

THE PROTECTION OF CONSUMERS' RIGHTS IN BANGLADESH: A CRITICAL LEGAL ANALYSIS

AUTHOR – SAYED JUBAYED MD MUBTASIM, LL.M SCHOLAR AT UNESCO MADANJEET SINGH SOUTH ASIAN INSTITUTE OF ADVANCED LEGAL AND HUMAN RIGHTS STUDIES (UMSAILS) IN COLLABORATION WITH UNIVERSITY OF ASIA PACIFIC (UAP)

BEST CITATION – SAYED JUBAYED MD MUBTASIM, THE PROTECTION OF CONSUMERS' RIGHTS IN BANGLADESH: A CRITICAL LEGAL ANALYSIS, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 4 (4) OF 2024, PG. 189-200, APIS – 3920 – 0001 & ISSN – 2583-2344.

ABSTRACT

Consumers' rights protection is an essential component of modern legal systems that strives to protect consumers' interests and well-being, and it is a significant area of legal study that involves examining the procedures, concepts, and issues surrounding consumers' rights protection. The primary focus of this monograph is the present scenario for consumer rights protection in Bangladesh and conduct critical analysis of consumer rights practices in Bangladesh. In this regard, the Consumers' Rights Protection Act (CRPA) of 2009 has been thoroughly looked at in this study. The analysis is concentrated on critically analyzing the legal framework, enforcement mechanisms, and potential reforms, with the aim of contributing to the ongoing discourse on consumer rights protection, ultimately seeking to improve consumer well-being and promote fairness and accountability in consumers' transactions. Following an analysis, this paper finds some significant gaps in the legislative framework of consumer rights protection in Bangladesh and suggests some solutions of addressing the gap.

KEY WORDS: Consumer Rights, Legal Framework, Concerned Authority

INTRODUCTION:

Following its independence from Pakistan, Bangladesh adopted a variety of Pakistan enacted laws, as well as British laws, as well as several statutes enacted by our parliament over time. In contrast, the Bangladeshi lawmaker remained silent on the consumer protection measure. As a result, for a long time, there was no formal legislation safeguarding consumer rights in Bangladesh. Bangladesh's non-party caretaker government passed an ordinance in 2008 that established a strong statutory foundation for consumer protection. The current government enacted the Consumer Rights Protection Act (CRPA) 2009 on April 6, 2009¹⁹⁹ As a result, we might conclude that the Consumer Rights Protection Act of 2009 falls far

short of being comprehensive. Only qualified public employees are authorized to make a complaint against an offender of consumer rights, according to the law. A person who has been directly affected cannot sue someone unless he first makes a complaint with the proper body. No court will take cognizance if the charge sheet is not produced within 90 days of the complaint date. Because of these legislative inadequacies, consumers are not sufficiently protected. As a result, in order for consumers to file a case in a court of law, these legal flaws must be corrected.²⁰⁰

However, Bangladesh has serious difficulty in successfully distributing and explaining this

¹⁹⁹ Staff Reporter, 'Deadly Formalin-laced Fruits in Bangladesh Could Cause Slow Poison Mass Killing' Hngn (9 June 2014)

²⁰⁰ Badsha Mia & Surjoy Mallick, 'Protection of Consumer Rights in Bangladesh : Law and Reality' <https://www.researchgate.net/publication/352761383_Protection_of_Consumers'_Rights_in_Bangladesh_Law_and_Reality> accessed February 22, 2023

legislation to the general public. The Bangladeshi people are uninformed of their rights due to a lack of seminars, symposiums, leafleting, and other awareness-raising efforts. The government system is extremely deficient in terms of execution. Because the government's system is broken, non-governmental groups should step in with a program to help consumers.²⁰¹

The people of Bangladesh have also witnessed a few government efforts and programs that are meant to safeguard consumers. Even politicians have been known to support businesspeople, dealers, and manufacturers by soliciting excessive subscriptions, which enables them to create fake market crisis and profit at the cost of the general public.²⁰²

The good news is that there are non-governmental organizations (NGOs) in our country that are actively promoting legal consumer protection and trying to safeguard consumers. In certain cases, these NGOs provide direct street assistance, legal assistance, and counseling.²⁰³

RESEARCH OBJECTIVES:

The main objective of my research is to analyze the inadequacies of the existing legal framework for the protection of consumer rights in Bangladesh. The study will be required on the basis of a few specific objectives in order to effectively attain this objective.

These objectives are,

- (i) To examine the enforcement mechanism currently in place for Bangladeshi consumer rights protection.

- (ii) To analyze practical scenario of consumer protection in Bangladesh.
- (iii) To examine how consumer rights are infringed in Bangladesh.
- (iv) To suggest recommendations to address the shortcomings and to make for a better protection of consumer rights in Bangladesh.

RESEARCH METHODOLOGY:

Both the qualitative and quantitative methods have been applied in the research. The majority of the research resources are gathered from secondary sources such as books, journal articles, newspaper reports, blog posts, online journals, e-books, reports and data from various organizations and so on. Some material and information are gathered from primary sources such as domestic laws, international legal instruments, law reports, international organization instruments, and others.

CONCEPT DEVELOPMENT:

WHO IS A CONSUMER?

The legal field of consumer protection focuses on safeguarding consumers who are taking part in business activities inside the commercial sector. It falls within the wide legal category of consumer law. Consumer Protection Laws guarantee that all commercial activity carried out by vendor-based commercial operations, not only that of consumers engaged in commercial activity rooted in consumption and purchase is regulated to provide consumer protection.

A consumer is a person or company who buys products or services for personal, home, or commercial use. End-users or beneficiaries of items or services produced by businesses or suppliers are known as consumers.²⁰⁴

Consumer is someone who participates in a commercial activity for reasons other than his own. Consumer definition in Bangladesh is

²⁰¹ Haider Mohammed Julfekar, 'Importance of Consumer Protection' (*India Study Channel*, 10 October 2010) <<https://www.indiastudychannel.com/resources/128900-Importance-Consumer-Protection.aspx>> accessed February 21, 2023

²⁰² Md Shahrir Akter, 'An integrated protection framework to preserve consumers' rights and responsibilities in Bangladesh' (2007) <<http://dspace.daffodilvarsity.edu.bd:8080/bitstream/handle/20.500.11948/629/An%20Integrated%20Protection%20Framework.pdf?sequence=1&isAllowed=y>> accessed February 22, 2023

²⁰³ Hoq Ehteshamul, "Trafficking Persons, Especially Women in Bangladesh: Problems and Prospects" (2012) <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3234155> accessed February 22, 2023

²⁰⁴ Consumer, 'Definition of Consumer' (Black's Law Dictionary 2nd edition) <<https://thelawdictionary.org/consumer/#:~:text=1,Refer%20to%20custo>> accessed 10 May 2023

defined in Section 2 (19) of the CRPA, 2009. The word 'consumer' relates to the following individuals:

- Anyone who pays a price for an item or agrees to pay a price for anything other than resale or commercial benefit.
- Makes a partial payment or promises to make a partial payment on a purchase.
- Purchases with the promise of paying the price over time or in installments.
- Anyone who, after acquiring something, sells it commercially in order to earn a living as a self-employed individual.
- Who hires or receives any other service in return for money or a promise to pay a price.
- Employs or acquires any other service in return for a portion of the charge or a commitment to pay a portion of the price.
- Hires or acquires any other service by paying for it over time or in installments.²⁰⁵

CONSUMER PROTECTION LAW:

Consumer protection laws refer to the body of rules and legislative measures designed to protect consumers' rights and interests in dealings with business and the marketplace. These rules were passed to protect consumers from unfair, dishonest, or fraudulent business activities and to provide them access to high-quality, trustworthy, and secure products and services.

It is intended to provide a fair and balanced market where customers are educated, empowered, and shielded from unethical behavior. These laws improve overall consumers' pleasure and well-being while encouraging healthy competition and consumers' trust.

The legal structure and rules put in place to protect the rights and interests of consumers in Bangladesh are referred to as consumer protection laws. These laws are designed to

safeguard consumers from dishonest business activities, ensure the goods quality and safety, and provide channels for dispute settlement and reparation. Bangladesh's consumer protection laws are essential for safeguarding consumer interests, guaranteeing fair commerce, and advancing consumer welfare. The rules provide a framework for the legal resolution of consumer complaints, maintaining of goods' quality and safety, and the promotion of an honest and responsible business environment.²⁰⁶

JURISPRUDENTIAL VIEW OF RIGHT:

There are significant differences of opinion among jurists about the definition and analysis of legal rights. According to Austin, a right is a capacity that, as a result of a specific law, is vested in a specific party or parties and that serves as protection against another party or parties (or fulfills a responsibility owed by another party or parties) other than the party or parties in which it is vested. He contends that a person only has a right when someone else or someone else is required by law to do something for him or refrain from doing anything. It implies that a responsibility is always related to a right.

According to Holland, a legal right is the capacity that one man has to direct, with the support and cooperation of the state, the acts of others. It is obvious that Holland adheres to Austin's instructions.

According to Salmond, a right is an interest that is acknowledged and safeguarded by a rule of law. It is an interest that must be respected and that should not be taken into account.²⁰⁷

RIGHT OF A CONSUMER:

The Consumer Rights Protection Act of 2009 recognizes and protects certain consumer rights. These rights are intended to protect

²⁰⁵ The Consumers' Rights Protection Act 2009, s 2 ss (19)

²⁰⁶ Daniel Liberto, 'What Are Consumer Protection Laws?' (investopedia 22 September 2022) <<https://www.investopedia.com/articles/pf/10/know-your-consumer-protection-laws.asp>> accessed 22 March 2023

²⁰⁷ Right, 'Jurisprudential View of Right' (Indian Institute of Legal Studies) <https://www.iilsindia.com/study-material/262979_1596910050.docx> accessed 20 April 2023

customers' fair treatment, safety, and satisfaction in their connections with businesses. Some rights are stated in Section 2 (20) of the CRPA 2009. They are as follows²⁰⁸:

- Selling or offering to sell any products, medication, or service at a price more than that authorized by law or regulation.
- Knowingly sell any adulterous product or drugs.
- Any Act or Rule that prohibits the sale or offering for sale of any product having a combination of any substance that is very harmful to human health, as well as the combining of such item with food.
- Misleading the public by using misleading and incorrect advertising to market a product or service.
- Failing to provide the items or services promised in return for the exchange price.
- To sell or supply at a lower weight than was promised at the time of purchase or sale.
- A scale or weighing instrument used by a commercial institution for the sale or delivery of any items that displays an overweight weight in relation to the actual weight.
- Using less than the declared weight of a product while selling or delivering it.
- Using ribbon to measure length in any business organization, resulting in a length measurement that is larger than the true size.
- To make or manufacture an unauthentic product or medicine.
- To sell or offer to sell items or medications with an expiry date.
- Any conduct that endangers a service consumer's life or safety and is unlawful by any Act or Rule.
- As a consequence, we may say that preventing acts against consumer rights implies guaranteeing consumer rights.

LEGAL FRAMEWORK OF CONSUMERS' RIGHTS PROTECTION IN BANGLADESH:

a) THE CONSTITUTION OF THE PEOPLE'S REPUBLIC OF BANGLADESH 1972:

Consumer rights protection, in its wider context, refers to laws and policies, as well as the systems that ensure equitable interactions between consumers and manufacturers and service providers. Articles 15 and 18 of the People's Republic of Bangladesh Constitution guarantee the consumer rights without referring to or via the tenure itself, which is covered within the field of citizens' general rights. According to the right to food security is a basic security of public policy for long-term livelihoods, according to Article 15.²⁰⁹ Article 18 states that public order must promote public health and nutrition while also prohibiting alcohol and drug abuse. Nonetheless, since these two regulations are part of the basic principles of public safety, they lack legal standing in court as fundamental rights.²¹⁰

Our higher court adopts a more liberal attitude in public interest litigation, assuming that some underlying social order may apply to the definition of "victim," but failing to provide clear guidance on both matters. According to Article 32, a person's life or personal freedom cannot be taken away from them unless it is done so legally. This article assures that the people of Bangladesh's life and personal liberty are protected.²¹¹

b) THE PENAL CODE 1860:

Consumer rights are also protected under the Penal Code of 1860. These Sections are discussed below,

According to the Section 272 discusses about the, Food or drink that is meant for sale but has been adulterated punishment for that type of offense is imprisonment for 6 months or fine 1000 Taka or it can be both. In the Section 273 discusses about the, sale of toxic food or drink

²⁰⁸ The Consumers' Rights Protection Act 2009, s 2 ss (20)

²⁰⁹ The Constitution of the People's Republic of Bangladesh 1972, A 15

²¹⁰ *ibid*, A 18

²¹¹ *Ibid*, A 32

which punishment is imprisonment for this offense is 6 months or fine 1000 Taka or it can be both. In the Section 274 discusses about the, Adulteration of drugs which punishment is imprisonment for 6 months or fine 1000 Taka or it can be both. Under Section 275 discusses about the, Sale of adulterated drugs which punishment is imprisonment for 6 months or fine 1000 Taka or it can be both. According to the Section 276 deals about the, Sale of drug as a different drug or preparation drugs which punishment is imprisonment for 6 months or fine 1000 Taka or it can be both.²¹² Under Section 264 discusses about the, fraudulently use instrument for weighting which punishment is imprisonment for 1 year or fine or it can be both. In the section 265 discusses about the, fraudulent use of false instrument for weighting which punishment is imprisonment for 1 year or fine or both. Under Section 266 discusses about the, being in possession of false weight or measure drugs which punishment for that type of offense is imprisonment for 1 year or fine or it can be both. Under Section 267 discusses about the, Making or selling false weight or measure drugs which punishment is imprisonment for 1 year or fine or both.²¹³ According to the Section 478-489 discusses about the Offences relating to Trade mark and Property mark imprisonment for 1 year or fine or it can be both.²¹⁴

c) CONSUMER RIGHTS PROTECTION ACT 2009:

The government has passed the Consumers' Rights Protection Act of 2009 to safeguard consumer rights. This is a realistic approach by the government to protect the rights of consumers, which ultimately protects the right to life. While the (CRPA, 2009) is the primary legislative instrument for the protection of consumer rights in Bangladesh.

The CRPA 2009 has civil as well as criminal remedies. A consumer is allowed to submit complaint with the Consumer Rights Protection department for any infringement of the Act. The

Deputy Commissioners of the districts have the same authority as the department. While a consumer is not permitted to register a direct complaint with the police station under the CRPA, 2009, he or she may file a case with the police station under other laws. The Consumer Rights Law not only prohibits but also punishes adulteration, stockpiling, smuggling, black marketing, cheating or fraud in weight and measurement, and selling items at higher prices. Manufacturer, producer, service provider is liable for sale adulterated foods, drugs, or other important goods.

Under CRPA 2009, product liability ensures some penalty for the wrongdoer. These sections are discussing below,

According to the Section 37 discusses about the, Not using cover of goods etc which punishment is imprisonment for 1 year, or fine 50 thousand Taka, or it can be both.²¹⁵ In the Section 40 deals with the, Selling products, medicine or service at higher price than fixed one for that type of offense punishment is imprisonment for 1 year, or fine 50 thousand Taka, or it can be both. Under section 41 deals with the, Selling adulterated medicine or goods. Punishment for this offense is 3 years imprisonment, or fine 2 lacs Taka, or it can be both. Section 42 discusses about the, Mixing prohibited materials in foodstuff. Which punishment is imprisonment for 3 years, or fine 2 lacs Taka, or it can be both. In the Section 43 discusses about the, Manufacturing or processing goods in unlawful process. Punishment for that type of offense is imprisonment for 2 years, or fine 1 lac Taka, or it can be both.²¹⁶ Section 45 discusses about the, Punishment for not selling or delivering accurately any goods or service which promised. Which punishment is imprisonment for 1 year, or fine 50 thousand Taka, or it can be both.²¹⁷ Section 50 discusses about the, Punishment for making or manufacturing fake goods. For that type of offense punishment is

²¹²The Penal Code, s (273-276)

²¹³Ibid, s (264-267)

²¹⁴Ibid, s (478-489)

²¹⁵ The Consumers' Rights Protection Act 2009, s 37

²¹⁶ Ibid, s (40-43)

²¹⁷ Ibid, s 45

imprisonment for 3 years, or fine 2 lacs Taka, or both. Section 51 discusses about the Punishment for selling any date expired goods or medicine punishment for this offense is imprisonment for 1 year, or with fine 50 thousand Taka, or it can be both.²¹⁸

d) SPECIAL POWERS ACT 1974:

The sale of counterfeit goods, stolen items, or adulterated food or drugs, smuggling is also illegal, and violations are penalized by law, up to and including the death sentence under the Special Powers Act of 1974.

According to the Special Powers Act 1974, Section 25(B), Sub Section 1, discusses about the penalty for the smuggling takes out of Bangladesh the punishment of the offense is death penalty, or imprisonment for life, or rigorous imprisonment which may extend to fourteen years and shall not be less than two years and also shall be liable to fine. In the Section 25(B), Sub Section 2, discusses about the penalty for the smuggling into Bangladesh the punishment of the offense is imprisonment for not more than 7 years and not less than 1 year, and also liable to fine. If we see, Section 25(C), Sub Section 2, discusses about the penalty for adulteration, sale of food, medicines, drinks, cosmetics which is adulterated the punishment of the offense is death penalty, or imprisonment for life, or rigorous imprisonment which is 14 years, and also liable to fine.²¹⁹

e) DRUG CONTROL ORDINANCE 1982:

Drug Control Ordinance 1982 also mentions various sections for the security of the drugs sector related with the consumer rights protection. Under Drug Control Ordinance 1982, these sections are discussing below,

According to the Drug Control Ordinance 1982 Section 16, discusses about the Manufacture, export, storage or retail of sub-standard drugs which have not been registered the punishment of the offense is imprisonment for 10 years or fine 2 lacs Taka or both. In the Section 17,

discusses about the manufacture, storage, or distribution of pharmaceuticals below acceptable quality standards the punishment of the offense is imprisonment for 5 years or fine 1 lacs Taka or both.

Under Section 18, discusses about the Import of unauthorized drugs the punishment of the offense is imprisonment for 3 years or fine 50 thousand Taka or both. In the Section 19, discusses about the Sale of Increased pricing of medicine for sale the punishment of the offense imprisonment for 2 years or fine 10 thousand Taka or both. Under Section 20, discusses about the Stolen of any medication from a government-run pharmacy, medical facility, or retail outlet the punishment of the offense imprisonment for 10 years or fine 2 lacs Taka or both. According to the Section 21, discusses about the Unlawful, false advertising and claims 3 years imprisonment or fine 2 lacs Taka or both.²²⁰

CAUSES OF VIOLATIONS OF CONSUMERS' RIGHTS:

There are many different causes of consumer rights violations, including:

(i) LACK OF INFORMATION:

Consumers may not have enough information about a product or service, or they may not completely comprehend the information that is accessible. As a result, they may make poor buying choices or be taken advantage of by businesses.

(ii) UNFAIR BUSINESS PRACTISES:

Some businesses engage in unfair business practices such as false advertising, bait-and-switch techniques, and concealed costs. These practices have the potential to deceive consumers' and abuse their rights.

(iii) POOR PRODUCTS QUALITY: Poorly designed or made products can

²¹⁸ *ibid*, s (50-51)

²¹⁹ The Special Powers Act, 1974, s 25

²²⁰ The Drugs (Control) Ordinance, 1982, s (16-21)

be hazardous or ineffective, placing customers at risk and violating on their rights.

(iv) INADEQUATE SAFETY

STANDARDS: Some goods may fail to satisfy safety standards due to insufficient testing or because rules are not strictly implemented. This may danger consumers and abuses their rights.

(v) LACK OF REGULATIONS: In some industries, there may be little or no regulation, which can allow businesses to take advantage of consumers without consequence.

(vi) LIMITED OPTIONS: Consumers may have limited options when it comes to purchasing certain products or services, which can make them more vulnerable to exploitation.

(vii) CULTURAL FACTORS: Cultural factors can also contribute to consumer rights violations, such as in societies where consumer protection is not valued or where there is a culture of corruption.

Overall, consumer rights violations can occur for a variety of reasons, and it is important for governments, businesses, and consumers themselves to take steps to prevent and address these issues.²²¹

CRITICAL ANALYSIS OF LAWS RELATING TO CONSUMER RIGHTS PROTECTION IN BANGLADESH

LOOPHOLES IN THE EXISTING LAWS:

The majority of consumers in Bangladesh are currently dealing with a number of different problems, including adulteration, product inconsistency with the price, misleading advertisements, deceitful packaging and branding, misleading data about goods and services, dishonesty in weights and measures,

fake dates, illegal manufacturing procedures and sales, among others.²²²

The implementation of measures against crime related to violations of consumer rights in Bangladesh is made difficult by overlapping legal frameworks.

Experts have noted that potential barriers to enforcement include different laws on the same issue, different penalties for the same act under multiple laws, court expenses for bringing a case for compensation, delays in the legal process, investigative methods handled by the police rather than independent bodies, and a lack of monitoring measures. On the other hand, our country also has certain contentious and traditional laws in place. These laws are so out of date that they provide little to no protection to consumers' interests.²²³, and the majority of legislation pertaining to the protection of consumer rights fails to correspond to international standards for dispute settlement.

CONSUMERS' LACK OF KNOWLEDGE OR UNDERSTANDING OF CONSUMERS' RIGHTS:

In our country large number of consumers low standard, uneducated, also little understanding of their consumer rights. Bangladesh has many laws and appropriate organizations, such as the Consumer Association of Bangladesh (CAB), doing work protection of consumer rights. However, most of time, the support of approved laws and concerned organizations does not reach consumers since the majority of consumers' are unaware of their rights. Consumers' ability to preserve their rights and speak out against the dishonest businesses who have abused them throughout the year has been hampered by their unawareness and ignorance. Furthermore, organization attitudes and actions are less concerned with consumers, despite consumer pressure movements is typically modest.

If Bangladesh's customers properly

²²² Ibid

²²³Md. Nurnobi Islam, 'Consumer Rights Protection: Degree of Awareness and Its Present Status' (2016)<https://www.researchgate.net/publication/344192457_Consumer_Rights_Protection_Degree_of_Awareness_and_its_Present_Status_in_Bangladesh> accessed April 24, 2023

²²¹ MD. Nayem and Alimul Hyder, 'Consumer's Rights Protection in Bangladesh' *The Financial Express* (27 April 2017)

comprehended and utilized their rights, consumerism would be more widely accepted in the country.²²⁴

TIME CONSTRAINT FOR COMPLAINT:

Another significant drawback of customers is the lack of time to file a complaint.

According to the section 60 of the Consumer Rights Protection Act (CRPA) 2009, Complainants must file their complaints within 30 days after the incidence date.²²⁵ Concerning the problem of ignorance, the 30-day time restriction will undoubtedly get expired, preventing access to justice. Based on this study, time restriction for complaint should be extended.²²⁶

LIMITATIONS OF FILLING CRIMINAL CASE:

A consumer who feels aggrieved cannot bring a complaint to the Magistrates court to start a criminal procedure.²²⁷ All matters covered by this rule must be submitted with the Director General (DG) or another office holder who has been given empowered by the District Magistrate.²²⁸ In contrast, the DG of the DNCRP defended the by meeting saying that, in the event of a circumstance, the case would be brought before a judicial magistrate's court as a matter of priority. However, according to the section 61 of the consumer rights protection act 2009 the complaint will be time-barred, if DNCRP neglects to submit that case before the court of the judicial Magistrate within 90 days after the complaint lodged.²²⁹ Therefore, a time constraint may also serve as a mitigating factor. Along these lines, the issue of access to justice still exists, requiring a reform of the legal provision.

LIMITED JURISDICTION:

When the cost of the products or services and the amount of any compensation sought do not

exceed 200,000 BDT²³⁰, the DNCRP is authorized to investigate complaints.

With additional authority, the quasi-judicial body may anticipate more complaints, resulting in better and broader protection. With the help of this system, the court will have less work to do, and consumers will have speedy, simple access to justice. The disparity as such indicates the Directorate of National Consumer Rights Protection's (DNCRP) constrained ability for address concerns. Access to justice is constrained by such a restriction. Therefore, it is crucial to clarify the DNCRP's authority.

LIMITED REMEDY:

There is also scope for the DNCRP to provide further administrative remedies here. Only if the consumer's complaint proves valid at the hearing may the DNCRP issue a fine under the CRPA 2009.

Consumers are entitled to 25% of the realized fine up to a maximum fine of 200,000 BDT.²³¹ According to this point of view, the Director General's remedial powers should be increased to better protect the requirements of consumers.

LIMITED DEFINITION OF ANTI-CONSUMERS' RIGHTS PRACTICE:

A further drawback of the Act is its limited scope of applicability. The Consumer Rights Protection Act has identified 12 anti-consumer behaviors. However, the extent of the description is limited. For example, the section makes no mention of restrictive trade practices. It also excluded several areas of unfair commercial conduct, such as misleading representation of products and services, false representation of warranty and guarantee, and other anti-consumer practices. There is insufficient provision for maintaining the quality of all products and services. Concerning quality, According to the Section 2 (20) of the CRPA, 2009 specifies that intentionally selling or offering to sell contaminated products or medication is an

²²⁴ ibid

²²⁵ The Consumers' Rights Protection Act 2009, s 60

²²⁶ Shakhwat Shamim, 'Urge to Amend Consumer Rights Protection Act' *The Daily Star* (March 14, 2016)

²²⁷ The Consumers' Rights Protection Act 2009, s. 71(1)

²²⁸ ibid, s. 71(2)

²²⁹ ibid, s. 61

²³⁰ ibid, s. (37-55)

²³¹ ibid, s 76

anti-consumer Act. However, the meaning of adulteration is limited to food, medication, hair oil, body soap, and other cosmetics. Additionally, there is no need under the Act to maintain service quality. As a result, the scope of protection for quality violations is limited.

LIMITED DEFINITIONS ABOUT SERVICE:

The scope of the rights to service protection provided by the Consumer Rights Protection Act 2009 is also under doubt. The Act defines service as anything that is provided to its users for a price, excluding free services and that is made available to them, including supply of water, drainage, conveyance, telecommunication, gas fuel, building, and residential and eating hotel services, and health care services.²³² This evaluation serves as an example of the CRPA's strict definition of service. The description left out typical service sectors including finance, banking and insurance, processing, housing, entertainment and the dissemination of news among others. To ensure improved customer security, the service's scope must be increased.

LIMITATION REGARDING PRIVATE HEALTH CARE SERVICE:

According to the section 73 of the CRPA 2009, the DNCRP is capable of inspecting and discovering faults in private health care services but cannot impose any corrective actions. The National Consumer Rights Protection Directorate may simply refer the problem to the Secretary of the Ministry of Health and the Director General of the Department of Health.²³³

This restriction slows the process and may lead to allegations of procedural inconsistency and access to justice restrictions. As a result, this restricted clause in the 2009 Act was meant to be reviewed in order to provide effective consumer protection.

ABSENSE OF DIGITAL CONTENT PROVISION:

It is the age of digital world, yet the Consumer Rights Protection Act makes no provision for it. Digital content refers to data that is created and distributed digitally. Software, games, applications, ringtones, e-books, online journals, and digital media such as music, film, and television are examples of digital content.

Intangible digital material may be downloaded, streamed, or viewed over the internet. Digital content consumption is massive and expanding all the time. In this regard, modification of the Consumer Rights Protection Act 2009 is required to fit the digital age. Sufficient provisions must be added for digital material in order to provide clarity and better protect consumers' rights.²³⁴

RULE MAKING POWER:

According to the section 80 of the Consumer Rights Protection Act, 2009 describe about the rule making power. Where says, The Government may enact rules to carry out the purposes of this Act by publishing them in the Official Gazette.²³⁵ Here, Government gets arbitrary power because law making power should be vested in the legislative body but Government is the part of executive body. This section is also needs reform.

FINDINGS:

This paper's earlier chapters examined consumer protection legislation in detail and sought to identify any gaps in the current legal framework. Following an analysis of the legislation, the study has come to some findings. The recommendations based on the findings of the study are given as well in this chapter. The paper has now come to a conclusion and stated its executive findings.

(i) The majority of Bangladeshis lack adequate knowledge about consumer rights. Due to their ignorance and lack of knowledge, consumers

²³² *ibid*, s-2, s s-22

²³³ *ibid*, s 73

²³⁴ Nazia Wahab, 'Online Shopping and Consumer Rights Protection within Bangladesh: A Review of Current Laws and Regulations' (2018) <https://www.researchgate.net/publication/344247931_Online_Shopping_and_Consumer_Rights_Protection_within_Bangladesh_A_Review_of_Current_Laws_and_Regulations> accessed 24 April 2023

²³⁵ The Consumers' Rights Protection Act 2009, s 80

have less power to defend their rights and speak out against dishonest businesspeople.

(ii) The majority of consumer protection laws are of the administrative type. The laws do not specify their rights, and also do they clarify how individuals may empower themselves to ensure their rights as consumers in Bangladesh.

(iii) The time limitation for filing a complaint is a key weakness since most of the time, 30 days from the cause of action is insufficient.

(iv) The criminal case is complicated since it cannot be filed directly before the magistrate court.

(v) The DNCRP authority to remedy complaints is restricted since the director may only exercise its jurisdiction when the claim is less than 200000 Taka.

(vi) Provisions for the procedural actions taken by the DNCRP upon copy of complaints are required. This is required for the procedure's fairness and honesty.

(vii) The Director General's remedy authority needed to be increased to properly protect the requirements of consumers. The director's jurisdiction is only 200000 Taka, and the consumer receives only 25% of the fine achieved which is insufficient for the majority of the time.

(viii) The Consumers Rights Protection Act has a very narrow scope. As a result, the Act does not provide protection for the majority of consumer rights difficulties.

(ix) The DNCRP has authority of examining and identifying flaws in private health care services, but it is not permitted to take corrective action.

(x) The Act do not empower the DNCRP file the lawsuits against makers of adulterated drugs, despite the fact that the DNCRP have authority and obligation which inspect and detect adulterated medicines.

(xi) One of the Act's major drawbacks is that it does not include digital information.

RECOMMENDATIONS:

a) The government must take measures to enhance widespread awareness among the general population, which will aid in raising a voice against dishonest businesses and obtaining consumer rights protection.

b) The law must define people's rights and provide a clear procedure for exercising those rights.

c) The majority of countries in the globe allow for a significant period of time to file a lodge, while Bangladesh only allows for 30 days. We may also expand the time restriction so that consumers can quickly get protection.

d) A provision should be included that allows the consumer to file a case directly with the magistrate court.

e) The Director's financial authority has to be expanded.

f) Under the CRPA 2009, there must be a separate process for the director general to guarantee procedural fairness and openness of the case.

g) To enhance the breadth of protection, the Act's peripheral or scope must be widened.

h) The legislation should be changed to include efforts by the Director to examine and find flaws in private health care services.

i) The legislation should be updated to incorporate digital material under the CRPA, 2009.

j) To ensure that consumers are protected, the government must take steps to include a thorough legislative framework.

k) To guarantee non-binding advice prior to a court or administrative judgment, Bangladesh should implement Alternative Dispute Resolutions provisions in the Consumer Rights Protection Act 2009.

l) To educate consumers, the government should broadcast programs on television and urge the media to broadcast television programs on consumer rights.

m) For the purpose of resolving disputes involving consumer rights safeguards, Government should create special courts.

CONCLUSION:

Consumer rights protection in Bangladesh is an important subject that needs major attention and development. While the country has made some progress in this area, there are still many challenges and obstacles to overcome. Protection of consumer rights is a vital component of contemporary societies that attempts to guarantee that consumers are treated fairly and have access to safe and dependable goods and services. It comprises a broad variety of legislative tools and administrative structures intended to guard against fraud, guarantee the quality of goods, encourage fair pricing, facilitate information access, and allow legal remedies in the event that goods or services cause damage. Consumer rights protection is founded on the notion of consumer sovereignty, which states that customers should be able to make informed choices about the items and services they buy. This concept is founded on the premise that people have a right to fundamental goods and services without fear of being abused by unethical businesses. Consumer protection laws and rules are essential for ensuring businesses function ethically and responsibly, and that they are held accountable for any damage done to consumers. They contribute to market trust and economic progress while also promoting a fair and equitable society. For the welfare of individuals and society as a whole, consumer rights protection is necessary. It makes sure that customers are safe from exploitation and mistreatment and that they have access to the products and services they need to live healthy and meaningful lives. Consumer rights protection is a pillar of contemporary legal systems and a crucial element of a just and equitable society since it promotes justice, accountability, and confidence in the marketplace.

Bibliography

Primary Sources:

Legislations:

1. The Constitution of the People's Republic of Bangladesh 1972
2. The Consumer Rights Protection Act 2009
3. The Drug (Control) Ordinance 1982
4. The Special Powers Act 1974
5. The Penal Code

Newspapers:

1. Nayem and Hyder, 'Consumer's Rights Protection in Bangladesh' *The Financial Express* (27 April 2017)
Observer correspondent, '4 Confectionery Shops Fined Tk 48,000 for Adulteration – Countryside' *The Daily Observer* (Panchagarh 31 August 2022)
2. Shamim S, 'Urge to Amend Consumer Rights Protection Act' *The Daily Star* (March 14, 2016)
3. Staff Reporter, 'Deadly Formalin-laced Fruits in Bangladesh Could Cause Slow Poison Mass Killing' *Hngn* (9 June 2014)

Online Journals:

1. Akter M, 'An integrated protection framework to preserve consumers' rights and responsibilities in Bangladesh' (2007) <<http://dspace.daffodilvarsity.edu.bd:8080/bitstream/handle/20.500.11948/629/An%20Integrated%20Protection%20Framework.pdf?sequence=1&isAllowed=y>> accessed February 22, 2023
2. Ehteshamul H, "Trafficking Persons, Especially Women in Bangladesh: Problems and Prospects" (2012) <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3234155> accessed February 22, 2023
3. Islam M, 'Consumer Rights Protection: Degree of Awareness and Its Present Status' (2016) <https://www.researchgate.net/publication/344192457_Consumer_Rights_Protection_De>

gree_of_Awareness_and_its_Present_Status_in_Bangladesh> accessed April 24, 2023

4. Mohammed H & Julfekar, 'Importance of Consumer Protection' (*India Study Channel*, 10 October 2010)
<<https://www.indiastudychannel.com/resources/128900-Importance-Consumer-Protection.aspx>> accessed February 21, 2023

5. Mia B & Mallick S, 'Protection of Consumer Rights in Bangladesh : Law and Reality'
<https://www.researchgate.net/publication/352761383_Protection_of_Consumers'_Rights_in_Bangladesh_Law_and_Reality> accessed February 22, 2023

6. Wahab N, 'Online Shopping and Consumer Rights Protection within Bangladesh: A Review of Current Laws and Regulations' (2018)
<https://www.researchgate.net/publication/344247931_Online_Shopping_and_Consumer_Rights_Protection_within_Bangladesh_A_Review_of_Current_Laws_and_Regulations> accessed 24 April 2023

Websites:

1. Liberto D, 'What Are Consumer Protection Laws?' (investopedia 22 September 2022)
<<https://www.investopedia.com/articles/pf/10/known-your-consumer-protection-laws.asp>> accessed 22 March 2023

2. Right, 'Jurisprudential View of Right' (Indian Institute of Legal Studies)
<https://www.iilsindia.com/study-material/262979_1596910050.docx> accessed 20 April 2023

GRASP - EDUCATE - EVOLVE