**Lecture - Application of Consumer Protection Laws in Bangladesh**

The people of Bangladesh have faced various problems such as adulteration, inconsistent high price, deceptive advertising, packaging and branding, labeling, mal-practices, false information about goods and services, shortage in weights measures, false dating made in imitation products, fraudulent production or sold and black marketing and hoarding etc.Bangladesh has a few specific consumer protection legislations which are ‘scanty’, scattered over a whole range of consumer interests.

**Who is Consumer:** Consumer means a person who purchases goods and services for personal use. In other words,a consumer is a person or an organization that uses economic services or commodities.The provisions of consumer protection can be found at Articles 15 and 18 of the Constitution. However, these provisions are mainly focused on the vital issues of ‘health’ and ‘food’ than on other consumer rights.In the Consumer Rights Protection Act, 2009 which is applicable in Bangladesh, consumer means, any person –

a) Who without resale or commercial purpose

1. buys any goods for a consideration which has been paid or promised to be paid;
2. buys any goods for a consideration which has been partly paid and partly promised;
3. buys any goods for a consideration under any system of deferred payment or installment basis**;**

b) Who uses any goods bought under clause (a) with the approval of the buyer;

c) Who buys any goods and uses it commercially for the purpose of earning his livelihood by

means of self-employment;

d) Who-

1. Hires or in any other manner avails of any service for a consideration which has been paid
2. or promised to be paid**;** or
3. Hires or in any other manner avails of any service for a consideration which has been partly paid and partly promised**;** or
4. Hires or in any other manner avails of any service for a consideration under any system of deferred payment or installment basis ; or

e) Who enjoys any service under clause (d), with the approval of the person who hires or avails it.

**What are Consumer Rights?** Every consumer has some rights of his own. Those rights are protected by the state through some specific laws, rules and regulations and are called consumer rights. There are eight consumer rights which are defined by the UN Consumer Bill of Rights. These are as follows:

1. Right to Safety - Consumers should have safety against the goods that are hazardous to life and property.
2. Right to Information - Consumers have the right to be informed regarding the price, quality, quantity, etc., of the products they buy.
3. Right to Choice – Consumers should be provided with a wide variety of good to choose from.
4. Right to be Heard - Right of consumers to have their complaints heard.
5. Right to Satisfaction of Basic Needs – This right demands that people have access to basic, essential goods and services: adequate food, clothing, shelter, health care, education, public utilities, water and sanitation.
6. Right to Redress – Consumers have the right to seek redress regarding their complaints.
7. Right to Consumer Education – The right of consumers to be educated about their rights.
8. Right to Healthy Environment – This is the right to live and work in an environment that is non-threatening to the well-being of present and future generations.

**What is Consumer Rights Protection?** In a welfare state, some laws, rules and regulations are enacted to protect the people from anti-consumer rights practices. Those laws, rules and regulations are collectively called as consumer rights protection. The question arises, what kind of activities can be called the anti-consumer rights practices. Under the CRPA Act, 2009, anti- consumer rights practices means-

1. to sell or offer to sell any goods, medicine or service at a higher price than the fixed price under any law for the time being in force ;
2. to sell or offer to sell adulterated goods or medicine knowingly ;
3. to sell or offer to sell any goods containing any ingredient which is extremely injurious to human health and the mixing of which with any food item is prohibited under any law for the time being in force ;
4. to deceive consumers by untrue or false advertisement with the purpose of selling any goods or service;
5. not to sell or deliver properly any goods or services sold and promised in consideration of money ;
6. to sell or deliver less than the offered weight to the consumers while delivering or selling any goods ;
7. if the weight stone or any other weight measuring instrument used for measuring weight in selling or delivering goods shows more than the actual weight ;
8. to sell or deliver less than the offered amount while delivering or selling any goods ;
9. if the length measuring gauge or anything else used for measuring length in selling or delivering goods shows more than the actual length ;
10. to make or manufacture any fake goods or medicine ;
11. to sell or offer to sell goods or medicine the date of which has expired;
12. to do an act which may endanger life or security of the consumer and which is prohibited by any law for the time being in force.

In short, anti- consumer rights practices mean all the activities which deprive a citizen of exercising his rights as a consumer.

Though the ‘right to information’ is a basic right of the citizens, most of the citizens don’t know about consumers’ rights, their forms as well as the protection rules and regulations. It is quite hard to find any advertisements on TV channels, or even a billboard or posters for letting people like him know about these rights. Presently, activities for securing consumer rights are stuck solely around the rallies and the seminars in the Consumer Rights Day in 15 March every year. In Bangladesh, it is common that the products the traders serve in the markets are not really “safe”. Most of the fishes, meats, fruits and vegetables are mixed with formalin and other preservative chemicals which are in fact hazardous to human body. Fast foods and other food products are mostly adulterated or prepared in unhealthy environments. Though the Special Powers Act 1974 under section 25C prescribes the highest punishment of death penalty for adulteration of foods and drugs, the unscrupulous people are continuing the hateful acts of adulteration. Lack of strict enforcement of laws can be traced as the main factor behind this problem.

Talking about adulteration and unhealthy environments, there is also some good news about consumer protection nowadays. The government in the recent years has put some magistrates to inquire about the products served in every market. Those magistrates work as mobile courts which are able to give punishments on-the-scene if they have enough evidence of adulteration or unhealthy environments in the food shops. Though not being a constant factor, the fear factor of those mobile courts is making many of the traders of the markets to abide by the rules. Although the success of these mobile courts lights up hopes about the improvement in the activities for securing consumer protection, there is still no public knowledge about where to call or contact in any other manner if their rights as a consumer is violated. Those rights about having complaints are also recognized twice by the UN as the “Right to be heard” and the “Right to redress”, but this prospect is unfortunately put in the no-care region by the authorities in Bangladesh.

**Shortcomings of the Consumer Rights Protection Act (CRPA), 2009:**

The Act does not follow the international standards in terms of dispute resolution. It does not provide for any quasi-judicial dispute resolution system for resolution of consumers’ complaints. Most of the international consumer laws allow to receive complaints directly from the consumers, but the CRPA, 2009 does not allow direct complaints to be received from the consumers rather it mandates the endorsement of the Director General of the Consumer Rights Protection Department (CRPD) in this regard. As per the CRPA, the usual trial procedure will be followed in redressing the issues arising out of the violation of the CRPA. The usual trial procedure proved to be time consuming and more complex as well as multifarious. Most of the countries follow a trial system in this respect which is quite unique, special and simple as well as totally different from the traditional trial system. The CRPA, 2009 should be amended for the purpose of fair protection of the consumer rights.

**Existing Laws for Consumer Protection in Bangladesh**

Articles 15 and 18 of the constitution of Bangladesh can be referred to as the basis of consumer protection laws. Article 15 deals with the provision of basic necessities like food, clothing, right to work, right to work at reasonable wages, quantity and quality of work, social security etc. Article 18 of the constitution of Bangladesh makes the Government responsibility to ensure safety, public health and morality like preventing the consumption of alcoholic and other intoxicating drinks and of drugs, which are injurious to health. In addition to that, there are other numerous provision of consumer law, which have enacted from time to time. The following existing laws for consumer protection are practicing in Bangladesh.

1. **The Essential Commodity Act, 1956:** It has given power to the government to control the production, distribution, preservation, use and business etc. of certain essential commodities for which a license or permit is a must.
2. **The Pure Food Ordinance, 1959:** The ordinance empowers the government to maintain the quality of food such as flower, oil, ghee etc. The Department of Public Health has been entrusted with the duty of inspection and examination of the quality of food stuff under the Pure Food Ordinance, 1959. This ordinance also prohibits persons with infectious diseases such as tuberculosis, from involvement in manufacturing or preparation of such food items. Now, this ordinance is under revision as “The Bangladesh Pure Food (Amendment) Act, 2004”. It has been proposed to constitute National Food Safety Council headed by the Ministry of Health and Family Welfare as well as to establish Food Courts under this Act.
3. **The Price and Distribution of Essential Commodity Ordinance, 1970:** The act was enacted to ensure the right price so that the importers, producers and the businessmen may not be able to earn unjust profit. Under this law the price of commodity should be attached to them and the legal list of price should be hanged in an open place and receipt of sale of goods must be delivered to the buyer.
4. **The Drug Control Ordinance 1982:** The law empowered the government to establish control over manufacture, import, distribution and sale of drugs. This enactment makes provisions for constituting a Drugs Control Committee, which is known as Drug Administration. No drug can be manufactured for sale or be imported or distributed. In case of manufacturing of drugs, the firms are advised to follow the recommendations of the World Health Organization.
5. **The Breast Milk Substitute (Regulation of Marketing) Ordinance 1984:** The regulation states that nobody is allowed to promote the use of any breast milk substitute or give any impression that breast milk substitute is better than breast feeding. That will amount to an office. The Ordinance has also made it mandatory to inscribe that “there is no substitute to breast-feeding” on the package of the substitute.
6. **The Tobacco Goods Marketing (Control) Act 1988:** On October 27, 1988 Bangladesh has connected anti-smoking campaign. The aim of such campaign is to reduce the use of tobacco. Sellers and manufactures are instructed to give warning on the tobacco packet, as “Smoking is injurious to health”. Without this caution they are not allowed to display or advertise any tobacco product.
7. **The Special Powers Act 1974:** The Act provides for more severe penalties for false advertisement, black-marketing, smuggling and adulteration of foods, drinks, drugs or cosmetics.
8. **The Dangerous Drug Act 1930:** The act-empowered government to put restrictions on cultivation of cocoa- plant, manufacture and possession of opium, cultivation of poppy etc.
9. **The Trade Marks Act 1940:** It provides that all manufactured commodity should have a trademark, which will distinguish it from other commodity of the same nature and the consumers will get the liberty to choose their own brand. The objective of this act is to give protection to the original trademark against unauthorized use of his trademark by his competitors.
10. **The Standard of Weights and of Measures Ordinance 1982:** It provides that the establishment of standards of weights and measure shall be bared on metric system and units of measurement and would be known in the country as System International (SI) units.
11. **The Food Grain Supply Ordinance 1956:** The Act provides special measures for prevention of prejudicial activities relating to the storage, transshipment, movement, supply and distribution of food grains.
12. **The Penal Code 1860:** The Ordinance was enacted to protect the adulteration of foods and drinks, selling of noxious food and drinks, adulteration of drugs or medical preparation. It provides punishable offences for selling of such adulterated drugs or medical preparation. Besides of these, using false trademark and counterfeiting trademark or brand name are described as punishable offences.
13. **The Sale of Goods Act 1930:** The act provides contract, condition and warranties, transfer of property, title of property, rights and duties of buyers and sellers, right of unpaid sellers against the goods stoppage in transit etc.
14. **The Bangladesh Standards and Testing Institution Ordinance, 1985:** Under this ordinance the government established the Bangladesh Standards and Testing Institution (BSTI) for standardization, testing, metrology, quality control, grading and marketing of goods. The main tasks of commodities, materials, whether for local consumption, export and import. At present BSTI is functioning as “Policy on Labeling” under BSTI Act (Amendment)- 2003.
15. **The Essential Commodity Act 1990:** The law ensures stable position of goods and maintain or measuring supply of essential commodities. The law also mandate of Essential Commodity Act including broad spectrum of activities such as storage, transport, distribution, disposal, acquiring, use or consumption of essential commodities.
16. **Fish and Fish Product Rules, 1997:** The rules protect fish and fish product with inspection and control. Then the rules are basically meant to develop quality improvement to promote export of trade. Apart from these Ordinances, there are some additional legislative provisions giving protection to consumer interests. For example: of section 274 also imposes restriction on adulteration of any drug or medical preparation, section 482 provides restrictions on any false trademark or any false property trademark. Section 267 provides restrictions on false statement to sell or disposes any instrument for weighting. Consumer’s Protection Act- 2009 has been enactment by the Parliament.

There are also a number of policies i.e.; Bangladesh Food and Nutrition Policy- 1997 and National Plan of Action on Nutrition, National Agricultural Policy 1999; Integrated Pest Management Policy- 2002 etc are linked with the country’s food safety and quality control.

**Present Situation of the Consumers in Bangladesh**

The Consumers Association of Bangladesh (CAB) was established to protect the rights of their consumers. Nevertheless, the consumers are still beset with various problems.

1. **Lack of awareness:** Most of the consumers or people of our country are not aware of their rights as a consumer. Lack of awareness is the main cause of present situation of the consumers in the Bangladesh. Mass people don’t know if the sellers cheat them, what they should do or where they should go and more over how the sellers cheat them. The causes behind is that consumer’s right is still a comparability new concept to the consumers of Bangladesh.
2. **Economic situation:** The people of Bangladesh cannot avoid thinking of the economic condition, which does not provide the atmosphere fit for consumers who are careful and demand quality. The reason behind is that our economic status is not quite well. Also consumers of Bangladesh suffer from discriminating purchasing power. Hence, the question is not what to buy, but how to buy.
3. **Illiteracy:** As a consumer, most of the people of Bangladesh do not know about the existence of their rights and facilities due to lack of basic education. Such type of people cannot think up to the level that they can have existing rights which would give them protection against adulteration of foods item, medicine and other essentials goods etc. They have no knowledge about their right to get proper service for which they are paying.
4. **Compromising attitude:** Most of the time the people of Bangladesh do compromise with the quality and quantity of goods bought due to their financial limitations. Sometimes consumers are not able to pay the actual price for the goods and services they buy and they cannot expect a high standard of quality for the same. The consumers of the Bangladesh are also showing compromising attitude during purchasing goods and services.
5. **No separate court: I**n Bangladesh, there is any separate court for consumer’s right protection. On the other hand, the consumers are not able to get any facilities from existing court against those who violate the consumer’s right due to lack of proper authority. Therefore, the consumers do not rely upon the concerned officials to bring any effective action against the alleged parties. Sometimes consumers do not have knowledge regarding courts.
6. **Corruption:** It is the main problem of our country. Sometimes consumers are deprived by corruption. The corrupt businessman tends to establish a good relation with corrupt government officials who might help them to cheat and exploit the innocent consumers. Therefore, consumers are suffering from the corruption and illegal activities by the corrupted businessman.
7. **Inefficiency and non-compliance of testing goods in the market by BSTI:** BSTI does not have modern equipment and facilities for testing of many products available in the market.
8. **Outdated law:** The consumers are facing to have insufficient laws in Bangladesh; implementation of which is also hard. Present existing laws are not fulfilled the present requirement of the consumers in our country.
9. **Weak consumer movement:** There is weak consumer movement in Bangladesh. Most of the consumers of Bangladesh have no knowledge about their rights. The main reason is weak consumer movement in our country, whereas in market economy they are kings. Consumer movement is now in a complicated and backward position in the light of present socio-economic condition as well as huge illiterate consumers.

**Major Problems Faced by the Consumers**

It is argued that our present laws are outdated, unable to protect the consumers, faulty and do not meet the present requirement of consumers. In such a context, the people of Bangladesh are facing various problems including *inter alia* manufacture or sale of adulterated or sub-standard food; slaughter of animals at any unauthorized places; failure to imprint the date(s) of manufacture and expiry on the packet, wrapper, carton or paper cover of the goods; wrong prescription of medicine or pathology report that may cause death or disability of a person; failure to provide essential services like electricity, telephone, gas, water etc. to the consumers’ satisfaction.

1. **Adulteration:** Adulteration of different food items and other commodities including medicines is a serious threat faced by the consumers. It is usually creates by the dishonest manufactures and intermediaries in Bangladesh. Confirmation of use of formalin in different varieties of fishes has sent shivers down the spine of the people, rich and poor.
2. **Inconsistent with high price:** The consumers of Bangladesh are facing high price, which is not consistent. The reason behind this is, there is no control over marketing of goods and services by the government.
3. **Deceptive advertising:** Most of the advertising agency has made deceptive advertising according to instruction of their clients. Our people are facing deceptive advertising every day. Most of the advertisers are showing deceptive advertising through different media to influence consumers’ attitude. There is no relation between advertise products and actual products in our country. But there is no proper authority to take any action against deceptive advertisement. As a result, the consumers are facing various problems day by day.
4. **Deceptive packaging and branding:** The manufactures or producers are misleading or deceiving to the consumers by artificial packaging and branding. Therefore, the consumers form their buying attitude positively to artificial packaging and branding at the time of purchase a product.
5. **False information about goods and services:** The producers or manufactures and the traders provide false information about goods and services to the innocent consumers. The consumers are deceiving through false information about goods and services. One of the main reasons for this is lack of awareness, and another one is lack of basic education of consumers.
6. **Shortage in weights and measures:** The consumers are cheated by the traders through shortage in weight and measures. Most of dishonest traders are achieving the goals by illegal operations.
7. **False date:** The consumers are deceived by the false date. The corrupted manufactures do not respect to the consumers by written off false date on the package of goods. The study also identified majority of dishonest traders do the same in our country. As a result, we are suffering from various diseases such as cancer and damage vital human organs like liver, kidney and heart etc.
8. **Imitation products:** In Bangladesh, the markets are plentiful in imitation products and consumers are getting it easily. Most of the dishonest producers made in imitation products. The consumers are acutely facing this problems due to high price of the raw materials particularly and dishonest and corruption in general.
9. **Magnify unduly exaggeration:** The consumers are not getting actual products from manufactures and traders. The producers made their products with disproportionately. They deceive consumers by overstatement of their products and gain more profits.
10. **Fraudulent production and sold:** Majority of the producers produces fake products. The consumers are deceived through false products.
11. **Black-marketing and hoarding:** The price of essential commodities including foods and many other items has made the lives of the consumers miserable. The syndicate of businessman rises up in Bangladesh which is working for price hike of essential commodities. The traders gain maximum profit through black marketing and hoarding activities. It ultimately affects our consumers.

**Recommendation and Implementation Strategy**

Under the present legal regime, the aggrieved consumers themselves cannot go to court to sue against the Violators. The provisions of penalty under the existing laws are so negligible that nobody cares to abide by such laws. These laws are not fully effectively enforced.

1. **Educate the consumers:** There should be provision in the consumer protection law to educate the consumers about their rights and responsibilities. Therefore education is the main indicator to protect them against corruption and deception.
2. **Establish a separate court for consumers:** We need a separate court for consumers to protect their rights in Bangladesh. If there is any violation of consumer protection law then the consumer may go directly to bring action through court. If any proof is found, the case will be sent to the consumer protection tribunal concerned to try the accused.
3. **Establish National Consumer Council (NCC):** The govt. should establish National Consumer Council (NCC) for solving the problems of consumers in Bangladesh. Its objectives, structure, responsibilities and functions will be easy and enlarge to the consumers.
4. **Need powerful watchdog:** The country needs a powerful watchdog. It should include constant monitoring and effective laws to protect consumer’s interest and rights.
5. **Create a separate ministry:** The govt. of Bangladesh should form a separate Ministry to protect illegal activities in open market economy. In this context, such Ministry would be able to procure goods and services for consumers in a speedy manner without sticking the provisions of the existing Purchase and Procurement Regulation (PPR). Under this ministry, a Minister will take care for checking supply and price manipulation of the commodities consisting both official and non-official members. Nonofficial members should be selected that they should truly represent the consumers and preferably from civil society.
6. **Need food safety standard:** There should be provision in the consumers’ protection law for food safety standard as standard of food safety is the basic criteria.
7. **Establish a consumer redress agency:** The government should establish a Consumer Redressal Agency (CRA) to protect consumer interest. It will be formed both at Central and District level, with provision of heavy penalties, to look after the interest of consumers.
8. **Need more active of CAB:** The CAB should be more active to perform their activities for protecting consumer’s rights. The CAB also can perform advocacy with policy makers and proper authorities for amending the existing laws regulating the protection of consumers. Consumers Associations of Bangladesh need to be more active and pro- consumer. The governance of CAB should be ensured by the amendment of existing laws.
9. **Increase involvement of Civil Society Organizations (CSO):**  The present Act should be modified to include the involvement of Civil Society Organizations (CSO) including local government representative to bring about better result.
10. **Adulteration should be stopped:** The govt. should take action against illegal practices, black marketing, adulteration etc. in our country.