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## **PROTECTING CONSUMER RIGHTS IN BANGLADESH: LEGAL APPROACHES TO FALSE ADVERTISING**

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### **ABSTRACT**

False advertising has emerged as a key challenge in Bangladesh, where deceptive marketing not only violates consumers' rights but also erodes trust in the economy. While the growing of digital platforms, social media and e-commerce as primary means for promoting products continues, false advertising games continue to advance in step with various regulatory voids and the complexity of technology. Bangladesh, for example, has requisite legislation such as the Consumer Rights Protection Act 2009, Competition Act 2012 and the Information and Communication Technology (ICT) Act 2006 which was recently replaced by Digital Security Act in 2018 to safeguard consumers' interest; however, its implementation is hardly seen in practice owing to administrative problem hindrances outdated provisions and lack of consumer enlightenment.

This article analyses the present rules and regulations on consumer protection from deceptive or misleading advertisement in Bangladesh. It describes false advertising under the national law, including relevant statutory sections and administrative channels of oversight and enforcement. The paper also examines adjudications of courts in the landmark public interest writ petitions as well as directives issued by the Directorate of National Consumer Rights Protection (DNCRP) to assess the role played by present laws in addressing deceptive commercial practices.

It is recommended that at least in the field of deceptive marketing, even after statutory instruments, the promise to protect consumers from misleading marketing is not effective. To address these gaps, it makes recommendations including amending laws to cover digital advertising and influencer marketing, increased regulatory resourcing, improved consumer redress mechanisms, awareness building and overseeing class actions. Enhancing enforcement, raising penalties for breaches and promoting international cooperation are also highlighted as key actions.

Combining law analysis, case review and policy suggestion, this paper presents a comprehensive understanding of false advertising in Bangladesh and practical pointers to develop legal and regulatory measures for consumer protection in the digital age.

**Keywords:** Consumer, Rights, Protection, False Advertising, CRPA, DNCRP.

## 1. Introduction

In present-day Bangladesh, the rapid utilization of marketing through social media and digital platforms is not a challenge for the government as well as the companies, rather it is the consumer who is facing a lot of problems because of it, due to misinformation and false advertising and marketing. By enabling consumers to spend their income on goods and services as per their choices, advertising helps to lower prices. This is done by creating consumer awareness of competitive offerings. Through localizing messages, it equates competitive conditions. By introducing new products and services within the industry, it enables control over competitive pressure and also controls seasonal variations. Mostly, advertising raises consumption due to creating coloured and better informed choices. False advertising happens when a company doesn't give accurate information since they mislead about what they are selling. The false conduct in question causes damage and the company's actions must be unlawful. Thus, False Advertising Consumer Protection must be implemented in Bangladesh. In marketing, advertising plays a very important role in promoting the products and services. Ads inform and persuade people to buy different types of products. Yet, advertisers aren't always honest and more sometimes than not, they can be "fake". False advertising or misrepresentation is misleading the consumer by providing them with incorrect information. It can affect the consumer's purchasing behaviour. This prevents the consumer from coming to a rational decision which is the basic right of the consumer. In addition, this plea constitutes fraud, with consumers qualifying as the victims of the fraud. The Consumer Rights Protection Act, 2009 and other provisions aim to prevent the occurrence of such advertising. If their provisions were violated, it would provide the consumers with any legal remedy.<sup>1</sup> There are also various regulatory authorities which monitor advertisements including Directorate of National Consumer Rights Protection (DNCRP).<sup>2</sup> The adequacy of the legal provisions regarding false advertising in Bangladesh and their enforcement to protect consumers is being discussed in the article. It explores the role of regulatory agencies in handling misleading advertisements and discusses possible changes dealing with laws for better consumer

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<sup>1</sup> Consumer Rights Protection Act, Act No. 26 of 2009 (Bangladesh).

<sup>2</sup> Directorate of National Consumer Rights Protection, Annual Report 2020 (Gov't of Bangladesh, 2020), <https://dncrp.dhaka.gov.bd>

protection.

## 2. Statement of the Problem

False advertising has emerged as a matter of legal concern in Bangladesh, deceived marketing tools not only affect consumers confidence but also lead to distortion of market competition. With accelerated space and pace on digital platforms and social media, especially businesses have taken to aggressive advertising tactics that leave consumers feeling conned with over the top promises, concealed fees or false endorsements. These are not only violations of consumer rights, they also cause financial and emotional sufferings to people.<sup>3</sup>

Bangladesh has formulated laws, such as the Consumer Rights Protection Act 2009 to govern advertisement and protect consumer interest. Although these efforts continue, the enforcement of such laws has proven problematic given today's era of digital media and its inherent nature in deceptive marketing.<sup>4</sup> False advertisements in Bangladesh is a common trick practiced by few people to influence consumers mind about the quality of Though organizations such as the Directorate of National Consumer Rights Protection (DNCRP) are responsible for implementing these laws, they face several challenges, including a lack of resources and technical capabilities, and problems in supervising the ever-expanding world of digital advertising.<sup>5</sup>

Moreover, most consumers do not know how to defend themselves or what files they can claim and don't have the time to take legal action against dishonest vendors. The lack of any class action suit provisions or fast track court mechanisms further hinders consumer access to justice.

This research, therefore, aims to fill these gaps by examining the efficiency and effectiveness of the current rules and enforcement regimes in Bangladesh for safeguarding consumers' interest against false advertising. It also plans to make proposals for legal reform, which it hopes would better the rights of consumers and customers in digital advertising.

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<sup>3</sup> M. Ahmed, Consumer Protection in the Digital Age: The Need for Legislative Reforms in Bangladesh, 42(3) *Dhaka L.J.* 76, 76–92 (2019).

<sup>4</sup> Consumer Rights Protection Act,Act No. 26 of 2009 (Bangladesh).

<sup>5</sup> Directorate of National Consumer Rights Protection, Annual Report 2020 (Gov't of Bangladesh, 2020), <https://dncrp.dhaka.gov.bd>

### **3. Objective of the Study**

The objective of this study is to evaluate existing laws in Bangladesh to protect consumers against misleading advertising, effectiveness of enforcement measures and remedies available for affected consumers. Research seeks to identify options to improve consumer protection law and combat deceptive marketing in the digital environment.

### **4. Scope of the Study**

This paper has limited its scope to consolidate the legal regime that restricts consumers of Bangladesh from the damages of false advertisements, in light of the Consumer Rights Protection Act,2009 and other prevalent regulatory measures. The study does not seek to map a complex economic and marketing analysis of the advertising strategies other than where it will help us understand the legal consequences.

### **5. Methodology of the Study**

This study applies a descriptive and analytical approach to analyze the Consumer Rights Protection Act 2009 in Bangladesh, as well as its enforcement with special focus on false advertising. We will collect data from a review of academic articles, government reports and legal documents, along with a case study analysis of DNCRP's management of false advertising cases. Ethical standards were strictly followed, with informed consent, confidentially and careful handling of sensitive testimonies.

### **6. Literature Review**

The question on falseness was one of common interest among the law profession and academe that justifies full discussion of it here. With the changing landscape of marketing, especially with digital mediums growing in popularity, marketeers increasingly fail to stick to advertising claims that even a post-man on horseback would spot - causing large-scale consumer deception. This review will consolidate available literature on false advertising, consumer rights protection and legal systems in Bangladesh, criticizing the existing supports and guidance for the development of further improvements.

#### **6.1 The Laws Protecting Consumers and False Advertising**

Consumer protection regulations are a key part of making sure businesses play fair and square,

especially in advertising. The need for demanding consumer protection laws that prevent false or deceptive advertisements. Such laws generally require advertising to be honest and not misleading, so as to protect consumers from false marketing.<sup>6</sup> In Bangladesh the Consumer Rights Protection Act 2009 (CRPA), is the key legislation related to consumer rights protection, including those protector against misleading advertising.<sup>7</sup> However, the implementation of CRPA 2009's can be critiques due to a weak enforcement as a result of bureaucratic bungling and lack of clear guidelines for contemporary advertising in digital and online mediums. The law is inadequate when it comes to dealing with the rise of digital advertising, which has been a major medium for false marketing claims.<sup>8</sup>

## 6.2 The Functions of Regulatory Authorities and Enforcement Mechanisms in Bangladesh

In Bangladesh, the National Consumers' Rightist Protection Directorate (DNCRP) is the principal organization for regulating consumer rights and implementing laws regarding false advertising. But it is explained that the agency further monitors businesses' compliance with the CRPA, specifically focusing on its prosecution of consumer complaints and fining businesses for false practices.<sup>9</sup> However, there is argue that despite these efforts, the DNCRP faces numerous challenges, such as limited resources, lack of technical capacity, and an inability to keep up with the growing digital market.<sup>10</sup> These challenges are particularly significant in the context of online advertising, where the sheer volume and global reach of ads complicate enforcement.

## 6.3 Digital advertising and New Challenges for Consumer Protection

The explosive growth of digital advertising has created fresh challenges to consumer protection in Bangladesh. The rise of e-commerce platforms and social media influencers have made the fake advertisements problem even worse. Ads often segue into content on digital platforms, juxtaposing them with personal chatting in a way that leaves it muddy for consumers

<sup>6</sup> R Chaudhary and P Soni, 'Consumer Protection Laws: A Comparative Study of International Frameworks' (2017) *Journal of Consumer Protection* 35(2) 121-135.

<sup>7</sup> Consumer Rights Protection Act,Act No. 26 of 2009 (Bangladesh).

<sup>8</sup> M Ahmed, 'Legal Challenges in Consumer Protection in Bangladesh: The Consumer Rights Protection Act 2009' (2019) *Dhaka Law Review* 40(1) 58-75.

<sup>9</sup> R Hasan, 'Consumer Protection Agencies in Bangladesh: An Evaluation of the Directorate of National Consumer Rights Protection' (2020) *Journal of Bangladeshi Law* 31(3) 204-220.

<sup>10</sup> M Rahman and S Karim, 'Regulatory Challenges in Bangladesh's Consumer Protection Framework' (2018) *International Journal of Consumer Protection* 26(1) 47-59.

to discern between what is earnest commentary and promotional messages. The focused nature of digital ad targeting—fueled by consumer data—has also prompted concerns about privacy infringements and consumers being up-sold.<sup>11</sup> The existing regulation in Bangladesh is archaic since the laws were enacted prior to the era of digital platforms and as such there are many potential lacunas as regards online advertisement. So Bangladesh should reform its consumer protection laws in order to better tackle these issues.<sup>12</sup>

#### 6.4 Legal Remedies for Consumers

The legal remedies for Bangladeshi consumers duped by false advertising are generally limited to complaints to the DNCRP or civil lawsuits. It is to be noted that although the legal pathways to recovery are there, including through claiming compensation or orders for recall of goods, this can be time-consuming and less than satisfactory. The majority of consumers do not know their rights, or experience enormous difficulties in using legally established systems for redress because of bureaucratic delay and complicated legal procedures. Consumer protection laws lose their bite when there is no access to justice.<sup>13</sup> Proper implementation of efficient legal process and consumer awareness, which will enable consumers to take full advantage of existing remedies.

#### 6.5 Global Perspectives on False Advertising and Legal Frameworks

A comparative analysis of the international false advertising practices provides important implications for Bangladesh. Laws such as that in the United States or in the UK where false advertising is a mature field of regulation and consumer protection. The Federal Trade Commission (FTC) in the U.S. is an important player that monitors and regulates advertising practices with an eye towards consumer protection. In the UK, the ASA (Advertising Standards Authority) requires that no advertising be based on false or misleading information.<sup>14</sup> So Bangladesh can get a line from such regulatory measures, especially in terms of promoting regulations on digital advertising and consumer awareness.

<sup>11</sup> A Zaman, 'The Impact of Digital Advertising on Consumer Rights in Bangladesh' (2021) *Dhaka Journal of E-Commerce* 12(1) 45-61.

<sup>12</sup> S Jahan and R Hossain, 'Regulating Digital Advertising in Bangladesh: Gaps in the Legal Framework' (2020) *Bangladesh Journal of Digital Marketing Law* 15(4) 91-110.

<sup>13</sup> S Ahmed and F Sultana, 'Consumer Rights in Bangladesh: Access to Legal Remedies for False Advertising' (2019) *Dhaka University Law Journal* 42(3) 88-105

<sup>14</sup> A Khan and R Islam, 'Comparative Analysis of Consumer Protection Laws: Lessons for Bangladesh' (2021) *International Journal of Consumer Protection* 23(4) 200-215.

## 6.6 Consumer Awareness and Education

Adequate public education is one of the key components to empowering consumers so they can differentiate between deception marketing and their own rights. The majority of consumers in Bangladesh have very little knowledge about their rights under the existing consumer protection laws, which limits their capacity to take legal action when they are deceived. Consumer education measures – such as awareness campaigns and user-friendly legal services – are crucial to give more power to consumer.<sup>15</sup>

## 7. National Legal Framework

### 7.1 Bangladesh Constitutional Basis

The Constitution of the People's Republic of Bangladesh provides the foundational principles for consumer protection. Essential provisions encompass: Article 15 which speaks about right to basic necessities, Article 18 which says about public health and morality, Article 31 declares about right to protection of law.<sup>16</sup> These constitutional provisions impose an obligation on the Government to ensure fairness, safety and accountability in trade and commercial practices, indirectly safeguarding consumers against false or deceptive advertising.

### 7.2 The Consumer Rights Protection Act, 2009

The fundamental codified law governing consumer protection is the Consumer Rights Protection Act, 2009. Section 2(20) (d) defines “anti-consumer right practice” means, to deceive consumers by untrue or false advertisement for the purpose of selling any goods or service. Notably, Section 44 addresses penalties for False Advertisement: Imprisonment up to 1 year or fine up to Tk. 200,000 or both. Whereas Chapter III of this Act empowers the Directorate of National Consumer Rights Protection (DNCRP) to investigate complaints and take necessary steps for unfair trade practices.<sup>17</sup> However, the Act was enacted before the rise of social media marketing, false advertising and large-scale e-commerce, making it inadequate to address contemporaneous digital advertising challenges.

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<sup>15</sup> M Sarker, ‘Raising Consumer Awareness on False Advertising in Bangladesh: A Necessity for Effective Protection’ (2020) *South Asian Consumer Studies Journal* 16(3) 130-145.

<sup>16</sup> The Constitution of the People's Republic of Bangladesh, 1972, arts 15, 18, 31.

<sup>17</sup> Consumer Rights Protection Act, Act No. 26 of 2009, ss 2(20)(d), 44 (Bangladesh).

### 7.3 The Penal Code, 1860

The Penal Code, 1860 includes provisions that particularly relating to cheating and fraud such as, Sections 415–420, may be invoked against deceptive advertising practices.<sup>18</sup> Nonetheless, these provisions are general in nature and lack consumer-specific remedies.

### 7.4 The Digital Security Act, 2018

So far as online content and cyber activities are concerned, the The Digital Security Act, 2018 offer an inadequate coverage.<sup>19</sup> Even though such law regulate those digital platforms, it don't capture misleading digital ads or influencer marketing from the consumer rights angle.

### 7.5 The Competition Act, 2012

This Act aims at regulating anti-competitive practices and avoid abuse of market dominance.<sup>20</sup> Indirectly related, but it does not directly regulate false advertising or consumer misinformation.

## 8. Case Law Analysis

### 8.1 Ruling of the High Court in Case Relating to Misleading / Fraudulent Advertisements (Public Interest Litigation, 2021)<sup>21</sup>

#### Facts:

A public interest writ petition was filed before the High Court Division of the Supreme Court of Bangladesh in September 2021 challenging the legality of offensive, fraudulent, misleading and confusing advertisements seeking to attract consumers and provide unfair competition. The petition alleged that various business organizations circulated misleading promotional content to attract consumers without regulatory enforcement. The court issued a rule nisi asking why such advertising should not be stopped and why action under existing laws should not be taken. The respondents included the Secretaries of the Ministries of Information and Broadcasting,

<sup>18</sup> Penal Code, Act No. XLV of 1860,ss 415-420 (Bangladesh).

<sup>19</sup> Digital Security Act, Act No. 14 of 2018(Bangladesh).

<sup>20</sup> Competition Act, Act No. 12 of 2012,(Bangladesh).

<sup>21</sup> *High Court Rule on Misleading/Fraudulent Advertisements (Writ Petn.)*, petition filed by Kamrul Islam as public interest litigation under Art. 102 of the Constitution (15 Sept. 2021) (High Court Division), <https://www.tbsnews.net/bangladesh/court/hc-issues-rule-stop-lucrative-advertisement-305605>

Commerce, and Cultural Affairs, the Director General of the Directorate of National Consumer Rights Protection (DNCRP), and the Chairperson of the Bangladesh Competition Commission. The High Court expressly referenced potential action under the Consumer Rights Protection Act, 2009 and the Competition Act, 2012, noting official inaction to enforce these laws.

### **Legal Issues:**

- i) Whether existing regulatory authorities had failed to enforce provisions against false advertising under the Consumer Rights Protection Act when consumers are misled by commercial promotions.
- ii) Whether such inaction could be declared illegal under constitutional standards of fairness and regulatory duty.

### **Judicial Direction:**

The High Court bench of Justices Md. Khasruzzaman and Md. Mahmud Hassan Talukder issued a show-cause rule, compelling the executive agencies to explain within four weeks why legal actions had not been initiated against deceptive advertisements and why authorities should not be mandated to act.

### **Importance:**

This case is believed to be among the most clear cases where courts consider if enforcement gaps exist under the Consumer Rights Protection Act and may suggest that courts are increasingly willing to make such findings given regulator inaction.

## **8.2 DNCRP Fines Against E-Commerce Firms for Advertising/Service Breaches, 2021<sup>22</sup>**

### **Facts:**

In October 2021, the Directorate of National Consumer Rights Protection (DNCRP) imposed combined fines on 17 e-commerce businesses for breaches under the Consumer Rights Protection Act, 2009, specifically for failing to deliver products as promised and deceiving

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<sup>22</sup> 17 e-commerce firms fined for misleading practices under consumer rights law, *The Daily Star* (Oct. 17, 2021), <https://www.thedailystar.net/business/economy/e-commerce/news/17-e-commerce-firms-fined-2199981>

consumers through false advertisements as part of sales practices. The platforms fined included Daraz Bangladesh, Ajkerdeal, Chaldal, Foodpanda and others. Daraz received the highest individual fine (Tk 323,000).

**Legal Issues:**

- i) Whether enforcement of statutory prohibitions against deceptive representation and misleading sales claims in the context of e-commerce operations.
- ii) Whether application of general provisions of consumer protection law to digital marketplace conduct without specific digital advertising rules.

**Importance:**

These proceedings represent administrative enforcement activity not judicial decisions but are notable for addressing false advertisement allegations tied to e-commerce delivery and promotional conduct. They reveal regulatory use of statutory powers under the Consumer Rights Protection Act against misleading business practices in online contexts.

**9. Significance of the Study**

This study is important in view of rising concern on false advertising and its implications with respect to consumer rights issues in Bangladesh. It does so with a view to assessing the adequacy of the existing legal framework and enforcement tools – in particular identifying any shortcomings it encounters between applicable domestic legislation and provides recommendations for strengthening consumer protection laws. The findings will guide policy changes, reinforce legal protections and bring more consumer awareness to provide greater protection against deceptive marketing. Furthermore, by bench-marking Bangladesh's legislation against the international standards, this study will provide a guidance on best practices of how to better protect consumers in the digital era. Finally, the paper supports consumer rights and fair advertising in Bangladesh.

## 10. Findings

Finding	Description	Impact	Possible Solution
Weak Enforcement	Consumer Rights Protection Act, 2009 is under enforced due to limited DNCRP resources and bureaucratic hurdles.	Consumers continue to face deception in digital advertising without effective recourse.	Increase DNCRP finding, streamline processes, train staff in digital consumer protection.
Outdated Legal Framework	Current Law does not adequately address digital advertising, e-commerce, social media marketing.	Legal gaps leave consumers vulnerable to online scams and misleading advertising.	Update laws to cover digital marketing, e-commerce regulations, influencer endorsements.
Limited Legal Remedies	Consumers have differently accessing legal remedies; no class action provision; low awareness.	Individual consumers cannot challenge violations effectively, reducing deterrence.	Introduce class action lawsuits, simplify legal procedures, raise consumer awareness.
Regulatory gaps in Digital Advertising	Digital platforms operate with minimal oversight, allowing misleading ads via influencers and e-commers.	Misleading ads multiply; consumer trust is decayed.	Implement digital advertising regulations, require transparency from platforms.
International Comparison	Bangladesh lags behind U.S., UK, and other countries with proactive regulations	Consumers are less protected; regulatory environment is reactive rather than preventive	Benchmark global best practices; adopt clear guidelines for digital advertising compliance

## 11. Recommendations

Based on the findings from judicial interventions, research outcomes and current lacuna in the

Consumer Rights Protection Act, 2009, the following recommendations are suggested to qualify consumer protection against false and misleading advertising in Bangladesh:

### **11.1 Update the Legal Framework**

The prevailing Consumer Rights Protection Act, 2009 should also be amended clearly targeting the digital advertising, influencer marketing and e-commerce. Clear definitions and regulations for online promotions will plug the legislative gaps and make legislation enforceable.

### **11.2 Strengthen Regulatory Capacity**

The DNCRP needs to be enhanced capacity to effectively monitor and enforce advertising legislation. This could involve increased resources, giving it a higher level of digital monitoring capacity or employing dedicated staff whose role is to highlight and act upon such violations as soon as they occur, particularly in online environments.

### **11.3 Enhance Consumer Redress Mechanisms**

The procedure for complaining and seeking redress should be made more efficient to enable consumers to easily report such breaches. An Internet-based complaint tracking system would enable consumers to submit complaints quickly, and monitor the status of those complaints, minimizing delays and offering a more transparent enforcement process.

### **11.4 Raise Public Awareness**

National campaigns should be used to communicate the rights of consumers and how they can identify and denounce false advertising. Through public awareness programs, social media engagement and partnership with civil society organizations consumers can challenge deceitful ways and prompt business to be accountable.

### **11.5 Introduce Class Action Provisions**

Establishing class action mechanisms would allow consumers who are victims of mass deceptive advertising to join together and pursue their rights in a court of law. This also serves not only to enhance consumer rights, but as a deterrent for long duration deceptive marketing tactics.

### **11.6 Increase Penalties and Strengthen Enforcement**

Penalties for misleading advertisements, especially in the digital space should be raised, to deter recurring offender. It is therefore crucial to continuously monitor advertising of tobacco products, including online and offline, in order to maintain market transparency and distributor discipline and safeguard consumer interests.

### **11.7 Foster International Cooperation**

False advertising that takes place cross-border (such as in e-commerce and on social media) requires collaboration with foreign regulatory and enforcement bodies. Fostering partnerships and information sharing will stand in the way of misleading practices that come from beyond national borders.

## **12. Conclusion**

This research indicates the key difficulties that Bangladesh is grappling with in keeping consumers safe from false advertisements, especially in this fast-growing digital world. Although the Consumer Rights Protection Act 2009 laid down a basic model to provide protection to consumers, there is a lack of enforcement in these laws. Hence, the regulatory authorities like Directorate of National Consumer Rights Protection (DNCRP) fails to make a comprehensive approach and have rather outdated laws that hardly keep pace with modern complexities of digital advertising or e-commerce or social media marketing.

The results suggest the urgent necessity for a thorough improvement of there legal structure to fill the gaps in existing consumer protection legislation. The main recommendations are reform of the Consumer Rights Protection Act 2009 to incorporate digital advertising, empowering regulatory authorities, increasing ease of access to legal recourse for consumers and improving awareness among the citizens on consumer rights. Furthermore, the enactment of class action laws and international cooperation on cross-border advertising issues would enhance consumer protection in Bangladesh.

By tackling these problems, Bangladesh could have stronger consumer protection laws that work better in the digital era and in which consumers can be more successful in pursuing legal remedies for deceptive advertising. Finally, these changes will help create a more level and transparent playing field for both consumers and businesses.