

# Consumer Rights Protection: Degree of Awareness and its Present Status in Bangladesh

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## Abstract

Consumer rights are considered as the basic human right and violation of consumer rights is considered as the violation of the human rights. The ignorance of the consumers regarding their rights is a contributing factor to poor consumer rights protection in our country. This study aims at measuring the awareness and status of Bangladesh on consumer rights protection. Primary data has been collected from 450 representative samples besides analyzing available secondary data. It has been revealed through our study that 53.3 percent of the population is totally ignorant about their rights as consumer and the remaining 46.7 percent are knowledgeable about rights to a limited extent. 52 percent of the consumers of our country think that they are constantly being deceived by the egoistic businessmen. These consumers can't do anything other than remaining silent. Our study has suggested a set of action plan classified into four categories i.e.: awareness building program, infrastructure development, legislative based action plan and law enforcing team development, to ensure the protection of consumer rights in Bangladesh.

**Keywords:** Consumer Bill of Rights, Consumer Activist Group, Consumer Awareness, Anti-consumer Rights Practices

## 1. Introduction

Consumer right is a much neglected issue in Bangladesh. Although consumer rights are considered as basic human rights as part of right to life, sorrowfully, in our country, a vast majority of the consumers themselves are not aware of their rights. They are not literate, powerful to protect their rights here. This is the common scenario of developing countries where consumers are poor, illiterate and have less voice over the businessmen, so they are being exploited by the dishonest businessmen over the years. Though a number of organizations are working in our country for human rights, none of them except the Consumer Association of Bangladesh (CAB) is working for the promotion of consumer rights in Bangladesh. Bangladesh has a number of laws prepared for the protection of consumers but the execution of those laws is quite inadequate. The business people do not pay any heed to the consumers' safety and security due to lack of proper enforcement of consumers' protection laws. The initiatives of government to discipline the illegal business practices are also insufficient. Moreover, the rights of the consumers have not been clearly recognized in the constitution of our country yet. The constitution of Bangladesh includes 'right to life' as the basic fundamental rights that indirectly protects consumers' rights narrowly but that is not enough to provide full protection to the consumers. Due to lack of constitutional recognition or regulatory protection, the business people are constantly showing thumb to the rights of consumers. Like other developing countries, in Bangladesh, the incidence of poverty and illiteracy are too high that the people here encounter thousands of social and economic problems, particularly in the context of consumer related issues. Unlike the consumers in the developed countries, consumers in our country cannot play a strong role or wage any movement against the illegal business practices to establish their rights. In this consequence, government has a bigger role to play on behalf of the consumers to curb the consumer exploitation.

## 2. Objective of the Research Paper

The broad objective of this study is to measure the consumer's awareness about their rights and responsibilities and status of Bangladesh on keeping consumer rights. The specific objective of this study is to clarify the concept of consumer rights, identify the causes behind establishment of consumer rights in Bangladesh and devise and recommend a set of action plan to properly enforce consumer rights in our country.

## 3. Literature Review

A consumer is a person who purchases goods or services for personal use and not for manufacturing or resale. On the other hand, consumer rights refer to a set of rights that consumers are entitled to enjoy. Consumers are those persons who, for themselves or for the dependants, buy or use or obtain a permission to use any products or services by offering a price, prompt or due or in installments (Rahman et. el. 2010).

The basic rights of consumer get recognition on March 15, 1962. The then president of United State John F. Kennedy presented a speech to the United States Congress in which he extolled four basic consumer rights, later called the *Consumer Bill of Rights*. The *Consumer Bill of Rights* includes four basic rights of

consumers namely (1) the right to safety, (2) the right to choose, (3) the right to be informed and (4) the right to be heard. Worldwide consumer movement led by Consumers International (CI), a global federation of over 250 consumer organizations, added four more rights: (5) the right to satisfaction of basic needs; (6) the right to redress; (7) the right to education; (8) the right to a healthy environment. The UN guidelines on the protection of consumer rights in 1985 quoted that "all citizens, regardless of their income or social standing, have basic rights as consumers".

The *Constitution of Bangladesh* has given recognition to the rights of consumers to a limited extent in Article 15 and 18 under its 'Fundamental Principles of State Policy'. Article 15 deals with the provision of basic necessities like food, clothing, shelter, education, medical care, right to work, right to work at reasonable wages, quantity and quality of work, social security etc. Article 18 deals with public health and morality, like preventing the consumption of alcoholic and other intoxicating drinks and of drugs which are injurious to health. Though protection of consumers is a very big and important issue, our constitution is yet to incorporate any provision to separately recognize the rights of consumers.

Consumer protection in our country is still in its infancy stage. The positive side is the enactment of Consumer Rights Protection Act 2009. Though the enactment of the law was a significant development in the journey, awareness and effective implementation is still a big challenge.

To protect consumer rights, the best possible solution is that the consumers must be aware of their rights, work together with consumer organizations, assert against exploitation and seek redress for their grievances. A kind of self-vaccinating culture has to be developed to produce the best harvest from the Consumer Rights Protection Act (*Rahman et. el. 2010*).

According to *The Consumer Rights Protection Act (2009)*, to offer any goods, medicine or service at higher than the fixed price, to sell adulterated goods or medicine, to sell any goods containing harmful ingredients, to deceive consumers through deceptive advertisement, to sell less than the offered weight or amount, to manufacture fake goods, to sell date expired goods or medicine, and to do any act that endanger the security of consumers are termed as anti-consumer rights practices.

*Mahbub and Khan (2009)* cited that *Consumers Rights Protection Act, 2009* has failed so far in having any impact on the alleviation of rampant violation of those rights due to some drawback of the legislation. So to make this Act a meaningful one it must be amended with clear statement of the consumer's rights, easy and cheap redress procedures and increased power of the Council and the Directorate to make use of state machinery in order to enforce orders, directives and judgments against violations of consumer rights.

*Afroz (2010)* cited that consumer redress mechanism under the formal justice system suffers from unnecessary "over-criminalization syndrome", irrational "bureaucratization phobia", and lack of specialized consumer redress forums. Alternatively, consumer redress mechanism under the informal justice system, though visible, needs to be developed and popularized.

*Emrana (2007)* has found that mass people of Bangladesh are unaware of their rights as a consumer. They do not know if the sellers cheat them, what they should do or where they should go. The reason behind is that consumers right is still a comparatively new concept to the people of Bangladesh.

*Ashok (2010)* described that without the people's active participation, the government, as lone body, cannot protect the consumers from defective products. There are plenty of laws to take care of consumers and the numbers are constantly increasing. However, it leaves much to be said that their effectiveness has to rely upon the alertness of consumers and the sincerity of the authorities in their implementation.

*Munna (2014)* cited that a recent study by Bangladesh Paribesh Andolon (BAPA) found that 100 percent of vermicelli and citrus fruit, 95 percent of grapes, 91 percent of bananas, 90 percent of noodles, 82 percent of mangoes, 77 percent of dates, 75 percent of tomatoes, 60 percent of eggplants, 59 percent of apples and 20 percent of cucumbers contaminated with formalin and other harmful chemical preservatives.

The Institute of Public Health (IPH) has conducted the test on 10,289 samples of 50 items and found that 47 items were adulterated. The items include edible oil, spices, sweets, milk products, lentils, pulses, juices, pickles, biscuits, jellies, dried fish, flours and tea leaves (*Source: HNGN*).

Most of the sources, mentioned above, of our information are newspaper articles. Only a few studies were conducted on consumer rights in the context of Bangladesh. And, the available studies were not conducted on the consumer level. Thus, this paper has been conducted on the consumer level to measure their awareness and status about protection of their rights. This paper also suggests conducting further research on consumer rights at the end consumer ground.

#### 4. Methodology

To facilitate our study, both primary and secondary sources have been analyzed. Analysis of secondary data sources involves books, newspapers, journals, published articles, research papers, government and non-government web sites, the constitution of Bangladesh, brochures or booklet published by consumer organizations and other sources. To gain in-depth understanding on consumer rights issue we have also used primary data

collection methods i.e. expert interview, focus group discussion with general consumers and sellers, and field force survey with the general people of our country.

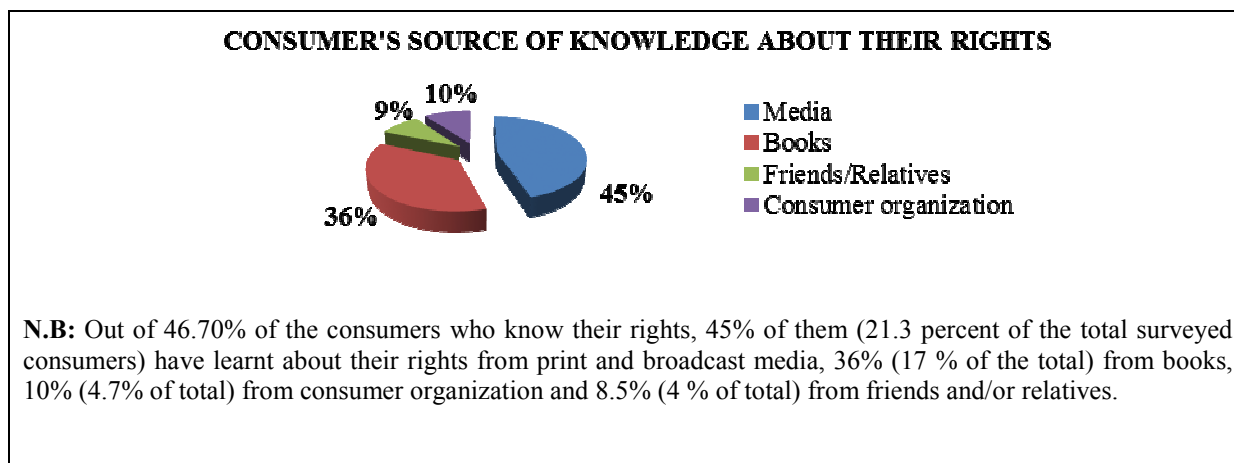
We have collected data from 450 representative samples from different market places in Rangpur, Dhaka and Barisal. Judgmental sampling method has been used to select the samples and collect data from them. After collecting the data using the aforementioned methods we have analyzed them using the Microsoft excel and SPSS software and have presented them using charts and table for better understanding of the people concerned. Then, the whole findings, recommendations of the study have been documented into a report.

### 5. Findings and Analysis

Consumer literacy or education plays a key role to reduce the sufferings of the consumers. In our country, a big chunk of population is still illiterate. According to UNESCO, the literacy rate of Bangladesh was only 58.79 percent in 2012. Yet, around 40 percent population of our country is illiterate and not aware of their rights. Thus, consumer illiteracy is one of the main reasons for poor protection of consumer rights. Our study reveals that 53.3 percent of the population is not knowledgeable about their rights as consumer. Yet only 46.7 percent of the consumers of our country are aware of their rights to a limited extent. Out of 46.7 percent consumers who know their rights, 45.3 percent claim that they knew about their rights from media, 36.3 percent from books, 10 percent from consumer organization and only 8.5 percent from their friends, relatives and others. Thus media plays a great role to make our consumers knowledgeable about their rights. Among the consumers who claim to be aware of their rights, hardly exercise their rights through protesting illegal business, file complaints against the perpetrators and avoid the harmful, adulterate, environmentally hazardous products.

| Research Question  | Yes    | No    | No comment |
|--|--------|-------|------------|
| Do you know your rights as a consumer?                                     | 46.7%  | 53.3% |            |
| Do you check manufacturing and expiry date while purchasing a product?     | 45%    | 55%   |            |
| Do you check MRP while purchasing a product?                               | 20%    | 80%   |            |
| Do you know about ISO and other standards?                                 | 32%    | 68%   |            |
| Do you think that you are deceived by the seller?                          | 52%    | 29%   | 19%        |
| Have you ever complained to the seller/manufacturer for being deceived?    | 18%    | 82%   |            |
| Have your complaint been redressed?  | 59%    | 41%   |            |
| Do you know whom (govt. authority) to file your complaint?                 | 36%    | 64%   |            |
| Research Question  | Always | Never | Sometimes  |
| How often do you check the logo of BSTI?                                   | 16%    | 38%   | 46%        |
| How often do you receive the memo/bill/voucher while purchasing a product? | 17%    | 23%   | 60%        |

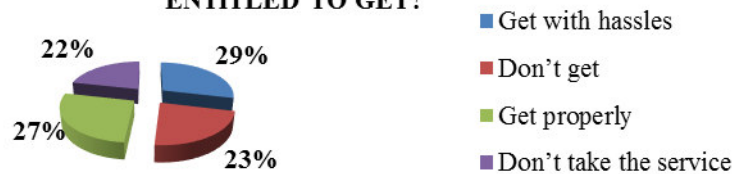
**Table 1: Tabular presentation of some findings of research questions**



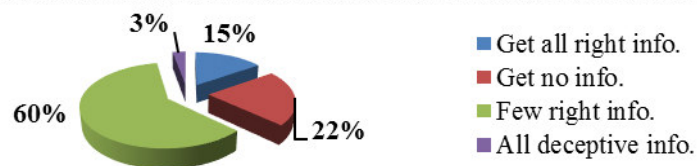
**REASONS FOR NOT FILING COMPLAINTS TO GOVT. AUTHORITY**



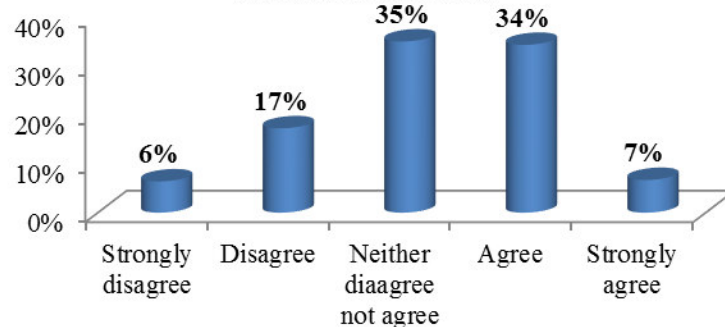
**DO YOU GET THE AFTER SALE SERVICE THAT YOU ARE ENTITLED TO GET?**



**DO YOU GET THE RIGHT INFORMATION FROM THE SELLER?**



**MANUFACTURER/SELLER PAYS PROPER IMPORTANCE TO PROTECT CONSUMER RIGHTS**



52 percent of the consumers of our country think that they are deceived by the egoistic businessmen. These consumers can't do anything other than remaining silent. Most of the consumers are reluctant to complain against the malpractices of business people. Around 82 percent consumers do not complain to the authority after being deceived. Only 18 percent claimed that they complained to the authority but didn't get any positive result. Out of the 82 percent consumers who do not file any complain to the authority, 45.4 percent doesn't know how to file a complaint, 16 percent doesn't file complaint due to delay in proceedings and 24 percent claims that nothing happens after filing a complaint so they don't.

64 percent of the consumers do not know where to file their complaints if their rights are violated and they are harmed by the unlawful business practices. Lack of initiatives by the government or consumers organizations to educate the consumers about their rights, complaint filing process, and illegal business practices

are driving the aggrieved consumers away from proactively filing complaints and exercising their rights properly. 55 percent of the consumers do not check manufacturing or expiry date on regular basis before purchasing a product. Taking the ignorance and indifference of consumers as an opportunity, the illegal business people are selling date expired products that cause severe damage to the health of the consumers. In most cases, the legal force concerned to seize the date expired and poor quality products are not performing their duty properly. They are also seen in compromising this illegal business practice in exchange of bribe.

This study has found that only 16 percent consumers of our country always check the BSTI logo on products. 46 percent check the logo on regular basis and 38 percent never check the BSTI logo on products before purchasing. 80 percent consumers do not check the MRP price of product. They pay as demanded by the seller. And around 68 percent of the consumers know nothing about ISO and other standards of product testing.

The sellers of our country are not knowledgeable enough to provide the required information about products to the consumers. They themselves do not know a lot about the products that they sell. Thus, the consumers' right to be informed is violated in our country due to the illiteracy of the sellers. Only 15.3 percent of the consumers of our study think that they get the right information from the sellers.

Only 17 percent consumers receive memo/bill/voucher while purchasing a product. Consumers do not receive the memo or other documents because the seller doesn't provide them proactively or they don't want these purchasing documents from the seller. Thus the government loses a huge amount of tax on the income of these businessmen and the consumer also suffers a lot when they need to return or change the faulty products since they don't hold the evidence of purchase.

After sale service is another problematic issue where consumers suffer a lot. Consumers in our country have to go through huge hassles to receive the after sale services from the sellers. In our survey, around 28 percent consumers claim that they get after sale service properly, 28.7 percent get it with huge hassles and 23 percent claim that they don't get after sale service that they are entitled to get.

In Bangladesh female consumers are less aware about their rights than the male consumers. Our survey reveals that 63 percent of the female consumers of our country are ignorant about their right as a consumer whereas this rate is 50 percent for the male consumers. Thus the study reveals that there is a huge gap in the awareness level of the consumers regarding their rights in our country.

Though the main objectives behind the establishment of Consumer Association of Bangladesh (CAB) were to generate consumer awareness about their rights and interests and to promote consumer education, our study finds that out of 47 percent of consumers who claim to be aware of their rights, only 9.5 percent of them (around 4 percent of the surveyed consumers) knew about their rights from the initiative of CAB. Thus CAB should be more active in promoting the consumer education regarding their rights and interests.

## **6. Causes of Poor Consumer Rights Protection**

This study has identified the following reasons for poor protection of consumers' rights in Bangladesh.

- a. The consumer protection laws, Acts and ordinance are backdated, in some cases are improper to protect the interest of consumers.
- b. Lack of proper market monitoring system by the concerned departments of government.
- c. Illiteracy of consumers regarding the laws and acts, ordinances.
- d. Unconsciousness of consumers about their rights and responsibilities.
- e. Lack of consumer-led movement to protest the illegal business practices and protect their rights.
- f. Incapability of the consumers to file complaints directly to the magistrate court. A consumer is barred under the Consumer Rights Act, 2009 to file complaints directly to the magistrate court.
- g. Lack of enough substitute products in the market to make consumers choosy.
- h. Reluctance of consumers to file complaints against the violation of their rights.
- i. Lack of punishments to the culprits responsible for violation of consumer rights.
- j. Procedural hindrances in filing criminal case against the perpetrator business people.
- k. Inactiveness of district, upazila and union consumer rights protection committees.

## **7. Recommended Action Plan to Protect Consumer Rights**

Government should set a vision regarding protection of consumer rights. Government should specify the time line within which it will increase the awareness of the consumer regarding their rights to a particular level and reduce the illegal business practices below a certain level. Government should take some realistic action plans to establish consumer rights in our country. We recommend the following action plans:

### **7.1 Awareness Building Action Plan**

- a. To increase the awareness of the consumers and to build consumer opinions, consumer awareness rising advertising should be carried out aggressively in all television channels and newspapers.
- b. Government in alliance with Consumer Association of Bangladesh (CAB) should arrange seminars,



symposium, rallies, and other awareness building programs in every districts of Bangladesh at a particular interval of time.

- c. To promote consumer education, a separate chapter on consumer rights should be included in the curriculum of Secondary and Higher Secondary level of education.
- d. Government should form *Consumer Activist Group* in every district and include members from every Thana and Upazila in the group.
- e. In the universities, there should have a *Consumer Awareness Group* that will serve as a platform to unleash consumer movement.

### 7.2 Legislative Based Action Plan

- a. Enact a law with all provisions to promote and protect the rights of a consumer and review the old and outdated consumer oriented laws.
- b. Bring a change in the provision of *Consumer Protection Act, 2009* to abolish court fees for filing a suit by an aggrieved consumer.
- c. *The Consumer Protection Act, 2009* provides that only competent government officers are entitled to file a case against the culprit for violation of such laws. A common consumer cannot initiate any legal action against him except lodging a complaint to the department concerned. Thus this provision should be changed to allow a general consumer to file suit in the court of law against the violators.
- d. Laws must be enforced strictly to discipline the illegal business practices through mobile courts.
- e. Promotional marketing and sales practices should be guided by the principle of fair treatment of consumers and should meet legal requirements and thus to allow consumers to make independent and informed decisions.

### 7.3 Infrastructure Development

- a. BSTI should be modernized with new laboratory equipment and qualified people.
- b. To test and grant license locally manufactured and sold items, there should have a quality and standard testing laboratory in every district (within municipal office) to test the standard of locally manufactured products.
- c. Government should establish the *Office of Directorate General (DG)* at every district in Bangladesh, as early as possible, at accessible and visible location so that the aggrieved consumers can easily access to the DG to file complaint.
- d. An electronic complaint management system should be developed to receive the complaints from the consumers.

### 7.4 Law Enforcing Team Development

- a. A task force, at the national level, should be formed to review the acts related to consumers with a plan to update those to make them useful and effective to serve and protect the consumer.
- b. To coordinate activities of *District Consumer Rights Protection Committee* and to monitor the progress toward protection of consumer rights, *Divisional Consumer Rights Protection Office* should be established at each division of our country, where the district committees will meet, evaluate their activities and set next course of action.
- c. A fair price monitoring cell should be established under the auspices of the chambers of commerce to regulate and monitor the price of essential commodities, unfair business practices and take legal actions against the offenders.
- d. A quality compliance team should be formed at every district of our country to ensure that the certified products maintain its quality requirements.
- e. To stop smuggling, to protect the local industries and the consumers, a vigilant team should be formed for spot checking of the smuggled items in the market and take quick punitive measures against the illegal traders.
- f. *Upazila Consumer Rights Protection Committee* in every Upazila and *Union Consumer Rights Protection Committee* in every Union should be established as early as possible. Qualified people should be given place in this committee.
- g. The number of mobile court to monitor the marketing practices of business farms should be increased in every district of Bangladesh.

## 8. Conclusion

Protection of consumer rights is an important issue in Bangladesh. In the developed countries, consumers enjoy their full rights but in the developing countries and underdeveloped countries consumers rights are not protected since the majority of the consumers are illiterate about their rights and their voice is very low. Though it is the responsibility of a state to ensure the protection of the rights of its citizen, the government is indifferent in this issue in Bangladesh. The consumers being the citizen of a state are entitled to be protected from the illegal business practices but due to widespread corruption at the policy making body, improper application of laws,

apathy of the government towards the consumer's rights, lack of voice from the consumer organizations, and compromising attitude of the consumers, violation of consumer rights is high in the developing countries like Bangladesh. At this moment, all that need for the protection of the consumers' rights are empowerment of consumer organizations, encouraging consumer movement, and the political commitment from government to ensure consumer protection through exercising the consumer protection laws of Bangladesh.

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