

CRITICALLY LOOKING INTO THE CONSUMER'S RIGHTS PROTECTION ACT, 2009

Dr. Rumana Islam*

1. Introduction

The free market economy in this age of consumerism postulates that, the “consumers are the king”, but in reality they are the silent victims of manipulated market forces in a country. In developed economies the consumers are protected to some extent. However, in an economy like Bangladesh where quality fails to play the key role, it is the consumers who suffers the most. Long-drawn absence of a proper consumer protection law in this country has triggered the sufferings more. The issue of consumer protection in Bangladesh has been widely discussed in the recent past and accordingly the Consumer's Rights Protection Act (CRPA), 2009 was enacted. Though the government and different other stakeholders acknowledges that the issue is of vital importance, but like many other developing countries the interests of the consumers in this country are largely ignored. This paper will provide a brief overview of the legal regime of consumer protection in Bangladesh with particular emphasis on the CRPA, 2009. The aim of this paper is to critically examining the CRPA, 2009 and to find out to what extend the law is sufficient to protect the interests of the consumers in Bangladesh both in terms of relevant provisions as well as in terms of implementing mechanism. The paper will conclude with some specific recommendations as ways to move forward in order to create a better legal regime for the consumers in Bangladesh.

2. Who is a consumer?

Different scholars and organizations have provided definition of a consumer. From these different definition what can be concluded that, in general understanding of the term ‘consumer’ it relates to a person who buys goods or services for personal reasons or for the use of his family or household use. This also comes with a limitation that the person must not have any intention to resale that product when he is buying it. Therefore consumer indicates a person who purchases goods mainly for private use and these goods are sold in the course of the merchant's professional activities. Today not only natural persons are the consumers but legal persons can also be consumers when they are buying products or goods for their own use, for example companies purchasing products for the use of their employees.

In this regard it is pertinent to cite former US President John F. Kennedy who suggested four basic consumer rights in 1962¹, these were (i) the right to safety; (ii) the right to be informed; (iii) the right to choose; and (iv) the right to be heard. Later, the worldwide consumer movement led by the Consumer International, a global federation of consumer organization in 1980s added four more rights with these, which are (v) the right to satisfaction of basic needs; (vi) the right to redress (vii) the right to education (viii) the right to healthy environment.² Today these

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¹ See <http://www.consumersusa.com/consumer-rights/>

² See <http://www.consumersinternational.org/who-we-are/consumer-rights>

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