment for hoarding or black-market dealing (SPA, 1974, Section 25). Yet 28.4-35.6% of GDP is still routed through informal or illicit channels, indicating that SPA has not been effective in preventing organized economic crime (Dewan, 2025).

Even with this robust legal stance, Bangladesh has confronted some time-resistant and dynamic deterring commodity systems related to smuggling and black market operations that influence pricing, ideas of scarcity, and patterns of distribution (Reza, 1989). Notably, the classic political economy literature on Bangladesh's underground economy has listed smuggling and black marketing as two of the main sources of shadow accumulation, suggesting that these activities are not simply peripheral but rather structurally tied to incentive structures, enforcement environments, and market distortions (Reza, 1989). Furthermore, current reporting also demonstrates that cross-border price differences and limitations can generate major smuggling networks that provide evidence of how underground commerce adapts to policy and enforcement circumstances rather than dying out under tough laws (Jadhav, 2024). At the same time, policy discourse still invokes the SPA as a deterrent against hoarding that "destabilizes the market," indicating the Act's ongoing relevance to market governance (Standard, 2024). The implementation of these strategies is hindered by deficiencies in the system and a weak public response. The SPA has been invoked in an uneven manner, where weaker actors are given priority, and the larger syndicates have taken advantage of such government affirmation to run their business (Nawal, 2025). The practice of preventative detention has resulted in over 600 documented disappearances since 2009, and the impact on families and communities has been devastating (Human Rights Watch. n.d.). The SPA's claims for economic normalization through security measures have been seriously eroded by these flagrant failures, their partial efficacy, and a priori human rights infringements (Nawal, 2025).

The main research question guiding this study is: How effective is the SPA (1974) in addressing the social and economic consequences of smuggling, hoarding, and black-market activities in Bangladesh? To address this, the study will examine the social and economic consequences of these activities under the SPA, 1974; the effectiveness of the legislation in regulating cross-border smuggling; its impact on the economy; and the feasibility of implementing recommendations to reduce smuggling, hoarding, and black-market activities. The aim is to draw conclusions regarding the SPA's impact and effectiveness in 1974 and to inform future strategies. Economic offenses such as money laundering, tax evasion, smuggling, and related crimes, though non-violent, significantly affect the country's economy. Various laws exist, but have proven less effective due to certain gaps. Therefore, this study will examine weaknesses in the current legal framework, especially the SPA, 1974, identify gaps between policy and practice, and propose

recommendations for reform. By addressing these, the study aims to contribute to achieving the nation's economic goals.

## 2. Literature Review

The SPA of 1974, enacted by the government of Bangladesh, has been significant in determining the nation's strategy regarding national security and public order (SPA, 1974). However, unexpected economic consequences, particularly those related to hoarding, black marketing, and smuggling, have generated considerable discussion (SPA, 1974). The SPA was initially established to protect the state from actions deemed threatening public order, including smuggling, the adulteration of goods, and the hoarding of essential commodities (SPA, 1974).

Islam, (2025) examine the definition of “prejudicial acts,” the judiciary's interpretation and assessment of these acts, and the effectiveness of the act in delivering justice. The conclusion offers suggestions for modifications to ensure conformity with constitutional and international human rights standards, emphasizing that the Act's applicability is restricted to the duration of the grievance. Brown et al., (2023) highlight that smuggling and informal cross-border trade further complicate the effectiveness of the SPA. This investigation of the India-Bangladesh border reveals that informal trade networks continue to thrive, driven by reliance on livelihoods, differences in tariffs, and obstacles within formal trade processes (Brown et al., 2023).

Hossain et al., (2018) evaluate the distinctions between the SPA and the standards set by constitutional and international human rights. The study outlines the real-world implications of the executive authority's unrestrained application of the act, detailing its effects on individuals, their families, and the state as a whole. Furthermore, Hossain et al., (2018) assess the legal validity of the act by examining judicial activism. Hossain, (2019) explore the extensive legal framework governing consumer protection in Bangladesh, highlighting issues such as hoarding, artificial price increases, and misleading market practices. This study emphasizes consumer law while offering valuable insights into the legal framework, which may be pertinent for comprehending the intersection of the SPA with economic matters such as hoarding and black-market activities. Shultana & Mahtab, (2025) analyze preventive detention laws, such as the SPA, and examine their contradictions with human rights, particularly regarding arbitrary arrest and detention. This analysis explores constitutional protections in Bangladesh and proposes reforms aimed at curbing executive power abuse, which is particularly pertinent to your investigation into the economic and social impacts of the SPA (Shultana & Mahtab, 2025). Sirazi & Rahman, (2018) critique the arbitrary nature of SPA and its detrimental effects on personal liberties, noting that its misuse has led to legal and social repercussions, particularly in the economy.

The Dhaka Tribune, (2024) reported that the ilish was seized in the Chandpur Bridge area of the Pachthubi union in Cumilla Sadar upazila while it was being trafficked across the Indian border in Cumilla. “At approximately 5 pm, a group attempted to transport the ilish using 35 boxes.” Acting on a tip-off, the BGB executed a raid; however, the smugglers successfully evaded capture. The fish were subsequently retrieved. The estimated market value of the 850 kg of ilish stands at approximately Tk 9.52 lakh. The fish were sold, and the proceeds were allocated to the government treasury. To date, there have been no reported arrests related to this case (The Dhaka Tribune, 2024). This study presents a review of studies evaluating the effectiveness of the SPA (1974) in curbing black-market operations, hoarding, and smuggling activities.

## 3. Conceptual Definitions

“Hoarding” refers to the act of stockpiling or storing more than the maximum permissible amount of any item at one time, as defined by law or regulation (SPA, 1974, Section 2(e)). In addition, in Section 2(10) of

The Foodstuffs (Prevention of Harmful Activities) Act, (2023), hoarding refers to the act of storing an amount of food items in excess of the quantity specified by the government through a notification, in a mill, factory, warehouse, house, vehicle, or any other place, by an individual.

“Black market” refers to the sale or purchase of goods for trading at a price exceeding the maximum limit set by applicable regulations or laws (SPA, 1974, Section 2(b)). In addition, “Smuggler of arms” includes any person who (a) smuggler arms or ammunition into or from Bangladesh, or abets such smuggling; (b) sells, buys, or transports, or facilitates the sale, purchase, receipt, or transport of arms or ammunition that he or she knows or reasonably believes to be smuggled; (c) has been found guilty by any Court in Bangladesh of an offence related to smuggling arms or ammunition (The Smuggling of Arms Act, 1934, Section 2(5)) “Smuggling” refers to importing or exporting in secret, contrary to the law, especially without paying the duties imposed by law (Merriam-Webster, n.d.).

The enforcement of the SPA establishes temporary price stability by confiscating hoarded goods; however, in the long run, it may lead to inefficiencies due to the fear of prosecution, which can diminish legitimate trade volumes and deter investment in supply chains (SPA, 1974). Hoarding and stockpiling essential goods can lead to artificial shortages, drive up prices, disturb market efficiency, and negatively impact consumers and the overall economy (Mansur, 2023). This practice may result in social unrest, pose health risks, and erode trust in governmental and international relations (Mansur, 2023).

#### **4. Methodology of the Study**

This study relies on a legal doctrinal research technique that uses empirical analysis to investigate the phenomenon. The legal doctrinal aspect requires a thorough examination of statutory provisions, judicial interpretations, and the corresponding regulatory frameworks to assess the Act’s normative intent. The interview responses were collected through semi-structured, face-to-face interviews with selected stakeholders, including a judicial officer, an advocate, a businessman, and a consumer, allowing for a comprehensive examination of perspectives across enforcement, legal practice, market behavior, and consumer experience. Furthermore, an extensive evaluation of identified case studies involving documented economic offences was conducted to assess enforcement patterns, institutional capacity, and market responses. Secondary sources, including peer-reviewed journal articles, policy reports, official documents, and national and international media sources, were systematically reviewed to contextualize findings within the framework of existing scholarly discourse. The analysis of the information was conducted using thematic and content analysis, focusing on the effectiveness of enforcement, existing regulatory deficiencies, economic unfairness, and social impacts. Although quantitative measurement is lacking, this study adopts a qualitative design that allows for a detailed evaluation of law-in-action dynamics. It offers context-sensitive insights into the wider economic and social implications of the SPA, extending beyond mere human rights considerations.

This study utilized both primary and secondary data. The primary sources include relevant laws, rules, ordinances, regulations, and judicial decisions. In addition, primary data have been collected directly from various stakeholders, including judicial officers, advocates, businessmen, and consumers, through face-to-face interviews and consultations. The secondary sources comprise a wide range of literature, including books, published and unpublished theses, academic articles, legal reports, newspapers, judicial commentaries, and reliable internet-based resources. This combination of primary and secondary data enabled researchers to assess the effectiveness of the SPA critically in 1974.

#### **5. Result and Discussion**

The Result and Discussion section is organized thematically to efficiently address the study’s research questions and objectives in a clear, cohesive manner. The discussion commences with an overview of the legal framework governing hoarding, black market, and smuggling activities in Bangladesh, setting the stage for understanding the enforcement landscape. This section examines the economic effects of these

crimes, including lost income, higher prices, market imbalances, and capital outflows. It also examines how they affect society, including consumers, marginalized groups, and public trust in market oversight. A comprehensive review of the SPA (1974) was conducted to identify enforcement deficiencies and structural vulnerabilities. We then combine empirical case studies and qualitative findings from stakeholder interviews to illustrate the dynamics of the law in practice and the practical challenges encountered. This section concludes by connecting these findings to their wider implications for human rights.

### **5.1. Legal Framework for Prohibiting Black-Market, Hoarding, and Smuggling Activities in Bangladesh.**

Bangladesh addresses black-market trading and hoarding through a comprehensive legal framework that regulates essential commodities and maintains market stability. The Essential Articles (Price Control and Anti-Hoarding) Act (1953) governs the supply, distribution, trade, and possession of essential goods by granting the government the authority to set stock limits for households, wholesalers, and retailers. The Control of Essential Commodities Act (1956) grants authority over the production, storage, movement, transportation, supply, distribution, use, and consumption of designated commodities. The SPA (1974) established specific provisions to prevent prejudicial activities, ensure speedy trials, and impose effective penalties for serious economic crimes. The Consumers' Right Protection Act, (2009) seeks to safeguard consumers against dangerous products and illicit trading practices. Furthermore, the legislation identified as The Production, Storage, Transfer, Transportation, Supply, Distribution, and Marketing of Food Products (Prevention of Prejudicial Activities) (2023) enhances the regulation of the food supply chain by criminalizing illegal hoarding, adulteration, nutritional compromise, deceptive marketing, unlicensed operations, and the spread of false information as criminal offenses. The Competition Act, (2012) further govern commercial activities by prohibiting anticompetitive practices in the production, supply, distribution, storage, and trade of goods and services.

Bangladesh has implemented stringent regulations to address smuggling and associated economic offenses. The SPA, (1974) establishes stringent measures for the punishment of serious offenses, such as smuggling. The Customs Act, (2023) updates customs administration to streamline trade, improve revenue collection, ensure adherence to international standards, foster transparency, and safeguard domestic industries. The Narcotic Control Act, (2018) established regulations aimed at curbing the abuse, trafficking, and smuggling of narcotics while also ensuring provisions for the treatment and rehabilitation of individuals struggling with addiction. The Money Laundering Prevention Act, (2012) address money laundering and associated offences linked to smuggling activities. Ultimately, The Penal Code, (1860) stands as the cornerstone of criminal law, outlining the general provisions for the prosecution and punishment of smuggling and related offenses.

### **5.2 Economic Consequences of Smuggling, Hoarding, and the Black Market**

Smuggling, hoarding, and black market activities lead to significant and complex financial consequences for Bangladesh (Petrescu, 2016). Tax evasion significantly reduces government revenue, which is the primary source of financing for national development initiatives. During the financial year 2022-23, Bangladesh experienced an estimated loss of Tk 226,236 crore in potential tax revenue as a result of evasion and avoidance, with approximately 50 percent (Tk 113,118 crore) linked to corporate tax evasion (The Daily Star, 2025a). In contrast with Tk 96,503 crore in 2012, tax evasion has surged approximately 2.3 times in the last 11 years (Mavis, 2025). Ongoing revenue decline undermines public investment, limits infrastructure advancement, and hampers GDP growth (Maweje, 2023).

Unlawful commerce negatively impacts local industries by enabling the sale of unlawfully imported products at prices that undercut domestic products (The Daily Star, 2025c). The annual revenue loss from

sugar smuggling is estimated at approximately Tk 3,000 crores (The Daily Star, 2024b). The Bangladesh Jewelers' Association noted that the smuggling of gold and diamonds enables illegal capital transfers estimated at approximately Tk 912.5 billion each year (Hasnine, 2024). From 2020 to October 2023, a total of 104 tons of gold were legally brought in under baggage rules, but almost 90% were later smuggled out, promoting significant capital flight through organized syndicates (Bangladesh Economic Review, 2024; Hasnine, 2024). The widespread existence of these price distortions affects the demand for domestic goods, resulting in financial losses and the potential closure of businesses.

The illicit trade results in significant losses within the tobacco industry. The illicit trade of cigarettes results in a loss of approximately Tk 8 billion per year, accounting for 4% of overall tobacco revenue (Ahmed et al., 2019). While the rate of illicit cigarette trade in Bangladesh is relatively low at 2 percent, compared to the global average of 10-12 percent, insufficient enforcement measures may lead to an increase in this issue (Ahmed et al., 2019). The growing problem of money laundering has escalated alongside the swift growth of e-commerce, characterized by substantial transaction volumes that frequently evade oversight from authorities (Star, 2020). Transparency International Bangladesh estimates that Tk 26,400 crore (\$3.1 billion) is laundered out of the country annually through hundi and trade mis-invoicing, whereas trade-based money laundering alone accounts for nearly \$16 billion in annual capital flight (Industry Insider, 2025; TIB, 2020). The presence of these unauthorized outflows results in lower remittance inflows and reduced foreign exchange reserves. During the fiscal year 2021-22, remittances from Saudi Arabia decreased by \$1.2 billion, primarily due to increased use of hundi channels (Rahaman, 2022). As a result, foreign exchange reserves decreased from \$46.4 billion in FY 2020 to 21 to approximately \$28 billion by mid-2024, in the wake of Bangladesh Bank's efforts to stabilize the declining Taka (Abdin, 2024; Rahman, 2021).

Activities such as smuggling, hoarding, and black-market operations contribute significantly to inflationary pressures. The average food inflation rate was 7.21% from 2013 to 2025, with a peak of 14.10% recorded in July 2024 (BBS, 2025). Furthermore, the presence of black money estimated between Tk 50,000 and 60,000 crore, potentially reaching Tk 175,000 crore according to the Bangladesh Economic Association, fuels demand-pull inflation by enabling unrestricted consumption spending (The Lawyers & Jurists, n.d.). In addition to economic indicators, these activities undermine governance and institutional capacity by solidifying corruption and redirecting resources away from essential development sectors (BSS, 2025; TIB, 2020).

### **5.3. Social Impact of Smuggling, Hoarding, and Black Marketing in Bangladesh**

The SPA 1974 was implemented to address the significant economic and social disruptions triggered by hoarding, black-market activities, and smuggling throughout Bangladesh after the country's independence (SPA, 1974). Hoarding refers to the intentional storage of essential substances such as food, medicine, fuel, and consumer goods, resulting in the creation of artificial shortages (SPA, 1974, Section 2(e)). The modifications of supply chains disrupt market equilibrium and result in significant price inflation (Maurya, 2021). Consequently, everyday individuals are compelled to endure inflated costs for essential items, which disproportionately impacts low-income and economically disadvantaged groups that already contribute a significant portion of their earnings to basic necessities (United Nations, 2023). Smuggling exacerbates economic instability by leading to substantial losses in government revenue due to tax evasion and unpaid customs duties, which in turn undermines the state's capacity to provide public services (Rahman, 2021). Increased tax structures frequently encourage smuggling activities, allowing the influx of counterfeit and unauthorized goods that do not possess safety certifications (Rahman, 2021). Such unlawful activities foster alternative economic systems, undermine legitimate enterprises, and diminish consumer access to secure, verified products. The distribution of inferior and illicit goods poses significant health risks to consumers, including counterfeit cigarettes, as highlighted by the ICC Counterfeit Intelligence Bureau (CIB).

Hoarding and smuggling networks often exhibit connections to corruption and political influence. Individuals who commit offenses frequently escape responsibility through bribery, political connections, and media influence, undermining public confidence in government bodies and diminishing the integrity of the legal system (Akram et al., 2024; Mansur, 2023). As a result, the public is progressively losing faith in the government's ability to provide fair access to vital resources. The implementation of the SPA occurred alongside the devastating 1974 Bangladesh famine, which led to an estimated five million deaths (Bonik Barta, 2025). Although the SPA imposes severe penalties, such as life imprisonment and the death penalty for hoarding, the famine has demonstrated that punitive legal frameworks alone are insufficient to address the underlying causes of systemic food insecurity (SPA, 1974). During this period, rice prices rose by almost 300 percent in just three months, while the real wages of agricultural laborers plummeted by more than 50 percent, leaving landless laborers and poor urban households facing starvation (Quddus & Becker, 2000).

The economic disruptions caused by hoarding and black-market activities continue to exacerbate social inequality. Despite increasing prices, 70 percent of households modified their food consumption habits, 35 percent cut back on nonfood spending, 28 percent took out loans, and 17 percent used up their savings (The Daily Star, 2024a). The 1974 famine resulted from government mismanagement, food smuggling, and inadequate food imports, compounded by distribution failures that favored urban populations over rural poor. This is combined with political repression (Elahi, 2018). The findings indicate that, in addition to human rights issues, SPA has significant economic and social ramifications that unfairly affect marginalized groups, foster corruption, and undermine law and order in Bangladesh.

#### **5.4.Critical Review of The Special Powers Act 1974**

The SPA, 1974, represents Bangladesh's primary legal framework for controlling hoarding, black market activities, and smuggling operations (SPA, 1974). While the Act aims to safeguard the national economy and public interest, certain provisions are overly stringent and highly susceptible to potential misuse.

First, the SPA imposes severe penalties for hoarding or black-marketing, which may include death, life imprisonment, or a maximum of fourteen years of rigorous imprisonment, along with fines (SPA, 1974, Section 25(1)). Even for a less severe penalty for hoarding without a profit motive, it is important to recognize that hoarding may occur in good faith, especially during emergencies or when supply chains are disrupted. Furthermore, the act does not provide a clear regulatory framework for addressing hoarding by government officials engaged in food procurement and distribution, leading to concerns about the inconsistent application of the law (SPA, 1974).

Second, Section 25(2) of the SPA, 1974, mandates that courts shall forfeit to the government any goods associated with the offense (SPA, 1974). The mandatory restrictions on judicial discretion present a significant risk of potential misuse. This provision needs to be revised to enable partial forfeiture, fines, or alternative penalties, particularly for first-time offenders, small traders, or those facing economic challenges (SPA, 1974).

Third, the consequences for smuggling are excessively severe, as mentioned in The SPA, (1974, Section 25(b)). The act provides penalties of death, life imprisonment, or rigorous imprisonment for a duration of up to fourteen years, and shall not be less than two years, and shall also be liable to a fine, irrespective of the quantity in question. In the absence of a specified minimum threshold, even trivial smuggling offenses are subject to the same severe penalties (SPA, 1974). Disproportionate penalties can hinder effective law enforcement and may give rise to constitutional challenges grounded in the principles of proportionality and reasonableness.

Fourth, it has been said that whoever attempts or conspires or makes preparation to commit or abets any offence punishable under this Act shall be punishable with the punishment provided for the offence (SPA,

1974, Article 25(d)). It equates the mere preparation or attempts to commit an offence under this act with the actual commission of the offence, which will be punishable by the punishment provided for the offence. We believe that an attempt to commit and commit cannot be the same. Still, a conspiracy or attempt to commit an offence under this section is punishable as if it were the actual commission of the offence, which is unreasonable. Additionally, it presents an excellent opportunity for the misuse of this provision for political purposes.

Fifth, in instances of corporate offences, The SPA, (1974, Section 25(e)) indicates that when an offense under Section 25, 25A, 25B, 25C, or 25D is perpetrated by a firm, company, or other body corporation, every partner, director, manager, secretary, or other officer or agent engaged in the business's operations is deemed to have committed the offense. This holds true unless they can demonstrate that they were oblivious to the offense or that they took all reasonable precautions to avert it. The phrase “actively concerned” lacks a clear definition in this context (SPA, 1974). Furthermore, an officer may commit the offense deliberately or inadvertently, providing a solid foundation for enforcing this law even in the absence of evidence of intent.

Finally, the government possesses the power to remit, suspend, or commute any sentence issued by the Special Tribunal under this Act at any time while still adhering to the regulations outlined in Chapter XXIX of The Code of Criminal Procedure, (1898). This provision warrants revision, as it poses a risk of misuse, potentially enabling actual offenders to evade consequences under the guise of political motives (SPA, 1974, Section 30(a)).

#### **5.4.1. Overall, criticism of these provisions**

The SPA, 1974, has been controversial since its introduction, mostly because it lacks clear explanations or definitions of hoarding, smuggling, and black marketing, resulting in vague laws that are susceptible to misuse (SPA, 1974). Since its inception, opposition parties have criticized the act for its detrimental impact on human rights; however, successive administrations have basically dismissed these concerns. Section 3 of SPA, (1974) authorizes indefinite detention without trial, a measure frequently used to suppress political dissent rather than to address economic crimes. This practice infringes upon the fundamental rights protected in Articles 31, 32, and 33 of the Constitution of Bangladesh and stands in opposition to international human rights commitments, especially the International Covenant on Civil and Political Rights (ICCPR) (The Constitution of the People’s Republic of Bangladesh, 1972). The ambiguous definition of “prejudicial acts” and the lack of adequate checks and balances have enabled ongoing misuse by successive administrations (SPA, 1974).

There is a significant gap between legal penalties and their actual implementation. Although Section 25 permits an extensive range of penalties from the death penalty to fourteen years of imprisonment, the actual enforcement of these measures varies significantly (SPA, 1974). Effective enforcement measures stimulate fear in traders, leading to reduced market participation and disruptions in supply chains. This situation continues to fuel hoarding even amid regular crackdowns on essential commodities such as rice and edible oil. Moreover, the lack of defined thresholds in Sections 25B and 25C fosters smuggling, increasing black-market prices, and generating artificial scarcity (SPA, 1974).

The Act lacks provisions for safeguarding actions taken in good faith, thereby enhancing its potential to be wielded as a weapon against political adversaries (SPA, 1974). The efficiency of the judiciary is further undermined as Sessions Judges, Additional Sessions Judges, and Joint Sessions Judges function as special tribunals under the Act while simultaneously managing their regular caseloads. The creation of specialized tribunals can greatly accelerate the trial process. Ultimately, the SPA fails to include provisions that prevent economic offences related to digital platforms, which is a significant oversight in today’s economy (SPA, 1974). The severity of penalties often leads to constitutional disputes, and the presence of various economic regulations creates ambiguity about their applicability, ultimately obstructing economic development.

## **5.5 Empirical case studies on economic crime in Bangladesh**

### **5.5.1 Case Study 1: Smuggling and False Declaration to Evade Tax**

Declared as oranges to evade tax, 1.25cr cigarettes were seized in Chittagong (The Daily Star, 2025b). Chattogram Customs officials seized 1.25 crore sticks of Oscar and Lamer brand cigarettes, which were imported with false declarations and forged documents. Customs officials stated that they could determine the shipment's exact value within a day after conducting an inventory. According to customs records, a Dhaka-based company declared the goods as oranges, which arrived at Chattogram Port on May 15. Diba Trading Ltd., a clearing and forwarding agent, was responsible for releasing the merchandise on behalf of the importer. Officials from the Customs House's Audit, Investigation, and Research (AIR) section revealed that they had discovered forged documents submitted by both the importer and the Customs and Forwarding (C&F) agent to facilitate the release of the shipment. A physical inspection confirmed that the container was filled with cigarettes. Despite the declaration of oranges, whose tax rate is 90 percent, actual cigarettes have a much higher tax rate, ranging from 320 to 600 percent.

### **5.5.2 Case Study 2: Black Market Distribution of Essential Commodities**

TCB's goods at the black market, 3 held with 2,000 liters of oil (Observer, 2021). Three individuals have been detained for allegedly selling Trading Corporation of Bangladesh (TCB)'s edible oil, sugar, and red lentils on the open market, which was intended for retail distribution via trucks. Rapid Action Bangladesh (RAB) arrested them in Pallabi, Dhaka, on Thursday night. During the operation, RAB also seized 2,052 liters of soybean oil, 150 kg of sugar, and 100 kg of red lentils from their possession. Sajedul Islam, senior assistant director of RAB-4, explained that the suspects had been illegally distributing TCB's essential commodities for quite some time. They collected the items in sacks from various parts of the city and resold them at different locations.

### **5.5.3 Case study 3: Hoarding of food grains and market manipulation**

**Hoarding of rice, paddy: Case filed against ACI, Shinu Agro officials** (The Daily Star, 2023). The Bogura Food Controller's Office has filed charges against officials from ACI Limited and Shinu Agro Food Limited for stockpiling 4,510 tonnes of rice and paddy in local warehouses. On Wednesday, food authorities first raided Shinu Agro Food Limited's warehouse in Juanpur, revealing that ACI illegally hoarded 1,929 tonnes of rice in polythene bags and 2,581 tonnes of paddy. Shinu Agro stored these items without any legal documentation. Officials found 65,978 bags of rice (exceeding 1,929 tonnes) and 35,809 sacks of paddy rice (approximately 2,581 tonnes) across five of Shinu Agro's warehouses. According to the case, under the Essential Commodities Act, 1956, no trader is permitted to store more than 1 tonne of food grains without a license. The ACI Foods Limited rice unit stored this quantity of rice and paddy illegally via banned polythene bags. During the raid, their representative failed to provide the required legal documents. The total value of the stored unlawful rice and paddy is estimated at approximately Tk 15.40 crore.

## **5.6 Findings from Face-to-Face Interviews**

To enhance the empirical foundation of this study, four individual interviews were conducted with significant stakeholders: a consumer, an advocate, a judicial officer, and a businessman. The interviews provide qualitative insights into the understanding, implications, enforcement challenges, and perceived efficacy of the SPA, 1974, in dealing with hoarding, black-market, and smuggling activities in Bangladesh. (*Qualitative Analysis Based on Primary Data*).

### 5.6.1 Perceptions of Smuggling, Hoarding, and Black-Market Activities

All the interviewees expressed a strong awareness that smuggling, hoarding, and black-market activities are unlawful and detrimental to society. For instance, the consumer mentioned, *“I have some idea, but not entirely at this point,”* acknowledging the complexity of these activities while acknowledging their impact on the market. The businessman admitted, *“I know it’s a crime, but sometimes we have to buy smuggled goods because the same product is too expensive for the company,”* underscoring economic pressures. The advocate described these activities as organized and widespread, with severe consequences. He stated, *“Of course, that is normal, and it happens all the time,”* reflecting on the systematic nature of these crimes. This suggests that, while there is general awareness across societal groups, economic motivations and structural vulnerabilities continue to perpetuate these unlawful activities.

### 5.6.2 Implications for Human Rights

The respondents confirmed that hoarding, smuggling, and black-market activities violate human rights. The consumer stated, *“Yes, absolutely,”* when asked if these activities violated human rights, emphasizing the disruption of fair market access. The judicial officer also noted, *“Yes, because these are the hindrances to getting the goods at a fair price,”* highlighting the link between market distortions and consumer rights violations. The advocate characterized *“Yes, absolutely, these practices as breaches of human rights”*. The findings indicate that violations of human rights stem not only from governmental actions but also from market distortions caused by illicit economic activities.

### 5.6.3 Economic Consequences of the Offences

The interviews clearly agreed on the significant negative impacts of these offences on the national economy. The businessman, judicial officer, and consumer observed that smuggling and hoarding contribute to price increases and inflation. Moreover, both consumers and businessmen indicated that these activities result in significant revenue losses for the government. The businessman said, *“The government loses revenue, which leads to inflation, ultimately affecting the country’s economy,”* when asked whether these activities hurt the economy, citing revenue loss and inflation. *The consumer said, “Of course, because it increases the price of goods and contributes to inflation, among other effects.”* The judicial officer added, *“It creates an artificial crisis of goods, increases the prices of goods, and inflation also increases.”* The findings highlight the persistent economic instability caused by illicit trade and smuggling operations.

### 5.6.4 Social Impact of the Offenses

The interviews indicated that activities like smuggling, hoarding, and black marketing contribute to significant social issues. The consumer noted, *“practices such as hoarding and smuggling increase the price of goods and contribute to inflation,”* illustrating how these illegal activities directly affect social inequality by raising the costs of essential goods. The businessman further explained, *“It hurts the economy as a result of creating social inequality,”* acknowledging the broader social impact of these economic crimes. As a result, these goods exceed the financial means of middle-class people, thereby contributing to social inequality. Black-market activity leads to price fluctuations and distorts the market. Furthermore, activities such as hoarding and smuggling foster corruption and amplify criminal behaviors, leading to significantly detrimental effects on society. Similarly, these practices hinder the community’s ability to sustain a respectable standard of living.

### 5.6.5 Effectiveness of the Special Powers Act, 1974

The interviews revealed widespread concern about the efficacy of the SPA, 1974. The advocate and judicial officer acknowledged the SPA’s 1974 severe penalties but questioned their efficacy. The advocate expressed concerns, *“No, there is no control at all, especially in the border areas,”* pointing to inadequate enforcement in key regions. The judicial officer emphasized the vague definitions in the Act, stating, *“No,*

the Act defines 'hoarding' as hoarding by any person of any article provided by or under any law. This definition is vague as it does not specify the quantity, purpose, or duration of hoarding. It should have been made more precise. There is no control about legal enforcement agency." Despite the stringent penalties outlined in the SPA, both the consumer and the businessman noted that enforcement remains lacking, with the businessman explaining, "The law enforcement authority should be more transparent, accountable, and strict."

### 5.6.6 Challenges in Judgment

The interviews revealed various challenges related to the enforcement and adjudication of offenses under the act. The advocate mentioned factors that include "a shortage of knowledgeable employees, political influence, and the widespread usage of digital technology," which complicate the implementation of the legal framework. The judicial officer expressed concerns regarding institutional limitations, mentioning, "Regular criminal courts function as special tribunals under the Act while also handling their standard judicial duties, which leads to delays."

### 5.6.7 Role of Public Participation and Institutional Accountability

As the study indicated, all the interviewees agreed that the strict application of the law alone is insufficient to address smuggling, hoarding, and black-market transactions. One of the interviewees, a consumer, stated, "Awareness is key to fight these criminals." Another commenter advocate articulated the concept of greater transparency, accountability, and scientific integrity in law enforcement agencies, stating, "An accountable system is better. This should be part of an overall strategy to make sure our laws are effective." In addition, a judicial officer highlighted the importance of enhanced border surveillance, saying, "Enhanced border surveillance, coupled with public sensitization programs, is vital to check corruption." The study demonstrated that, to address these problems, stakeholders, including government, law enforcement organizations, and the community at large, must take a participatory role in management.

### 5.6.8 Recommendations from the Interviewees

The interviews revealed that several recommendations emerged consistently. The Consumer emphasized public awareness, saying, "Strict application of laws, breaking up the syndicate, and increasing public awareness" are necessary to prevent these illicit activities. The Advocate recommended better law enforcement along with public awareness, saying, "In addition to law enforcement, increasing public awareness and enhancing the efficiency of law enforcement agencies" is necessary. Judicial Officer recommended legal reforms, including special tribunals for speedy trials and more effective punishment, "Establishing special tribunals for speedy trial and punishment of crimes. Where separate judges should be appointed only to try crimes under this Act." The Businessman also highlighted the significance of enforcement, stating, "Strict enforcement of laws and public awareness can help stop smuggling, hoarding, and black-market activities." This aligns with the consensus that more transparent, accountable, and rigorous law enforcement is crucial to effectively combating these economic crimes. The recommendations include avoiding harsh law enforcement measures, implementing public awareness programs, and enacting targeted legal reforms to address the causes and effects of smuggling, hoarding, and black-market activities.

### 5.6.9 Violation of human rights and hoarding, smuggling, and black-market activities

The nature of human rights is inherent and inalienable, originating from international instruments such as the 1948 Universal Declaration of Human Rights, the ICCPR (1976), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR). Additionally, the United Nations Conference on Trade and Development (UNCTAD) 1964 guidelines and the United Nations Guidelines for Consumer Protection

(UNGCP) of 1985 (revised in 2015) were used. To make my study more meaningful, we conducted interviews with stakeholders to determine whether human rights are violated through smuggling, hoarding, and black-market activities. They responded that, of course, human rights are violated through smuggling-related offenses. Here, the Judicial Officer stated, *“I would like to emphasize that human rights are truly violated by smuggling, hoarding, and the black market.”* Human rights include the right to life, liberty, and security (UDHR, 1948, Article 3) and the right to safety (Hoofnagle, 1962). These are also consumer rights recognized and protected by various international instruments. Although there is no explicit provision stating that human rights are violated through smuggling, hoarding, and black-market trading, these activities indirectly compromise human rights. For example, smuggling hazardous or counterfeit products poses serious health risks and threatens life security (ICC, 2011). Likewise, hoarding and black-market activities cause vulnerable consumers to pay higher prices, reducing their purchasing power. This can result in consumers being unable to fully meet their basic needs, thereby infringing on their right to life. Furthermore, these activities hinder fair access to goods at fair prices, further violating human rights. Therefore, smuggling, hoarding, and black-market activities violate human rights.

## 6 Summary and Recommendations

This study employed a legal doctrinal qualitative research method. The findings have been explored through case studies, a literature review, critical analysis of specific provisions of the SPA 1974, and face-to-face interviews with several stakeholders, including a Judicial Officer, an Advocate, a Consumer, and a Businessman. Smuggling, hoarding, and black-market activities pose significant challenges to the economy and society, resulting in government revenue losses and increased social inequality. These activities also violate human rights. Due to various deficiencies, insufficient law enforcement, and a shortage of skilled personnel, these offenses remain difficult to manage. Consequently, amendments to the provisions of the SPA 1974 are essential to enhance economic growth, promote a corruption-free society, and safeguard human rights.

This study, which involved a comprehensive review of laws, articles, case studies, and interviews with stakeholders, led to several key findings. First, despite the highest punishment and 14 years of imprisonment, these laws are not practically enforced. Many law enforcement agencies are engaged in controlling smuggling, black-market activities, etc., but they suffer from a severe shortage of skilled personnel. Most people remain unaware of smuggling, hoarding, and black-market activities, which prevents them from playing an essential role in controlling these offenses.

Furthermore, a strong market syndicate controls these offenses, and the SPA 1974 lacks clarity regarding crimes on digital platforms, such as e-commerce, where it is difficult to identify buyers and sellers, and no recorded evidence is available. There is also a lack of coordination among various authorities, making it impossible to effectively control these offenses. Fines alone are insufficient to bring about meaningful reform, as offenders are often released from jail custody by paying fines to the state treasury, but the penalties are not enough to control smuggling, hoarding, and black-market activities.

Based on these findings, we offer the following recommendations. The existing provisions of the SPA 1974 ought to be reformed to align with current requirements. Law enforcement agencies must enhance their skills and transparency in executing their responsibilities. The growing incidence of smuggling, black-market activities, and hoarding is concerning, particularly as some of these offenses operate on digital platforms. Therefore, it is imperative to tackle offenses occurring through cyberspace with sophisticated technologies and a proficient workforce.

Furthermore, the government should safeguard domestic industries while also striving for equilibrium between domestic and imported goods. Modernizing the tax system through reforms offers a promising avenue to achieve a balanced approach. It is essential to enhance public awareness of the risks associated with smuggling, hoarding, and the black market, which can be effectively achieved through symposia and awareness campaigns. Improved coordination among authorities is crucial to better oversight of syndicates

engaged in smuggling and other illicit activities. The elimination of all market syndicates is imperative, along with stringent monitoring to ensure compliance. Recognizing the right to purchase goods at fair prices as a fundamental right is essential, and ordinary citizens should be incentivized for their proactive role in preventing smuggling and hoarding. Finally, to facilitate expedited trials under this legislation, the establishment of independent special courts in every district is necessary, along with an increase in the number of judges to alleviate workload pressures.

## 7 Conclusion

The right to purchase goods and ensuring access to a fair market price are both human rights, and these rights are now legally protected. Although laws are in place to guarantee these rights, anyone may take legal action if they are violated. Unfortunately, these laws are less effective due to shortcomings in the legal framework and the coexistence of multiple laws. We focused primarily on the SPA of 1974, especially its provisions on hoarding, black markets, and smuggling, as outlined in Section 25. These are considered economic offences. To address our study, we conducted face-to-face interviews to determine whether these laws are enforced in practice. All the respondents provided the same answer: the law's limited effectiveness prevents these offences from being effectively controlled. Ultimately, we must say that the offences outlined in Section 25 of the SPA of 1974 need stricter enforcement. This is crucial because if economic offences are not controlled, the country could face an economic crisis, ultimately hampering society and undermining national development. Therefore, the provisions related to economic offences must be reformed, and we need to become more conscious of this issue. Law enforcement agencies should be better trained to identify offences and offenders, and be more accountable and transparent. Hopefully, economic offences will be better controlled, and ultimately, sustainable economic development will be achieved.

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