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Consumers' Rights Protection Mechanism in Bangladesh: Evaluating the Consumer Rights Protection Act, 2009

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ABSTRACT

This paper critically interrogates the effectiveness of consumer protection regime established by the Consumer Rights Protection Act, 2009 (CRPA 2009) arguing that the Act's progressive statutory framework has not been matched by an equally effective system of enforcement and consumer redress. The Act is critically examined in this article to determine whether its institutional framework, remedial provisions, and enforcement mechanisms are sufficient to safeguard Bangladeshi consumers' rights. The study argues that CRPA 2009 is structurally weakened by procedural barriers like the 30-day complaint limit under section 60, the 90-day charge-sheet requirement under section 61, and the prohibition on direct court access under section 71, which collectively make the enforcement process inaccessible to regular consumers. Additionally, the Directorate of National Consumer Rights Protection (DNCRP) lacks the operational capacity to carry out its duty because it only employs 90 officers to service a population of nearly 180 million. Operating with poor independence and inherent conflicts of interest, the National Consumer Rights Protection Council (NCRPC) is primarily composed of 18 ex-officio government bureaucrats under section 5 without legal expert representation. Despite having extensive powers under section 21, the Director General rarely uses them and is nonetheless subject to removal without cause under section 20. Most significantly, a two-track system that prioritizes procedural delay above consumer redress is created by compensation provisions under section 76, which restrict the complainant's share to just 25% of any administrative penalties, and civil remedies under section 66, which are dependent on previous criminal proceedings. Therefore, based on comparative frameworks from India's Consumer Protection Act 2019, the EU's General Data Protection Regulation, and the UK's Competition and Markets Authority model, this study suggests comprehensive legislative reform that includes independent oversight mechanisms, increased staffing, a dedicated consumer tribunal, direct court access, and stronger compensation provisions.

Keywords: *Rights, Consumers, Mechanism, Institutional, Enforcement, Compensation, Tribunal, Reform.*

1. Introduction

Bangladesh as a developing economy contains an ever-expanding consumer population. Although Consumer protection has been long acknowledged as a cornerstone of a well-functioning market economy, yet since independence, there hasn't been any considerable development in the legal protection of consumer rights, leaving millions of consumers vulnerable to adulteration, fraud, price manipulation, and substandard goods and services without any effective legal remedy. In the absence of an effective consumer protection regulation led to aggrieved consumers seeking legal recourse to rely upon fragmented provisions spread across general criminal law, food safety regulations, and contract law. This Fractured framework is inadequately equipped to address the extent and the intricacy of consumer exploitation in a rapidly developing economy of over 180 million people.[1]

Therefore, the enactment of the Consumer Rights Protection Act, 2009 (Act No. 26 of 2009), was a much-appreciated landmark legislative development.[2] For the first time, the Act established an institutional Framework for consumer protection. It constituted the National Consumer Rights Protection Council (NCRPC) under section-5, chaired ex officio by the Minister of Commerce, and the Directorate of National Consumer Rights Protection (DNCRP) under section-18, which will be headed by the Director General vested with broad investigative and enforcement powers. The Act also prescribed strict measures and prohibited a range of anti-consumer practices including adulteration, false advertising, short-weight sales and the marketing of counterfeit products, with penalties reaching from fines 50,000 BDT to imprisonment of up to three-year.[3]

Despite these legislative advances, A critical review of the legal framework of the consumer protection reveals a stark contrast between its stated objectives and its operational reality. Recent reports by both national and international organizations have documented the Directorate of National Consumer Rights Protection's (DNCRP) failure to effectively enforce the Act's provisions. Reports indicates that the directorate was operating with only 90 officers responsible for both administrative functions and the investigation of consumer complaints across a population of 180 million, which practically renders it impossible for any meaningful enforcement.[4] Similarly, between 2009 and 2013, the Directorate General didn't initiate a single case under the Act, thereby exposing the disparity between the wide powers conferred

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[1] Consumers Association of Bangladesh (CAB), 'Consumer Rights Protection', (2023) <https://www.consumerbd.org/consumer-rights/> accessed 1 May 2026.
[2] Consumers Association of Bangladesh (CAB), 'Consumer Rights Protection Act', (2023) <https://www.consumerbd.org/consumer-rights-protection/> accessed 1 May 2026.
[3] Consumer Rights Protection Act 2009, ss 37-53.
[4] Masum Billah, 'Directorate of National Consumers' Right Protection: 90 Officers to Handle a Million Complaints' *The Business Standard* (11 March 2025) https://www.tbsnews.net/features/panorama/directorate-national-consumers-right-protection-90-officers-handle-million accessed 15 August 2026.

within the enactment and its exercise in practice.[5]

This paper critically interrogates the effectiveness of consumer protection regime established by the CRPA 2009 arguing that the Act's progressive statutory framework has not been matched by an equally effective system of enforcement and consumer redress. Thereafter, the study focuses on three core areas: the enforcement structure & procedural lacunae, the adequacy of redress and compensation available to aggrieved consumer and the structural effectiveness of the NCRPC and the DNCRP, with particular attention to the role and capacity of the Director General. Through this assessment, the study seeks to identify the systemic failures embedded in the Act and propose meaningful reforms grounded in comparative analysis.

A. Research Methodology

This study employs qualitative doctrinal legal research methodology, critically examining the text of the Consumer Rights Protection Act, 2009, relevant constitutional provisions, secondary academic literature, civil society reports, and comparative international frameworks, in order to identify the structural deficiencies embedded in Bangladesh's consumer protection regime and evaluate their practical consequences for consumer access to justice; primary materials comprising the text of the CRPA 2009, the Constitution of the People's Republic of Bangladesh, and comparative statutes including India's Consumer Protection Act, 2019 are analyzed alongside secondary sources including peer-reviewed journal articles by Chowdhury (2016),[6] Mia and Mallick (2021),[7] Joydeep Chowdhury (2025),[8] and Md Ala Uddin (2025),[9] reports from the Business Standard, newspaper investigations by New Age, and international frameworks from the United Nations, European Union, and United Kingdom, with all sources critically evaluated for credibility and cross-referenced against each other to triangulate findings about causation, legal consequences, and policy imperatives, while acknowledging that the absence of official government enforcement statistics and the non-availability of interview data constitute the principal limitations of this desk-based research.

[5] Ahmad Rajib Chowdhury, 'The Consumer Rights Protection Act 2009 in Bangladesh: Revisiting with Reformative Approach' (2016) 2(1) *Premier Critical Perspective* 153, 153–168 https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5082102 accessed 15 August 2026.

[6] Ahmad Rajib Chowdhury, 'The Consumer Rights Protection Act 2009 in Bangladesh: Revisiting with Reformative Approach' (2016) 2(1) *Premier Critical Perspective* 153, 153–168 https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5082102 accessed 15 August 2026.

[7] Badsha Mia and Sujoy Mallick, 'Protection of Consumers' Rights in Bangladesh: Law and Reality' (2021) 4(3) *International Journal of Law Management and Humanities* 4789–4806 https://ijlmh.com/paper/protection-of-consumers-rights-in-bangladesh-law-and-reality/ accessed 14 August 2026.

[8] Joydeep Chowdhury, 'Strengthening E-Commerce Consumer Protection in Bangladesh: Legal Challenges, Regulatory Gaps, and Reform Strategies' (2025) 9(1) *International Journal of Research and Innovation in Social Science* 2548 https://rsisinternational.org/journals/ijriss/articles/strengthening-e-commerce-consumer-protection-in-bangladesh-legal-challenges-regulatory-gaps-and-reform-strategies/ accessed 13 August 2026.

[9] Md Ala Uddin, 'Consumer Justice in Bangladesh: An Insight into the Efficacy of the Consumer Rights Protection Act 2009' (2025) 4(4) *International Journal of Human Rights Law Review* 503 https://ijhrlr.in/journal/consumer-justice-in-bangladesh-an-insight-into-the-efficacy-of-the-consumer-rights-protection-act-2009/ accessed 15 August 2026.

B. Literature Review

Consumer Rights Protection Act 2009 constitutes as the primary statute governing consumer rights in the country. Prior to its enactment consumers were compelled to rely on general criminal provisions under the Penal Code 1860, food safety provisions under the Pure Food Ordinance 1959, and contract remedies under the Contract Act 1872, However, such framework was neither consolidated nor comprehensive to deal with complicated systematic consumer exploitation. As Md Ala Uddin rightly identifies, that there are approximately 61 laws in Bangladesh that address consumer rights in a scattered and overlapping manner, and the proliferation of these laws creates confusion among sellers and producers as to which statute is applicable to them.[10]

The current regulation establishes a structure of dual criminal and administrative enforcement. With punishment ranging from fines and suspension to imprisonment in grievous offences. However, the Act classifies offences as bailable, cognizable, and compoundable. Thereby diminishing the deterrent effect of the criminal law by allowing all offences to be settled through compounding.[11]

Moreover, necessitating that any aggrieved person to file a complaint directly before a Magistrate court, requiring all complaints to be routed through the Director General or his authorized officers coupled with the 60 days' time limitation represents a major procedural lacuna. As noted by Md Ala Uddin, section 71 appears to contradict Article 27 of the Constitution of Bangladesh which guarantees equal protection before the law for all persons.[12]

The definition of "service" under section 2(22) is notably restrictive, conspicuously excluding banking, insurance, educational services, and e-commerce, leaving large sectors of the consumer economy outside the Act's protective reach.

Bangladesh's courts have engaged with consumer protection issues, In the landmark case of *Human Rights and Peace for Bangladesh*,[13] the High Court Division held that the right to unadulterated food is encompassed within the right to life under Article 32 of the Constitution.

Similarly, in *Rabia Bhuiyan MP v LGRD & Others*,[14] the Court relied on a harmonious interpretation of Articles 15, 18 and 32 of the Constitution to hold that the lack of access to clean and drinkable water infringed the constitutional right to life. a principle with direct implications for consumer protection in the food and

[10] Md Ala Uddin, 'Consumer Justice in Bangladesh: An Insight into the Efficacy of the Consumer Rights Protection Act 2009' (2025) 4(4) *International Journal of Human Rights Law Review* 491, 496 https://ijhrlr.in/journal/consumer-justice-in-bangladesh-an-insight-into-the-efficacy-of-the-consumer-rights-protection-act-2009/ accessed 15 August 2026.
[11] Consumer Rights Protection Act 2009, ss 37-53, 57, 59, 70.
[12] Consumer Rights Protection Act 2009, ss 60, 61, 71; Md Ala Uddin (n 9) 503.
[13] Human Rights and Peace for Bangladesh v Government of Bangladesh (2010) 30 BLD 125 (High Court Division).
[14] Rabia Bhuiyan MP v LGRD & Others (2007) 59 DLR (AD) 176.

water safety context. As enumerated, in *Dr Mohiuddin Farooque v Government of Bangladesh*,[15] the Court restricted the import of radiated powdered milk to Bangladesh on the grounds that citizens are entitled to safe food as part of their right to life under Article 32. These cases collectively establish that consumer rights have a constitutional foundation in Bangladesh, even though the CRPA 2009 has rarely been the vehicle through which courts have vindicated those rights.

Additionally, Academic and journalistic scrutiny of the CRPA 2009 has been consistent in identifying its structural failures. Chowdhury's foundational 2016 analysis identifies the bureaucratic constitution of the NCRPC, the excessive concentration of power in the DNCRP, the limited scope of the service definition, the absence of legal experts in executing bodies, and the non-representation of grassroots consumers as the core legislative defects that have rendered the Act ineffective since its inception.[16] Similarly, Md Ala Uddin's 2025 comprehensive legal assessment identifies a total of 21 barriers to the implementation of consumer rights in Bangladesh[17]

Mia and Mallick's 2021 comparative study examine the gap between the law on paper and its implementation in practice, concluding that the law and its operational reality are fundamentally disconnected.[18]

Joydeep Chowdhury's 2025 study addresses the emerging challenge of e-commerce consumer protection, identifying that the CRPA 2009 contains no provisions for digital goods, online fraud, or data-driven consumer harm.[19]

A 2025 report in The Business Standard revealed that the DNCRP had only 90 officers handling consumer complaints across the entire country, while the Directorate had requested 300 but received only 12 additional staff, with each officer reportedly handling between 400 and 500 cases daily. A 2025 investigation by New Age confirmed that between July and November 2024, the Bangladesh Food Safety Authority tested 450 food samples and identified 90 as harmful, yet enforcement agencies failed to take coordinated action against violators.[20]

Despite the availability of detailed documentation, significant gaps remain. Very Few studies have analyzed

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[15] Dr Mohiuddin Farooque v Government of Bangladesh (1996) 48 DLR 438.
[16] Ahmad Rajib Chowdhury, 'The Consumer Rights Protection Act 2009 in Bangladesh: Revisiting with Reformative Approach' (2016) 2(1) Premier Critical Perspective 153, 154-155.
[17] Md Ala Uddin (n 6) 506-509.
[18] Badsha Mia and Sujoy Mallick, 'Protection of Consumers' Rights in Bangladesh: Law and Reality' (2021) 4(3) International Journal of Law Management & Humanities 4789, 4791.
[19] Joydeep Chowdhury, 'Strengthening E-Commerce Consumer Protection in Bangladesh: Legal Challenges, Regulatory Gaps, and Reform Strategies' (2025) 9(1) *International Journal of Research and Innovation in Social Science* 2548, 2550 https://rsisinternational.org/journals/ijriss/articles/strengthening-e-commerce-consumer-protection-in-bangladesh-legal-challenges-regulatory-gaps-and-reform-strategies/ accessed 13 August 2026.
[20] Masum Billah, 'Directorate of National Consumers' Right Protection: 90 Officers to Handle a Million Complaints' *The Business Standard* (Dhaka, 2025); Rashad Ahamad, 'Adulterated food turns into silent killer' *New Age* (Dhaka, 25 October 2025) <https://www.newagebd.net/post/country/280089/adulterated-food-turns-into-silent-killer> accessed 1 May 2026.

the effects of not having a proper consumer protection law in a developing economy like Bangladesh while failing to give due consideration to emerging E-commerce markets regulations. Additionally, the perspective of experience from comparative jurisdictions is largely overlooked. The literature review shows that there is a lack of comprehensive and targeted analysis of the effectiveness of Bangladesh's consumer protection framework with particular emphasis on institutional weaknesses, procedural barriers, inadequate remedies, and the emerging challenges posed by rapidly expanding e-commerce markets.

2. Understanding Consumer, Consumer Rights Protection and Anti-consumer Rights Practice

A "consumer" is defined broadly in Section 2(19) of the customer Rights Protection Act, 2009 to encompass both buyers of goods and consumers of services, as long as the transaction is not made for business or reselling objectives. A consumer is defined by the Act as an individual who buys or consents to buy products by paying the whole price, paying a portion of the amount, or agreeing to pay the price later or in installments. The definition also extends to any person who uses such goods with the consent of the purchaser.

Furthermore, the Act acknowledges as a consumer anyone who utilizes products for business purposes to support themselves through self-employment. When it comes to services, a consumer is any individual who hires or receives services by paying, partially paying, or agreeing to pay the consideration, whether immediately or in installments, as well as any individual who uses those services with the hiring person's permission. Therefore, the legislative intent is to give extensive protection to the end users of products and services while barring transactions carried out mainly for resale or commercial exploitation is reflected in this comprehensive definition. To put it broad, consumers are those who utilize or consume goods or services. Thereby, everyone is a consumer, from a nation's prime minister to the average street worker

It is possible to extract the meaning of 'consumer rights protection' from the Act's preamble and main provisions. In general, consumer rights protection refers to the legal framework placed to protect customers from unfair, dishonest, and dangerous business practices as well as to guarantee that they receive goods and services that satisfy the necessary requirements of quantity, price, quality, and safety.[21] The Act evolves this by outlawing anti-consumer rights practices, controlling the behavior of producers, retailers, and service providers, and offering channels for complaints, inquiries, enforcement, and sanctions. Therefore, the avoidance of exploitation, the promotion of fair-trade practices, and the defense of consumers' economic interests, health, and safety are all included in the Consumers' Rights Protection Act of 2009. The legal assurance that a consumer's purchase of products or services is free from fraud, adulteration, unfair trade

[21] Consumer Rights Protection Act 2009, Preamble; ss 2, 37–64

practices, and exploitation is provided by consumer rights protection.

Anti-consumer rights practice is defined in Section 2(20) of the Consumers' Rights Protection Act 2009 as a broad category of illegal corporate actions that violate the rights and interests of consumers. These includes but are not limited to charging prices higher than those set by law, selling adulterated, counterfeit, or expired goods or medications, using prohibited harmful ingredients in food, using false or misleading advertising, not delivering goods or services as promised, using inaccurate weighing or measuring instruments, supplying goods in smaller quantities than represented, and engaging in any illegal activity that puts consumers' lives, health, safety, or security at risk.

The Act aims to protect consumers from fraud and exploitation from illicit trade practices, guarantee fair trading practices, and preserve their financial and personal interests through these provisions. However, there is a nearly constant systematic breakdown of these legal assurances in Bangladesh, which is evident in every industry, from misleading advertising and measurement fraud to food adulteration and counterfeit medications.[22]

3. International Legal Framework Against Consumer Rights Violations

A combination of legally binding treaties, non-binding guidelines, and international standards make up the international legal framework for consumer protection, which aims to shield consumers from unsafe products, dishonest business practices, unfair commercial practices, and economic exploitation.[23]

The United Nations Guidelines for Consumer Protection (UNGCP) (2015), which set forth globally recognized principles mandating governments to protect consumers' health and safety, safeguard their economic interests, guaranty access to accurate information, promote consumer education, provide efficient dispute resolution mechanisms, and address financial services, sustainable consumption, and consumer privacy, form the foundation of this framework.[24]

Furthermore, a new resolution was adopted in 2025, which expanded the scope of UNGCP by including consumer protection mechanisms in the digital marketplace. It empowers public authorities to conduct risk assessments, order recalls, remove unsafe listings from online marketplaces.[25] Despite the guideline being legally un-enforceable, it has emerged as the primary global standard which influences the creation and

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[22] Ahmad Rajib Chowdhury, 'The Consumer Rights Protection Act 2009 in Bangladesh: Revisiting with Reformative Approach' (2016) 2(1) *Premier Critical Perspective* 153, 153–168 https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5082102 accessed 15 August 2026.

[23] Geraint Howells and Stephen Weatherill, *Consumer Protection Law* (2nd edn, Routledge 2005) 3–8.

[24] United Nations General Assembly, 'United Nations Guidelines for Consumer Protection' UNGA Res 70/186 (22 December 2015) https://unctad.org/system/files/official-document/ditccplpmisc2016d1_en.pdf accessed 15 August 2026.

[25] United Nations Conference on Trade and Development, 'Consumer Product Safety: New Global Principles Adopted at UN' (UNCTAD, 16 December 2025) https://unctad.org/news/consumer-product-safety-new-global-principles-adopted-un accessed 13 August 2026.

modification of national consumer protection legislation worldwide.[26]

By acknowledging rights directly related to consumer welfare, international human rights legislation strengthens consumer protection even more. While the International Covenant on Economic, Social, and Cultural Rights (ICESCR) imposes obligations on states to protect public health, ensure food safety, regulate medicines, and improve living conditions, the Universal Declaration of Human Rights (UDHR) guaranties fundamental rights to life, security, and a sufficient standard of living.[27]

In addition to these human rights instruments, the Codex Alimentarius Commission establishes internationally recognized standards on food hygiene, contaminants, food additives, pesticide residues, and food labeling to protect consumers and promote fair international trade, while the World Health Organization (WHO) develops international standards on food safety, medicines, and public health.[28]

Similarly, the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) encourages conformity with international food safety standards while entitling member states to adopt measures to protect their public health & safety & utilize Sanitary measures to mitigate risks to human, animal & plant health.[29] When taken as a whole, these international agreements offer a thorough normative framework that directs governments in creating efficient consumer protection laws, bolstering regulatory organizations, and encouraging secure, open, and equitable marketplaces.

When compared to these standards, the CRPA, 2009 demonstrates a substantial divergence from accepted worldwide standards. In particular, the Act's complaint procedure is hampered by significant structural obstacles, and the enforcing agencies are under continual political scrutiny and lack sufficient funding.

4. National Legal Framework Against Consumer Rights Violations

Bangladesh's existing legal system protects consumer rights through several interconnected mechanisms. However, the ongoing inability to enforce the law raises concerns about institutional framework, political will, and legislative efficacy.

A. The Constitution of Bangladesh

The Constitution of Bangladesh doesn’t directly oblige the state to implement consumer protection measures;

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[26] United Nations Conference on Trade and Development (UNCTAD), Manual on Consumer Protection (UNCTAD 2017) 5–11 https://unctad.org/publication/manual-consumer-protection accessed 15 August 2026.
[27] Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A (III) arts 3 and 25; International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3 arts 11–12.
[28] World Health Organization, WHO Global Strategy for Food Safety 2022–2030 (WHO 2022); FAO and WHO, Codex Alimentarius Commission Procedural Manual (29th edn, FAO/WHO 2023).
[29] Agreement on the Application of Sanitary and Phytosanitary Measures (adopted 15 April 1994, entered into force 1 January 1995) 1867 UNTS 493.

however, it does impose an implied duty upon the state. As article-18(1) stipulates that the state should implement measures aimed at improving the level of nutrition and public health as among its primary duties, echoing Article 25(1) of the Universal Declaration of Human Rights. Moreover, the Supreme Court held in *Dr Mohiuddin Farooque v Government of Bangladesh* that article-32 includes right to health, protection from hazardous food and the opportunity to enjoy a normal and healthy life.[30] Therefore, CRPA, 2009 must operate within the framework as obliged under the constitution. Any statutory provision that effectively renders these guarantees unenforceable, such as the 30-day complaint bar under section 60 or the prohibition on direct court access under section 71, raises legitimate constitutional concerns about the adequacy of the state's protective obligation. It is argued that section 71's bar on direct court access contradicts Article 27 of the Constitution, which guarantees all person equal protection before the law.[31]

B. The Consumer Rights Protection Act, 2009

The CRPA 2009 is the primary domestic instrument for consumer protection. Section 2(19) defines "consumer" broadly to include any person who purchases goods or services for consideration for purposes other than resale or commercial use. Section 2(20) defines "anti-consumer right practices" to cover eleven categories of conduct including selling above fixed prices, selling adulterated products, mixing prohibited substances in food, false advertising, short-weight trading, manipulated measuring instruments, counterfeit products and selling expired goods.[32]

Section 5 constitutes the NCRPC as a 24-member body chaired by the Minister of Commerce, with 18 members serving in an ex-officio bureaucratic capacity. Section 6(2) empowers the nominating authority to cancel any nomination at any time and substitute a new member, creating structural insecurity of tenure that compromises the Council's independence. Section 7(8) validates Council decisions notwithstanding vacancies or defects in composition, removing any incentive to maintain proper membership. Section 17 requires the Council to submit an annual report to the government by 30 June each year.[33]

Section 18 establishes the DNCRP as the executive arm of the consumer protection system. Section 20(3) designates the DG as the Directorate's sole full-time officer. Section 21 vests the Director General with extensive powers including monitoring price compliance, investigating adulteration and counterfeiting, inspecting labelling, seizing expired goods, monitoring hazardous food production, checking illegal drug manufacturing, and investigating false advertising. However, it has been identified that section 21 contains

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[30] Dr Mohiuddin Farooque v Government of Bangladesh (1996) 48 DLR 438

[31] Md Ala Uddin, 'Consumer Justice in Bangladesh: An Insight into the Efficacy of the Consumer Rights Protection Act 2009' (2025) 4(4) *International Journal of Human Rights Law Review* 503 https://ijhrlr.in/journal/consumer-justice-in-bangladesh-an-insight-into-the-efficacy-of-the-consumer-rights-protection-act-2009/ accessed 15 August 2026.

[32] Consumer Rights Protection Act 2009, ss 2(19), 2(20).

[33] Consumer Rights Protection Act 2009, ss 5, 6(2), 7(8), 17.

no clause for monitoring artificial price hikes, one of the most common violations experienced by Bangladeshi consumers and no provision for supervision of online services or online fraud.[34]

Sections 37 to 53 establish the criminal penalty schedule. The maximum penalty for causing death through negligence under section 53, three years imprisonment and BDT 200,000, is widely regarded as disproportionately lenient given the severity of the harm involved and compares unfavorably with equivalent provisions in India's 2019 Act which provides for up to seven years imprisonment for product liability causing grievous hurt. Section 59's classification of all offences as bailable, cognizable, and compoundable is particularly problematic. The compoundable nature of all offences means that any case can be settled between the parties at any stage, removing the deterrent effect of criminal prosecution entirely.[35]

C. The Personal Data Protection Act, 2026

The Act establishes a constructive legal framework for safeguarding personal data in Bangladesh with an aim to ensure that personal data of consumers are collected and processed fairly and transparently while establishing clear rules for business processing personal data. The Act is applicable to any entity that processes data with activities related to offering goods or services. The current Act imposes stringent measures on businesses for the process of sensitive data, while requiring them to implement measures to safeguard consumers' rights to access and data portability, correction and updating, withdrawal of consent, and deletion.

Lastly, the Act imposes stricter penalties for non-compliance, with administrative fine reaching 1-5% based on gravity of violation. Furthermore, imprisonment of up to 7 years may also be given based on grave violation.[36] Although the measures taken by the government is appreciable, its proper implementation is yet to be seen.

D. The Digital Commerce Operation Guidelines, 2021

The e-commerce business in Bangladesh is ever-expanding with an annual growth rate of 17-18%, expecting to reach 15 billion USD in Value by 2029.[37] However, with the rapid rise of online market, consumers have also faced an increase in deceptive trade practices. As a mean to address these ever-growing concerns, the

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[34] Consumer Rights Protection Act 2009 ss 18, 20, 21; Md Ala Uddin, 'Consumer Justice in Bangladesh: An Insight into the Efficacy of the Consumer Rights Protection Act 2009' (2025) 4(4) *International Journal of Human Rights Law Review* 501 https://ijhrlr.in/journal/consumer-justice-in-bangladesh-an-insight-into-the-efficacy-of-the-consumer-rights-protection-act-2009/ accessed 15 August 2026.

[35] Consumer Rights Protection Act 2009, ss 37-53, 59; Consumer Protection Act 2019 (India), s 90.

[36] Saqeb Mahbub and Md Wazed Jamil, 'Key Highlights of the Personal Data Protection Ordinance, 2025 for Businesses' (Mahbub & Company, 16 October 2025) http://mahbub-law.com/key-highlights-of-the-personal-data-protection-ordinance-2025-for-businesses/ accessed 14 August 2026.

[37] Sumaiya Simran, 'Best E-Commerce Business in Bangladesh in 2026' (BDTask, 10 January 2026) <https://www.bdtask.com/blog/ecommerce-business-in-bangladesh> accessed 13 August 2026.

government issued the Digital Commerce Operation Guidelines, 2021 with an aim to ensure responsibility, transparency and accountability in managing digital commerce (DC), ensuring the rights of the consumers by forming a regulatory framework and creating a competitive market that provides opportunities for entrepreneurs.

The guideline is applicable to all the digital businesses in Bangladesh, which lay downs certain rules & regulations to be followed by digital business. The guideline restricts the selling of Drugs, explosives or any other prohibited items or services with prohibition upon taking part in online betting or gambling further, no lottery or raffle-draw may be without the approval of Bangladesh Bank. Additionally, the selling and purchase of medicine & medical supplies is prohibited without a prior license from the Department of Drug Administration.

Furthermore, the guidelines require that digital business obtain all the relevant trade licenses such as VAT registration number, TIN, Unique Business Identification Number (UBIN) or Personal Retail Account (PRA) & must display such licenses on their social media pages or websites. Similarly, foreign digital businesses must register for commercial activities & must obtain the necessary permissions before conducting any business.

Provisions regarding delivery goods also have been provided in the guideline stipulating that product needs to be handed over to the delivery man within 48 hours of completion of payment. Similarly, delivery needs to be conveyed within 5 days if both seller and purchaser are situated in the same village/city or in 10 days if the parties are situated in different cities/villages. Lastly, cases in which an advance payment has been made and there is a delay in delivery, a full refund needs to be made within 10 days to the purchaser.

Although, the current guideline addresses much of the grievance raised by consumers. There hasn't been any proper implementation. Further, the enforcement mechanism of the guidelines is intertwined with CRPA, 2009 mechanism which due to its weak enforcement has failed to deter any considerable violations.[38]

E. Other Relevant Domestic Legislation

The Special Powers Act, 1974 in section 25C provides for the death penalty for food adulteration, a provision that paradoxically exists alongside the CRPA 2009's maximum three-year imprisonment for the same conduct. This disparity itself creates enforcement confusion, as confirmed by the High Court's decision in *Human Rights and Peace for Bangladesh* where the court ordered prosecution under the Special Powers Act

[38] Joydeep Chowdhury, 'Strengthening E-Commerce Consumer Protection in Bangladesh: Legal Challenges, Regulatory Gaps, and Reform Strategies' (2025) 9(1) *International Journal of Research and Innovation in Social Science* 2548 https://rsisinternational.org/journals/ijriss/articles/strengthening-e-commerce-consumer-protection-in-bangladesh-legal-challenges-regulatory-gaps-and-reform-strategies/ accessed 13 August 2026.

rather than the CRPA 2009, effectively demonstrating the CRPA's inadequacy as an enforcement vehicle.[39]

Furthermore, the Food Safety Act was passed in 2013, establishing for the Bangladesh Food Safety Authority (BFSA) as an independent monitoring authority. However, as recent reports show, the BFSA, BSTI, and DNCRP operate independently and have not been able to successfully enforce food safety regulations, resulting in a disjointed framework that violators can take advantage of.[40] As a result, although Bangladesh has robust consumer protection rules in theory, they are hardly ever enforced.

5. Comparative legal frameworks of consumer rights protection: EU, UK and Indian Perspective

A. The EU consumer protection framework

Beyond a single legislative mechanism, the European Union has established a comprehensive and multi-layered consumer protection scheme. The EU system incorporates Treaty principles, directives, rules, national implementing legislation, administrative enforcement, and judicial remedies, in contrast to Bangladesh, where consumer protection is mainly managed by the Consumer Rights Protection Act 2009 (CRPA). Its main goals are to safeguard consumers' financial interests, their health and safety, their access to information and remedies, and their ability to effectively represent themselves.

Protection from unfair business practices is a key element of the EU regime. Directive 2005/29/EC on Unfair Commercial Practices creates a consistent regulatory framework for trader behavior and forbids aggressive commercial practices, deceptive acts, and deceptive omissions. Directive 2011/83/EU, which establishes comprehensive pre-contractual information requirements and, subject to exceptions, a 14-day withdrawal right for distance and off-premises contracts, and Directive 93/13/EEC, which shields consumers against unfair contractual terms, further strengthen consumer protection. When used in tandem, these tools tackle information asymmetry and the unequal bargaining power between professional merchants and consumers.

The EU model's robust enforcement framework is one of its most significant characteristics. Cooperation between national consumer protection authorities is established by Regulation (EU) 2017/2394, allowing for coordinated action against widespread and cross-border violations. By mandating that Member States provide for maximum fines of at least 4% of a trader's annual turnover for specific widespread infringements, Directive (EU) 2019/2161 significantly reinforces deterrence while allowing for higher punishments. Sanctions may be more commensurate with the size of big corporations' operations according to this turnover-

[39] Human Rights and Peace for Bangladesh v Government of Bangladesh (2010) 30 BLD 125 (High Court Division); Special Powers Act 1974, s 25C.

[40] Rashad Ahamad, 'Adulterated Food Turns into Silent Killer' *New Age* (25 October 2025) https://www.newagebd.net/post/country/280089/adulterated-food-turns-into-silent-killer accessed 1 May 2026.

linked strategy.

Through Directive (EU) 2020/1828, the EU also offers collective redress mechanisms that allow qualified entities to file representative lawsuits on behalf of consumer groups. With Directive (EU) 2024/825, EU consumer law has recently been extended to cover digital manipulation, consumer vulnerability, and environmental claims, including greenwashing.

Overall, the EU's consumer protection law is a preventive, rights-based, and enforcement-focused regulatory framework.[41] The interplay of substantive consumer rights, information responsibilities, contractual fairness, unfair-practice legislation, digital and data protection, administrative cooperation, collective remedy, and deterrent punishments is what makes it strong.

Therefore, in contrast to Bangladesh's CRPA 2009, the EU framework offers a more comprehensive institutional and regulatory strategy that can handle both conventional consumer exploitation and new issues brought about by digitization, international trade, and sustainable consumption.

B. UK Institutional Model of Consumer Protection

The Competition and Markets Authority (CMA), which is the main body in charge of competition and consumer protection, offers a relatively robust institutional form of consumer protection in the United Kingdom. The CMA functions through a multidisciplinary framework that combines legal, economic, investigative, and market-analysis capabilities, in contrast to a regulator that is solely concerned with administrative complaints. The authority may evaluate not just specific consumer-law infractions but also more general market structures and their impact on consumers thanks to its economic competence, which is bolstered by specialized economic functions. Therefore, the institutional structure of the CMA allows for both proactive market research in which consumer harm could become systemic and reactive action against illegal activity.

The CMA's enforcement mechanisms have been significantly enhanced by the Digital Markets, Competition and Consumers Act 2024 (DMCC Act). The CMA has been able to uncover consumer law crimes under specific circumstances without first obtaining a judicial order since April 2025 thanks to its direct consumer-enforcement capabilities. It has the authority to impose financial penalties, require businesses to provide compensation to customers, and carry out additional enforcement measures. This represents a shift toward robust administrative enforcement rather than individual customer complaints and protracted litigation proceedings.

[41] Hasan Muhammad Roman, 'A Legal Analysis of Consumer Protection in the E-commerce Sector in Bangladesh' (2022) 36 The Chittagong University Journal of Business Administration 55, 75 https://journal.cu.ac.bd/cujba/article/view/129/article3 accessed 15 August 2026.

The Directorate of National Consumer Rights Protection (DNCRP) in Bangladesh, which primarily functions under the Consumer Rights Protection Act 2009, is in contradiction to this institutional paradigm. Academic studies have found flaws in Bangladesh's consumer protection system, such as insufficient enforcement capabilities, issues with institutional coordination, and administrative shortcomings, especially when it comes to the quickly growing e-commerce industry.

Therefore, the comparison shows that effective consumer protection depends on institutional capacity, specialized knowledge, and effective enforcement authorities in addition to substantive legal rights. The practical efficacy of consumer protection in Bangladesh might be significantly increased by bolstering the DNCRP's legal and economic competence, investigative capability, inter-agency collaboration, and administrative enforcement capabilities, according to the UK's experience.

C. Indian Consumer Protection Mechanism

India passed the landmark Consumer Protection Act, 2019 to safeguard consumers' rights and interests in a fast-paced economy. The Consumer Protection Act of 1986 was replaced by this new law, which addresses modern consumer concerns, particularly those resulting from e-commerce, digital transactions, and misleading advertising.[42] Protections against unfair trade practices, consumer rights, and effective grievance redressal procedures are all highly valued.

One of the key components of the Act is the establishment of the Central Consumer Protection Authority (CCPA), which has the power to investigate, regulate, and penalize violations of consumer rights. The Act also creates district, state, and federal Consumer Dispute Redressal Commissions (CDRCs) to expedite the grievance resolution process.

It also includes mediation clauses to encourage amicable settlements. The law especially tackles e-commerce platforms and ensures accountability for product quality, delivery timetables, and affordable costs. It also imposes stringent regulations on misleading advertising, making producers and endorsers accountable for any false statements. By recognizing the need for openness and precisely defining unfair contracts and unfair trade practices, the Act guarantees greater consumer understanding and empowerment.

By addressing the problems brought about by digital advances and shifting market practices, the Consumer Protection Act of 2019 is a significant step toward creating a robust framework that is focused on the

[42] Hasan Muhammad Roman, ‘A Legal Analysis of Consumer Protection in the E-commerce Sector in Bangladesh’ (2022) 36 *The Chittagong University Journal of Business Administration* 55, 76 https://journal.cu.ac.bd/cujba/article/view/129/article3 accessed 15 August 2026.

requirements of consumers.[43] By fostering consumer-business trust, it not only strengthens consumer rights but also advances fair trade and moral business practices. With its many provisions, the Act is well-positioned to enhance consumer welfare and ensure market equity.[44]

6. Critical Evaluation of Consumer Rights Protection Act, 2009 in Bangladesh

A. Evaluating Enforcement Mechanisms under CRPA, 2009

The enforcement Structure of the CRPA 2009 is riddled with series of procedural barriers that indirectly protect violators while leaving consumers without effective legal recourse. For instance, under section 71, a consumer can only register a complaint to the Director General or any officer powered by him or to any empowered Judicial or executive magistrate. Thereby effectively curtailing a consumer right to approach the courts directly. This makes the entire process dependent on the capacity and impartiality of a single government-appointed official, which in practice has resulted in significant inadequate enforcement.[45]

Furthermore, section 60 imposes strict statutes of limitations, requiring that no complaint be accepted if it is not filed within 30 days of the cause of action arising. Many consumer grievances, particularly those involving gradual health deterioration caused by adulterated food, or those where the consumer only discovers the defect after a period of use, will by their nature not be discovered and articulated within 30 days, effectively excluding a significant class of legitimate complaints from the outset. Critically, as Md Ala Uddin has highlighted, the provision is completely silent regarding the position of consumers who fail to submit their complaints within this period, there is no provision for extension, no mechanism for late filing in cases of genuine hardship, and no accountability on the DG for the rejection of complaints on time grounds.[46]

Similarly, section-61 states that magistrate shall not take cognizance of the offence if a charge sheet isn't filed within 90 days of receiving a complaint creates a second procedural barrier at the investigation stage. Therefore, if competent authorities failed to file a charge sheet within the due limited time, the magistrate is disbarred from imitating any judicial proceedings and given the fact that DNCRP operates with only 90

[43] Ishita Chatterjee and Jai Shankar Singh, 'Review of the Consumer Protection Act, 2019 in Light of the Lessons from the Transnational Jurisdictions' (2025) 5 *Central University of Kashmir Law Review* 35, 41–42 https://publications.cukashmir.ac.in/index.php/cuklr/article/view/190/159 accessed 15 August 2026.
[44] The Law Notes, 'Tracing the Evolution of Consumer Rights: From Ancient Manuscripts to Modern Laws' (10 October 2025) https://thelaw.institute/consumer-protection-issues/evolution-consumer-rights-ancient-modern-laws/ accessed 15 August 2026.
[45] Badsha Mia and Sujoy Mallick, 'Protection of Consumers' Rights in Bangladesh: Law and Reality' (2021) 4(3) *International Journal of Law Management and Humanities* 4789–4806 https://ijlmh.com/paper/protection-of-consumers-rights-in-bangladesh-law-and-reality/ accessed 14 August 2026.
[46] Consumer Rights Protection Act 2009, s 60; Md Ala Uddin, 'Consumer Justice in Bangladesh: An Insight into the Efficacy of the Consumer Rights Protection Act 2009' (2025) 4(4) *International Journal of Human Rights Law Review* 503 https://ijhrlr.in/journal/consumer-justice-in-bangladesh-an-insight-into-the-efficacy-of-the-consumer-rights-protection-act-2009/ accessed 15 August 2026.

officers with limited capacity with each officer reportedly managing between 400 and 500 cases daily, thereby compliance with the 90-day period becomes practically impossible.[47] Moreover, the current regulation doesn't hold any officers accountable for failure to submit a charge sheet within the prescribed time limit. Ultimately, the consequence falls entirely upon consumers, whose grievances remain unanswered.

The jurisdictional limitations of the DNCRP further exacerbate these procedural deficiencies. Section 72 removes adulterated and counterfeit medicines from the Act's judicial process entirely, requiring such cases to be brought under section 25C of the Special Powers Act 1974. Section 73 limits the DG's power over private healthcare to monitoring and referral, explicitly prohibiting any remedial action. The CRPA 2009 also contains no provision for Alternative Dispute Resolution (ADR) even though section 59 classifies all offences as compoundable, there are no guidelines, criteria, or procedural mechanisms for conducting any form of ADR proceedings.[48]

Overlapping jurisdictions between the DNCRP, the BTRC, Bangladesh Bank, and the Bangladesh Food Safety Authority further fragment enforcement, with no coordination mechanism in the Act to resolve conflicts. This fragmentation has been confirmed by empirical evidence: a 2025 New Age investigation found that despite the BFSA identifying 90 harmful food samples from 450 tested between July and November 2024, the agencies failed to take coordinated enforcement action against violators.[49]

B. Remedies and Compensation under CRPA 2009

The CRPA 2009 provides three categories of remedy: criminal sanctions, administrative fines, and civil compensation. Each is structurally compromised in ways that limit its effectiveness as a tool of consumer redress. For instance, the current regulation prescribes imprisonment as a punitive punishment. However, under section 59 all offences are designated as compoundable, meaning that criminal proceedings can be settled prior to the delivery of judgement. Likewise, section 66 stipulates that civil proceedings can only commence after criminal proceeding has been initiated against the person for any anti-consumer right practice or the person has been convicted of a criminal offence for such act. This dependency on a prior criminal process means that most consumer grievances, particularly those involving relatively modest losses where criminal prosecution is unlikely, will never give rise to civil compensation. Despite being ostensibly

[47] Consumer Rights Protection Act 2009, s 61; Masum Billah, 'Directorate of National Consumers' Right Protection: 90 Officers to Handle a Million Complaints' *The Business Standard* (11 March 2025) https://www.tbsnews.net/features/panorama/directorate-national-consumers-right-protection-90-officers-handle-million accessed 15 August 2026.

[48] Consumer Rights Protection Act 2009, ss 59, 72, 73; Md Ala Uddin, 'Consumer Justice in Bangladesh: An Insight into the Efficacy of the Consumer Rights Protection Act 2009' (2025) 4(4) *International Journal of Human Rights Law Review* 502 https://ijhrlr.in/journal/consumer-justice-in-bangladesh-an-insight-into-the-efficacy-of-the-consumer-rights-protection-act-2009/ accessed 15 August 2026.

[49] Rashad Ahamad, 'Adulterated food turns into silent killer', *New Age* (25 October 2025) <https://www.newagebd.net/post/country/280089/adulterated-food-turns-into-silent-killer> accessed 1 May 2026.

generous, the compensation ceiling of five times the assessed damage under section 66(3) is rarely met due to the evidentiary difficulty of measuring consumer injury in monetary terms, even in cases where civil actions are possible. Crucially, as Md. Ala Uddin has shown, section 66(3) offers no method for determining compensation in situations when anti-consumer acts have resulted in a consumer's death; there is a total lack of legislation regarding the most severe type of consumer harm.[50]

Furthermore, the current Act also imposes monetary penalties for anti-consumer practices, imposing fines up to BDT 50,000 for minor offences and BDT 200,000 for grave offences, however, such modest penalties are insufficient to deter businesses, which profit substantially from consumer exploitation.

The administrative remedy under section 76 provides that where the DG imposes a fine following a complaint, 25% of the collected fine must be paid to the complainant. This provision was designed to encourage consumer complaints, but its practical effect is limited. The maximum administrative fine mirrors the criminal fine cap, meaning the maximum payment to a complainant is 25% of BDT 200,000, or BDT 50,000. For most consumer disputes involving relatively small transaction values, this amount may not justify the effort and procedural burden of filing a formal complaint through the DNCRP bureaucracy within the 30-day limitation period.[51]

The contrast with India's Consumer Protection Act 2019 is instructive. As the Supreme Court of India held in *Charan Singh v Healing Touch Hospital & Ors,*[52] compensation must not merely recompense the individual but must also bring about a qualitative change in the attitude of the service provider. India's 2019 Act provides for class action remedies, product recalls, and independent quasi-judicial forums, remedial tools completely absent from the CRPA 2009. There is no provision in the CRPA 2009 for class action remedies, product recalls, or injunctive relief, meaning that each consumer must pursue individual redress, multiply transaction costs and reduce the practical deterrent effect of the compensation system.

The Act also contains no concept of product liability. Section 78 exempts shop owners and directors from liability if the adulterated or defective goods were manufactured in a licensed factory, and exempts hawkers and peddlers unless it can be proved they purchased and sold goods with full knowledge of their defective nature. By contrast, India's Consumer Protection Act 2019 defines product liability under section 2(34) and holds manufacturers and sellers strictly accountable for defective products. This absence of product liability

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[50] Consumer Rights Protection Act 2009, ss 66(1), 66(3); Md Ala Uddin, 'Consumer Justice in Bangladesh: An Insight into the Efficacy of the Consumer Rights Protection Act 2009' (2025) 4(4) *International Journal of Human Rights Law Review* 503 https://ijhrlr.in/journal/consumer-justice-in-bangladesh-an-insight-into-the-efficacy-of-the-consumer-rights-protection-act-2009/ accessed 15 August 2026.
[51] Consumer Rights Protection Act 2009, s 76(4); Ahmad Rajib Chowdhury, 'The Consumer Rights Protection Act 2009 in Bangladesh: Revisiting with Reformative Approach' (2016) 2(1) *Premier Critical Perspective* 153, 160 https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5082102 accessed 15 August 2026.
[52] Charan Singh v Healing Touch Hospital (2000) 7 SCC 668 (SC).

from the CRPA 2009 creates a systematic accountability gap that section 78's broad exemptions actively exploit.[53]

C. Institutional Framework of NCRPC: Structure, Powers and Effectiveness

The Directorate of National Consumer Rights Protection (DNCRP) serves as the executive enforcement body of the CRPA 2009, while the National Consumer Rights Protection Council (NCRPC) serves as the policy and supervision body. However, both agencies have structural flaws that seriously impair their practical ability to operate.[54]

The NCRPC has 24 members of whom 18 are appointed in ex-officio capacity by the government. This diminishes the autonomy & neutral characteristics of the agency. particularly it creates a conflict of interest when the council is tasked addressing matters that may conflict with governmental policy. Equally problematic is the absence of designated appointments for experts in law, economics, or market regulation, despite the fact Council's mandate to formulate consumer protection policy and oversee the enforcement of a complex legal framework.[55]

Furthermore, Section 6(2) grants arbitrary power to the nominating authorities to cancel any appointment meaning that those appointed independently serve at the direction of the government. thereby, subjecting all Council positions to executive control. Section 7(8) further validates Council decisions made with vacancies or defects in composition, removing any structural incentive to maintain a fully constituted and properly functioning Council.[56]

The Director General is the Act's central enforcement figure, vested under section 21 with powers spanning market monitoring, investigation, warrant issuance, sample collection, business closure, and coordination with law enforcement agencies. Section 20(3) designates the DG as the Directorate's sole full-time officer. Section 20(5) provides for the appointment of a temporary DG whenever the post falls vacant for any reason, a mechanism that, in context of the broader executive control over Council nominations established by section 6(2), creates a pathway for political pressure to effectively remove an inconveniently active DG. Since there is no security of tenure for the DG post, the government may appoint a temporary DG at will,

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[53] Consumer Rights Protection Act, s 78; Consumer Protection Act 2019 (India), s 2(34); Md Ala Uddin, 'Consumer Justice in Bangladesh: An Insight into the Efficacy of the Consumer Rights Protection Act 2009' (2025) 4(4) *International Journal of Human Rights Law Review* 505 https://ijhrlr.in/journal/consumer-justice-in-bangladesh-an-insight-into-the-efficacy-of-the-consumer-rights-protection-act-2009/ accessed 15 August 2026.

[54] Consumer Rights Protection Act 2009, ss 5, 18.

[55] Consumer Rights Protection Act 2009, s 5; Ahmad Rajib Chowdhury, 'The Consumer Rights Protection Act 2009 in Bangladesh: Revisiting with Reformative Approach' (2016) 2(1) *Premier Critical Perspective* 153, 153–168 https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5082102 accessed 15 August 2026.

[56] Consumer Rights Protection Act 2009, ss 6(2), 7(3), 7(6), 7(8).

this makes the position vulnerable to political interference.[57]

Furthermore, the Directorate operates with a limited capacity of 90 officers with each officer handling 400-500 cases daily, the directorate cannot conduct any meaningful investigation. The Directorate's request for 300 additional officers was met with the allocation of only 12; a response that reveals a governmental commitment to the Directorate's resourcing wholly inconsistent with the scale of Bangladesh's consumer protection challenge. The annual report obligation under section 17 has been observed inconsistently since the Act's enactment, with the consumer fund allocation recorded at only BDT 0.09 million in 2010, revealing the severe resource constraints under which the Council has operated.[58]

Taken together, these institutional deficiencies, the politically compromised Council, the removable DG, the under-resourced Directorate, the absence of legal expertise, and the inconsistent reporting obligations, reveal a consumer protection regime that is institutionally incapable of fulfilling the Act's stated objectives. The structural flaws are not incidental; rather, they are ingrained in the Act's architecture, indicating that significant consumer protection in Bangladesh will necessitate both fundamental legal reform and improved application of the current framework.[59]

7. Findings of the study

A. Systemic Enforcement Failure

The CRPA's enforcement mechanism is structurally faulty since it forbade direct court access and mandated that all complaints be directed through governmental offices, which have historically been vulnerable to political influence and delay. A significant number of valid complaints are excluded by the unreasonably short 30-day complaint window, especially those involving cumulative injury from tainted food or inferior medications where the consumer cannot immediately see a connection.[60] Another procedural obstacle is the statutory requirement that a charge sheet be submitted within ninety days. The structural difficulty of conducting a thorough investigation in 90 days is obvious given that 90 officers handle consumer complaints for 180 million individuals at a rate of 400–500 cases each day. During the first four years of the Act's implementation, the Director General did not file a single case. The idea that enforcement failure is structural

[57] Consumer Rights Protection Act 2009, ss 20(3), 20(5), 21.

[58] Masum Billah, 'Directorate of National Consumers' Right Protection: 90 Officers to Handle a Million Complaints' *The Business Standard* (11 March 2025) https://www.tbsnews.net/features/panorama/directorate-national-consumers-right-protection-90-officers-handle-million accessed 15 August 2026.

[59] Badsha Mia and Sujoy Mallick, 'Protection of Consumers' Rights in Bangladesh: Law and Reality' (2021) 4(3) *International Journal of Law Management and Humanities* 4797 https://ijlmh.com/paper/protection-of-consumers-rights-in-bangladesh-law-and-reality/ accessed 14 August 2026.

[60] Consumer Rights Protection Act 2009, ss 60, 71.

rather than accidental is supported by these results.[61]

B. Inadequate Remedies and Compensation

The civil remedy under section 66 is rendered effectively inaccessible by its precondition of prior criminal proceedings. The administrative fine under section 76 provides a maximum benefit to the complainant of BDT 50,000, an amount insufficient to justify engagement with a bureaucratic complaint process subject to a 30-day limitation. The complete absence of any compensation mechanism for consumer deaths caused by anti-consumer practices, identified by Md Ala Uddin as one of the most critical lacunae in the Act, leaves families of victims with no legal recourse under the CRPA 2009. Furthermore, each consumer has pursued remedies in individual capacities that are structurally inaccessible as there is an absence of product liability provisions, class action mechanisms, and injunctive measures.[62]

Similarly, the compoundable nature of all offences under the act further removes any deterrent effect of criminal prosecution by allowing violators to settle cases prior to the judgement of delivery. The maximum criminal fine of BDT 200,000 for offences that may cause death, such as selling adulterated food or causing death by negligence under section 53, is disproportionately low relative to the harm caused and the commercial incentives to commit such offences. The contrast with the death penalty available under the Special Powers Act 1974 for the same conduct illustrates the legislative inconsistency that has rendered the CRPA 2009 redundant as an enforcement vehicle.[63]

C. Institutional Incapacity

The NCRPC's composition, 18 of 24 members serving as government bureaucrats with no legal expertise and no security of tenure, makes it structurally incapable of functioning as an independent consumer protection body. The Council lacks the capacity to exercise significant institutional independence due to the government's ability to revoke any appointment at any moment under section 6(2). An enforcement body that is both politically subservient and operationally ineffective is produced by the DG's susceptibility to removal and the lack of any accountability mechanism for the DG's inability to investigate complaints or file charge sheets within the required timeframes[64]

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[61] Ahmad Rajib Chowdhury, 'The Consumer Rights Protection Act 2009 in Bangladesh: Revisiting with Reformative Approach' (2016) 2(1) *Premier Critical Perspective* 153, 157 https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5082102 accessed 15 August 2026.

[62] Consumer Rights Protection Act 2009, ss 66, 76; Md Ala Uddin, 'Consumer Justice in Bangladesh: An Insight into the Efficacy of the Consumer Rights Protection Act 2009' (2025) 4(4) *International Journal of Human Rights Law Review* 503 https://ijhrlr.in/journal/consumer-justice-in-bangladesh-an-insight-into-the-efficacy-of-the-consumer-rights-protection-act-2009/ accessed 15 August 2026.

[63] Consumer Rights Protection Act 2009, ss 53, 59; Special Powers Act 1974, s 25C.

[64] Consumer Rights Protection Act 2009, ss 5, 6(2), 20.

The resource data is unequivocal: 90 officers for 180 million consumers represents a ratio of 1 officer per 2 million people. The Directorate requested 300 additional officers and received 12. The consumer fund allocation was BDT 0.09 million in the first year of the Act's operation. These figures demonstrate that the government has consistently failed to resource the institutional machinery necessary to implement the Act's provisions, regardless of the strength or weakness of those provisions on paper.[65]

8. Recommendations

Based on the findings of this study, the following recommendations are made for the comprehensive reform of Bangladesh's consumers' right protection regime. These recommendations are grounded in the analysis conducted in the preceding parts of this study and draw on comparative frameworks from India, the European Union, and the United Kingdom.

A. Abolish the Bar on Direct Court Access

Section 71's prohibition on direct court access must be repealed. As demonstrated by the analysis throughout this study, no functioning consumer protection system routes all complaints through a single government-appointed official. India's Consumer Protection Act 2019 grants consumers direct access to district consumer forums without requiring DG authorization. Bangladesh must follow this model. The repeal of section 71 and its replacement with a provision allowing consumers to file complaints directly before a dedicated consumer tribunal is the single most important structural reform required.[66]

B. Establish a Dedicated Consumer Tribunal

The CRPA 2009 currently relies on First Class Magistrates and Metropolitan Magistrates for criminal adjudication and Joint District Judges for civil matters. Neither forum is equipped by training, workload, or mandate to handle the volume and complexity of consumer protection disputes. Drawing upon comparative jurisdiction, Bangladesh should establish a dedicated two-tier remedy system, with district-level forums for lower-value claims and a national commission for major matters. These forums should be empowered to grant injunctive relief, product recalls, class action remedies, and compensation without requiring prior criminal conviction.[67]

C. Extend the Complaint Limitation Period

It is necessary to extend the 30-day complaint period to at least two years after the anti-consumer activity is

[65] Ahmad Rajib Chowdhury (n 5) 159; Masum Billah, 'Directorate of National Consumers' Right Protection: 90 Officers to Handle a Million Complaints', *The Business Standard* (11 March 2025) <Directorate of National Consumers' Right Protection: 90 officers to handle a million complaints | The Business Standard> accessed 15 August 2026
[66] Consumer Protection Act 2019, ss 34-36; Md Ala Uddin (n 6) 509.
[67] Consumer Protection Act 2019, ss 28-58

discovered. This change will bring Bangladesh's consumer protection laws into compliance with international standards. It would especially help consumers who are gradually harmed by tainted food or inferior medications, where the cause is frequently not obvious within 30 days.[68]

D. Reform the NCRPC

To lessen governmental influence and ensure tenure security for non-ex-officio members, the directorate composition must be changed to include specialists in consumer law and market regulation. Furthermore, arbitral power to cancel nominations must be replaced with a transparent system for nomination and removal. Ultimately, The Council should be constituted as a genuinely independent body supported by a dedicated secretariat, adequate funding and an obligation to publish annual reports and statistics.[69]

E. Strengthen the DG's Position and Resources

The office of Director General must be protected from arbitrary removal & should be free from any political interference. The DNCRP must be substantially resourced: the Directorate's own request for 300 officers must be met, and dedicated training in consumer law must be provided to all enforcement officers. The DG must be made accountable for non-investigation of complaints and non-submission of charge sheets; a mechanism for disciplinary action against officers who allow complaints to lapse through inaction must be established in the Act.[70]

F. Introduce Product Liability

The CRPA 2009 must be amended to include a clear definition of product liability, modelled on section 2(34) of India's Consumer Protection Act 2019, and to impose strict liability on manufacturers and sellers for defective products. Section 78's broad exemptions for shop owners and street vendors must be narrowed to require reasonable care and inquiry standards rather than absolute knowledge of defects. A compensation mechanism for consumer deaths must be introduced, with mandatory compensation payable to the families of victims regardless of whether criminal prosecution has been initiated.[71]

G. Regulate E-Commerce

As the market in Bangladesh becomes more digitalized, the CRPA must be amended to address e-commerce consumer protection. The definition of "service" must be expanded to include online services, banking

[68] Consumer Rights Protection Act 2009, s 60; Md Ala Uddin (n 6) 502.
[69] Consumer Rights Protection Act 2009, ss 5, 6(2); Ahmad Rajib Chowdhury (n 5) 158.
[70] Masum Billah, 'Directorate of National Consumers' Right Protection: 90 Officers to Handle a Million Complaints', *The Business Standard* (11 March 2025) <Directorate of National Consumers' Right Protection: 90 officers to handle a million complaints | The Business Standard> accessed 15 August 2026
[71] Consumer Protection Act 2019 (India), s 2(34); Consumer Rights Protection Act 2009 (Bangladesh), s 78.

services, and educational services. A dedicated regulatory mechanism for online complaints must be established, and the Digital Commerce Operation Guideline 2021 must be given statutory force through legislative incorporation into the CRPA 2009 or a dedicated e-commerce consumer protection statute.[72]

9. Conclusion

The consumer rights violations represent a systematic failure of the rule of law and a violation of the constitutional guarantee to safe food, health, and life. The CRPA was enacted with the purpose of regulating the market & protecting consumers from exploitation, however, in practice it has created a system that is structurally flawed & inconsistent. The 30-day complaint bar, the prohibition on direct court access, the politically compromised NCRPC, the under-resourced DNCRP, the capped and inaccessible compensation provisions, and the complete absence of product liability and class action remedies collectively represents a statutory regime that promises protection while institutionalizing its denial.

The responsibility for this failure falls upon successive governments that have refused to restructure enforcement machinery, tolerated the culture of bribery, and declined to introduce the amendments despite the years of study deemed to be necessary. As Professor Mizanur Rahman, former Chairman of the National Human Rights Commission, stated directly: the CRPA 2009 does not grant any real rights to consumers.[73]

Reformation alone won't be sufficient now; Strong political commitment and judicial action are also required. The judiciary must be more willing to exercise its writ jurisdiction proactively in consumer protection cases, as it demonstrated in *Human Rights and Peace for Bangladesh* and *Rabia Bhuiyan MP v LGRD & Others*. Civil society, academic researchers, and media investigators must continue to document violations and hold enforcement agencies accountable through public discourse.[74]

Bangladesh has the legal architecture, the Constitution, the CRPA 2009, the ICCPR, and the UN Consumer Protection Guidelines to provide meaningful consumer protection. However, it lacks in the institutional capacity to implement them. The reforms proposed are not radical departures from the existing system but targeted corrections of its most structurally compromised system. Implementing them would bring Bangladesh's consumer protection regime into alignment with its constitutional and international obligations, and the legitimate expectations of 180 million consumers who deserve more than laws on paper.

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[72] Joydeep Chowdhury, 'Strengthening E-Commerce Consumer Protection in Bangladesh: Legal Challenges, Regulatory Gaps, and Reform Strategies' (2025) 9(1) *International Journal of Research and Innovation in Social Science* 2553 https://rsisinternational.org/journals/ijriss/articles/strengthening-e-commerce-consumer-protection-in-bangladesh-legal-challenges-regulatory-gaps-and-reform-strategies/ accessed 13 August 2026.; Md Ala Uddin (n 6) 509

[73] Md Ala Uddin (n 6) 503.

[74] Human Rights and Peace for Bangladesh v Government of Bangladesh (2010) 30 BLD 125; Rabia Bhuiyan MP v LGRD and Others (2007) 59 DLR (AD) 176 <https://www.blast.org.bd/content/report/Rabia-Bhuiyan-Judgment-wr.pdf> accessed 15 August 2026

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