

# Consumers Rights and Unprecedented Mechanism of Violation and Protection: Bangladesh Perspective

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## Abstract

This study mainly focused on investigating the root causes of rampantly violating consumer rights in Bangladesh and its impact on the people both physically and mentally. It also concentrated on creating awareness among the general people about consumer rights to protect themselves from heinous activities of unscrupulous businessmen. The study found that taking advantage of illiteracy and unawareness as well as loophole of existing laws the unscrupulous businessmen are making windfall profit without caring for consumer rights. The study also revealed that political influence, poorly structured and organized government organizations, bureaucracy and weak enforcement of existing laws, lower control of government on market, absence of world standard laboratory for testing, misleading information, syndicate business and absence of national recognition or award are aggravating the present situation. The study have concluded that ensuring the application of related laws and regulation, setting up a separate court, easing redressal mechanism, strengthening the consumer right associations and building tripartite cooperation among businessmen, government and consumers are badly needed to overcome such heinous activities of violating fundamental rights .

**Key Word:** consumer, consumer rights, violations.

## 1. Introduction

Bangladesh is one of the densely populated countries having 159,078,000 people which are 2.19% population of the world with very small land area (Anon, 2016). The country has achieved independence in 1971 and during last 45 years our country has become successful in many cases including agriculture, education, infrastructure, defence, economy and industry etc. Recently notable achievement is that the country has become low-middle-income country from low-income country. But it is a great regret for us that having 160 million consumer in our country still now we are too much behind to establish consumer rights. One of the main important causes is the unawareness of the consumer about their rights. Many people still now merely hear this word. Many businessmen are too much dishonest and greedy to become richer within a shortest possible time by unethical way. The punishment system for the violation of consumer rights is not appreciable and also in some cases responsible for the violation. Although there is lot of organization working for human rights, green environment, social welfare, demanding safe road etc. in Bangladesh but a few organizations are working for consumer rights among them Consumer Association of Bangladesh (CAB) is known to us. But consumer rights are integral parts of human rights. Our constitution also gives importance on rights of the people. In article 15 of the Constitution of Bangladesh requires state to ensure people's access to basic necessities including food, clothing, shelter, and medical care as one of the fundamental principle of state policy (Constitution of Bangladesh, 1972). Article 18 states that the state is obligated to regard the raising of the level of nutrition and improvement of public health as among its primary duties (Constitution of Bangladesh, 1972). There is proverb in business "Customers are the king". But in our country consumers are deprived of their rights in every sphere. Sometimes the scenario is like that businessmen are king and customers are helpless. Right now there are some laws to establish consumer rights in our country but the violation of consumer rights is more common than laws and regulation. Although food adulteration is a buzzword in case of violation of consumer rights, but in Bangladesh the consumer rights are violated silently by many other newly invented ways. The consumer rights are violated not only in goods but in services also. In Bangladesh, the government's honest intervention with the help of different NGOs, consumer

rights association is badly needed to stop such kind unethical activities. For stopping consumer right violation and protecting the rights of consumers it is badly needed to explore the mechanism of such violation. Hence, this research focuses on the diagnosis and identification of the new-fashioned mechanism of consumer rights violation in Bangladesh and investigating the ways of protecting consumer rights in Bangladesh.

## **2. Objective of the study:**

The prime objective of this study is to investigate the root causes of the new-fashioned ways of consumer rights violation in Bangladesh and the facts how the consumers are deprived of and ways to improve their position.

To achieve prime objective our secondary objectives are to look into the loophole of the existing laws, rules, policies, statutes and legislations regarding consumer rights protection in Bangladesh and the drawbacks of different action groups regarding our country perspective.

Finally the study aims at creating social awareness among general people about consumer rights for protecting themselves from the heinous activities of unscrupulous businessmen.

## **3. Methodology:**

Since, the research aims at exploring the unprecedented ways of consumer rights violation by analysing secondary data this research philosophy is followed here. The research used the content analysis under qualitative method since the data used in the research are qualitative in nature. As said the research is solely developed based on secondary data which were collected from different journals, report, paper presentation in conference, websites, government publications, books, newspapers etc. The areas of consumer rights violation and its root causes were identified by researching and analysing secondary information collected from these sources.

## **4. Literature Review**

### **4.1 Definitional Aspect**

According to Business Dictionary consumer rights means generally accepted basic consumer rights are (1) Right to safety: protection from hazardous goods (2) Right to be informed: availability of information required for weighing alternatives, and protection from false and misleading claims in advertising and labelling practices (3) Right to choose: availability of competing goods and services that offer alternatives in terms of price, quality, service. (4) Right to be heard: assurance that government will take full cognizance of the concerns of consumers, and will act with sympathy and dispatch through statutes and simple and expedition's administrative procedures.

Consumer rights are the rights given to a "consumer" to protect him/her from being cheated by salesman/manufacturer/shopkeeper (Jain, n.d.). It refers to a consumer's right to safety, to be informed, to choose and to provide manufacturers with information concerning their products when they make a purchase.

The Consumer Protection Act, 1986 defines "complaint" means any allegation in writing made by a complainant that

- (i) an unfair trade practice or a restrictive trade practice has been adopted by (any trader or service provider;]
- (ii) [The goods bought by him or agreed to be bought by him] suffer from one or more defects;
- (iii)[The services hired or availed of or agreed to be hired or availed of by him] suffer from deficiency in any respect;
- (iv) A trader or the service provider, as the case may be, has charged for the goods or for the services mentioned in the complaint, a price in excess of the price-
  - (a) Fixed by or under any law for the time being in force;
  - (b) Displayed on the goods or any package containing such goods;
  - (c) Displayed on the price list exhibited by him by or under any law for the time being in force;
  - (d) Agreed between the parties ;)

[(V) Goods which will be hazardous to life and safety when used, are being-offered for sale to the public-

- (a) in contravention of any standard relating to safety of such goods as required to be complied with, by or under any law for the time being in force;
- (b) If the trader could have known with due diligence that the goods so offered are unsafe to the public ;)

(vi) services which are hazardous or likely to be hazardous to life and safety of the public when used, are being offered by the service provider which such person could have known with due diligence to be injurious to life and safety;”) with a view to obtaining any relief provided by or under this Act;”. So to avoid these activities means protecting consumer rights. (National Consumer Disputes Redressal Commission, 1986)

In some places, the term consumerism refers to the organized movement of citizens and government agencies to improve the rights and power of buyers in relation to sellers (Kotler & Armstrong, 2015).

Consumers International (2006) defines consumer rights as the eight basic rights defined by UN, which entitle the consumer to receive goods and services on time and at acceptable quality and price. Consumers also have the right to enjoy safety, to choose a wide range of products and to live and work in a healthy environment (Consumersinternational.org, 2006).

So consumer rights mean rights to protect consumers from any kind of fraud, overpricing, underweighting, adulteration, artificial crisis, false information, labelling, poor quality etc. that may be done by salesman/manufacturer/retailer /hawker/service renderer/importer or any other party related to sales goods or services. Establishing consumer right means getting quality goods or services by consumers with right information at right price on right time at right place and right weight.

## **4.2 Background of Consumer Rights**

### *4.2.1 International*

Although consumer rights was being violated hundred years after hundred years but the real fact is that before the mid-twentieth century, consumer rights was practically absent. Consumers had limited rights with regard to their interaction with products and commercial producers. They can't defend themselves against faulty or defective products, or against misleading or deceptive advertising methods. The door has been opened at first by John F. Kennedy.

On March 15, 1962, President 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 (Kennedy, 1962). In 1985 the United Nations through the United Nations Guidelines for Consumer Protection expanded these into eight rights, and thereafter Consumers International adopted these rights as a charter and started recognizing March 15 as World Consumer Rights Day (Visual.ly, 2013).

John F. Kennedy proposed 4 basic consumer rights are given below-

1. Right to Safety - safeguarding against goods that are hazardous to life and property (excluding automobile).
2. Right to Information - consumers have the right to be informed regarding the price, quality, quantity, etc, of the products and services they buy.
3. Right to Choice - consumers should be provided with a wide variety of goods to choose from.
4. Right to be Heard - the right of consumers to have their complaints heard and concerns about a product in order to have the issue handled efficiently and responsively.

By 1985, United Nations expanded the Consumer Bill of Rights to include following four points-

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 a 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.

#### 4.2.2 Bangladesh

After passing the Consumer Bill of Rights in 1962, the developed countries are continuously struggling to establish the maximum rights of their consumer and in maximum cases they have become successful. Although Bangladesh is one of the highly densely populated countries in the world but up to the end of twentieth century there was little sign of effort to establish consumer rights.

In 2008 the non-party care-taker Government passed an ordinance in this regard. The present Government has enacted a consumer rights protection Act 2009 covering food safety and security on April 06, 2009 without giving approval to the previous ordinance (Consumersinternational.org, 2013). This law joined several others aimed at regulating food quality: Bangladesh Pure Food Ordinance (1959), Fish and Fish Product Rules (1997) and the Radiation Protection Act (1987). Safe and nutritious food for all is also guaranteed in the Constitution - but in reality it is far from implementation.

### 4.3 Laws & Regulations:

#### 4.3.1 International:

The key standards of consumer security were initially cherished at a universal level in the UN Guidelines for Consumer Protection (UNGCP). The United Nations Guidelines on Consumer Protection, 1985 emphasized the part of governments to create and keep up a solid consumer protection policy.

The EU Consumer Protection Cooperation (CPC) Regulation was launched in 2004 to upgrade the implementation of EU buyer security enactment in the internal business sector and the European region, as a major aspect of a bundle of measures to backing customers' interests. The European Consumer Centres Network (ECC-Net) is an administration with a human face giving customers data on their rights, and help with grievances on cross-frontier purchases inside of the EU.

The consumer development in Africa appeared after some time in consequence of disintegration of the Soviet Union, the deregulation of business sectors by governments which are actualizing auxiliary alterations, and the impact of outside activist associations like Consumers International supporting group endeavours to advance consumer protection. The Kenya Consumers' Organization, the Housewives League in South Africa, the Consumer Council of Zimbabwe and the Institute for Consumer Protection in Mauritius are among the most conspicuous and most established of consumer associations which framed before the late 1970s. Again there are different bits of intense enactment set up to secure consumers, the most critical being the Consumer Protection (Act 68 of 2008) and the National Credit (Act 34 of 2005).

Other consumer associations are National Consumer Commissions which is set up to control the Consumer Protection Act and became effective in April 2011, National Consumer Forum which is devoted to the advancement and security of consumer rights, South Africa National Consumer Union that speaks to a great many consumers, Association for Savings and investment in South Africa that means to advance a society of reserve funds and investment in South Africa by working with policy makers, government, govt. authorities and its individuals, The Financial Services Board (FSB) an autonomous organization is focused on advancing and keeping up a sound investment environment in South Africa which directs insurers, intermediary parties, retirement funds, inviting social orders, unit trust plans, administration organizations, and financial markets and Commission for Mediation and Arbitration which is a conflict resolution body built up in accordance with the Labor Relations (Act 66 of 1995).

On October 25, 2013, the Fifth Session of the Standing Committee of China's National People's Congress (NPC) passed the first change to the Consumers' Rights and Interests Protection Law of the People's Republic of China (PRC) (hereinafter the Consumer Protection Law) since its 1993 declaration. The New Consumer Law came into impact on March 15, 2014 (Zhang, 2014). Again Central American Council of Consumer Protection (CONCADECO) was built up with the command to advance consumer security and orchestrate strategies in Central America. The point of the gathering is additionally to share data about cross-outskirt business exercises that may influence consumer intrigues, and to energize global participation among law enforcement

organizations and also administrative bodies in diverse divisions, consumer affiliations and the scholarly world.(Debnath and Mazumder, 2015)

### **4.3.2 Laws & Acts Relating to Bangladesh:**

#### *4.3.2(a) Safe Food Act, 2013:*

As of late Bangladesh has authorized the Safe Food Act, 2013 with a specific end goal to guarantee right to have safe food for assurance of human life and well-being through control by coordination in food generation, import, handling, stockpiling, supply, sale and distribution. This Act builds up an institutional system called 'Bangladesh Safe Food Authority' for this reason. The Act characterizes safe and adulterated food. The Act likewise characterizes organization, power and capacity of the Authority (National Human Rights Commission of Bangladesh, 2014)

Safe Food Act, 2013 is affirmed by the cabinet on September 9, 2013 to supplant the Bangladesh Pure Food Ordinance, 1959. Under this new Act, it has been proposed to constitute a National Food Safety Council (NFSC), headed by the Ministry of Health and Family Welfare and additionally to build up food courts (Hossain, 2013). Under this endorsed Act, there is a penalty of at most five years detainment or a fine of Taka 10 lakh or both for persons liable of food adulteration and this measure of the fine will be multiplied in the event of recurrence of the crime (Chowdhury, 2014).

According to section 13 of the Act, the main functions of the 'Authority' are the following:

- To help concerned organizations or establishments to characterize well-being parts of foods and to decide the standard and nature of food;
- To detail rules for deciding standard and nature of foods;
- To upgrade standard and quality of foods under the current laws;
- To help the concerned organizations to decide the satisfactory level of radiation in food;
- To detail arrangement for safe food administration and rule for safe food accreditation;
- To detail arrangement or policy on safe food and nourishment.
- To facilitate among diverse government, non-administrative offices and global associations working on guaranteeing nature of food;
- To make open mindfulness about quality of nonhazardous food.

This Act additionally denies utilization of destructive substances in food, utilization of emanated substances, generation and showcasing of adulterated food, utilization of food added substances, and control of utilization of genetically modified food. Right to safe water is a critical component of the right to food. The Bangladesh Water Act, 2013 accommodates facilitated improvement, administration, exploration, circulation, use, and insurance of water assets. It particularly expresses that all rights identifying with water in superjacent, subsoil, ocean water, downpour water and water of environment will be practiced by the country for the benefit of the general population. The Act builds up right to have safe water. The 2005 Pure Food (Amendment) Act makes procurement for more prominent carefulness against food fraudulence. The Consumer's Rights Protection Act, 2009 plans to build up institutional components and for discipline for specific offenses. Vitamin-A enriched edible oil Act, 2013 plans to guarantee accessibility of the Vitamin-A for all (National Human Rights Commission of Bangladesh, 2014). Bangladesh has very much composed food based social safety net programs for poor for guaranteeing their food security, for example, Open Market Sale (OMS), Test Relief, KABIKHA, allowance for destitute woman, Vulnerable Group Feeding (National Human Rights Commission of Bangladesh, 2014).

#### *4.3.2(b) Trade Mark Act – 2009:*

Maiden statutory law regarding trademarks in Bangladesh was the Trademark act-1940 which introduced for registration formality and state protection for Trademark related Intellectual properties. This act further altered

by Trademark act-2009 through integrating various amendments and the basic law to preserve the trademark related issues and institutionalizing the registration process and to prevent fraudulent marks and for matters ancillary thereto. In the event that any individual who adulterates any tread stamp or arranges any block, machine, plate or instrument or imitated tread portrayal might be rebuffed with detainment for a term which should not be under 6 months but rather which may be stretch out to 2 years and with fine which should not be under 50 thousand taka but rather which may be reach out to 2 lac taka or both.(Ministry of Law, Justice and Parliamentary Affairs, 2010).

#### *4.3.2(c) The Sale of Goods Act - 1930 & Doctrine of Caveat Emptor:*

Fundamental issue is purchasers be careful. A purchaser must purchase products offer affirming him of their quality and wellness. On the off chance that he sellers on a terrible decision, he can't accuse the vender or recoup harms from him. Where the purchaser could look at the products despite the fact that he didn't, he depended upon his own judgment. This law empower buyers for inconsistent delivery of goods in terms of quantity, quality and safeguard any deviation from the sale contract. (Ministry of Law, Justice and Parliamentary Affairs, 1930)

#### *4.3.2(d) Control of Essential Commodities Act – 1956:*

Under this law government may decrease whenever any merchandise or things as essential. This law has reported guaranteed in conveyance of merchandise the arrangement of permit and appraisal of cost. Who abuses this segment might be rebuffed with 3 years detainment and with fine which might one thousand taka or both. Essential commodities defined as foodstuffs, cotton and woollen textiles, paper, vehicle, coal, drug, chemical, cement, fertilizer etc. (Ministry of Law, Justice and Parliamentary Affairs, 1956)

#### *4.3.2(e) The Pure Food Ordinance – 1959:*

Under Bangladesh Pure Food Ordinance 1959 it was entirely restricted to deliver tainted or contaminated food. As indicated by the law government can control production, sale, call for explanation, investigate & seize. Except these if any person infected or suffering from leprosy, tuberculosis or any other disease which may be notified by the Government, cannot manufacture or sale food items. Violation of this Act subjects to 1 year imprisonment & 50,000 taka fine or both. Law also permits to seizure of business which is engaged in committing adulteration. This law further replaced by safe food act, 1913. (Ministry of Law, Justice and Parliamentary Affairs, 1959)

#### *4.3.2(f) The Essential Articles (Price Control & Anti-Hoarding) Act – 1953:*

This act aimed to make provision for the control of supply and distribution of and trade in certain essential commodities. According to The Essential Articles Act-1953 essential article means any article other than an article which is defined as 'essential commodity' in section 2 of Control of Essential commodities act-1956. Under Section 3 government may assess price of the article. For example, under this Act government decide the value price of the merchandise at the season of Ramadan. On the off chances that any individual or whoever disregards any area should be rebuffed under the Hoarding and Black Market Act - 1982. (Ministry of Law, Justice and Parliamentary Affairs, 1953)

#### *4.3.2(g) The Special Power Act 1974:*

This is an Act to accommodate exceptional measures for the avoidance of certain prejudicial exercises, for more rapid trial and compelling discipline of certain grave offenses and for matters joined therewith. The Special Power Act 1974 accommodates more extreme punishments for promotion or advertisement, black marketing, adulteration, smuggling, adulteration or offer of defiled foods, beverages, medications or beauty care products. (Ministry of Law, Justice and Parliamentary Affairs, 1974)

#### *4.3.2(h) Drugs (control) Ordinance – 1982:*

In accordance with the law, The Government would constitute a Drug Control Committee comprising of a Chairman and such different individuals as it may choose from time to time. The Committee might perform such functions as are indicated in this Ordinance. No medicine of any sort might be produced available to be purchased or transported in, disseminated unless it is enlisted with the authorizing committee. The licensing



authority should not enlist a medicine unless such enrolment is suggested by the Committee. After assessment if the Committee finds that any such medicine is not sheltered, viable or helpful, it may prescribe to the authorizing power cancellation of enlistment of the medicine. (Ministry of Law, Justice and Parliamentary Affairs, 1982)

#### *4.3.2(i) Breast Milk Substitute (Regulation of Marketing) Ordinance - 1984*

As per International Code of Marketing of Breast Milk Substitute 1981, for breast milk alternative food control, Bangladesh in 1984 enacted breast milk substitute ordinance. This ordinance preclude its promotion, show or conveyance by any individual to see this any purchaser may imagine that it is more ideal then breast milk. Distribution of breast milk should follow the rules of ordinance, whoever violates the provisions of this ordinance 3,4,5 might be rebuff at the very least 2 years detainment and fine 5000 taka or both. In 2013 this law repealed by another law (Ministry of Law, Justice and Parliamentary Affairs, 1984)

#### *4.3.2(j) Smoking & Tobacco Control Acts:*

The WHO Framework Convention on Tobacco Control was received consistently by the 56th World Health Assembly on 21 May 2003. Bangladesh turned into a Party to the WHO Framework Convention on Tobacco Control on February 27, 2005. Since then Bangladesh takes after the principles.

Beside this, Bangladesh enacted several acts and rules for controlling tobacco and smoking in Bangladesh. Smoking and Tobacco Products Usage (Control) Rule, 2015 amendment in 2013 (Ministry of Law, Justice and Parliamentary Affairs, 2015), *Smoking and Tobacco Products Usage (Control) Act, 2005* (Ministry of Law, Justice and Parliamentary Affairs, 2005), *The Juvenile Smoking Act, 1919* (Ministry of Law, Justice and Parliamentary Affairs, 1919), *Railway Act 1890* (Ministry of Law, Justice and Parliamentary Affairs, 1890), *The Smoking and Tobacco Products Usage (Control) Rule, 2015*, (Ministry of Law, Justice and Parliamentary Affairs, 2015) are enacted with a view to controlling Tobacco usage, production, distribution, promotion and import-export.

Under this Act nobody can smoke out in the open spots whoever disregards it he should be rebuffed with 50 taka fine.

Recognizable proof of smoking range or outside of the particular zone each owner of public place, controller or official might organize notice in Bangla and English one or more places containing, "Refrain from smoking. It is a punishable offence." Every bundle of tobacco might print including taking after data:

- a) Smoking is the reasons for Death.
- b) Smoking is responsible for stroke.
- c) Cause of liver ailment.
- d) Cause of cancer in lunch.
- e) Cause of death.

For infringement over the guidelines might be rebuffed at least three months with fine 100 taka or both. (National Human Rights Commission of Bangladesh, 2014).

#### *4.3.2(k) Consumer right Protection act-2009:*

The Consumer Protection Act 2009 came into power on 6 April 2009. It is intended to ensure customer rights, avoid hostile consumer exercises and matters coincidental therewith. The quintessence of the enactment may be compactly portrayed as:

Protection from items risky to life and wellbeing

- Protection from disguise of data and unreasonable exchange rehearse
- Protection from subjectively forced deal conditions by the vender
- Starting compelling components to settle consumer question.
- To monitor the business sector cost and price when the price of the item is fixed.
- Bring issues to light among consumers. (Ministry of Law, Justice and Parliamentary Affairs, 2009) (Rahman, Billah and Thuraisingham, 2010)

#### *4.3.2(l) Other Acts relating to Consumer Rights in Bangladesh:*

In addition, there are certain legislations or laws, part of which has relation on consumer protection. For example, sections 264-267, 272-276, and 478-483 of the Penal Code, 1860 (Ministry of Law, Justice and Parliamentary Affairs, 1860); the Dangerous Drugs Act 1930 (Ministry of Law, Justice and Parliamentary Affairs, 1930); the Poisons Act ,1919 (Ministry of Law, Justice and Parliamentary Affairs, 1919), the Medical Practice and Private Clinics and Laboratories (Regulation) Ordinance, 1982 (Ministry of Law, Justice and Parliamentary Affairs, 1982); the Standards of Weights and Measures Ordinance, 1982 (Ministry of Law, Justice and Parliamentary Affairs, 1982); the Fish and Fish Products (Inspection and Quality Control) Ordinance, 1983 (Ministry of Law, Justice and Parliamentary Affairs, 1983); the Animals Slaughter (Restriction) and Meat Control Act, 1957 (Ministry of Law, Justice and Parliamentary Affairs, 1957); the Bangladesh Standards and Testing Institute Ordinance, 1985 (Ministry of Law, Justice and Parliamentary Affairs, 1985); the Safe Blood Transfusion Act, 2002 (Ministry of Law, Justice and Parliamentary Affairs, 2002); and the Narcotics (Control) Act, 1990 (Ministry of Law, Justice and Parliamentary Affairs, 1990); etc. (Afroz, 2010).

#### *4.3.2(m) Penal Code:*

Penal Code, 1860 (Ministry of Law, Justice and Parliamentary Affairs, 1860) gives that, whoever defiles any articles of food or beverage, proposing to tell such article as food or drink, or knowing it to be likely that the same will be sold as food or beverage, should be rebuffered with detainment of either portrayal for a term which may stretch out to 6 months on with fine which may reach out to one thousand taka or with both. As to food or fluid deal Penal Code gives that whoever offers or offer, uncovered available to be purchased, as food or drink, any article which has been rendered or has ended up toxic or is in a state unfit food or drink, knowing or having motivation to trust that the same is harmful as food or beverage should be rebuffered with detainment of either depiction for a term which may reach out to 6 months or with fine which may stretched out to one thousand taka or both. As to and offer of defiled drugs it expresses that, whoever contaminates drug or medical readiness in such way as to decrease viability or charge the operation of drug on expecting that it might be sold. So he might be rebuffered with detainment of 6 months or with fine which may reach out to one thousand taka or with both.

Again it was expressed that whoever knowing by offers or offers or uncover available to be purchased, on issues from a dispensary for medical purposes, any drug or medical planning as diverse drug or medical arrangement might be rebuffered with detainment of either depiction for a term which may stretch out to 6 months or with fine or with both. Concerning of fake weight it is expressed that, whoever fake utilization of false instrument for weighting which he knows not false, might be rebuffered with detainment of either portrayal for a term which may reach out to 6 months or with fine or with both.

#### **4.4 Present Situation of Consumer Rights in Bangladesh**

Consumer security is a fundamental, however frequently disregarded, issue in creating nations, and Bangladesh is no special case. In a nation such as Bangladesh, with a quickly developing consumer-base, insurance measures for consumers are of principal significance. This has now required giving high need for the protection of the consumers and advancement of a dependable consumer development in Bangladesh. A consumer protection system for the most part incorporates the presentation of more noteworthy straightforwardness and mindfulness about the products and administrations, advancement of rivalry in the commercial centre, avoidance of misrepresentation, instruction of clients, and end of out of line practices. (Mahbub and Khan, 2014).

Developing countries of the world showing similar trends of consumer right violation and lack of consumer knowledge & education. According to Azmat and Samaratunge (2010) the global pattern of expanded consumer mindfulness driving organizations to embrace CSR practices is yet to channel into the nations of South Asia where consumer rights are regularly disregarded and the quantity of businesses practicing responsible business stay low. In these nations as Azmat and Samaratunge (2010) contend, 'the commercial centre has been a seller's paradise where consumers have practically no insurance, training, or information about the business sector' and after over 10 years this still remains the case. This circumstance can fundamentally be ascribed to the poor monetary state of the substantial populace who need education and mindfulness about their consumer rights.



According to Ahmed (2013) It is accounted for that "among all contaminations, grave concerns exist on over-flooding of the nearby markets with adulterated and compound toxin blended child foods, vegetables, fish, meat, natural products, inn and packed foods, adulterated and date terminated life-sparing medicines cited in Chowdhury (2014). Government authorities additionally communicated their grave worry over the matter in different courses (Alam, 2013) cited in Chowdhury (2014).

Various cases have as of late become visible in which consumers have purchased fake, low quality and/or merchandise running from vegetables splashed with pesticides, beautifying agents containing poisonous chemicals and fake drugs. The issue of formalin, a poisonous disinfectant and additive, in products of the soil has been an endemic issue of late years, particularly in the urban areas. Despite the fact that until 2009, a brought together consumer Act did not exist, around 40 unique bits of enactment could be ascribed as shaping the lawful administration in the field of consumer insurance managing distinctive products and administrations in Bangladesh. Some striking laws incorporate the Bangladesh Standard Testing Institute (BSTI) Ordinance, 1985, the Control of Essential Commodities Act, 1956, the Pure Foods Ordinance, 1959, the Sale of Goods Act, 1930, the Standards of Weights and Measures Ordinance, 1982 and the Accreditation Board Act, 2006. On the other hand, there was no brought together and powerful hardware for the requirement of these administrative measures until 2009 and in this manner the consumers did not appreciate statutory rights to look for review of their grievances emerging out of the violation of the provisions of these laws. (Mahbub and Khan, 2014)

The Consumer Right Protection Act (CRPA), 2009 gives insurance of consumer rights furthermore to keep any demonstrations against consumer right and intrigue and other pertinent issues. The Act predominantly manages the commitments of "economic administrators" and products well being. It orders state organs to rebuff the offenses of economic administrators who damage consumer rights and intrigues. It accommodates different moves to be made by the separate ministries against the production of products or services that are prone to actuate grave or up and coming threats. The CRPA, 2009 additionally sets out exhaustive systems to be trailed by review specialists to guarantee the quality and security of products (goods and services). It additionally takes into consideration the foundation of a particular institution to be responsible for extortion constraint and investigations of imported and traded goods.

However, a huge downside of the Act is that it is for the most part a managerial one and does not have a rights-based, base up methodology such as other new consumer assurance enactment around the globe. To begin with, in spite of the name of the demonstration, "consumer rights" are not characterized or recorded, despite the fact that a rundown of practices are termed as "Anti consumer rights practices". The Act generally worries about the piece of the National Consumer Rights Protection Council and the National Consumer Rights Protection Directorate. In spite of the fact that it satisfies one capacity of a consumer law, which is to build up an institution tasked with consumer security, it can scarcely be known as a "citizen's guide" as it doesn't characterize their rights as consumers and does not engage them to take an interest in the requirement of those rights. (Mahbub and Khan, 2014)

#### **4.5 Redress Mechanism:**

Redress is one of the critical rights which incorporate the privilege to get pay for deception of disgraceful goods or unsuitable services and the accessibility of adequate types of legitimate guide or redress for little claims wherever vital. In India, the Consumer Protection Act, 1996 with the particular reason for securing consumers' rights and giving a straightforward semi judicial question determination framework for determination of consumers grievances. Under COPRA, three-level semi judicial apparatus at the National, State and District levels has been set up.

According to Hoq (2012), Consumer redress, in its most simplistic expression, would mean "compensation for economic harm." If that is so, then it is argued that the consumers in Bangladesh, under the formal justice system, have no appropriate or adequate redressal mechanism.

On the other hand, in Bangladesh CRPA does not permit either the Council or the Directorate made under the law to get dissensions from consumers. This is an extraordinary component for a consumer protection law. Most

consumer laws permit receipt of grievances specifically from the consumers under some institutional instrument or the other. The Bangladeshi Act gives just to redress in the typical criminal and common courts. According to the CPRA 2009, no grumbling can be entertained by the Court without support of the Director General of the Consumer Rights Protection Department. Along these lines, just skilful government officers are qualified for organization an argument against any infringement of such laws. The CRPA presents a somewhat befuddling "supervisory" part upon the Directorate. It says that the Directorate will "supervise" the rundown of hostile to consumer rights rehearses however does not basically define how. There is no force given to the Directorate to direct particular organizations of the state to do exercises as vital nor is it given adequate institutional ability to construct a power for regulating the business sectors. How the establishment will act with these limitations is yet to be seen. (Mahbub and Khan, 2014)

#### 4.5 Prior Research Work on Consumer Rights: Some Compilation

Since the concept of consumer rights has emerged on around 50 years ago in America at first and spread worldwide very rapidly, many researches have been done throughout the world by the researchers analyzing different aspects. The researchers have concluded different aspect according to their study. Here some views are covered and critically analyzed to perform our objective.

Although the consumers of developed countries are too much aware about their rights but lack of literacy most of the people of developing and underdeveloped countries are not aware about their rights as a consumer. "In a developing country like India where the incidence of poverty and unemployment is very high and the level of literacy is very low, the people face a volume of problems, particularly in the context of consumer related issues (Khurana and Khurana, 2012)" cited in (Debnath and Mazumder, 2015).

Because of various alternatives, similar type of packaging, alluring advertisement and illiteracy there is huge chance of wrong selection by the consumers. Guptil and Panchal (2009) have found their study that "it is very difficult for the consumer to select one food item because of misleading advertisements, improper media emphasis and food adulteration. As a result of these malpractices, the ultimate victim is a consumer, who innocently takes adulterated foods and suffers".

Consumer rights are violated throughout the world in new-fashioned way by dishonest businessmen. But in the world especially in developing and underdeveloped countries like ours consumer rights are severely violated through food adulteration. Food safety has become an important element of consumer awareness these days (Mandal, 2010). National Human Rights Commission of Bangladesh (2014) stated that "food insecurity is a chronic problem in Bangladesh. Hunger and malnutrition are intrinsic deprivations and severely diminish the quality of life". According to the Global Food Security Index, 2012, Bangladesh is the least food-secure among the South Asian countries. Globally, Bangladesh ranked 81st in terms of food security amongst 105 countries (National Human Rights Commission of Bangladesh June 2014).

According to Chowdhury (2014) "most of the food-stuffs in Bangladesh are unsafe for consumption as from production to consumption such as, food manufacturers, processors, restaurants, fast food outlets and so forth, all are involved in this chain of adulteration. Adulteration of Food is occurring by using various harmful chemicals, toxic artificial colors or additives". It is reported that "among all adulterations, grave concerns exist on over-flooding of the local markets with adulterated and chemical poison-mixed baby foods, vegetables, fish, meat, fruits, hotel and packed foods, adulterated and date expired life-saving medicines" (Ahmed, 2013). Government officials also expressed their grave concern over the matter in various seminars (Alam, 2013) cited in (Chowdhury, 2014).

In south-asian nations as Darley and Johnson (1993:37) argue, "the commercial centre has been a seller's paradise where consumers have practically no insurance, training, or information about the business sector" and after over 10 years this still remains the case. This circumstance can fundamentally be ascribed to the poor monetary state of the substantial populace who need education and mindfulness about their consumer rights cited in (Azmat and Samaratunge, 2010).

"To protect the consumers, different countries (the respective laws of Australia, Germany, India, Sri Lanka and United Kingdom were studied) have adopted different measures, which primarily aim at provision of information and redress mechanisms along with improving prospects of competition and efficiency" (Khan and Mansoor, 1996).

"But only legislation can't alone improve the current situation. Therefore it can be said that consumer education and actions by the government, consumer activists, and associations are necessary for consumer protection (Singh & Grewal 2013)" cited in (Debnath and Mazumder, 2015). And government should not rely only on

perfect competition market system to ensure consumer rights. All assumptions of perfect competition don't work in actual world. According to Khan and Mansoor (1996) "Markets may be competitive but the consumers may suffer on account of imperfect information, search and transport costs needed to make satisfactory choices. This creates the need for government intervention for protecting the consumer welfare and rights".

Therefore it is found that most of the researches have been done in our country regarding food adulteration. But there are many other areas where the consumers are deprived of their rights silently. For this reason it is felt necessary to study on new-fashioned mechanism of consumer rights violation by unscrupulous businessmen.

### 5. Violation of Consumer Rights: Different Aspects

The dishonest businessmen of our country are continuously trying to invent new-fashioned mechanism of exploiting consumer to make windfall profit within very shortest possible time. In our country every sphere the consumers are deprived of. Among them price hiking, food adulteration, artificial crisis, substandard product etc. are major aspects those are presented and described below:



#### 5.1. Price hiking

The businessmen are always eagerly waiting to increase price of products or services in most of the cases arguing lame excuse. We have found a common correlation in our study that there has a strong positive correlation of price increase between international market and our local market but strong negative relation of price decrease in international market and local market.

The prices of consumer items like raw sugar, Soybean oil, palm oil and powdered milk dropped on the international market significantly last August over the same period a year ago, according to the central bank's

latest statistics. Raw sugar saw a price fall of over 30 per cent to nearly US\$290 per metric tonne in August 2015 from \$417.54 in the same month of 2014. Milk-powder prices slumped 26.21 per cent to \$2440.29 per metric tonne from \$3306.92. During the period under review, the price of crude soybean oil dropped by 21.31 per cent to US\$710.61 per metric tonne from \$903.07 while import value of crude palm oil declined by 18.80 per cent to \$653.32 per metric tonne from 804.64. "There is no visible reflection of the lower global commodity prices in the local markets mainly due to oligopoly in the marketing system," Ghulam Rahman, president of the Consumers Association of Bangladesh (CAB), told the Financial Express (Islam, 2015).

But we have also noticed how dramatically the price of onion, chilli has increased in last year. In 2013 within a week the onion price has gone up from TK 25 to Tk125 and the Chilli price from TK 50 to TK250 without rationality (Halder, 2013). In our country it is noticed that there is also huge price gap between wholesaler and retailer. After visiting to some key kitchen markets, it was found that retailers are making windfall profit and some cases 50-100 percent price distance between wholesale and retail markets (Report, 2015).

### 5.2. Food adulteration

Food adulteration is one of the buzzwords in our country. The unethical businessmen always try to make windfall profit by adulteration of food items. Although contaminated or adulterated food is hazardous for our health that result in different chronic likely cause to death. "According to the Global Food Security Index, 2012, Bangladesh is the least food-secure among the South Asian countries. Globally, Bangladesh ranked 81st in terms of food security amongst 105 countries", (National Human Rights Commission of Bangladesh, 2014).

Pure and safe food items are scarcely available in our local market. There are several toxic chemicals like formalin, calcium carbide, textile colours, artificial sweeteners, sodium cyclamate, colouring agents, dye, urea, DDT, aldrin, chlordane, heptachlor, melamine, burnt engine oil, lubricants oil, hormone and sulphuric acid are used rampantly (Hossain, 2014). In case of poultry, dairy and fish feeds, different heavy metals like lead, chromium and cadmium are used extensively that are crept into our bodies through the consumption of eggs, chicken, fish, meat and milk.

According to a recent study by the Institute of Public Health Nutrition (IPHN), 89 per cent of powdered-milk in the local market is contaminated in various ways while liquid-milk has been found to be contaminated with aldrin - a toxic chemical now used in dairy firms! Additionally, liquid-milk is also adulterated with dangerous substances like formalin, boric acid, sodium carbonate, caustic soda, hydrogen per-oxide, and urea. Simultaneously, they can spoil our vital organs (kidney, liver, brain, bone marrow and respiratory tract) and cause cancer. (Dewan, 2015)

Farmers use different chemicals and pesticides for the protection of their crops from the attack of insects and diseases. Usually, they fail to choose the right chemicals and determine the right dose due to ignorance. Sometimes they use hazardous chemicals to increase their yield, to ripen product earlier, to shine their product that are also liable for adulteration. It is said that pesticides are more harmful than formalin.

The argemone oil used to adulterate ghee and butter is highly toxic. It causes a disease called dropsy. Cereals like rice and wheat are mixed with stones, sand grits and mud to increase the bulk. Wheat flour is mixed with powdered lime, talcum powder and Bengal gram flour is adulterated with lathyrus flour. Pulses are adulterated with Khesari dal, stone etc. Edible oil is mixed with cheaper oil, toxic oil and mineral oil. Washing soda often added to powdered sugar and other food items may cause intestinal disorders. Honey is adulterated with sugar and jiggery. Turmeric powder is mixed with metanil yellow and chilli powder is mixed with coloured saw dust, brick powder. (Chandro, 2014)

The above mentioned items are not the end. Most of the food items are adulterated or contaminated by anyhow. But what is the result of such kind of inhuman activities? These result in fatal diseases like cancer, kidney or liver failure, glaucoma, cardiac arrest, memory loss, anaemia, respiratory problems, infertility, abortion, nausea, vomiting, diarrhoea, abdominal pain, damage of the cardiac system, antral gastritis, IBS and so on. How severely violate the consumer rights?

### 5.3. Artificial crisis/Hoarding

Syndicate is very common word to the people of Bangladesh. Unscrupulous businessmen make syndicate and create artificial crisis of different products at different times. They stock a large amount of bulk and stop supply

in the market results in higher demand. As a result the price goes up and they gain windfall profit. It is found that this thing is being happened with political shelter. Sometimes the unscrupulous businessmen manage the ruling parties and control the market.

#### 5.4. Occasion

Interestingly there is a positive correlation of different occasion and violation of consumer rights. In our country, occasion means price hike of the related items of that occasion without any rationality. It is also an occasion for the unscrupulous businessmen to do gambling in the market.

Although the prices of sugar, soybean oil, crude oil and powdered-milk are falling in the international market but in our country the scenario is opposite (Jamaluddin, 2013). Essential items always go up before Ramadan, eid-ul-azha, durgapuza etc.. In every Ramadan, the prices of some items jump by 200 to 400 percent which is unacceptable under any circumstances whatsoever (Rana, 2015).

And every occasion the homer-goers have to pay 50-100 percent fare more than the regular bus fare. Transport operators have engaged themselves in a race to cash in on the mad-rush of home-goers, who are forced to pay Tk. 110 billion in the form of additional fares to avail bus, launch, rails and other modes of transportations during the Eid-ul-Fitr festival, according to a survey of a passengers' platform revealed on Tuesday (Report, 2015).

In last eid-ul-fitr, Bus passengers at the Sayedabad, Gabtali and Mohakhali inter-district bus counters alleged that the bus owners raised bus fares by Tk. 150 to Tk. 600 a journey. "At the beginning of the Ramadan, the bus fare of Keya Paribahan from Chittagong to Naogaon was Tk. 700 but it is now Tk. 1000, Bogra fare was Tk. 650 but now it is Tk. 1100, Rangpur fare was Tk. 750 but it has been raised to Tk. 1100, Dinajpur fare was Tk. 800 but has been raised to Tk. 1200, Syedpur fare was Tk. 750 but raised to Tk. 1200, Kurigram bus fare raised to 1200, Chapainawabganj Tk. 1200, Patagram, Panchagarh and Hili Tk. 1300 and Pabna Tk. 1100" (Correspondent, 2014).

#### 5.5. Substandard product

The consumers of our country are also deprived of using quality items because most of the cases the markets are flooded with fake, substandard products both producing in our local market and importing items from outside the country.

According to the Bangladesh Import Policy Order 2012-15, there is no bar to importing any branded item without the consent of the parent company or its local agents. "Taking advantage of the legal lacunas, unscrupulous traders have been importing counterfeit and substandard electronic goods of reputed brands without any restriction"(Ahsan, 2013).

The local market has been flooded with substandard electronic goods, mobile phone sets, different automobile parts, dry food items, fish etc. but the businessmen charge higher price by arguing as foreign brand. The fish that are imported is not tested on presence of heavy metals. Interestingly our existing import-export policy has allowed import of white fish as no test on presence of heavy metals. These imported fish are found substandard and harmful for health (Munni, 2015). Many substandard products are entering into the local market illegally without maintaining proper channel. Because of huge number of branded and unbranded products, it becomes easier to deceive uneducated consumer.

#### 5.6. Drug

In the drug sector there is a great occasion of the violation of consumer rights in different ways. What is happening in the drug sector is too much difficult to imagine in a sound mind. Throughout the country there are many unregistered medicine corner that are selling high antibiotics and many other drugs without the prescription of a registered doctor. World Health Organisation (WHO) raises alarm over use of antibiotics indiscriminately. They said that rampantly use of antibiotics and other drugs leading to treatment failure, the WHO has urged member-countries in South-East Asia Region, including Bangladesh, to urgently address this threat to public health, reports UNB (Report, 2015). In most of the cases especially in village, the druggist and chemist have passed only SSC and six month/1 year course then they prescribe any kind of medicine for any diseases and sell drug to the people.

Another alarming case is that many drugstores are selling expired, banned and low quality drug especially to the uneducated consumers (Biplab, 2015). Although the government mobile courts are trying to fine those culprit but that actions are merely enough to control this inhuman activities. Under the banner of medicine corner many

druggist and chemist businessmen are running illegal business like selling heroine, cannabis, yaba, phensidyl and many other addictive items. More than 300 drug traders are operating the illegal business at hundreds of spots across the Mandaupazila under Naogaon district, according to intelligence sources (Report, 2015). A Rapid Action Battalion (RAB)-led mobile court has raided Apollo Hospitals Pharmacy in Gulshan, Dhaka, and unearthed contraband medicines. Illegal drugs worth about Tk1 million were seized from the pharmacy during Tuesday's raid (Report, 2015). Many businessmen are still selling banned drugs including paracetamol tainted with methionine.

The other thing is that government has fixed the price of some medicine so that people can get drug at low cost. But interestingly most of that drug is unavailable in the market. "According to chemist and druggist sources, maximum 30 per cent of 153 price controlled items are being manufactured now (Huda, 2015). The consumers are deprived of the benefits from price controlled drugs.

Now come on the medical prescription. Many times the doctor prescribes such kind of medicine that are scarcely available in the market. Ray (2015) said what does prompt them to write prescriptions in a manner that those become extremely difficult or even impossible to decipher? There is a too much allegations about their service and concentration to patients in comparison to the service of our neighbouring country like India. Every day thousands of patients are going to doctor and thousands are facing problem.

#### *5.7. Labelling*

Labelling is one of the widely used techniques for the violation of consumer rights. It is very easier to deceive the uneducated and unaware customers by similar packaging. Most of low quality branded companies is introducing their product through similar type of packet of high branded company. In fixing up brand name, their intention is also perceive to deceive such as Bata, Bala, Data etc. When there is a product with similar packet in the market then there is huge chance of wrong choosing and in most of the cases the retailers are trying to sell low quality branded product to maximize profit.

#### *5.8. Artificial food*

Recently in our local market an artificial egg and rice have been introduced by unscrupulous businessmen where artificial egg and rice are extremely hazardous for physical health. These are widely spreaded throughout the country. So long we were familiar with use of "formalin" in our food items, fruits, fish, vegetables etc., but now the issue of artificial eggs has surfaced (Ali, 2015).

#### *5.9. Weight and measurement*

The businessmen are continuously inventing new ideas to deceive customers through giving low amount of product. By false weighing and measurement they earn more profit. When the price of product is fixed in the market then the dishonest traders are taking the advantage of underweight in case of selling product. To reduce the risk underweighting, the digital machine has come into the market. But it is heard that there is also mechanism to delude weight. This unethical activity is occurring from heavy industries like rod, sand etc. to kitchen items.

#### *5.10. Services*

Consumer rights are not only violated in the case of goods but also in services. Higher service charge, poor service, misleading information, cheating with customer and sometimes absence of sales-after service are very common in our local market. Although most of the service rendering businesses' vision, mission and motto are touchy as well as alluring but actually they are rendering service with poor quality that is far away from their mission and vision. Rather currently the service sector is used to gain windfall profit very easily.

#### *5.11 Medical and Diagnostic Centre*

There are thousands of hospitals and diagnostic centres appearing in abundant scale throughout the country. Most of them are not maintaining minimum standard with the absence of minimum lab, doctor and pathologist. Patients urged that many private hospital and diagnostic centre are charging according to their wish for different medical tests and services for the admitted patients. They also urged that they are being bound to do unnecessary



medical tests and one hospital does not accept the other hospital report. In case of government medical colleges and hospitals there are too much poor service. Patients state that many times the doctors of government upazilla health complex and union health complex become absent. Sometimes upazilla health complex and union health complex staffs are taking bribery for rendering their services. “Turning down patients with the excuses of unavailability of necessary services at Sirajdikhan Upazila Health Complex has turned out to be a money-making opportunity for a quarter of its staff as it provides them with a chance to force the patients to spend excessive money for availing of the facilities” (Report, 2015).

#### 5.12 *Restaurant*

Most of the restaurants are violating consumer rights by selling date expired goods, low quality goods, using lubricant oil, palm oil and adulterated food etc. Many restaurants are fined for selling dead chicken but still many are running such kind of activities. Most of them are mixing old items with new items and use many items without the permission of Bangladesh Standard Testing Institute (BSTI). There is no price standard for restaurant so they are charging according to their choice. Alarming news is that high branded restaurants are also violating consumer rights. A mobile court of the Dhaka Metropolitan Police (DMP) Sunday realised Tk. 0.1 million each from three branches of popular eateries KFC for selling date expired goods and adulterated oil, Pizza Hut for using bolognaise sauce seasoning and extreme without BSTI permission and license, Boomers for keeping rotten meat and adulterated food items in refrigerator as fine at Baily Road in the city, reports BSS (Report, 2015).

#### 5.13 *Bus Fare and Service*

There is a highly strong positive correlation between rising price of petroleum by government and rising bus fare by bus-owner. Rising bus fare once or twice in a year is very common in our country. Most of the cases the logic is highly incoherent. The bus-owners are always trying to get advantage of price rising of petroleum by government. If government increases price 10percent then they increase 10percent for every passenger. “The common people have a feeling that the government is more interested in protecting the interests of the transport owners than the millions of passengers and this attitude has made them (transport owners) even more defiant”(Report, 2013). Many times the city buses charge higher price by arguing sitting services but most of the cases they take passengers in excess of their capacities. People are paying double the fares but cannot find a place to sit. Most of city buses provide poor quality service with dirty seat, broken glass, absence legal licence, unfit body, absence of indicator lights etc. (Islam, 2015).

“Moreover, transport ownership pattern is an important issue here. Allegations have it that an unscrupulous section of police and BRTA officials own a large pool of public transports, including buses and three wheelers and these officials do always try to get the government decisions on transport sector in their favour. Political connection of a section of bus owners does also play a role” (Report, 2013)

#### 5.14 *Telecommunication Service*

Call drop, charging higher and dissimilar rate, poor reception or no reception have been in the grievances list of the customers for a long time. Call drops are caused due to various technical factors that range from incompetent infrastructure to location of the user to even quality of the device (Babar, 2015). In comparison to India the telecommunication companies charge too much for internet service by rendering poor service. They also impress customers by their alluring advertisements. Sometimes their charge does not work in consistent with their advertisement. Although the customers are increasing geometrically but no substantial improvement has been noticed except finger pointing among the operators and service providers like IGW, ICX.

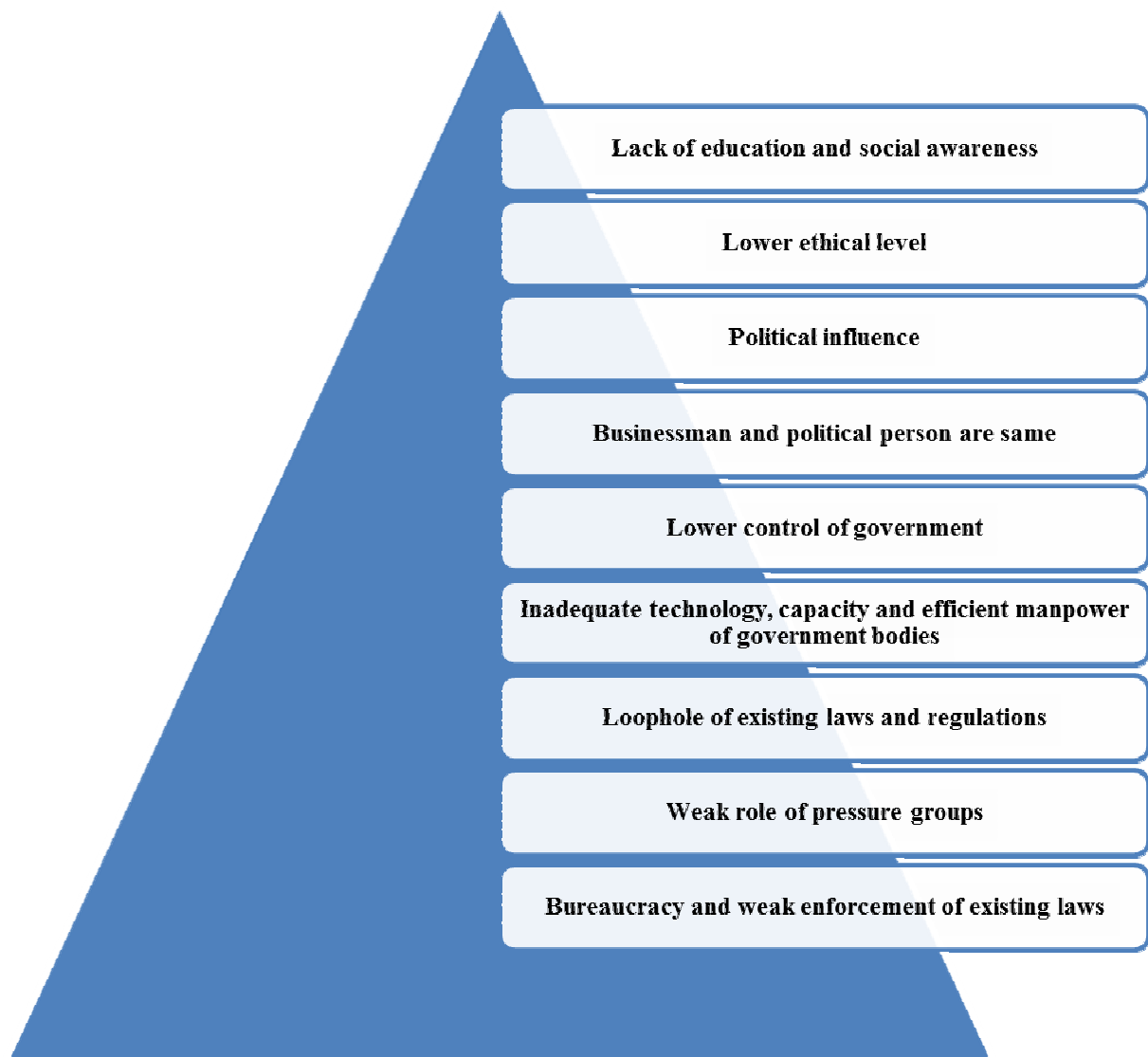
#### 5.15 *House rent*

Along with common occasion there is an extra occasion for house-owner at the end of every year to increase house rent. The tenants want to know where the end of such kind of increment is or whether this will continue forever. There is no proper guideline of house rent for different areas so the house-owners are charging rent according to their wish. Sometimes they charge different utility charges by giving poor or no service and charge different rent in the same floor and same flat size. Many times they behave in autocratic way. Mehedi said that “The behaviour of house-owner behaves in a feudalistic way, tenants are guardianless, no accountability of

house-owner and no effective regulation exists” (Hasan, 2016). Most of the cases the tenants are bound to obey the injustice of house-owners because of considering their job, family conditions etc..

#### **6. Root Causes of the Violation of Consumer Rights:**

The study has found some root causes of rampant violation of consumer rights in our country especially in above mentioned areas. The causes are presented according to their severity from the researchers’ view and then described.



**Figure: Root Causes of Consumer Rights Violation in Bangladesh**

##### *6.1 Lack of education and social awareness*

In our study it is found that the unscrupulous businessmen are taking advantage of lack of education and unawareness of the consumers in Bangladesh. Still now a significant percent don't know about consumer rights. So how they can protect their rights? Because of uneducated they can't differentiate product with similar type of packaging and labelling. Many have become convinced by alluring advertisement and misleading information of different companies. Many can't read English also. So there is a huge possibility of wrong selection from variety and number of choices and the retailers are taking the maximum advantage of unawareness of consumers through selling low-branded, date expired product. As a result the ultimate sufferings go to the innocent consumers.

### *6.2 Lower ethical level*

Mahatma Gandhi once said, "Commerce without ethics is a deadly sin" (Rashid, 2015). In average the ethical values of our people are very low in comparison to developed country. Many businessmen are unscrupulous, dishonest, cheat and unethical. Most of the cases their intention is to make windfall profit by creating artificial crisis, producing low-quality product, breaking the guidelines of related bodies, importing banned items, importing in improper way, underweighting in measurement, selling date expired products and selling banned items etc.. Without considering ethics the businessmen's prime objective is to make maximum profit within shortest possible by anyhow. Debnath and Majumder (2015) have found that less than 10% businessmen really feel and do their business activities for fulfilling the needs of consumer rights. They opined that businessmen do their business for earning profit and in this profit earning process they never think about customers.

### *6.3 Political influence*

Another important cause is the unexpected practice of interference and influence by the ruling party's members. Dishonest businessmen have been escaped from punishment by taking political shelter and then they are violating consumer rights very arrogantly without caring of any laws and regulation.

### *6.4 Businessman and political person are same*

In our country there are many people with high political profile and owner of group industries. Since average lower ethical values such kind of high political businessmen specially for the people of ruling parties are apathy about the rules and regulation, minimum standard, quality etc.. They can also manage or change rules according to their choice. Merely the consumers can protest about their products.

### *6.5 Lower control of government*

The consumers urged that government have less control on price fixing of different goods and services. If they fix up in some cases, the businessmen are continuously defying. It is witnessed every time the businessmen are charging higher than the price fixed up by Trading Corporation Bangladesh (TCB), BRTA, BIWTA. The city bus owners are continuously defying the fare fixed by government (Report, 2013). The common people feeling are that the government is more interested in protecting businessmen than millions of consumers. Due to insignificant percent of open hat operation activities government can't influence the market. Sometimes the government are violating the consumer rights severely by importing low quality foods, exporting manpower to inhuman work. In the mid 2015 the government has imported very poor quality wheat from Brazil that are hazardous for physical health (Report, 2015). If the government denies consumer rights then consumer will be helpless.

### *6.6 Inadequate technology, capacity and efficient manpower of government bodies*

It is reality that there is lack of world class standard testing institute to test standard of the different products both producing in the country and importing outside the country. There is a lack of adequate technology and equipment in comparison to others. "The machine that was used to examine formalin is produced only to check the formalin in the air inside a chemical factory not in mangoes" (Report, 2015). And merely training has been arranged by the government to enrich the knowledge and increase efficiency of the staffs of BSTI, BRTA, DGDA and such kind of organization. The staffs are not efficient enough to test the standard and identify the substandard products. The TIB report said, the institutional capacity of the DGDA was not adequate in consideration of the scope, geographic coverage and expansion of the drug market. There were institutional limitations in the areas of human resources and logistics. The present legal structure was not strong enough for monitoring and controlling the drug market. This observation also applies to some other organisations like Bangladesh Standards and Testing Institution (BSTI), directorate of shops and establishment etc.

### *6.7 Loophole of existing laws and regulations*

Taking advantage of loopholes in the existing laws, some unscrupulous businessmen are importing some items that are harmful for consumers. Some are importing chemicals like para-formaldehyde that can be used as a

substitute for formalin. Government does not impose any restriction for importing this substance which is used to preserve food for longer time. “The existing import-export policy has allowed import of white fish as no test on presence of heavy metals like cadmium, lead, mercury and copper is required except for contamination of formalin, officials and sources said”, (Munni, 2015).

According to the Bangladesh Import Policy Order 2012-15, there is no bar to importing any branded item without the consent of the parent company or its local agents. By taking advantage of the legal lacunas, dishonest businessmen are importing low-quality and substandard electronic goods, branded and non-branded cell phone, different parts of automobiles and computer accessories (Ahsan, 2013).

#### *6.8 Weak role of pressure groups*

During 45 years after independence, many organizations are working for the benefit of the people of our country. But there is a few organizations that are working for establishing and protecting consumer rights. Although Consumer Association of Bangladesh (CAB) started its journey in 1978 but they failed to engage mass people under their umbrella like our neighbours such as India, Sri Lanka. The consumer associations are not playing strong role on behalf of consumers because of their unorganized, unstructured activities and lower government support as well as recognition. As a result the consumers are not getting too much benefit from the consumer associations except giving complaints.

#### *6.9 Bureaucracy and weak enforcement of existing laws*

Because of bureaucracy to suit case, weak enforcement of existing laws, slower and inappropriate redressal mechanism aggravate consumer rights violation. Political interference in favour of businessmen along with the influence of different legislative employees related with the enforcement of consumer right laws are also responsible for our worse situation. The consumers urged that the unscrupulous businessmen are being escaped from the jurisdiction under law enforcement through different ways such as political shelter, bribery etc. for which consumers don't get proper justice and it also results in demotivating them to file suit for violation.

#### *9.10 Large number of Small and Medium Entrepreneurs (SMEs)*

It is noticed that the SMEs are increasing dramatically throughout the country with very small capital. Because of inadequacy of capital the owner of SMEs is main objective is to survive in the market and earn profit to lead their family with minimum standard. For this reason some aloofness works on them about consumer rights. In maximum case their intention is to get short term benefit rather than long term. Most of the cases they want to earn more profit by selling low-branded and high profit margin product.

### **7. Policy implications**

The prime objective of this study is to examine the root causes of the violation of consumer rights in Bangladesh and to study the facts how the consumers are deprived of and ways to improve their position. To achieve the objectives the study has concluded some recommendations for policy makers, consumers, businessmen and finally stakeholders.

Firstly, the government should form a detail world standard legislation covering pros and cons of consumer rights, its violation and punishment to establish and protect consumer rights. The punishment should be set in such a way so that the dishonest businessmen can't imagine to do unethical activities and the redressal mechanism should be made easier.

Secondly, laws should be formed to keep in shelf as a show-piece. Laws must be implemented to protect consumers from deprivation with equal and fair justice. It must be ensured that the heinous businessmen can't be escaped anyhow from jurisdiction.

Thirdly, because of the different allegations about the performance government organizations an independent organization with expert from different fields may be developed that test the all products throughout the country as like Warentest in Germany (Khan and Mansoor, 1996) for their quality, value for money and compatibility with the environment (services are also tested). It must be all kind of interference free so that organizations can use that opinion as an intangible asset.

Fourthly, by creating different movies, drama, advertisement, and booklet etc. the message of food adulteration, formalin, consumer rights and its violation, protecting and protesting mechanism, redressal mechanism can be sent throughout the country to increase awareness among consumers.

Fifthly, to ensure safety in food manufacturing farmers should be well-trained up to know what amount of fertilizers, chemicals are required for what crops and to avoid pesticide. Direct workers of food-processing industries must follow the working conditions to ensure quality as well as purity so that food-borne diseases can be prevented.

Sixthly, Government should expand Open Haat Operation to that significant rate so that the unscrupulous businessmen can't play game according to their dream. Elite class people don't take advantage of Open Haat Operation due to fact of prestige so government can launch chain shop in every union or at least every upazilla to ensure purity, quality, high-branded, accurate weight and measurement with fair prices.

Seventhly, different awareness programs can be arranged as well as different NGOs should be given responsibility to increase awareness in village especially in peripheral areas to protect themselves. Lack of awareness and education consumer rights are violating more in rural areas rather than cities.

Eighthly, the companies that are maintaining consumer rights by producing and selling quality and branded products at fair prices with accurate weight and measurement should be awarded by president, prime minister, ministry of commerce and associations of business organizations as like Commercially Important Person (CIP), Highest Tax Payer etc. Along with motivation, the recognition can be used by the businessmen as a strong marketing tool and a competitive advantage to survive in the densely competitive market.

Ninthly, like Corporate Social Responsibility (CSR), government can give tax advantage and concessional interest rate in case of loan to the consumer rights followers. Along with award and recognition if companies will get some financial benefits then they will be highly motivated to obey all the rules and regulations as well as to respect the consumers.

Tenthly, to ease for filing suit, reduce bureaucracy and facilitate consumer government should set up a special court for dealing with consumer rights. In India, quasi-judicial bodies at district, state and national level are set up under Consumer Protection Act (COPRA) for speedy compensation of consumer's complaints. These bodies have powers of a civil court to facilitate the availability of necessary documents and examination under oath.

Last for not least, research should be done continuously to innovate new chemicals, pesticides to use as a best alternative of existing harmful options. For example researchers said that to preserve mangoes farmers can use harmless ethephon rather formalin. Government should also allocate more funds to enrich research environment and facilitate researchers for sound research.

## **8. Conclusion:**

This paper worked on the comprehensive analysis of mechanisms of consumer rights violation and finding suggestions for protecting consumer rights in different sectors of Bangladesh. The study found different loopholes in the laws regarding consumer rights. It is found that although there are some laws for protecting consumer rights in Bangladesh, these laws are not comprehensive. Although there are some acts for protecting consumer rights but these laws are not implemented properly. The study found that the most intensive consumer rights violation is food adulteration. Foods adulteration has reached to a mass destruction level. Even child foods are also adulterated by dishonest businessmen. Artificial items and chemicals are mixed with foods. The ingredients are often not match with the description on labels.

Consumer rights are often violated by hiking prices of goods and services ahead of festival and other international price turbulence. Although, price of products increases it never decreases in Bangladesh. The benefits of decreased price in the international market are reaped by businessmen. This is found as serious

violation of consumer rights. Artificial creation of supply crisis for price increase is also another crucial right violation. The study also found that consumer rights are violated by providing substandard products while customers want standard products. In the drug and medicine industry the consumer rights violation is found as very alarming. Most of the drugs don't have minimum quality while the charged price is very high. Drug companies pay high level of commission to doctors and sellers to sell their substandard products. Some other unnoticed consumer rights violation occurs by wrong labelling of products and providing low weight and measured products by declaring standard products.

The study found serious consumer right violation in the field of services. Most of the medical and diagnostic centres don't have minimum quality to diagnose diseases but there are thousands of diagnostic centres found in every corner of the country. Restaurants don't follow minimum quality requirement. They cook and sell rotten, date expired foods. Even multinational restaurants chains also don't maintain their international standard in Bangladesh. Another unnoticed but significant violation of consumer rights is occurring in the telecommunication sector in the form of call drops, dissimilar rates, poor network etc. Moreover, the anarchy in the house rent sector is also unnoticed violation of consumer rights.

The study found some significant reasons for this high level of consumer rights violation in Bangladesh. These reasons are lack of education and social awareness, lower ethical level and lack of ethical teaching in educational institutions of Bangladesh, involvement of culprits with politics, lower monitoring and control by government, lack of implementation of consumer rights' laws, inadequate technology, capacity and efficiency of regulators, weak role of pressure groups for protective consumer rights and fragmented nature of consumer market in Bangladesh. In brief, there is mass level of consumer rights violation in Bangladesh. Without the awareness of mass level people and proper implementation of laws consumer rights cannot be protected in Bangladesh.

Passing new laws is merely enough for establishing consumer rights and protecting consumers, the laws should be implemented properly and equally without considering political influence, lobbying etc. In our country an effective and strong platform should be developed to bargain as well as negotiate with the government on fundamental issues of consumers. Consumers must be aware to protect themselves from heinous activities of unscrupulous businessmen. Before giving license the related authorities must be cautious and BSTI should have world class standard laboratory to test products. New harmless chemicals and pesticides should be invented as an alternative otherwise it would be difficult to stop harmful chemicals. Government must have full control over on price and fare fixing, importing and exporting goods to prevent the scope of making windfall profit by dishonest businessmen. Trademark Act should be properly implemented to prevent perceive to deceive. Finally to be a civilized nation, to achieve Sustainable Development Goals (SDGs) and to ensure our basic rights we have to strengthen our consumers and ensure their rights.

At last, it is said that the research has been done on the basis of secondary data. The main limitation of this research is not considering the views of stakeholders through interview, survey or any other direct communication. So further study is required by using primary data to enrich on this issue and to know the stakeholders' views.

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