



**DISSERTATION**

**ON**

**An Analysis on Consumer Protection Rights in Bangladesh: Complaint Mechanisms and  
Punishment Under The Consumer Rights Protection Act, 2009**

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## Consent Form

The Dissertation titled “**An Analysis on Consumer Protection Rights in Bangladesh: Complaint Mechanisms and Punishment Under The Consumer Rights Protection Act, 2009**” prepared by **Jamil Ahmed, ID 2018-3-66-039** submitted to **Farzana Rifat Siddique, Lecturer, Department of Law, East West University** for the fulfillment of the requirements of Course 406 (Supervised Dissertation) for LL.B. (Hons.) degree offered by the Department of Law, East West University is approved for submission.

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## **DECLARATION**

I, Jamil Ahmed, bearing student ID: 2018-3-66-039, declare that the work in this dissertation titled “An Analysis on Consumer Protection Rights in Bangladesh: Complaint Mechanisms and Punishment Under The Consumer Rights Protection Act, 2009” has been carried out by me. This is my original work and information used for this research has been duly acknowledged. This work has not been published in any journal, newspaper or article.

.....  
Signature of the Student  
Date:

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## **ABSTRACT**

Consumers face daily violations of their rights, despite strong enforcement of laws. Consumers are not secure for getting proper rights under the Consumer Rights Protection Act. Consumers are facing a lot of problems to make any complaint against violation of rights. The main focus of the research is to find out the relevant laws which will provide proper justice and proper implementation of complaint mechanisms and punishment. This research will show that the relevant legal aspects have not given the proper justice for consumers. Here also focus on the laws of the Consumer Rights Protection Act, National Consumer Rights Protection Authority, and United Nations Guidelines. The research will suggest some recommendations that will be really preventive to the issues regarding implementation of Complaint Mechanism and Punishment under Consumer Rights Protection Act.

## **LIST OF ABBREVIATIONS**

CRPA = Consumers Right Protection Act.

NCRPA = National Consumer Rights Protection Authority.

UN = United Nations

UNGCP = United Nations Guidelines for Consumer Protection

UNCTAD = United Nations Conference on Trade and Development

CISG = Convention on International Sales of Goods

EPFO = Employees Provident Fund Organization

CAA = The Consumer Affairs Agency



## **Chapter One**

### **Introduction**

#### **1.1. Introduction**

Protecting consumer rights has become a top priority in today's globalized world, as the market is becoming more complex and dynamic. Numerous nations have passed legislation to create thorough frameworks for consumer protection in order to protect consumers from deceptive activities and to ensure their wellbeing. The Consumer Rights Protection Act was enacted in 2009 in Bangladesh, which is no exception. Consumer rights can be violated for many reasons. An example, I would like to mention about lack of information. Sometimes customers are not aware about the product or service. And that can be harmful for consumers if that product turns into poor quality.

Through this thesis we hope to shed some light on the importance of consumer protection laws in Bangladesh. By examining the offenses listed in the Consumer Rights Protection Act, we hope to find weaknesses, obstacles, and possible areas where the current legal system could be strengthened. Understanding these factors can help Bangladesh establish a more effective consumer protection system and make it easier to uphold consumer rights there. Mainly this thesis aims to delve into the topic of consumer protection rights in Bangladesh specially focusing on offenses and punishment under the Consumer Rights Protection Act, 2009.

#### **1.2. Research Question**

The following research question need to be addressed:

How the punishment and complaint mechanism under the Consumer Rights Protection Act, 2009 can be implemented more effectively in Bangladesh?

#### **1.3. Methodology**

To achieve the purpose of this dissertation, this research is conducted using the qualitative exploratory methodology. It will focus on both primary sources and secondary sources. Main

primary data of this thesis is the Consumer Rights Protection Act, 2009. The analysis of the study makes use of secondary data sources. Through the content analysis of several cases, academic articles, books and other publications pertaining to the topic, secondary data has been gathered. These documents offered insightful data. This analysis will identify gaps and opportunities for policy reform to better protect the consumer rights of Bangladesh.

#### **1.4. Research Objectives**

The main objective of this research paper is to analyze the relevant laws. And the main goal of this paper is to identify the effectiveness of the legal provisions mentioned under the Consumer Rights Protection Act, 2009. Moreover, it also has a goal to address the lacking of the Act in which absence the purpose to ensure the protection of Consumers rights cannot be fulfilled.

#### **1.5. Literature Review**

This research is completed through collecting data on several journal articles, newspaper reports and websites blogs. According to Ahamuduzzaman, Md. Lutfor Rahman, Nahida Nazmus Zannat talked about Protection of Consumers Rights in Bangladesh. They tried to analyze the importance of Consumer Rights. And also tried to analyze that there are so many sources of Consumer rights exist. Moreover they also talked about the punishment for the violations of consumers rights under various laws. But they didn't mention properly about the protection act, 2009 and they didn't talk about the proper implementation of the punishment.<sup>1</sup>

According to Abul Kalam Azad talked about the development of consumer protection law in Bangladesh. In his article he said that there is no successful Consumer protection law in Bangladesh. But the author could not reach a conclusion regarding the implementation of punishment for the violation of consumers rights under consumer right protection act, 2009.<sup>2</sup> Also I have not found any specific article about this punishment implementation under consumer rights protection act, 2009. For such a reason, I have decided to research this topic.

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<sup>1</sup> Ahamuduzzaman; Md. Lutfor Rahman; Nahida Nazmus Zannat, 'A Contextual Analysis of the Consumer Rights Protection Laws With Practical Approach: Bangladesh Perspectives ' [December 2009] 3(2) ASA University Review <<http://www.asaub.edu.bd/data/asaubreview/v3n2sl15.pdf>> accessed 14 July 2023

<sup>2</sup> Azad Md Abul Kalam and others, 'Development of Consumer Protection Law in Bangladesh: An Empirical Study ' [April 2013 ] XXXIV(1) Journal of Business Studies <[https://www.fbs-du.com/news\\_event/14662456742.%20Dr.%20Md.pdf](https://www.fbs-du.com/news_event/14662456742.%20Dr.%20Md.pdf)> accessed 14 July 2023

## **1.6. Limitation of Study**

The author of this research is aware of the limitations and flaws in it even though it was carefully written. This analysis on this issue might be able to provide a better result if there is no limitation of time. During this research, it is not able to find enough materials regarding this issue and there is a lack of current cases regarding this issue. And I study a variety of journals, newspapers, articles but available resources are not sufficient. One of the limitations with the work is there aren't enough cases and materials regarding Consumer Rights Protection.

## **1.7. Structure of the thesis**

This study is divided into five chapters. Each of the chapters will contain the following discussion, Chapter One will introduce the topic of the research with the background of the study. Also in this chapter discuss the statement of problem, research objectives, significance of the study, Research question and Methodology. Chapter two will describe the concept, definition and legal framework. In this chapter there will be a mention about the definition regarding the Consumer Rights Protection Act. Also there will discuss the legal framework of Consumer Rights and discuss the present scenario of Consumer Rights Protection. Chapter three will discuss the Critical Analysis of the Complaint Mechanism under Consumer Rights Protection Act. Under this chapter there also discuss the lack of effective Implementation of Complaint mechanisms under CRPA. And also talk about the challenges of effective implementation of Complaint Mechanism. Also will discuss the Consumer Rights Protection Under UN. Lastly, discuss some comparative aspects from some countries. Chapter four will discuss the Critical analysis of Punishment. Under this chapter there also talk about the effective implementation and challenges of punishment under CRPA. Lastly, this chapter will discuss International Obligation and some comparative aspects from some countries. Chapter five is the concluding remarks with a summary of the findings and recommendation.

## Chapter Two

### Conceptual and Legal Framework

#### 2.1. Introduction

Consumer Rights Protection is a major issue in Bangladesh. We all know that Consumer rights are the legal rights and protections afforded to people who buy goods and services in order to assure fair treatment, safety, and satisfaction. This is how consumers can ensure their rights and can learn about the complaint mechanism. In this chapter we will know about the concept of consumers, who are consumers, what is the meaning of consumer rights, complaint mechanism definition, what is punishment, who will get punishment, the legal framework of consumer rights and conceptual framework of National Consumer Rights Protection Authority.

#### 2.2. The Concept of Consumers

A consumer is a person or company who purchases goods and services for personal, home, or commercial purposes. They play a crucial role in the economy by generating demand for goods and services, driving market production and supply. Consumers may buy for basic needs like food, shelter, clothing, or leisure, travel, and are influenced by factors like price, quality, accessibility, brand, advertising, and social and cultural factors. The Consumer Rights Protection Act has also defined the consumer meaning.

According to this Act of Section 2(19) said that, a consumer is someone who buys goods for a consideration, uses them with the buyer's consent, uses them commercially for self-employment, hires or avails of services for a consideration, or enjoys services with the buyer's consent. This includes those who buy goods for partial payment, partly promised, or under deferred payment or installment system.<sup>3</sup> We also think that, Consumers are people who purchase goods and services from businesses for their own consumption. In most legal situations, the term "Consumers" refers to individuals or corporations who buy products or services for personal use rather than resale or commercial objectives. Consumer protection laws are intended to protect customers' rights and interests by regulating corporate operations, promoting fair trade, and preventing enterprises from engaging in fraudulent or deceptive behavior.

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<sup>3</sup> The Consumers Right Protection Act 2009, section 2(19)

### **2.3. The Complaint Mechanism under Consumer Rights Protection Act, 2009**

Generally Complaint means a declaration that something is incorrect or inadequate, a complaint, or the subject of a complaint. This means that when someone receives anything incorrectly or unsatisfactorily from someone, they have the right to complain about it. CRPA 2009 also defines a complaint. Complaint refers to any claim filed in writing to the Director General by a complainant against any seller for engaging in any anti-consumer right behavior in violation of this Act. That means Complaint refers to written allegations against sellers for anti-consumer right practices under this Act.<sup>4</sup>

Here this act also talked about who can make complaints. Consumers, associations, National Consumers' Right Protection Council, government, wholesalers, and retailers can file complaints on their behalf.<sup>5</sup> In general meaning, a complaint mechanism is a formal system for organizations to handle complaints from individuals about misconduct, issues, or behavior. It aims to provide a methodical, open approach for individuals to express grievances, seek solutions, and have problems resolved fairly and effectively.

Within 30 days of the alleged cause of action, a person may submit a complaint to the Director General of the National Consumer Rights Protection Directorate or to any other person authorized by him over anti-consumer activity.<sup>6</sup> A consumer can file a complaint through this act. But before filing a formal complaint, the consumer may make an effort to resolve the issue by speaking with the vendor or service provider directly. Declare a problem and demand a fix. If that is not working, then the consumer can file a complaint. Though a consumer is responsible for gathering the necessary documentation and proof of the complaint. This category may include documents like invoices, bills, product specifications, vendor correspondence, and so forth. Having the appropriate documentation will aid in the complaint.

Consumers can contact CRPA for a file. CRPA is always responsible for protecting consumer rights from unfair practices. In the UK there also exists a complaint mechanism system through their act which is Consumer Rights Act, 2015. This act sets a 30-day deadline for consumers to

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<sup>4</sup> The Consumers Right Protection Act 2009, section 2(2)

<sup>5</sup> Ibid, section 2(3)

<sup>6</sup> Ibid, section 60

reject defective items and receive a full refund.<sup>7</sup> These procedures are intended to provide customers with a means to file complaints, seek restitution, and have their concerns addressed in a fair and fast manner.

If I give an example then I would like to share my experience. One day I was buying a butter bun from a grocery shop, but somehow I did not notice the expiration date of that product. Before noticing that I had eaten that butter bun then I noticed that the product was already expired. Without any delay I went to that shop again and told them about that problem. Firstly the seller completely denied that that product did not belong to him then after some argument the seller agreed to give me a new product. Here sometimes consumers are facing this problem. Sellers did not accept their fault and this is how Consumer rights have been violated day by day. If that seller did not replace my product that day, I will make a complaint under CRPA. Though I have some knowledge about CRPA and how I can make a complaint. But most of the people are not aware of this mechanism and that is why they do not make any complaint even though their rights have been violated.

#### **2.4. Consumer's Rights**

Consumer rights are recognized by the Consumer Rights Protection Act of 2009. Firstly we should learn about consumer rights. Consumer rights involve access to information about goods and services, including protection against unfair trade practices. Consumers have the right to be safe, to be informed, to have a choice, to seek redress, to be educated, to receive fair marketing, advertising, to be protected, and to be represented. They expect safe products, access to education, recompense, the confidentiality of personal information, and participation in consumer protection initiatives. And The Consumer Rights Protection Act, 2009 aims to protect consumer rights and prevent anti-consumer rights practices. A consumer can exercise his rights through this Act.

Consumer can make a complaint under CRPA if his right is violated. This act prohibits adulteration, hoarding, smuggling, black marketing, cheating, fraud, and higher-priced products. The constitution of Bangladesh can be a reference for consumer protection and rights as well as. Though Article 15 says that any individual have the right to get the basic necessities and get the

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<sup>7</sup> Consumer Rights Act, 2015

fundamental rights like right to get food, right to work, right to social security and so on.<sup>8</sup> Then article 18 says that the State prioritizes nutrition, public health, alcohol, drug, prostitution prevention, gambling, and prostitution.<sup>9</sup> Through these two articles we can relate that CRPA also gives the proper rights to the consumer and individual. The way the Constitution fulfills the rights to give the proper basic necessities to people, that's how CRPA also protects the violations of consumer rights.

## **2.5. Punishment**

In Bangladesh, the Consumer Protection Act of 2009 is intended to protect customers from unfair trade practices, assure the availability of safe products, and establish a framework for resolving consumer complaints. It addresses a wide range of issues, including deceptive advertising, product adulteration, and dangerous products, among others. The statute defines different violations and their corresponding penalties. Depending on the gravity of the offense, these penalties may include fines, jail, or both. The particular articles and their associated penalties can be found in the Consumer Protection Act itself.<sup>10</sup> If any product is not packed then the vendor will get punished. If any retailer breaches any obligation imposed by any Act or rule of selling any items within cover and inscribing weight, amount, ingredients, usage instructions, maximum, retail price, date of manufacturing, date of packaging, and date of expiry. He shall be punished with jail for a term not exceeding one year, or a fine of no more than Taka 50 (fifty) thousand, or both.<sup>11</sup>

If any retailer sells his products over the fixed price then that retailer will be punished under CRPA. In section 40 of Consumer Rights Protection Act says that If any person sells or proposes to sell any products, medication, or service at a price greater than the price specified by any Act or rule, he shall be penalized by imprisonment for a term not exceeding one year, or a fine not exceeding Taka 50 (fifty) thousands, or both.<sup>12</sup> Then if any seller tries to mix any prohibited materials which is dangerous for consumers, that seller will be punished under section 42 of CRPA. In section 42 of Consumer Rights Protection Act says that If any person mixes with

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<sup>8</sup> The Constitution of the People's Republic of Bangladesh 1972, article 15.

<sup>9</sup> Ibid, article 18

<sup>10</sup> The Consumers Right Protection Act 2009

<sup>11</sup> Ibid, section 37

<sup>12</sup> Ibid, section 40

foodstuff any ingredient that is harmful to human life or health and whose mixing with foodstuff is prohibited by any Act or rule, he shall be punished by imprisonment for a term not exceeding 3 years, or a fine not exceeding Taka 2 lakhs, or both.<sup>13</sup> Though there are various types of punishment for violating consumer right protection.

The law imposes various penalties for various offenses such as not packing products, not showing price lists, selling products within overpriced ranges, selling adulterated products, mixing forbidden chemicals in food, illegally producing or processing, victimizing customers through false advertisements, not selling promised products, and weight or scale fraud.<sup>14</sup> Sometimes vendors sell products to consumers less than the offered weight, which means the vendor makes a breach of contract of not giving the proper weight which is said. This is why sellers will be punished under section 46 of CRPA which tells that punishment for deceiving in weight.<sup>15</sup>

Moreover if the seller deceives through the weight measuring instrument then he will be punished under CRPA. In section 47 of CRPA says that If any weight measuring instrument used for measuring weight for the purpose of selling or delivering goods in any person's shop or commercial organization shows more than the actual weight, he shall be punished with imprisonment for a term not exceeding one year, or a fine not exceeding Taka 50 thousands, or both.<sup>16</sup> There is a punishment for selling expired products or goods. In section 51 of CRPA said that If anybody sells or proposes to sell any expired products or medicine, he will be sentenced to imprisonment for a term not exceeding one year, a fine not exceeding Taka fifty thousand, or both.<sup>17</sup> Then if any individual service person is damaging anyone's life in the manner of negligence and carelessness through goods or products then that seller will be punished under section 53 of CRPA.<sup>18</sup>

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<sup>13</sup> The Consumers Right Protection Act 2009, section 42

<sup>14</sup> Consumer Rights Protection Act 2009 (The Lawyers & Jurists , 12) <[https://www.lawyersjurists.com/article/consumer-rights-protection-act-2009/?fbclid=IwAR05ASi8P3JHQ8DXcx7N\\_oz7RZv\\_4N6R7L19DIYdgtmS5W8wLrPLarT4Gwk](https://www.lawyersjurists.com/article/consumer-rights-protection-act-2009/?fbclid=IwAR05ASi8P3JHQ8DXcx7N_oz7RZv_4N6R7L19DIYdgtmS5W8wLrPLarT4Gwk)> accessed 11 August 2023

<sup>15</sup> The Consumers Right Protection Act 2009, section 46

<sup>16</sup> Ibid, section 47

<sup>17</sup> Ibid, section 51

<sup>18</sup> Ibid, section 53



If a person deceives a buyer by a fraudulent or incorrect advertisement for the purpose of selling goods or services, he must be penalized with imprisonment for a term not exceeding one year, or a fine not exceeding Taka two lacs, or both.<sup>19</sup>

Here A Bogra pharmacy owner was fined Tk20,000 for allegedly selling saline solutions, which were initially priced at Tk91, at an inflated price of Tk200 to patients' families during a crisis. Rabiul Islam Rabbi, the proprietor of Janata Pharmacy, was fined by the Directorate of National Consumer Rights Protection during a drive on Wednesday afternoon. The drive was led by Iftekharul Alam Rizvi, assistant director of the Directorate of National Consumer Rights Protection's Bogra district office, in front of the Bogra Shaheed Ziaur Rahman Medical College Hospital in the city's Silimpur district.<sup>20</sup>

## 2.6. The Legal framework of CRPA

Consumer Rights Protection Act, 2009: This is Bangladesh's primary legislation that protects consumer rights and provides methods for resolving consumer complaints. The legislation addresses a broad variety of issues concerning commodities, services, and unfair commercial practices.

1. **Making a Complaint:** Consumers can file complaints with the Bangladesh Consumer Rights Protection Department or the District Consumer Rights Protection Committee in their respective districts. These committees are formed at the district level to properly handle consumer concerns. Complaints can be sent in writing, electronically, or in person. The complaint should include information on the complainant, the substance of the complaint, any evidence, and the redress sought. If any customer did not get the proper rights then he can make a complaint under CRPA, 2009. Within 30 days a consumer can submit a complaint to The National Consumer Rights Protection Authority.
2. **Jurisdiction:** District Consumer Rights Protection Committees are in charge of complaints filed within their respective districts. Consumers can file complaints with the

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<sup>19</sup> The Consumers Right Protection Act 2009, section 44

<sup>20</sup> NazmulHuda Nasim, 'Bogra pharmacy owner fined 20K for overpricing saline' (Dhaka Tribune, 26 July 2023) <<https://www.dhakatribune.com/bangladesh/321087/bogra-pharmacy-owner-fined-20k-for-overpricing>> accessed 19 August 2023

National Consumer Rights Protection Authority (NCRPA) if the amount involved exceeds the district committee's jurisdiction.

3. **Mediation and Resolution:** When a complaint is received, the relevant committee will seek to mediate and resolve the issue between the customer and the business amicably. Without the necessity for official court procedures, disagreements are swiftly settled via mediation.
4. **Investigation:** In the event that mediation is unsuccessful or if further investigation is warranted by the complaint, the committee is empowered to carry out inquiries and obtain information. Cooperation with the inquiry and provision of requested information are mandatory for companies.
5. **Legal Actions:** If mediation or settlement is not effective, formal legal proceedings may be undertaken. Committees possess the authority to summon witnesses, compile data, and provide decisions.
6. **Penalties and Compensation:** The Act gives the committees the power to reprimand businesses that violate their clients' rights. Jail time and fines are examples of penalties. Customers may also be entitled to damages for any losses they incur as a result of having their rights violated.
7. **Appeals:** The National Consumer Rights Protection Authority (NCRPA) is the appropriate body to file an appeal if clients or businesses disagree with the district committee's decision. Finally, the NCRPA has the authority to review rulings, modify penalties, and render decisions. Raising people's awareness of their rights and enabling them to make informed choices is a key focus of the Act on consumer education and awareness.

## **2.7. National Consumer Rights Protection Authority**

Enforcing ethical business practices and protecting consumer rights are the duties of the National Consumer Rights Protection Authority (NCRPA), a government agency in Bangladesh. That year saw the establishment of the Consumer Rights Protection Act, 2009, a landmark piece of legislation designed to protect the rights of Bangladeshi consumers. Under the Consumer Rights Protection Act of 2009, a number of consumer rights issues are intended to be addressed, such as those concerning product quality, safety, price, labeling, advertising, and so on. The Act states

that the NCRPA may take legal action against businesses and persons that create inferior products, engage in unfair commercial practices, or infringe against consumer rights in any other manner.

The NCRPA addresses consumer complaints and grievances involving unfair trade practices, damaged products, false advertising, and other abuses of consumer rights. It investigates these complaints and takes necessary action against those who violate the law. If we look up on the enforcement of this authority then this authority has the ability to investigate, prosecute, and adjudicate instances involving infringement of consumer rights. It has the authority to issue warnings, compensation, and even launch legal procedures against businesses or individuals that engage in unfair acts.

## **2.8. Conclusion**

In this chapter we learn about the Consumer Rights Protection Act goes into the Act's extensive conceptual and legislative foundation. Through this chapter we learn about the definition and conceptual aspects of complaint mechanism and punishment. Also we learn about some legal frameworks through CRPA and NCRPA.

## **Chapter Three**

### **Critical Analysis of the Complaint Mechanism under CRPA**

#### **3.1. Introduction**

Consumer protection is an essential component of current economies with the goal of ensuring fair relations between customers and sellers. The complaint system is critical to this structure because it allows customers to voice their concerns, obtain redress, and defend their rights. For the purpose of consumer rights protection acts, the effectiveness of the complaint mechanism process is crucial.

In this chapter I will discuss the effective implementation of the complaint mechanism under Consumer Rights Protection Act, how this Act performs on the violation of consumers rights. I will also discuss in a daily life whether a consumer can make their complaints against violation or not. And what kinds of challenges they are facing, Is Bangladesh obliged to follow International rules towards Protection of Consumer Rights.

#### **3.2. Steps towards Effective Implementation of CRPA**

We know that the Consumer Rights Protection Act prohibits the violation of consumer rights. In Bangladesh consumers are not aware about complaint mechanisms though they have some lacking about how to make a complaint towards CRPA. This is how they think that there is no effective implementation of CRPA. If any consumer knows about The Act and knows the process of complaining then effective implementation can be held. Effectiveness of complaint mechanisms is mostly rare among Bangladeshi people. Actually they are facing so many problems and challenges for making a complaint. Firstly they do not know about the complaint mechanism properly or if they know about this seller they make a mediation process where consumers do not get the proper justice. Secondly some consumers think that this complaint system is so costly and consumers are scared about complaining because they do not want to jump into any problem, they think that if they make any complaint then they will face a problem. That is why the effectiveness of the complaint mechanism under CRPA is so rare.

Like many other nations, Bangladesh has consumer protection laws and regulations in place. The Bangladesh Consumers' Protection Act, 2009, seeks to safeguard consumers' interests, promote their rights, and enforce fair market practices. The Directorate of National Consumer Rights Protection (DNCRP) is the government entity in charge of enforcing and executing consumer protection legislation. Consumer rights awareness and complaints about infractions might vary among different groups of the community. Urban locations and better educated people may be more aware of their consumer rights and more willing to file complaints when they are violated. However, consumer rights awareness may be lower in rural and less-educated communities.

There are numerous news reports about this situation and talk about consumer complaints rising day by day. Consumers' suffering in Bangladesh has been exacerbated by rights abuses, with the number of complaints increasing by a whopping 61% in a year. In fiscal 2020-21, consumers filed 14,764 complaints with the Directorate of National Consumer Rights Protection (DNCRP), up from 9,195 complaints the previous year. In fiscal year 2018-19, the DNCRP received 7,515 consumer complaints on various grounds.<sup>21</sup> Through this news report we can see the ratio of complaints increasing day by day. But here the implementation of these complaints are so rare. People already learn how to make a complaint but they did not get the proper justice through this Act. The implementation process is so slow and consumers become so frustrated with that. Moreover for this reason consumers do not want to make any complaints against the seller for rights violation. We know that a consumer is someone who pays for or promises to pay for goods or services for personal or business consumption. And the consumer has the right to make proper purchases of goods or services. All people of the country who buy products for money, receive medical services, and travel by car are considered consumers. But if their rights are violated and if they did not get the proper service even making any complaints then that will be so frustrating for those consumers. For this reason consumers are not taking any step for making any complaints because their mind set has been built that they did not get any remedy or compensation through this Act.

If we look back, in the Corona period public transport fare had been increased but now it remains the same, though now the situation is completely fine. Moreover bus authorities misbehaved with

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<sup>21</sup> Mahmudul Hasan, 'Consumer Complaints Rising' (The Daily Star, 6 september, 2021) <<https://www.thedailystar.net/business/economy/news/consumer-complaints-rising-2169506>> accessed 21 August 2023

passengers.<sup>22</sup> Consumers became so afraid to make any complaints against these rights violations. Throughout the country, numerous bakeries and food manufacturers have sprouted up. Food is prepared in unsanitary conditions in these establishments, and there is no documentation on the manufacturing and storage of such food. As a result, people frequently become ill after consuming these items. Alley restaurants have sprouted up. For a few days, these establishments also provide stale food.<sup>23</sup> Here also Consumers Rights have been violated. They did not get the proper food, rather sellers became rude and misbehaved with those consumers.

We learn from the Consumer Rights Protection Act, 2009 that if any seller sells any product at a higher price than the fixed price then that seller will be penalized under this Act. But every year, vendors raise the prices of everyday needs in the run-up to Ramadan. They do not value the government-set prices for numerous items. Every year, it affects average middle and lower-class people.<sup>24</sup> Sellers intentionally sell their product at a higher price than the fixed price that makes a big problem for those poor people. And those consumers could not make any complaint against this kind of rights violation. Because of fear and lack of knowledge they do not make any complaints. This is why under CRPA the effectiveness of implementation is less and rare nowadays.

### **3.3. The Challenges of Effective Implementation of Complaint Mechanism**

A consumer faces a lot of problems when they want to make a complaint against the violation of consumer rights. Though we learn that many consumers have less awareness about the Consumer Rights Protection Act and this is why they do not know how to make any complaint under this Act. And very few people know about this Act but they face various problems to make any complaint regarding these violation issues. Whether a consumer got frightened from the behavior of the sellers or a consumer did not get any priority from the consumer rights protection authority when a consumer wanted to make any complaint against the violation. Mainly poor people could not speak about this rights violation because in our society they have been ignored and humiliated by NCRPA and dominant sellers or vendors. And there is an issue which people do

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<sup>22</sup> Sukanta Das, 'Consumer rights violation and punishment' (The Daily Observer, 16 March, 2022) <<https://www.observerbd.com/news.php?id=357523>> accessed 23 August 2023

<sup>23</sup> Ibid

<sup>24</sup> Ibid

not talk about frequently which is corruption. Corruption is one of the main reasons being disturbance of implementation of CRPA.

There are numerous cases where Consumers did not get their proper positive answer from making any complaint against Consumer Rights violation. A consumer did not get any positive result from NCRPA Authority. In this case the fact is that Reshmi, a ninth-grader in Narsingdi, ordered an outfit online but did not receive it. The online store disabled her phone number. Then she made a complaint under NCRPA and the Directorate of National Consumer Rights Protection visited the shop's address but returned empty-handed.<sup>25</sup> So there made a complaint against the right violation but no implementation happened and also the consumers suffered at the same time without getting any benefits. Many online shops run in a fraudulent manner and those shops deceive the consumers. When any consumer goes to make any complaint against those online markets, authority did not give importance to those complaints; rather they blame those consumers for why they use online platforms to buy and so many harassment behaviors. And the implementation of CRPA is not enough according to the nature of violation.

Bangladesh's consumer rights watchdog has sanctioned 17 e-commerce enterprises for failing to deliver merchandise on time and misleading customers with false advertisements. Consumers are making a complaint against those e-commerce platforms under NCRPA. The DNCRP fined the platforms a total of about 6 lakh Taka.<sup>26</sup> Here these seventeen firms are so famous and so dominating as well as. These companies did not keep their promises and acted in a wrongful manner. Though their punishment should be more as they delivered false advertisements but due to their dominant character they get rid of this problem. And consumers are the ultimate sufferer. As far as we know, the Consumer Rights Protection Act, 2009 said that if any company provides false advertisements to the consumers then that sellers will be punished one year imprisonment or 2 lakh taka fine.<sup>27</sup> But through this news we see that the Authority combined fine 6 lakh to those 17 firms whereas individual sellers or shops will be punished but here these firms got fined in a combined manner which is less according to CRPA and here the proper implementation is

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<sup>25</sup> Shawkat Ali, 'Poor regulation, lack of awareness impact implementation of consumer rights' (Bangladesh, 14 march,(2020). <<https://www.tbsnews.net/bangladesh/poor-regulation-lack-awareness-impact-implementation-consumer-rights-56263>> accessed on 27 August 2023

<sup>26</sup> Sukanta Halder, '17 e-commerce firms fined' (The Daily Star, 17 October, 2021) <<https://www.thedailystar.net/business/economy/e-commerce/news/17-e-commerce-firms-fined-2199981>> accessed 27 August 2023

<sup>27</sup> The Consumers Right Protection Act 2009, section 44

not enough. This is why consumers did not make any complaint because they know that there is no proper implementation and here the dominant party will be more beneficial than consumers.

### **3.4. International Obligation of Bangladesh towards Protection of Consumer Rights**

Bangladesh is required by international law to adhere to consumer protection standards to some extent. Consumer protection is an essential component of international trade and business, and numerous international treaties and organizations encourage and support the establishment of consumer rights and safeguards.

The United Nations Guidelines for Consumer Protection, approved by the United Nations General Assembly in 1985 and amended in 2015, are one of the most important international agreements in this area. These recommendations provide governments a framework for developing and putting into action consumer protection policies, while also outlining the fundamental concepts of consumer protection.

Conforming to the United Nations Guidelines for Consumer Protection (UNGCP) is essential to developing and enforcing legislation that effectively protects Consumers.

They help Member States develop and enforce domestic and regional laws, norms, and regulations. The recommendations were first issued in 1985, then expanded in 1999, and finally revised in 2015. UNCTAD urges member countries to promote consumer protection in both public and private goods and services. An intergovernmental panel monitors and updates the guidelines on a regular basis.<sup>28</sup>

While international agreements provide guidance and encouragement for consumer protection, it is crucial to highlight that the specific implementation and enforcement of consumer protection laws and regulations is entirely the responsibility of individual nations like Bangladesh. They have the freedom to adjust their consumer protection measures to their specific legal and cultural settings.

#### **3.4.1. Consumer Rights Protection under United Nations**

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<sup>28</sup> (United Nations guidelines for consumer protection (nd) UNCTAD) <<https://unctad.org/topic/competition-and-consumer-protection/un-guidelines-for-consumer-protection>> accessed 30 August 2023



The 2020 UN Guidelines for Consumer Protection are a critical global tool in consumer protection, creating confidence between consumers and traders. However, because of a dearth of empirical studies, they have garnered little attention from legal scholars. The guidelines are soft law, allowing countries to develop regulatory regimes that are tailored to their individual circumstances. Developing effective consumer regulations at the national level, on the other hand, remains a challenge. The Vienna Convention on International Sales of Goods (CISG) of 1980 was a legally binding treaty, although it had legal gaps and was difficult to amend. Because of their disparate goals and the need for a more comprehensive approach, the UN Guidelines and the CISG do not serve as a useful model for international consumer law.

In 1999 and 2015, the UN General Assembly established the UN Guidelines for Consumer Protection. The 2015 revision increased the emphasis on sustainable consumption and cross-border transactions, incorporating additional principles such as e-commerce, financial services, data protection, and tourism. The cooperation of UNCTAD aids in adapting to new consumer protection needs.<sup>29</sup>

### **3.5. Comparative Aspects from some countries between Bangladesh**

Bangladesh, like many other countries, is legally obligated to protect and defend consumer rights. These obligations arise from a number of international treaties, accords, and efforts encouraging consumer protection and fair trade practices.

#### **3.5.1. India**

If we look at our neighbor country India then we see how their complaint mechanism system runs in a good way against consumer rights violation. The Indian Government never compromises their consumer rights and the Indian government always ensures consumer rights very perfectly. The Federal Trade Commission takes action against major e-commerce sites for selling dangerous automobile seat belt alarm stopper clips. The government has taken action against the top five e-commerce platforms for allegedly selling automotive seat belt alarm stopper clips in violation of the Consumer Protection Act. The stopper clips inhibit the alert

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<sup>29</sup> M. Durovic [21 December 2019] International Consumer Law : What Is It All About? <<https://link.springer.com/article/10.1007/s10603-019-09438-9?fbclid=IwAR3sAKcwtY9KUfv1nLZGcfgmqxuHZZHhb5YhtKGVQCCmhEckJH3m8pRo6gDc>> accessed 31 August 2023

sounds that encourage drivers to use seat belts, putting consumer safety at risk.<sup>30</sup> From this point of view we can differentiate between Bangladesh and India. The way the India government treats their consumers and gives a hundred percent of safety to all consumers is so perfect and impressive. Indian Consumer Rights always think about the safety of consumers. Every consumer has a legal right to be protected from goods and services that harm life and property. Every Consumer has the right to safety, and has the right to be informed about the quality, quantity, potency, purity, standard, and price of goods, products, or services to prevent unfair trade practices.<sup>31</sup> A consumer complaint can be made for a variety of reasons, including poor service, unfair commercial practices, product manufacturing flaws, and medical malpractice.<sup>32</sup> A complaint must be lodged within two years of a service/defect in good occurrence, or after two years if acceptable reasons are supplied, according to Section 24 A of the 1986 Consumer Protection Act.<sup>33</sup>

In the case of *HDFC Bank Ltd.*, The National Commission dismissed the argument of the complainant's and they found that the EPFO conducted the deficiency in their services. The court imposed the penalty Rupees of 25000 on the complainant trust to HDFC bank.<sup>34</sup>

The Consumer Disputes Redressal Forum held that the agreement which was made as a one-sided agreement and was an unethical contract. It was mentioned that the Developer could not compel the apartment buyers for the one-sided contractual terms which was contained in the Buyer's Agreement. The court also directed the builder to pay interest 9% from 27.11.2018 till the date of payment of the entire amount. The court also directed interest at 12%. It should be paid in case of a default.<sup>35</sup>

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<sup>30</sup> SinghRahul Sunilkumar, 'Government issues order against Amazon, Flipkart and others for selling car seat belt alarm stopper clips' (The Hindustan Times, May 12, 2023) <<https://www.hindustantimes.com/car-bike/consumer-protection-agency-takes-action-against-online-sale-of-car-seat-belt-alarm-stopper-clips-seat-belt-law-101683874165775.html>> accessed 27 August 2023

<sup>31</sup> The Consumer Protection Act 2019, Section 2(9)

<sup>32</sup> 'Consumer Complaint in India ' (SS Rana & Co ) <<https://ssrana.in/ufaqs/consumer-complaint-online-india/>> accessed 29 August 2023

<sup>33</sup> Ibid

<sup>34</sup> Sapient Corporation Employees Provident v. HDFC Bank Ltd. & Others, Consumer Complainant Number no. 123 of 2012.

<sup>35</sup> Punit Jain VS M/S. Ireo Grace Realtech Pvt. Ltd. 31 August, 2021.

### **3.5.2. Japan**

The Consumer Basic Law of Japan, originally in 1968 and updated in 2004, protects consumer rights while also promoting safety and fair corporate practices. In 2009, the Consumer Affairs Agency (CAA) was founded to handle complaints and disputes. The legislation forbids fraudulent advertising, misleading statements, and unfair trading practices.<sup>36</sup> From 1 October 2023, stealth or undercover marketing activities will be illegal under the Act against Unjustifiable Premiums and Misleading Representations of Japan (AUPMR). The Consumer Services Agency of Japan announced the ban on "representations difficult for general consumers to identify as Business Operator's Representations" and released guidelines for interpretation.<sup>37</sup>

### **3.6. Conclusion**

In conclusion, customers may effectively resolve concerns and protect their legal rights by using the complaint system made available by the Consumer Rights Protection Act. It provides an organized way for issues to be reported, making rapid and affordable solutions possible. Still, there are problems such as underuse of the system, lack of awareness of consumer rights, and the need for continuous process improvement in the settlement process. The effectiveness of the system is determined by how strong the enforcement is, which ensures that businesses found guilty of abusing consumer rights get just penalties.

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<sup>36</sup> The Basic Consumer Act, 1968

<sup>37</sup> Mitsuharu Kataoka and Mayuko Fujita, Consumer protection in Japan : New law prohibits stealth marketing <<https://www.dlapiper.com/en-GB/insights/publications/2023/07/consumer-protection-in-japan-new-law-prohibits-stealth-marketing>> accessed 30 August 2023

## Chapter Four

### Critical Analysis of the Punishment under CRPA

#### 4.1. Introduction

In this Chapter there shall be discussion about the implementation of CRPA, 2009 in Bangladesh and also have been discussed about the effectiveness of the punishments under this Act. What challenges have been faced by the state to protect the rights of the consumers it also has been elaborated. And at the last, a comparative discussion has been made under systems of the United Kingdom and Pakistan about their protection of the consumer's rights.

#### 4.2. Steps towards Effective Implementation of CPRA

Consumer Rights Protections Act, 2009 works for both Civil and Criminal remedies. Not only the remedies, there are also the punishments under this Act which will violate the rights of the consumers. The punishments have been discussed in chapter two of this paper under the CRPA, 2009. Section 37 indicates the punishment for not covering the food, section 40 indicates the punishment for selling goods, medicine or service at higher price than fixed one, section 42 mentioned the punishment for mixing prohibited materials in foodstuff, section 47 states about the punishment for deceiving in weight stone or weight measuring instrument, section 51 has mentioned the punishment for selling any date expired goods or medicine, section 53 indicates the Punishment for damaging money, health or life etc. of service receiver by negligence etc. and section 44 has stated the punishment for deceiving buyers by false advertisement. All these provisions are elaborately described in chapter two of this paper.

On 28th February, 2012 High Court ordered the police to file criminal cases against the culprits who were selling the toxic chemicals to ripen fruits and preserve those under the Special Power Act. For this kind of offense the maximum punishment was held "Death Penalty".<sup>38</sup> An order had been made on May 10, 2010. The order comes from a writ petition filed by a lawyer Manzue Murshid as public interest litigation to ensure the human rights to stop the use of chemicals in fruits.<sup>39</sup>

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<sup>38</sup> "Consumer Rights Protection Act, 2009", The Lawyers & Jurists, <<https://www.lawyersjurists.com/article/consumer-rights-protection-act-2009/>> Accessed on 31 August, 2023.

<sup>39</sup> Ibid

After enacting the act of Consumer Rights Protection, the law aims to prevent the monopolization which hampers the free trade and the fair flow of trading. This law is an effective way to restrict the syndicates of the curtail markets along with allowing the competitive marketplace where traders can make profit easily and also the consumer's rights shall be protected.<sup>40</sup>

A recent case, where a consumer was charged 5 BDT extra for a water bottle at a restaurant. After the proper investigation, DNCRP mentioned that the matter was anti-consumer and the restaurant was fined 5,000 BDT.<sup>41</sup>

There is another case, DNCRP fined mobile network operator Robi Axiata Limited 410,000 BDT for deceiving subscribers. The fact of the matter is that, a subscriber complained to the DNCRP that Robi offered him a package to provide 1.5 GB of internet data for 98 BDT which will be valid for 28 days. After the purchase only 1 GB internet and the package was provided for 5 days. Md Saiful, another subscriber, filed a complaint where he stated that he had bought a 50 MB internet package for 28 BDT to watch Bangla dramas. Unfortunately, Robi provided the customer with invalid links and the consumer could not have the service. Al Amin, the third subscriber, filed a complaint that he could not unsubscribe to a value added service, which provided him the service of health tips at the cost of 2 BDT per day. After hearing all the complaints the authority fined the mobile operator 250,000 BDT for the first complaint; 150,000 BDT for the second and 10,000 BDT for the third complaint.<sup>42</sup>

### **4.3. The Challenges Regarding the Implementation of Punishment**

There is a significant criticism that the CPRA, 2009 does not have well-graded international aspects of strict liability and there are no measures to prevent liability by considering contractual means to protect the rights of the consumers.<sup>43</sup> Also there are not enough provisions in the

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<sup>40</sup> Rubiat Sawon, "Price Hike and Consumer Rights Protection: Revisiting the Legal Regime", The Daily Star, 16 September, 2022, <<https://www.thedailystar.net/law-our-rights/news/price-hike-and-consumer-rights-protection-revisiting-the-legal-regime-3120681>> Accessed on 31 August, 2023.

<sup>41</sup> Afrose 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 on 31 August, 2023.

<sup>42</sup> Ishtiaq 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 on 31 August, 2023.

<sup>43</sup> Saqeb Mahbub and Arafat Hosen Khan, "Protecting consumer rights", The Daily Star, 22 April, 2014. <<https://www.thedailystar.net/protecting-consumer-rights-20998>> accessed on 2 September, 2023.

CPRA, 2009 on wrongful conduct or unjust contract terms to better ensure the safety of Bangladeshi consumers in the terms of services liability.<sup>44</sup>

The Government of Bangladesh had passed the Consumer Protection Act in 2009. It has gained the most popular response from the people after the enactment. The Laws have been passed through this act and in some cases those have been enforced but poorly, there is no system to stop impudence traders.<sup>45</sup> The Government is also trying to ensure that consumer rights will not be violated in any circumstances but the corrupted people are not stopping themselves from shattering the rights of the consumers.<sup>46</sup>

The law has some strong provisions to ensure the rights of customers. For the lack of appropriate awareness, budget constraints and other limitations, the protection of the consumers are affecting immensely. Outright limitations are addressing the systemic issues in the marketplace.

For not taking the laws in consideration, it is now a problem for Bangladesh to implement measures against criminal activities in the violation of consumer rights.<sup>47</sup> There are so many Laws on the same reference, various types of punishment for the same crime, under those Laws court fees are also different for filing a suit for remedies, there is also long process in proceedings, investigation are not sufficient according to independent authorities, lack of monitoring systems which have been watched by the experts as potential impediments to enforcement.<sup>48</sup> As opposed to, there are some controversial laws in our country. These laws are so outmoded and are not ensuring proper protection to the consumer's interests.<sup>49</sup>

#### **4.4. International Obligation of Bangladesh towards Protection of Consumer Rights**

According to a report, The Consumer Rights Protection Act (CRPA), 2009 accomplished by United Nations Industrial Development Organization (UNIDO).<sup>50</sup> India and Malaysia have risen in recent times from the situations which we are facing recently in terms of consumers' rights

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<sup>44</sup> Saqeb Mahbub and Arafat Hosen Khan, "Protecting consumer rights", The Daily Star, 22 April, 2014. <<https://www.thedailystar.net/protecting-consumer-rights-20998>> accessed on 2 September, 2023.

<sup>45</sup> Sukanta Das, "Consumer rights violation and punishment", The Daily Observer, 16 March, 2022. <<https://www.observerbd.com/news.php?id=357523>> accessed on 2 September, 2023.

<sup>46</sup> Ibid

<sup>47</sup> Md. Nayem Alimul Hyder, "Consumer's Rights Protection in Bangladesh", The Financial Express, 26 April, 2017. <<https://thefinancialexpress.com.bd/views/consumers-rights-protection-in-bangladesh>> accessed on 3 September, 2023.

<sup>48</sup> Ibid

<sup>49</sup> Ibid

<sup>50</sup> Mollick Wasi Uddin Tamim, "Consumer Rights Protection & Bangladesh", Bangladesh Law Digest, <<https://bdlawdigest.org/consumer-rights-protection-in-bangladesh.html>> accessed on 3 September, 2023.

protection. The report also denounced the actions of Bangladesh.<sup>51</sup> Considering the eight foundations of the UN Consumer Bill of Rights, it emphasized on taking initiative steps to improve the actions of the consumer protection institutions in Bangladesh.<sup>52</sup>

A substitute abridgement of CRPA 2009, it has not included any provision about the value of sustainable consumption and production (*The Consumers' Rights Protection Act 2009*).<sup>53</sup> Environment is also an inevitable object for the sustainability of life (UNEP-UN Environment Program). The areas of spending, outcome and environment are inviolably connected.<sup>54</sup> It is due to the production and spending based on the usage of resources. The UN Guidelines have a huge impact on the protection of consumer's rights. It is basically for sustainable development which means spending and production both are economically, socially and environmentally maintainable to fulfill the requirements of the consumers.<sup>55</sup>

#### **4.5. A comparative discussion between UK and Pakistan on Protecting Consumer Rights**

##### **United Kingdom:**

Consumers in the UK have benefits in a wide range of rights by buying goods and services from businesses based in the UK and in the EU. The UK has been influenced by the EU in developing these rights, and in 2015 Consumer Rights Act had been enacted on the EU consumer law principles. It sets out a compatible framework on consumer's protections across the band spectrum of consumer goods, services and digital content supply contracts. There are renowned organizations like- Citizens' Advice, Trading Standards and the Competition and Markets Authority, as well as the Government, work to ensure the consumer's rights and what to do when a situation goes wrong.<sup>56</sup>

In the Appeal of *Robertson v. Swift*, the appellant contracted with the respondent to a removal company and the condition was to move his furniture from Weybridge to Exmouth in 2011 on 2 Aug, 2011. Then the respondent visited the appellant's home on 28

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<sup>51</sup> Mollick Wasi Uddin Tamim, "*Consumer Rights Protection & Bangladesh*", Bangladesh Law Digest, <<https://bdlawdigest.org/consumer-rights-protection-in-bangladesh.html>> accessed on 3 September, 2023.

<sup>52</sup> Ibid

<sup>53</sup> Mia, Badsha & Mallick, Sujoy. (2021). "*Protection of Consumers' Rights in Bangladesh: Law and Reality*". 10.1000/IJLMH.111039.<[https://www.academia.edu/47717526/Consumer\\_Rights\\_Protection\\_Law\\_and\\_Reality\\_in\\_Bangladesh\\_A\\_comparison\\_to\\_international\\_perspective](https://www.academia.edu/47717526/Consumer_Rights_Protection_Law_and_Reality_in_Bangladesh_A_comparison_to_international_perspective)> accessed on 3 September, 2023.

<sup>54</sup> Ibid

<sup>55</sup> Ibid

<sup>56</sup> "*EU Withdrawal Bill*", Department for Exiting the European Union, FactSheet 9: Consumer Protection, <[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/714380/9.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/714380/9.pdf)> accessed on 3 September, 2023.

July, 2011, he declared an agreed price. After that on this day he had sent an acceptance document to the appellant for sign. The document was signed by the appellant and it was handed back to the respondent on a second visit. This document contained a clause, which had stated that cancellation charges would apply, if the contract was canceled less than 10 days before the date of removal. The appellant also had paid a deposit of £1000. The appellant called to the respondent to cancel the contract and sent a letter to the respondent by giving the same notice of cancellation on 1 Aug 2011. He also had refused to pay the cancellation charges which are made under the conditions of Contracts made in a Consumer's Home Regulations 2008. The CA was incorrected to find that the appellant was not entitled to cancel the contract until he had been given appropriate notice of his right to cancel the contract. The right to cancel was central to the purpose of the Regulations and not dependent upon the requirement to give notice of such a right.<sup>57</sup>

#### **Pakistan:**

In Pakistan there are so many executive judiciary along with judicial ones and also included magistrates. To implement and enforce the consumer protection, these executive authorities have the major responsibility to check hoarding of goods, price hikes and ensure the quality and shall have to stop the unfair trade practices. The Competition Commission of Pakistan and other regulatory authorities are also responsible to regulate different types of trades. The authorities need to play their role consciously to formulate, implement and apply the consumer protections. Unfortunately, their role had not been up to the mark in the past years and due to this kind of scarcity, the burden on courts has been increased. It is very significant that if the Competition Commission works properly then there will be chances to reduce the prices for the consumers. Before this the authority and the Judiciary need to improve the quality of goods and services. They have to provide better and accurate information to the consumers. It will increase more choices for the consumers and improvement in technology for consumers of Pakistan.<sup>58</sup>

According to the case *Muhammad Khalid v. Raza Electronics*, The claimant, on 22 March, 2010 had purchased LG T.V 14 for consideration of Rs. 7500/- with 05 years picture tube

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<sup>57</sup> Robertson v. Swift, [2012] EWCA Civ 1794.

<sup>58</sup> Dr. Aatir Rizvi, Muhammad Azeem Farooqi, Dr. Muhammad Ramzan, Imran Ahmed Qureshi, Kashif Javed, "Consumer Protection And Protectionism In Pakistan Regulatory Framework Issues And Solutions", Journal of Positive School Psychology, 2023 Vol. 7 No. 1 1339- 1355.  
<<https://journalppw.com/index.php/jpsp/article/view/15487>> accessed on 3 September, 2023.



warranty and 01 year free service. The packaging and look of the said TV was exactly like that of L.G T.V but subsequently it was revealed that the defendant had sold him a T.V which was made in China. The claimant continuously asked the defendant to replace it but the defendant did not respond. The claim was accepted in terms that the defendant will immediately provide an original LG TV 14 to the claimant but with such replacement. The claimant was also held entitled to get token damages of RS. 1000/- as a compensation.<sup>59</sup>

#### **4.6. Conclusion**

Consumers of Bangladesh are starkly unaware in terms of their rights so that the safeguarding system of consumer rights in Bangladesh is in a critical situation. The consumer's demands and preferences have been shifted to the development of globalization and to increased awareness. This chapter suggests that the government and the agencies and other bodies shall work hard immensely to implement the mechanism of the rights of the consumers. They should raise the consumer's consciousness about the Consumer Protection Act, 2009 and follow them to avoid being the victims of evils of the society.

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<sup>59</sup> Muhammad Khalid v. Raza Electronics, 925/DCC/SWL.

## **Chapter Five**

### **Conclusion**

#### **5.1. Findings**

These are findings of this Research :

1. Here firstly we find out the legal framework of complaint mechanism and punishment under CRPA. Then we can find that Consumers are not secured to exercise the complaint mechanism against violation of consumer rights protection in Bangladesh.
2. In this research it has been found out that people do not have the knowledge about the Consumer Rights Protection Act. Some people think that it's a waste of time to make any complaint against the violation of consumer protection.
3. The effective implementation of CRPA of Bangladesh is not satisfactory as the law has been provided. Also we found some criticism against the complaint mechanism and punishment.
4. There are no adequate provisions in the CRPA,2009 to protect the consumer rights and also there are no sufficient measures to prevent liability about contractual means to protect the right of the consumers.
5. Still the culprits are mixing the toxic chemicals and preservatives in ripen fruits and other foods after enacting the section 42 of The CRPA,2009 which is still violating provisions and also right of the consumers. It has also created the bad effect on the health of the consumers and also causes death.
6. The United Nations Guidelines for Consumer Protection provide reasonable restrictions to prevent the violation of the consumer rights but still Bangladesh is unable to protect the rights and which causes massive harm to the consumers health and monetary matters.
7. Because of not having boundless laws the monopolization which hampers the free trade and fair flow of trading.
8. The mobile network operators are taking huge amounts of money in one package where the consumers are not having proper internet services in their need. The prices of the packages are beyond limitation.

## **5.2. Recommendation**

I found many problems faced by the consumers when they try to make any complaint against violation of consumer rights protection act. So I would like to give some recommendation on the basis of my study are as follows:

- a) Law must be more rigid regarding the violation of consumer rights protection. Government should give a more strong board to improve the implementation of complaint mechanisms and punishments.
- b) Government should take steps to ensure the access to justice for consumers. Sometimes consumers struggle with access to get justice for consumer protection. So access to justice should be more effective and the navigation of the system should be more easier. Also the complaint mechanism system should be more digitalized.
- c) There must be increased awareness about complaint mechanisms and consumer rights protection. The policy makers, Government of Bangladesh would take massive awareness programs to protect the consumer rights.
- d) Government should take strong steps to remove corruption whereas poor people cannot get the proper value while making any complaint against violation of Consumer Rights Protection.
- e) Social organizations should spearhead social movements and awareness campaigns against the violation of consumer rights. The issue of consumer's rights ought to be integrated into national affairs.
- f) The CRPA,2009 is not enough to protect the rights of the consumers. There shall be enacted more laws for the consumers of Bangladesh for their rights and also improve the punishments severely for violating the provisions in this act.
- g) Beside CRPA,2009, the Special Power Act should be operated to ensure adequate justice for the protection of the consumer rights which will be helpful to generate the punishment for exact offenses.

## **5.3. Conclusion**

In conclusion it can be said that through this thesis it is highlighted that in Bangladesh the consumers faced significant challenges. And poor people are discriminated against mostly to make any complaint against violation of consumer rights. The implementation of punishment is

not sufficient under CRPA. In Bangladesh there are various laws for complaint mechanism and punishment for violation of Consumer Rights Protection Act but the implementation and enforcement of these measures remain inadequate. To increase awareness and enforcement of Consumers to claim their rights the Government must be aware regarding their rights.

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