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## Consumer Legal Rights Protection in the Era of E-commerce in Bangladesh

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### ABSTRACT

E-commerce means electronic commerce which is based on the internet and creates a link up with companies or individual buyers and sellers for selling goods or services. Consumer rights mean the practice of security of buyers and sellers of goods and services. In the online business here, consumers have no opportunity to be directly touched by the products. For example, a person who wants to eat pizza or cake can easily order it online. Moreover, in general, people buy clothes, plants, and other household items or anything easily bought from an online market. As a result, the seller gets the address of the consumers. Here, consumers can face harmful situations anytime, even if they lose their security and privacy to e-commerce. For an inappropriate law as a consumer, he can't get a proper remedy. Sometimes the seller also faces harassment from the consumer. I point out the significance of consumer rights which have needed legal protection and as a seller, he also needs proper remedy according to law. In our country, the government fixes some regulations but without proper law, it's not possible to ensure consumer rights. The ancient consumer protection act won't be effective in the present era.

**Keywords:** Consumer rights protection, E-commerce, Legal protection, Regulations, Privacy, and Security.

### INTRODUCTION:

Day by day people gets touched by digitalization in every sphere of life. In the past, a person wanted to send information to another person, however, the information reached too late. Even if one needs money, he sends a letter through telegram. Nowadays, through the mobile banking system, money can easily transfer from one mobile phone to another. In the recent era, everything you can buy from online markets like clothes, plants, groceries, and so on. Furthermore, in the 21<sup>st</sup>-century one can easily buy pizza or cake online in a few minutes. He doesn't wait in line for hours and hours and easily finds a lot of products. Here, the seller easily gets the addresses of consumers.

The main criticism is the lack of privacy which hampers one's security (Uddin, 2021; Kingsley, 2022).

During the pandemic, the online business rapidly spreads. Some popular e-commerce sites are Daraz, e-cab, Alibaba, and so on. A report says that 82% of buyers and sellers are involved with online shopping. Also added that registration has been done by a few sellers and a large number of sellers are outside of registration. This kind of business is run by social media like Facebook, Instagram, YouTube, etc. The author tried to point out the problems of e-commerce and enacted the proper law to establish justice in the society (Rahman and Salam, 2023).

### Research Questions:

- 1) Whether the consumer is satisfied with the easy accessibility?
- 2) Whether the law protects the rights of the consumer?
- 3) Is the international legal framework adequate to stop unfair practices in e-commerce?

### Meaning of consumer protection

Consumer protection means protection from unfair practices. In the case of Thermogram Co-operative Agricultural Credit Society vs. M. Lalitha, The Apex Tamil Nadu court held that remedies available to an aggrieved party under the Consumer Protection Act are wider. A former president named Mr. John Kennedy will introduce the “Bill of Consumer Rights” in congress in the U.S.A. he has set out four basic consumer rights which included, safety, the right to information, the right to choose, and the right to be heard. Another four demands also included consumer rights there are:

- 1). Satisfaction; 2). Right to redress; 3). Right to the consumer education; and 4). Right to a healthy environment.

### Meaning of E-commerce

E-commerce means electronic commerce buying or selling goods or services or transmitting data or funds over the internet. There are four kinds of the e-commerce:

- 1) Business-to-Business e-commerce:  
Business-to-business the e-commerce means a long sale cycle where the buyer is the end user.
- 2) Business to-Consumer e-commerce:  
This is the most common business where sellers sell their goods or services directly to the end user.
- 3) Consumer to Consumers’ e-commerce:  
C2C e-commerce means an online marketplace to create connections with the consumer and exchange any goods or services.
- 4) Consumer to Business e-commerce:  
This kind of business allows individuals to sell goods or services to companies.

### Necessity and importance of consumer protection

Nowadays people are interested in buying any product

online because of getting many facilities offline like saving time. But some sellers use this opportunity negatively as if they want to buy a black watch but he gets a white watch. As a result, the consumer doesn’t get satisfaction and the online marketplace owner lost the consumers' trust. The present scenario shows that a large number of people are involved in the online marketplace but a few members are under registration. On the contrary, the govt. also deprived of collecting revenue from the sellers. If the authorities focused on the popular marketplace however every year the govt. collects two percent of revenue which is added to our economy. Sometimes sellers took high prices for inferior goods. The act is based on consumer protection which is necessary to ensure equity between buyers and sellers (Dhar and Dhar, 2022).

The necessity of consumer rights in case of ensuring responsibility by commercial organizations, increasing the awareness, ensuring social justice, trusteeship, and support for the growing business. Consumer Protection Act only provides adequate protection but also ensures justice, healthy business growth, and success.

### Consumer protection from an international perspective

Garner pointed out in his “Normative belief” method that the consumer will be attracted to any product to show their advertisement. Most advertisements are fake. For lacking proper knowledge about this area consumers can fall into their trap and lose financially and psychologically. 8 Many countries are making rules, and regulations to protect buyer rights even in Peru, and Mexico they regulate the online marketplace to adopt civil law. In India, they also enacted their Consumer Act 2019, 2021 which includes the word “online transaction” and gives the importance of consumer protection. The Organization for Economic Cooperation and Development recommends establishing a legal framework that gives security to the consumers.

### Domestic Legal Framework

Part 2 of the constitution in Article 15 states some necessities like the food, clothes, health, shelter, education, etc. Article 18 said that public health and mortality. During the pandemic situation, online businesses ran rapidly. But we have no proper legal frame-

work. Some acts like The Consumer Rights Protection Act 2009, The Sale of Goods Act 1930, and the Contract Act 1872. Under the Consumer Rights Protection Act, 2009 section 2 (20) d states that deceiving false advertisements is going against the right of consumers. Even though some sellers don't allow refunds or returns of the products. Section 2(20)(e) provides that this is an anti-consumer practice. They take money but don't give the goods or services. As per Penal Code 1860 section, 264-267 discussed offenses related to weight and measures. The sale of noxious goods or drinks, and the adulteration of drugs is a punishable offense, and using a false trademark is also under punishable offense. Special Powers Act 1974 defines the black market and hoarding. Adulteration of food or drink or drugs also is going under punishable offense. The Act Control of Essential Commodities Act 1956 has given the right to control illegal businesses like keeping or storing expired data of goods or services. The Consumer organization Consumer Association of Bangladesh was established in 1978 to protect the price hike and safeguard from adulteration foods or drugs. Furthermore, Bangladesh has another national organization named the Directorate of the Consumer Rights Protection which also ensures the rights of consumers. The Sale of Goods Act, of 1930 regulates the offline marketplace.

Controlling the online marketplace is absent there. This Act describes only the sample or description of goods. There doesn't mention of a description of virtual goods or services. In 2006 another law came into force named 5 The Information Technology Act. This act was established to protect against cybercrime. This act mostly emphasizes electronic devices but only section 57 can indirectly emphasize the online marketplace. This section mentioned that false 2 information's about goods or services is going under punishment.

### **Challenges of Consumer Protection**

The Consumer Protection Rights Act states that the large definition of "complaint is anti-consumer rights". The anti-Consumer protection act focused only on food and drugs and showed their negligence in other 1 goods or services. They don't focus on quality. The concept of "Online transaction" is missing there. Even in our country, digital evidence isn't popular here. In the case of Md. Badrul Huda vs State, the court held UniversePG | [www.universepg.com](http://www.universepg.com)

that the state must amend its laws according to the present perspective. The justice said that I am unable to take digital evidence in case of a lack of laws. As per the Contract Act 1872, the virtual method is absent in the online marketplace because the contract is made between buyer and seller virtually.

Even Penal Code 1860, under this Act, focuses on weight and measures. But this Act is absent in the virtual method. Nowadays people buy clothes online and order frozen foods, plants, soft drinks, and so on. So, there must be strong laws that protect consumer rights. Furthermore, we see that the Special Powers Act of 1974 which is worked to prevent the black market and hoarding. The Digital Security Act 2018 enforces and gives the police legislative powers. As a result, without a warrant, they can search anyone. This Act also provided minimum punishment of 3 years and maximum punishment of 10 years. But the act is not given much satisfaction to the consumers in ensuring their rights because monitoring, legislative lacunae, implementation, etc. are responsible for this.

### **CONCLUSION AND RECOMMENDATIONS:**

As a developing country, Bangladesh still stays behind in leg behind to ensure the consumer's rights. The legal provisions of consumer rights protection in e-commerce are focused specifically on the efficient consumer protection in the online marketplace. Furthermore, the government must amend the existing law, develop the buyer and seller responsibility, and the sellers need proper guidelines for continuing their own business.

Moreover, the consumer has limited time so they need quick delivery 3 as a result they buy online. The method of digital evidence should be granted by our legislation. When picture 2 of the product is shown virtually by the consumer if she won't get her closable product, however, she can return the product this system should be adopted for an online marketplace.

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### CONFLICTS OF INTEREST:

The authors declared that they have no potential conflicts of interest with respect to the research work.

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