



Consumer rights in Bangladesh, an analytical study

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DECLARATION

The student of LL. B(hon's) solemnly declare that, the presented work has been performed by me and has been submitted in the fulfillment of the requirement for the degree of Bachelors of Law (LL. B).

I declare that this thesis has been prepared by me and not submitted before to any other university, college, organization for any academic qualification, certificate, diploma degree.

The work is my original work and it's not submitted before.

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CERTIFICATION

This is to certify that the thesis on ‘‘Consumer Protection in Bangladesh; An analytical study’’ done by Md. Sazzad Hossain (id: 151-26-754) in the partial fulfillment of the requirement for the degree of L.L.B (Hon’s) from the Daffodil International University of Bangladesh. The thesis has been carried out under my guidance.

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ABSTRACT

Consumer is the king of market. Though Bangladesh is small country she contains a large number of consumers. But it's the matter of sorrow that everyday every sector consumer right is violated. We have law but there is no strong enforcement. The education of consumer and skills of sellers affects to get the rights of consumer. A lot of organization works here for monitoring human rights situations but none are eager for protecting consumer rights and that's why consumer rights situation is not paid enough importance here. For this reason, first of all the government should take proper step to improve the condition of consumer rights.

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CONSUMER RIGHTS IN BANGLADESH, AN ANALYTICAL STUDY

Chapter 1

Introductory

1.1 Introduction

Bangladesh is a 3rd world country with a huge population comprising large consumer in comparative with its land. Though in many sectors Bangladesh improves but after 46 years of independence, consumer rights yet not been formulated in a significant manner in Bangladesh.¹ It is a matter of sorrow that only 1(one) organization working for it named CAB (consumer Association of Bangladesh). GATT to WTO emerged global business environment not only change the system and process but also the way of conducting business and transaction causing consumer deprivation and harassment.

As a law student, we know that consumer is the king of marketer. In developed country consumer is very honored but in Bangladesh they treated negligently. Almost every sector in Bangladesh consumer rights are violated.

1.2 statement of the problems

After achieving independence from Pakistan, Bangladesh had adopted many Pakistan enacted law & British law beside a lot of statute have been passed by our parliament. But there is no specific law in Bangladesh for the protection of consumer rights. In 2008 the caretaker government passed an ordinance in regarded consumer protection in Bangladesh. The consumer protection Act 2009 is not exhaustive at all. Under this act an individual aggrieved person can't file a suit.

1.3 Research objects

The simplest way to explain consumer rights, consumer rights are those rights when a person buy or hire any products or services by offering a seller. It gives protection to the consumer against the violation of their rights and being injured by the unfair trade practice of the seller or service provider.

The objects of my research are following:

- To clarify the concept of consumer & consumer protection.
- To evaluate the measure for enforcement of consumer rights.
- To analyze the present situation in Bangladesh.
- To inspect how consumer rights are violated in Bangladesh.

¹F.D.C wijesinghe, consumer Rights in comparison with other countries UK, Australia, India. (Economic review vol, 27 no 10011) p. 8-11

- ➔ To examine the application of the mechanism in Bangladesh.
- ➔ To identify the legal problems related the protection of consumer rights.

1.4 Research question

- i) Who is consumer?
- ii) What is consumer rights law?
- iii) What is the consumer perceived value?
- iv) How consumer rights are violated?

1.5 Research Methodology

Generally, the research would be coordinate with exploratory method. It is a combo package of both qualitative & quantitative research. The information & data has been collected from primary and secondary sources. Primary source refers face to face & secondary sources refers such as websites, journals, case studies, annual reports of various NGOs, newspaper.

To elaborate study of consumer rights and to completing this research work a lot of books, journals, articles, newspaper, website will be reviewed shown below:

- ➔ The protection of consumer rights Act 2009.
- ➔ Constitution of Bangladesh.
- ➔ Mr. L Kabir, The penal code, 1860, Ain prokashoni Dhaka2009.
- ➔ Dr. Nasrin Lubna, consumer rights in Bangladesh: Legal status & protection modalities.

Only these books are not sufficient for this research, its needed various websites & newspapers.

1.6 Conclusion

To protect the consumer rights is very important for us. We are people, each and every day we purchase any goods or services. If there is any specific law on consumers protection then the shopkeepers, traders will fear to cheat us on the other hand we can purchase standard quality goods, products, services. Our government also remain awareness on this issue very well.

Chapter 2

Concept of consumer protection

2.1 Development of consumer protection rights and law

2.1.1 Introduction:

The origin of consumer rights protection laws is found in the religious books. In Islam, a list of rights & duties is mentioned in the holy Quran to protect consumer rights. In Bible, it was mentioned to be good to one's neighbor.

Here I simultaneously discuss different types of period of consumer protection laws as-Ancient period, medieval period, modern period.

2.1.2 Ancient period:

In Ancient Roman, the earliest incarnation of consumer protection has been recorded as the implementation of the 'Lex Julia Annona' statute, which was passed by the Roman government around 50 B.C. 'Lex Julia Annona' statute enforced not only provide commercial operation with legal protection but also to provide consumer protection for Roman citizen.²

In Ancient India, VEDAS were considered the supreme and sacred injunctions governing supposedly the entire society during the ancient period. The reflection on old literature reveals various commands/dictates/ injunctions/prescriptions regulating different aspects of trade and activities affecting consumers and providing sanctions in the form of punishment or monetary sanction in the case of their breach.

In Kautilya's Arthashastra law relating to weights and measures are illustrated. As well as YAJANVALKYA also given views on weights and measures in Yajnavalkya-Samhita. Main provisions of "YAJNAVALKYA-SAMHITA" related to transaction of sale and purchase.

In "YAJNAVALKYA SAMHITA" detailed the mechanism about pricing policy, and profit ratio charged by the traders on the sold goods. "YAGANVALKYA" developed the concept of "constructive theft" which is relevant to the protection of consumers.

2.1.3 Medieval period:

The Holy Quran is the first and supreme source Islamic law. The legal principles of Muhammadan laws were grafted in Indian judicial system with the arrival of Islam in India. A comparative study given below:

The use of unfair weights has been condemned by the prophet in the passage found in the Quran.

²<https://bdjls.org/consumer-rights-in-bangladesh-a-critical-study/3/>

It is said: “A perfect and just weight shall then have, a perfect and just measure shall those have; that they days may be long upon the land which the cord by God give the” Prophet Mohammad (S) impressed upon his followers, the duty of strictly fulfilling their contracts.

Surah 5 : “O believers perform your contracts”³

“HOLY QURAN” also contained various prohibitive injunctions, and directives prescription for the purposes of protecting consumers from the malpractices indulged into by the traders. Prohibits hoarding and haram food and inspires and directs to eat and drink halal foods.

2.1.4 Modern period (international)

Every year from 1983, 15 March is observed as “ **world consumer Rights Day**”. The rights of consumer got international recognition when in 1985 the united nations promulgated the basic guidelines regarding consumer rights protection. On the 9th April 1985 the general assembly of the united nations organization in its 39th session adopted the united nations guidelines for consumer protection.⁴

The movement for consumer protection achieved massive character in the countries of the west only from the beginning of the 1960s when there was a sharp increase in the production of durable consumer goods. US president, John F. Kennedy, in 1962 in which the president outlined the fundamental postulates of US state policy towards consumer protection. The 1st and 2nd program for implementation of consumer protection policy and information adopted by the council of ministry of EEC in 1974 & 1981 respectively.

General laws on consumer protection –⁵

In USA

The Fair Debt collection practice Act 1978.

The consumer product safety Act was enacted in 1972

The consumer product safety improvement Act of 2008 (section 219) [15 U.S.C.2051]

The Federal Trade Commission Act 1914

Pure Food and Drug Act adopted on 30 June 1906

Federal Food, Drug and cosmetic Act passed by congress 1938

Food quality protection Act 1996

³Surah 5, Holy Quran

⁴https://unctad.org/en/PublicationsLibrary/ditceplpmisc2016d1_en.pdf

⁵Ahamuduzzaman & Syeda Shamsia Husain, *Consumer Protection Law* (2nd edn, Law Book Company 2011) page 127

United Kingdom

In the United Kingdom there are 2 separate organs –

- a. Department of Trade
- b. The Consultative Committee for protection of consumer

in accordance with the Fair-trading Act 1973. Act on Consumer Credit was enacted in England 1974 .EU adopt Unfair Trade and Practice in 2005. Consumer protection Act 1987 (amended 2000). General product safety regulations 2005.

In France

There are 2 separate organs deal with consumer protection-

- a. National Committee on Consumption
- b. The National Institute on Consumption

In Finland

In Finland, Laws on protection of consumers no 39-43 are in force from 1st September 1978.

2.1.5 Modern period (Bangladesh perspective)

After independence the consumers did not enjoy statutory rights to seek redress of their grievances arising out of the violation of the provisions of these laws before enacted consumer rights protection act 2009.

In Bangladesh the first draft on consumer protection law was prepared by the ministry of commerce in 1988. The law commission suggested various changes on October 2000. In 2006 a revised draft of consumer protection act was framed. In 2008 the non-party care-taker government passed the law through ordinances. The ordinance was not approved by the parliament. The government enacted ‘Consumer protection Act 2009.’⁶

The constitutional safeguard has been strengthened through promulgation of related laws and regulations so that consumption be proper and appropriate. Article 15, 18, 32,38, 40,102 read with 44.

⁶Ahamduzzaman & Syeda Shamsia Husain, *Consumer Protection Law* (2nd edn, Law Book Company 2011) page 193

2.2 clarify the concept of consumer protection

2.2.1 Introduction

Consumer protection is not a simple issue. It is a matter of vital importance for the less well-off members of society.⁷

There is no process in Bangladesh which is designed to protect the interests of consumers and to protect consumers' interests, which can be explained and explained to them easily and interestingly. There is no political commitment and campaigning for consumer protection.

2.2.2 Definition of consumer

Consumer is a person who purchase goods and services for individual use.

“**Consumer**” means any individual who in relation to a commercial practice is acting for purposes which are outside his business.⁸

section 2(19) of the Consumer Rights Protection Act 2009 in Bangladesh has define consumer.

2.2.3 what are consumer rights?

The rights are mentioning bellow:

- 1) Right to life
- (2) Right to be informed
- (3) Right to choose
- (4) Right to be heard

UNGCP extend this into 8 rights and consumers international adopt these -

- (5) Right to satisfaction on basic of needs
- (6) Right to redress
- (7) Right to education
- (8) Right to a healthy environment

Together these eight rights form the basis for current consumers' movement worldwide.”

In Bangladesh around 61 laws are prevailing on consumer rights.

According to **Section 2 (20)** of the Consumer Rights Protection Act, 2009 states that “Acts against consumer rights”

⁷*Ibid*, page 20

⁸*Ibid*, page 26

2.2.4 Aspects of consumer protection

There are three aspects of consumer rights protection, which must consider by every country –

First, the aspect of ‘voluntary protection’

This means that consumers will set up a society or organization to voluntarily defend their own rights and interests. These organizations generally work on this issue. Consumers Association of Bangladesh (CAB) was established in Bangladesh in 1972.⁹

Second, the aspect of ‘Institutional Protection’

This aspect can be ensured by protecting consumers by setting up national institutions for the protection and development of citizens.

For example, the director general of the State of the United Kingdom establishes; The Federal Trade Commission in 1914, the Food and Drug Administration in 1927 and the National High Traffic Administration in the United States in the year 1970; National Consumer Protection Council of India, various State Consumer Protection Councils, National Commissioners have established the controversial commission with the State Commission and District Forum; Sweden Consumer Agency Keviv and Consumer Ombudsman; Pakistan has formed the Consumer Protection Council of Islamabad.¹⁰

Third, aspect of ‘Statutory Protection’

Ensuring relevant laws to protect consumers' rights and interests, which can be ensured. Many countries in the world have comprehensive legislation on this matter.

For example, the Consumer Protection Act 1986 in Japan, Consumer Protection Fundamental Law in Japan, 1968, Thailand and Sri Lanka both Consumer Protection Act, 1979, Philippine Consumer Protection Act 1990, Indonesia Consumer Protection Act in 1999, Islamabad Consumer Protection Act, Nepal Consumer The Protection Act of 1998 and the 1999 Consumer Protection Act in Malaysia It was said.

2.3 Conclusion:

Though the development of the consumer protection law has returned hundreds of years ago, the implementation of this law was not met with global revolution and revolutionary change of other people's lives. People are sincere to their rights and society.

⁹*Ibid*, page 19

¹⁰*Ibid*, page 19

Chapter 3

Legal instruments for the protect consumer rights

3.1 Introduction

Law which are protecting the interest of consumers is known as consumer rights law. There are many laws in our legal system to protect consumer rights. The existing law for the consumers in Bangladesh is very weak and obsolete. In our country these law does not strictly enforce.

3.2 Who is consumer?

Consumer is a person who purchase goods and services by payment without intent to resale.

3.3 What is consumer rights law?

Law which are protecting the interest of consumers and consumer rights have gained significance is known as consumer rights law. Customer covers a large range of security issues, but it does not limit product liability.

Consumer Protection Law dealt Bill collectors control, integrate, credit repair, pricing, product reliability, utility turnoff, personal loans which can be bankrupt.

3.4 Importance of the Protection of Consumer Rights

Consumer rights protection is very important for us. Internationally it is recognized as the fundamental right. Now universally acknowledged that peace and security for all the nations of basic human rights is established. A consumer's rights as a right to life are considered as basic human rights.

This is a common topic in our country that adulterated food and daily goods. There is no accurate weight plates approximately in every shops. Consumers are deprived of their rights in the post. Lies, adulteration, formalin today has mixed with consumerism. So, to solve this problem consumer rights protection is very important.

3.5 Consumer Perceived Value

Perceived value is consumer's estimate of the product's overall capacity to satisfy his/her needs.

(i) value is low price

(ii) value is what a consumer wants in a product

(iii) value is the quality a consumer gets for the price he pays

(iv) value is what a consumer gets for what he gives.¹¹

¹¹Ahamduzzaman & Syeda Shamsia Husain, *Consumer Protection Law* (2nd edn, Law Book Company 2011) page 27

3.6 Formulation of consumer Law

A draft was approved in 2004 to protect the consumer rights of the government cabinet. The consumer rights protection act was adopted in April 2009. It was adopted by the parliament. The emphasis has been laid on customers of the rights to obtain goods and services at a competitive price of this law. It highlights the rights of customers regarding the quality, value, quantity and quality of the products. In Bangladesh, governments play a critical role in the economy not only as regulators and protectors of the public interest, but also as the owners of major assets and business enterprises.

3.7 Product liability laws

Product liability is a serious anxiety in Bangladesh. A few numbers of suits were filled in this issue. When there is any violation of product safety measures, the producer or distributor shall be liable for any defects. There are various laws prevailing on this issue in Bangladesh-

Product liability under the Consumer Rights protection Act, 2009¹²

The product liability under the consumer rights protection Act is ensured some punishment upon the offender. As-

Section	Types of offence	Punishment
37	Not using cover of goods etc.	1 year, or fine Taka 50 thousand, or both
40	Selling goods, medicine or service at higher price than fixed one.	1 year, or fine Taka 50 thousand, or both
41	Selling adulterated goods or medicine.	3 years, or fine Taka 2 lacs, or both.
42	Mixing prohibited materials in foodstuff.	3 years, or fine Taka 2 lacs, or both.
43	Manufacturing or processing goods in illegal process.	2 years, or fine Taka 1 lac, or both.
45	Punishment for not selling or delivering properly any goods or service promised.	1 year, or fine Taka 50 thousand, or both.
50	Punishment for making or manufacturing fake goods.	3 years, or fine Taka 2 lacs, or both.
51	Punishment for selling any date expired goods or medicine.	1 year, or with fine Taka 50 thousand, or both.

Trial by 1st class judicial Magistrate or Metropolitan Magistrate.

Product Liability and the BSTI Ordinance, 1985¹³

¹²Consumer Rights Protection Act, 2009

¹³ Product Liability and the BSTI Ordinance, 1985

Offence such as –

Section	Types of offence	Punishment
30	Improper use of standard mark	2 years imprisonment or fine 50 thousand taka but not less than 7 thousand taka or both
31	Contravention of section 23	4 years imprisonment or fine 1 lakh taka but not less than 7 thousand
31A	Contravention 24	4 years imprisonment or fine 1 lakh taka but not less than 7 thousand
31B	Obstructing inspector in discharge of his function	1 year imprisonment or fine 50 thousand taka but not less than 7 thousand taka or both
32	Penalty for other offences	50 thousand takas but not less than 7 thousand takas

Trial by Metropolitan Magistrate and 1st class judicial Magistrate

Product liability and the drug control Ordinance, 1982¹⁴

Section	Types of Offence	Punishment
16	Manufacture, export, stock or sale of sub-standard drugs which is not registered	10 years imprisonment or fine 2 lakh or both
17	Manufacture, stock or sale of sub-standard drugs	5 years imprisonment or fine 1 lakh or both
18	Unauthorized import of drugs	3 years imprisonment or fine 50 thousand taka or both
19	Sale of medicine at higher price	2 years imprisonment or fine 10 thousand taka or both
20	Theft in respect of any drug in any governmental store, hospital or sell	10 years imprisonment or fine 2 lakh or both
21	Illegal, advertisement and claims	3 years imprisonment or fine 2 lakh or both

Trial by Session judge or a person has been Session Judge.

Product liability and the Fish and Fish product Ordinance, 1983¹⁵

Section	Types of offence	Punishment
9	Contravention of section 4(2)	3 months imprisonment or fine 5 thousand or both
10	Contravention of section 5	6 months imprisonment or fine 5 thousand or both

¹⁴ Product liability and the drug control Ordinance, 1982

¹⁵ Product liability and the Fish and Fish product Ordinance, 1983

11	Penalty for consecutive offences	6 months imprisonment or fine 10 thousand or both
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Product Liability and the seeds Ordinance, 1977¹⁶

Product Liability and the Special Power Act, 1974¹⁷

Product Liability and the pure Food Ordinance, 1959¹⁸

3.8 Constitutional safeguard for consumers¹⁹

The Constitution of Bangladesh has fundamental principle of state policy (non-justifiable rights) on Article 8-25 and Fundamental Rights (justifiable rights) on Article 26-47.

Article 15 and 18 of constitution of Bangladesh mention ‘Adulteration of Food and Pure Food Laws Chapter’.

Article 32, 38, 40, 102 relate with 44 of the constitution of Bangladesh measure for consumers.

3.9 Penal laws relating to the protection of consumers

The penal code, 1860²⁰ also protect consumer rights. The specific sections of the penal code which protect consumer rights are mentioned bellow

264-267, 272-276, 478-489.

Section	Offences	Punishment
272	Adulteration of food or drink intended for sale	6 months or fine 1000 taka or both
273	Sale of noxious food or drink	6 months or fine 1000 taka or both
274	Adulteration of drugs	6 months or fine 1000 taka or both
275	Sale of adulterated drugs	6 months or fine 1000 taka or both
276	Sale of drug as a different drug or preparation	6 months or fine 1000 taka or both
264	Fraudulently use instrument for weighting	1 year or fine or both
265	Fraudulent use of false instrument for weighting	1 year or fine or both
266	Being in possession of false weight or measure	1 year or fine or both
267	Making or selling false weight or measure	1 year or fine or both

¹⁶ Product Liability and the seeds Ordinance, 1977

¹⁷ Product Liability and the Special Power Act, 1974

¹⁸ Product Liability and the pure Food Ordinance, 1959

¹⁹ Constitution of Bangladesh

²⁰ The Penal Code, 1860

478-489	Offences relating to Trade mark and Property mark	1 year or fine or both
294B	Offering of prize in connection with trade, etc.	6 months or fine or both

Special Power Act, 1974²¹

Dangerous Drug Act, 1930²²

Trade Mark Act, 1940²³

Sale of Goods Act, 1930

Standards of Weights and Measures Ordinance, 1982²⁴

The heights punishment for violation of this Act is 2 years imprisonment and ten thousand taka fine.

Essential Laws

The Pure Food Ordinance, 1959

Price and Distribution of Essential Commodities Ordinance, 1970

Drugs (Control) Ordinance, 1982

Tobacco Goods Marketing (Control) Act, 1988

The Mobile Court Ordinance, 2007

3.10 Conclusion

The government has enacted the consumer rights protection Act, 2009 to protect the rights of the consumers. We see that the consumer protection Act 2009 provides that only competent government officers can file case against those who violate CRPA laws. On the other hand, people want to avoid legal action due to delay proceeding system and mental and economic harassment. Existing laws does not properly enforce. So, our Government should take necessary steps to protect consumer rights.

Chapter 4

Current situation of consumer and legal process in Bangladesh

²¹ Special Power Act, 1974

²² Dangerous Drug Act, 1930

²³ Trade Mark Act, 1940

²⁴ Standards of Weights and Measures Ordinance, 1982

4.1 Current situation of consumers

4.1.1 Introduction

The protection of consumer rights is now a global issue. Bangladesh also enacts many laws to progress and protect consumers from unfair, misleading and aggressive business propaganda on the other. Bangladesh also observes every year "consumer rights day" on 15th March.

4.1.2 Survey

On this survey I see that most of our common people don't know about consumer rights and consumer rights law very well even some of them also don't know that we have a law named Consumer Rights Protection Act, 2009. Consumers don't have any idea about the legal process if they are deceived by the traders.

According to the report of Voktasarthoshongrokhonodhidoptor, only 30% consumers know about consumer rights and consumer rights law. Mostly metropolitan area citizens make complaints on this issue. Dhaka 40%, other districts 30%, other thanas 12%, union 8% people know about the Consumer Rights Protection Act.²⁵ In Bangladesh consumers can be divided into 2 categories according to the Consumer Rights Protection Act- as (i) Product areas (ii) Service area

Fozor Ali, a construction worker says, *"eitakidhoronerodhikar bap? Bazar e to khali dokandarder e power!"*

Every sector consumer is being cheated and people see it as a normal matter now. Food to clothes, medicine to electronic devices, imbalance weight and measure all sectors now a common matter. Traders increase the price day by day willingly.

Goni Mia, a rickshaw puller says, *"din dinjme dam bartasekhawondaonwebou bacha loiaa 2 bela pet boirakhawon o kothinhoiyageseeekhon"*

Branded showrooms take higher prices than the price tags. Many cosmetic items made on very cheap components and in a dirty environment but the showroom executives told that these cosmetics come from abroad and are branded products.

Mobile companies also cheat us by confusing 3G, 4G, 4.5G and also take many hidden charges.

Nowadays people cheat by online shopping. They produce cheap goods and products at higher prices.

4.1.3 Defect of Act

1. In Bangladesh there is no mechanism through which the provisions of the laws, made to safeguard the rights and interests of consumers, can be placed and explained to them in a simple and impressive manner.

²⁵Vokta sartho shongrokhon odhidoptor

2. The government machineries from implementing point of view are very weak.
3. There is no political commitment and program as regards the protection of the consumers.
4. The provision of penalty under the current law is so negligible.
5. Nobody cares to abide laws.
6. No person file suit directly under this law.
7. Finally, the laws are not effectively enforced.

4.1.4 Findings problems

1. Lack of Legal Knowledge
2. Lack of Monitoring Systems
3. legal flaws
4. Procedural Complexity
5. proper education and information
6. High Price
7. Using formalin on food product
8. Artificial apparel color on food
9. Expired product sell
10. Lack of camping

4.2 Legal process

4.2.1 Procedure for filing complaints

According to Article 76 (1) of the Consumer Rights Protection Act, 2009,²⁶ Any person, who is, generally, be a consumer or likely be consumer, under the Ordinance, may file, the written complaint, informing the Director General of the anti-consumer rights act or the person in charge of this direction.

4.2.2 How to file a complaint

1. The complaint must be filed in written.
2. Through fax, email, website, etc.
3. Any other legal way
4. The receipt of the purchase of goods or services should be attached with the complaint.
5. The complainant must mention his full name, father and mother's name, address, phone, fax and e-mail number (if any) and occupation.

²⁶Consumer Rights Protection Act, 2009,

4.3 Conclusion

Though we have many laws for the protection of consumers now but our peoples have lack idea about their rights. Traders, shopkeepers take advantage from the consumer. But government trying to improve this scenario by camping. Media play a vital role on this camping.

Chapter 5

Organization involved with consumer protection and Case study in Bangladesh

5.1 Different Organization

5.1.1 Introduction

To protect consumer rights is very important issue. Traders try to cheat us in different way always. They apply different tricks on consumer in daily life. For this reason, many governments as well as non-government organization established to solve this problem.

5.1.2 BSTI

BSTI established in 1971 after the independence of Bangladesh.

Aim

This organization enforcing consumer law is known as Bangladesh Standard and Testing Institution. Member of BSTI are connected with the Ministry of Industry. They give license to start business and labels containing information. Other functions include overseeing the marketing of goods.

5.1.3 Vokta Odhikar Songrokhon Odhidoptor

It was established in 24 June 2009. After passing Consumer Rights Protection Act, 2009. Its Head office located in Dhaka.

Aim

To protect consumers rights under Consumer rights protection Act, 2009. People can submit their complaint on its office. The officers will take action against the respondent party on behalf of complaint.

5.1.4 Mobile Court

Under section 352 of code of criminal procedure, 1898 the criminal court shall be deemed to be an open court for the purpose of inquiring into or trying any criminal matter. Bangladesh pure Food Ordinance provides for the establishment of Mobile Court.

Under mobile court he/ she may be punished with- 3 years of imprisonment or fine not exceeding taka 3 lacs.

5.1.5 CAB

The full form of CAB is Consumer's Association of Bangladesh. It established in 28 February 1978. It is the 1st non-governmental voluntary organization to protection of consumer rights. After 5 years CAB get government recognition in 1983.

Mission

Its mission is to empower consumers with the knowledge and skills for the effective protection of their rights and interests.²⁷

How CAB helps consumer

1. CAB has its own complaint cell. An aggrieved consumer, whose right has been violated, may submit a complaint via post, email or in person. After receiving the complaint, CAB investigates the matter and provides redress in the form of settlement through negotiation and mediations between the parties. Legal assistance is sometimes provided to the aggrieved consumers.
2. CAB monitors prices of essential goods in the market on regular basis and publishes the price list through media for convenience and knowledge of the consumers.

5.1.6 Voluntary Consumers Training and Awareness Society (VOCTAS)

This is a non-governmental organization. They provide voluntary services to the consumers so that they can aware about their rights. They prepare many survey on consumers and market prices.

²⁷<https://www.consumersinternational.org/members/members/consumers-association-of-bangladesh-cab/>

5.2 Case Studies

5.2.1 List of complaint to Vokta Odhikar Songrokhon Odhidoptor:

Year	Complaint Number
2010	73
2011	5
2012	69
2013	32
2014	537
2015	225
2016	1622
2017	2763
2018	2247

5.2.2 Case Example:

Case 1

Award for false advertisement

One such reported case is as follows. DNCRP imposed a fine of 250,000 BDT on the mobile network operator Grameenphone (GP), for false advertisement. The customer buys one (1) GB internet package, at 275 takas. According to the offer, the package would include 2 GB bonus data active for 28 days. GP also mentioned the price of the package at 275 takas, but the company charged the consumer 325.74 taka while purchasing it. GP send a message that the bonus data would expire within 7 days and data could only be used between 2 am to 12 pm. Thus, there were a few variances from the initial advertisement. Upon investigation and hearing, this conduct was deemed anti-consumer and the complainant was awarded 62,500 BDT, which was 25% of the total fine.²⁸

Case2

Award for increased price

Another recent case that made the newspaper is that of a consumer who was charged 5 BDT extra for a water bottle at a restaurant. Upon investigation, DNCRP concluded that the conduct was anti-consumer and the restaurant was fined 5,000 BDT.²⁹

²⁸Md Shahnawaz Khan Chandan, 'Putting Consumers Last' The Daily Star (Dhaka, 31 March 2017) <<http://www.thedailystar.net/star-weekend/spotlight/putting-consumers-last-1383844>> Accessed 02December 2018

²⁹Afrose Jahan Chaity, 'Restaurant fined Tk5,000 for cheating on the price of bottled water' Dhaka Tribune (Dhaka, 06 August 2017) <<http://www.dhakatribune.com/bangladesh/dhaka/2017/08/06/restaurant-fined-tk5000-cheating-price-bottled-water/>> Accessed 17November 2018

Regularly the DNCRP's Facebook page is updated with such success stories against anti-consumer activities.³⁰ According to the Director General of the DNCRP, the number of complaints received in 2017 till August was over 6,000. Whereas, previously in 2015 the complaint wing received only 225 complaints and in 2016, the number of complaints received were 1622. This reflects the increasing awareness of consumer rights.³¹

Case 3

Award for breach of service

In another case, DNCRP fined mobile network operator Robi Axiata Limited 410,000 BDT for deceiving subscribers.

A subscriber complained to the DNCRP that Robi offered him a package. It promised to provide 1.5 GB of internet data at 98 taka and validity for 28 days. After buy only one (1) GB internet data was provided for 5 days. Md Saiful, another subscriber, filed a complaint where he said that he buys 50 MB net data for 28 takas. As a part of this package to watch Bangla dramas. But Robi provided the customer with invalid links and the consumer could not avail on the service.

The authority fined the mobile operator 250,000 takas for the first complaint and for the 2nd complaint 150,000 takas³²

5.3 Conclusion

This organizations voluntary help us to protect consumer rights. They organize many campaign and publicity to make us aware about our rights.

Chapter 6

General Conclusion

³⁰Official Facebook page of DNCRP <<https://www.facebook.com/dncrp/>> Accessed 11 October 2017

³¹Afrose Jahan Chaity, 'Restaurant fined Tk5,000 for cheating on the price of bottled water' Dhaka Tribune (Dhaka, 06 November 2018) <<http://www.dhakatribune.com/bangladesh/dhaka/2017/08/06/restaurant-fined-tk5000-cheating-price-bottled-water/>> Accessed 17November 2018

³²Ishtiaq Husain & Ibrahim Hossain Ovi, 'Robi fined Tk4.1 lakh for fraud' Dhaka Tribune (Dhaka, 17 April 2017) <<http://www.dhakatribune.com/business/2017/04/17/robi-fined-tk4-1-lakh-fraud/>> Accessed 27 October 2018

6.1 Introduction

Bangladesh is a small country with a huge population. consumer is treated as king to marketer. After the vigilant observation we find some drawbacks and loophole in the field of consumer protection law.

6.2 Major finding of this study

In Bangladesh, the main search of the main rights related to consumer rights is more familiar and violates the consumer rights of Bangladesh. I have fined the rights of consumers' rights and the laws of consumer rights in Bangladesh and there are many errors in it. The Prime Minister's concern for the improvement of consumer rights and lack of security for the customer. We also find this topic about consumer rights and different ideas about the source of the law and the elements.

6.3 Recommendation

My recommendation mentioning below:

1. the government should provide strong, continuous leadership to develop a board national consensus on improving the quality of consumer rights.
2. National aims for improvement of consumer rights should be established, accompanied by appropriate, specific objectives for improvement.
3. An annual award for excellence in trade quality should be established.
4. communication quality need to developed to meet the needs of consumers.
5. Planning of a consumer education programmed.
6. Protection against improper marketing measures and inadequate information.
7. Establishing a legal framework for the achievement fair, accessible, efficient, sustainable benefit for consumers generally.
8. Consumer should know the law and proper apply.
9. Developing education system.
10. Law should be strong and strict.
11. Need more voluntary organization.

6.4 Conclusion

In conclusion, we are in opinion that, the consumers of Bangladesh are mostly honest & simple and they critically need a broad of consumer protection legislation. We need to remember that an efficient consumer protection legislation protects and promotes the happiness of consumers. It also enhances socio-economic targets of its macro economy. Modernized consumer rights protection law and proper execution of such law only the way to uphold the dignity and safety of Bangladeshi consumers.

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